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**LEGISLATIVE ASSEMBLY DEBATES**  
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**FIRST SESSION**  
OF THE  
**THIRD LEGISLATIVE ASSEMBLY, 1927**



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# LEGISLATIVE ASSEMBLY.

Friday, 25th March, 1927.

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

## QUESTIONS AND ANSWERS.

### LONG HOURS OF WORK OF THE STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

1149. \*Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state if it is a fact that, owing to the heavy extra work thrown on the staff especially at the wayside stations on the Great Indian Peninsula Railway, the men are compelled to perform very long hours of work?

Mr. A. A. L. Parsons: Government have had no representations to this effect, but I would refer the Honourable Member to the reply to question No. 140 asked by Dr. K. G. Lohokare on the 20th August 1926.

### EMPLOYMENT OF SUBORDINATES OF THE GREAT INDIAN PENINSULA RAILWAY IN HIGHER APPOINTMENTS WITHOUT ENHANCEMENT OF SALARIES.

1150. \*Lieut.-Colonel H. A. J. Gidney: (i) Is it a fact that on the Jhansi Division, Great Indian Peninsula Railway:

(a) there are 5 A grade station masters of whom only one man is a confirmed station master and the others have been officiating as such for years, but on assistant station masters' salaries?

(b) there are 4 Divisional Transportation Inspectors of whom only one is confirmed in that grade and the others have been kept officiating for years on a lower salary?

(c) there are many guards who, for years, have been kept acting as assistant station masters but on guards' salaries?

(ii) Is it a fact that in the Transportation Department, Bhusaval Division, Great Indian Peninsula Railway, there are several subordinates who have, for years, been acting as officers but who are drawing the lower salaries of their substantive appointments?

(iii) If the answers to parts (i) and (ii) are in the affirmative, will Government be pleased to state whether the retrenchment and economy effected in the Great Indian Peninsula Railway as reported in the Railway Budget for 1925-26 are due to such measures? If so, will the Honourable Member be pleased to state if this is the kind of retrenchment intended?

Mr. A. A. L. Parsons: (i) and (ii). Government have no information.

(iii) There is no truth in the suggestion that subordinates promoted temporarily to higher grades are not confirmed as part of a deliberate policy of retrenchment and economy.

It is an ordinary practice to fill temporary vacancies caused by officers proceeding on leave, deputation, etc., by promoting subordinates to officiate. As a number of vacancies of this nature almost invariably exist, certain subordinates may act as officers for continuous periods of some length. Subordinates when so officiating receive the same pay as they would have received had they been confirmed on first appointment to officiate.

These temporary promotions in their turn afford opportunities for temporary promotion of subordinates in lower grades.

**Lieut.-Colonel H. A. J. Gidney:** Besides these officiating appointments in the place of officers, who are on deputation and otherwise absent from their appointments, is it or is it not the policy of the railways to use subordinates for officiating appointments as a measure of retrenchment and economy? If so, may I inquire if there are any such cases?

**Mr. A. A. L. Parsons:** Not so far as I am aware.

**Lieut.-Colonel H. A. J. Gidney:** I have credible reasons to state on the floor of this House that there are a number of subordinates so employed as a deliberate policy of economy. May I ask the Honourable Member to make inquiries into what I have said?

**Mr. A. A. L. Parsons:** If the Honourable Member will send me details of any individual cases, I will look into them.

#### CONFIRMATION OF SUBORDINATES OF THE GREAT INDIAN PENINSULA RAILWAY EMPLOYED TO OFFICIATE AS OFFICERS.

1151. **\*Lieut.-Colonel H. A. J. Gidney:** (i) Is it a fact that with regard to acting officials, Great Indian Peninsula Railway, in the case of many subordinates who are, to-day, employed as officiating officials:

- (a) They are denied confirmation as such, though they have been officiating for years?
- (b) They have to revert to their substantive appointments and salary should they take privilege leave?
- (c) Their gratuities are calculated on their substantive pay and not on their acting appointment at the time of retirement?

(ii) If the answers to (a), (b) and (c) are in the affirmative, do Government propose to remedy this state of affairs?

With regard to this question, Sir, with your permission I desire to inform the Honourable Member that there is a little incorrectness in the words used and I request that I may be allowed to alter it, when it will read as follows:

"Is it a fact that with regard to 'acting officials' on the Great Indian Peninsula Railway, in the case of many subordinates who are, to-day, employed as officiating officials," and so on. In this alteration the words "Commercial Department" should read "acting officials."

**Mr. A. A. L. Parsons:** I have no objection to the alteration, Sir. I think my answer will cover the variation. The answer is as follows:

(i). (a) There are a number of subordinates officiating in Great Indian Peninsula Railway.



(b) and (c). Leave salaries of the employees of the late Great Indian Peninsula Railway Company, taken over by the State and gratuities are based on the substantive pay.

(ii). (a) Confirmation is dependent on the occurrence of permanent vacancies.

(b) and (c). Government do not propose to alter the rules regulating the grant of leave salaries and gratuities on the basis of substantive pay.

**Lieut.-Colonel H. A. J. Gidney:** Will Government be good enough to state whether these acting appointments are part of the policy of economy and retrenchment?

**Mr. A. A. L. Parsons:** I am not sure what the Honourable Member refers to when he mentions the policy of retrenchments. I cannot add anything to the answer which I gave to his previous question, that these temporary promotions to higher grades are not part of any deliberate policy of retrenchment and economy.

**Lieut.-Colonel H. A. J. Gidney:** Do Government consider that this is honest retrenchment?

**Mr. A. A. L. Parsons:** Government do not consider that this is retrenchment at all. The position is simply this, that on this particular railway in certain departments the leave reserve for officers is obtained from the subordinate grades, thereby giving subordinates the opportunity of obtaining higher rates of pay when officers go on leave.

**Lieut.-Colonel H. A. J. Gidney:** I am sorry, but the Honourable Member has not answered my question. The Honourable Member says that these officiating appointments are to fill vacancies created by officers who have gone on leave. I can quite understand this, but I am told that there are a large number of official appointments in which subordinates are employed in officiating capacities for years on lower pay and that the Railways are reaping the benefits so obtained of employing a skilled man on minimum wages.

**Mr. President:** The Honourable Member is making a speech.

**The Honourable Sir Charles Innes:** The Honourable Mr. Parsons has already informed Colonel Gidney that if he will bring to notice cases of this kind they will be inquired into.

**Lieut.-Colonel H. A. J. Gidney:** I am sorry, owing to the noise in the House, I could not hear the Honourable Member when he replied.

**The Honourable Sir Charles Innes:** I was pointing out that if Colonel Gidney will bring to notice any particular case of that kind, it will be inquired into. I do not know what more we can do.

**Lieut.-Colonel H. A. J. Gidney:** My suggestion is that he can do something more.

**Mr. President:** Will the Honourable Member put a question?

**Lieut.-Colonel H. A. J. Gidney:** Will the Honourable Member enquire whether the facts as stated in my questions regarding Jhansi and Bhusawal are true or not?

**The Honourable Sir Charles Innes:** Is that a case where a man has got officiating appointments for years as a measure of retrenchment?

### PROMOTION OF SUBORDINATES ON COMPANY-MANAGED RAILWAYS.

1152. \*Lieut.-Colonel H. A. J. Gidney: (a) Will the Honourable Member be pleased to state whether on Company-managed Railways, for the years 1914—1917, about 50 per cent. of their officials were promoted subordinates and that the Government of India have now decided that this promotion from the subordinate to the official grades will be only at a ratio of 1·5 in every 10 appointments made, irrespective of nationality?

(b) If so, will Government be pleased to state whether this ratio is to-day very far exceeded on all railways and will be so for many years to come and will consequently prevent for many years any further promotion from subordinates to officials in the terms promised by Government? If so, of what benefit is this ratio to railway subordinates? Under the circumstances, will Government be pleased to state whether they are prepared to reconsider this ratio or abolish it absolutely?

(c) Will Government be pleased to state whether they are prepared to consider that in both ratios—25 per cent. Europeans and 75 per cent. Indians, there should be no restriction of ratio for the appointment of worthy subordinates and that they be promoted according to the circumstances and merits of the case irrespective of any fixed ratio and of castes, creed or colour?

The Honourable Sir Charles Innes: (a) Government have no information in respect of the first part of the question. As regards the latter part, the ratio of 1·5 in 10 was fixed, in consultation with the Central Advisory Council for Railways.

(b) In past years the proportion of promotion to subordinates to total recruitment for the State-worked Railways varied in different years. Of late years the proportion has ordinarily been about 15 per cent. In the past, no definite assurance was given to subordinates as to the extent to which such promotions would be granted. Such an assurance has now been given and really capable subordinates can now definitely look forward to promotion to the officer's grade. Government do not propose to reconsider the percentage or to abolish it.

(c) Claims of subordinates, irrespective of nationality for promotion will be considered according to the circumstances and the merits of each case. If a subordinate of non-Asiatic domicile is promoted, he will count against the 25 per cent. recruitment of persons of non-Asiatic domicile and not against the 75 per cent. recruitment of Indians.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member kindly state whether the present percentage of 15 per cent. for promotion of subordinates to officials compares favourably with what it was before this new order appeared and whether it is of any material advantage to the subordinates?

The Honourable Sir Charles Innes: The present percentage is more or less the percentage which obtained on State Railways during past years. It has been fixed in consultation with the Central Advisory Council and the Government of India have no intention of altering it.

Lieut.-Colonel H. A. J. Gidney: Why not?

### POWERS OF DISMISSAL OF DIVISIONAL SUPERINTENDENTS ON RAILWAYS.

1153. \*Lieut.-Colonel H. A. J. Gidney: (i) Are Government aware of the fact that it is only since absolute powers of dismissal have been given

to Divisional Superintendents on Railways that most of the present unrest and trouble in the subordinate classes have developed?

(ii) Are Government prepared to consider the advisability of either :

(a) withholding the power of dismissal from Divisional Superintendents, or

(b) subjecting all such dismissals (i) to a full inquiry, (ii) to the confirmation of the Agent, and (iii) to appeal to the Railway Board?

**The Honourable Sir Charles Innes:** (i) Government have no reason to believe that the facts are as stated by the Honourable Member.

(ii). (a) Government do not think that this is necessary.

(b). (i) The matter is engaging the attention of Government.

(ii) There is an appeal to the Agent.

(iii) Under present rules a dismissed employee of State-worked Railways can appeal to the Railway Board.

#### LOSS ON THE WORKING OF THE ASSAM-BENGAL RAILWAY.

1154. **\*Mr. B. P. Naidu:** I. (a) Is it a fact that the Assam-Bengal Railway Company has been working at a loss ever since its commencement?

(b) What is the capital sunk and what is the total loss incurred by that Railway up to now?

II. Was it not the intention that a commercial line, like the Assam-Bengal Railway, should pay its way within 5 years from its opening? Why was this test not applied to it?

III. (a) Will Government be pleased to state why they are allowing the Assam-Bengal Railway Company to construct some nine new lines in the face of these recurring losses?

(b) Are they satisfied that these new lines will be paying propositions?

(c) If so, do they propose to cover up to any extent the losses on the existing lines?

IV. Has the Assam-Bengal Railway Company fulfilled the condition of its contract that the Company's share of capital shall not be less than 8/11 of the total? If not, why has not the Company been called upon to fulfil it?

**Mr. A. A. L. Parsons:** I. (a) The answer is in the affirmative.

(b) The capital outlay to the end of 1925-26 is Rs. 19,25,88,878. The total loss in working up to the 31st March 1926 is Rs. 10,23,66,865.

II. The estimate of financial prospects of the line made before the commencement of construction indicated that a return of over 5 per cent. would be obtained on the capital outlay. Apparently owing to the absence of reliable statistics at the time, this has not been realised.

III. (a) It is expected that the new lines will develop the resources of the country, improve communications, and prove financially remunerative.

(b) Yes.

(c) To the extent that they are remunerative they will of course cover losses on other parts of the line.

IV. Under the contract with the Company no fixed proportion of capital is required to be raised by them.

**Mr. K. Ahmed:** Who is responsible for the loss caused by the suggestion made before the construction took place?

**Mr. A. A. L. Parsons:** I do not remember who framed the original estimates.

#### LOSS ON THE WORKING OF STRATEGIC RAILWAYS.

1155. **\*Mr. B. P. Naidu:** (a) Have not the strategic railways been working at a huge loss every year?

(b) If so, have the Government ever considered the possibility of cutting down the expenditure on those lines to their earnings by reducing the staff and the number of trains run?

**Mr. A. A. L. Parsons:** (a) The strategic lines have been and are being worked at a loss. They exist for strategic reasons and cannot be expected to pay on a commercial basis.

(b) The question of improvements in working leading to economy in the case of all lines including strategic lines, has always the attention of the Government.

#### THE GUNTUR-GURZALA-MACHERLA RAILWAY.

1156. **\*Mr. B. P. Naidu:** Will Government be pleased to state when the construction of the Guntur-Gurzala-Macherla line will be actually taken in hand?

**Mr. A. A. L. Parsons:** The construction of the line was sanctioned in January last. Work is expected to be put in hand shortly.

#### CONSTRUCTION OF THE CUMBUM-KALAHASTI AND OOLLAPALEM-SINGARAYAKONDA KANIGIRI RAILWAYS.

1157. **\*Mr. B. P. Naidu:** Will Government be pleased to state what conclusions they have come to with regard to the construction of the Cumbum-Kalahasti and Oollapalem-Singarayakonda Kanigiri lines, whose survey appears to have been finished?

##### *Cumbum-Kalahasti Railway.*

**Mr. A. A. L. Parsons:** Government have not yet come to a final conclusion, but the investigations recently made into the project show that it is not a remunerative proposition.

##### *Oollapalem-Singarayakonda Kanigiri Railway.*

A detailed survey of this project was made in 1916, and it is proposed to re-examine it

#### ABOLITION OF THE POSTS OF SUPERIOR OFFICERS IN EACH OF THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

1158. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state the number of posts of superior officers recommended to be abolished by the Retrenchment Committee in each of the departments of the Government of India and how many have been abolished as recommended?

(b) Will they be pleased to state the names of the officers occupying those posts so retrenched?

(c) Will they be pleased to state the posts which have since been revived with the names of the departments where revived?

**The Honourable Sir Basil Blackett:** Information in the form asked for is not available, but I would invite attention to the main facts as given on pages 80—87 of the statement showing the action taken on the recommendations of the Retrenchment Committee which was recently circulated.

# SLEEPING ACCOMMODATION FOR THIRD CLASS PASSENGERS ON THE GREAT INDIAN PENINSULA RAILWAY.

1159. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that some sample third class coaches providing sleeping accommodation for third class passengers were put on the Great Indian Peninsula Railway last year as an experimental measure?

(b) If so, were those coaches found suitable for traffic, and if so, have the number of such coaches been increased and put on other lines too? If not, why not?

(c) If they were unsuitable, have the Government made any other kind of coaches for providing sleeping accommodation for third class passengers? If not, why not?

**Mr. A. A. L. Parsons:** (a) and (b). The information is being obtained from the Agent, Great Indian Peninsula Railway, and will be communicated to the Honourable Member.

(c) The matter will be considered on receipt of the report from the Agent, Great Indian Peninsula Railway.

# ELECTRIC FANS IN THIRD CLASS RAILWAY CARRIAGES.

1160. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Are Government aware that during the hot season third class passengers are put to great hardships and discomforts owing to the absence of any cooling arrangements such as the supply of electric fans in the carriages?

(b) If so, do Government propose to supply electric fans to the third class coaches for the comforts of the third class passengers during the few months of the hot weather?

**Mr. A. A. L. Parsons:** (a) and (b). The reply is in the negative.

**Mr. Chaman Lall:** Do I understand the Honourable Member to say that third class passengers do not suffer any inconvenience in the hot season?

**Mr. A. A. L. Parsons:** No, Sir, the question says "great" hardship.

**Mr. Chaman Lall:** Do I understand the Honourable Member to mean that they do suffer some hardship?

**Mr. A. A. L. Parsons:** It is a matter of opinion, Sir.

**Mr. Chaman Lall:** Does the Honourable Member wish to state that there is no hardship caused to third class passengers in the hot season?

**Mr. A. A. L. Parsons:** I do not wish to express an opinion, Sir.

**Mr. Ohaman Lall:** Considering that it is the general opinion of Honourable Members on this side of the House that great hardship is caused to third class passengers in the hot season, will he take action to relieve their hardship?

**Mr. N. M. Joshi:** May I ask, Sir, whether the Government of India will place before the Standing Finance Committee for Railways an estimate of the expenditure required for supplying electric fans in third class compartments?

**Mr. A. A. L. Parsons:** My Honourable friend is anticipating the next question.

**Mr. Ohaman Lall:** May I ask the Honourable Member whether he himself has ever travelled in a compartment without a fan in the hot season?

**Mr. A. A. L. Parsons:** I should imagine that I have, Sir, but I really cannot remember.

**Mr. Ohaman Lall:** Has the Honourable Member experienced any hardship while travelling without a fan in the hot season?

**Mr. A. A. L. Parsons:** No great hardship.

**Mr. J. M. Dunnett:** Is my Honourable friend opposite aware that "safar aur saqar men ek nukta ka farak hai"?

**Mr. Ohaman Lall:** I may inform the Honourable Member that as I am not sitting on the Treasury Benches I am not in a position to answer his question. (Laughter.)

#### PROVISION OF ELECTRIC FANS IN THIRD CLASS CARRIAGES ON STATE RAILWAYS.

1161. **\*Khan Bahadur Sarfaraz Husain Khan:** (a) Will Government be pleased to state the cost of a fan of the type generally fitted in a first or second class carriage?

(b) What is the cost of supply of current to each of the fans per hour of working the fan?

(c) What will be the total cost of supplying at least one in each third class compartment in all the State Railways?

**Mr. A. A. L. Parsons:** (a) The figure is approximately Rs. 95 per fan.

(b) Since it is not possible to determine with any degree of accuracy what portion of the cost of running the locomotive, which drives the dynamo which charges the batteries which provides the current for working the fans, should be allocated to this work, the information which the Honourable Member seeks cannot be obtained.

(c) Similarly no reliable figure can be given of the cost of supplying one fan in each third class compartment on all the State Railways, for, in addition to the cost of the fans, either more or larger dynamos, larger batteries, and a good deal of wiring would be necessary. A rough estimate prepared on the East Indian Railway shows that the cost on that Railway alone would be Rs. 25 lakhs.

**Mr. N. M. Joshi:** Considering the great profit which the Government of India make out of the third class passengers will they not be pleased to spend 25 lakhs of rupees for their benefit?

**Mr. A. A. L. Parsons:** My own opinion, Sir, is that when we are in a financial position to give further benefits to third class passengers, there are probably other directions than the provision of fans in third class compartments in which the money could better be spent.

**Mr. N. M. Joshi:** May I ask whether the Government of India will be pleased to discuss this question with the Standing Finance Committee for Railways?

**Mr. A. A. L. Parsons:** Not until we have some definite proposal to put before them.

**Mr. A. Rangaswami Iyengar:** May I know what is the percentage this estimate for 25 lakhs of rupees bears to the total gross earnings derived from third class passengers on the East Indian Railway?

**Mr. A. A. L. Parsons:** Sir, I am not good at mental arithmetic.

**Mr. K. Ahmed:** In view of the fact that the Government is not agreeable to spend 25 lakhs of rupees for electric fans, and in view of the fact that the comforts of third class passengers are not properly looked after, do Government propose to supply them with hand fans? (Laughter.)

**Khan Bahadur Sarfaraz Hussain Khan:** Am I to understand that it is only for the present that funds cannot be provided for passengers in third class compartments, or that they will not be provided at all?

**Mr. A. A. L. Parsons:** I am not prepared to commit myself to a statement that Government will never do so, and on the other hand I am not prepared to name any date within which they are likely to take up the question.

**Mr. N. M. Joshi:** May I ask whether it is not the intention of the Government of India to make third class passengers suffer in order to make them very loyal to them?

#### INCLUSION OF THE COST OF THE CONSTRUCTION OF RAISED PLATFORMS UNDER THE HEAD AMENITIES FOR THIRD CLASS PASSENGERS.

1162. **\*Khan Bahadur Sarfaraz Hussain Khan:** Will Government be pleased to state the reasons for including the whole cost of the proposed construction of the raised platforms during the next financial year, under the head of amenities of third class passengers and not under the head of amenities of passengers in general?

**Mr. A. A. L. Parsons:** The platforms referred to are at wayside stations where the bulk of the passenger traffic is lower class traffic.

#### NAMES OF THE RAILWAY STATIONS WHERE RAISED PLATFORMS WILL BE CONSTRUCTED.

1168. **\*Khan Bahadur Sarfaraz Hussain Khan:** Will Government be pleased to place a statement showing the names of all the railway stations where raised platforms will be constructed during the next financial year?

**Mr. A. A. L. Parsons:** The detailed programme for the provision of raised platforms during the next financial year has not yet been settled.

#### CARETAKERS FOR THE SECRETARIAT BUILDINGS AND THE COUNCIL HOUSE IN NEW DELHI.

1164. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that there are two caretakers for the Secretariat Buildings and the Council Buildings in New Delhi severally?

(b) If so will Government be pleased to state the name and the pay of these two officers?

(c) Is it a fact that each of them has been provided with free quarters?

(d) Will the Government be pleased to state the qualifications of these two officers?

(e) Are they qualified engineers, overseers or sub-overseers from any recognised engineering school or college? If not, what are their special qualifications?

(f) Will Government be pleased to state the reasons why these two caretakers have been provided with free quarters when all other classes of Government servants in New Delhi are to pay rents?

(g) Why have they been allowed to occupy a portion of the office buildings? Do Government propose to shift them to quarters of their class? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes, but the caretaker of the Chamber discharges also the duties of "Superintendent of Quarters."

(b) Messrs. Palmer and Bradley, on Rs. 810 and Rs. 845 per mensem, respectively.

(c) Yes.

(d) The former has been in charge of Government buildings and furniture in both Old and New Delhi since 1924, and the latter in charge of the furniture of all the residential buildings in New Delhi since 1920.

(e) No. It is not essential that caretakers should have engineering qualifications.

(f) and (g). Because they are required to live on the premises and Government consider this essential for the proper discharge of their duties.

**Khan Bahadur Sarfaraz Hussain Khan:** May I inquire what are the exact duties of the caretaker, Sir?

(Honourable Members: "To take care.")

**Mr. M. Ruthnaswamy:** Are these caretakers Indians, Sir?

**The Honourable Sir Bhupendra Nath Mitra:** I have given their names, Sir

**Mr. Chaman Lal:** Do I understand, Sir, since the Honourable Member has not answered the question, that these caretakers have no duties at all?

**The Honourable Sir Bhupendra Nath Mitra:** I was willing to answer the question, but my Honourable friend, Khan Bahadur Sarfaraz Hussain Khan, desired to occupy the attention of the House, and I could not possibly answer his question until he sat down. Well, the duties of caretakers are to look after the buildings except in regard to maintenance.

**Mr. Ram Narayan Singh:** May I know their pay and qualifications, Sir?

**The Honourable Sir Bhupendra Nath Mitra:** I have given their pay already. There is another question later on on the same subject, and I would ask the Honourable Member to be patient.



**Mr. M. Ruthnaswamy:** Arising from the Honourable Member's answer to my supplementary question, may I ask whether it is always possible to ascertain the nationality from a man's name?

**The Honourable Sir Bhupendra Nath Mitra:** The information about the nationality of all these caretakers will be given presently in reply to another question.

**Mr. T. C. Goswami:** Is the Honourable Member's definition of "caretaker" taken from a good dictionary? (Laughter.)

**NUMBER OF CARETAKERS IN CHARGE OF THE GOVERNMENT OF INDIA AND COUNCIL BUILDINGS IN SIMLA AND DELHI.**

1165. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state the number of posts there are of caretakers for the Government of India office buildings and Council Buildings in Simla and Delhi?

(b) Will Government be pleased to state how many of such caretakers are Indians?

(c) Will they be pleased to state the names of all the caretakers with the names of the office buildings under the charge of each of them and the qualifications and the pay drawn by each?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Four in Simla and four in Delhi. In addition a part-time caretaker is appointed for the charge of the Council Chamber and the orthodox Members' quarters in Simla during the session period.

(b) Four including two statutory natives of India.

(c) A statement giving the information required is being sent to the Honourable Member.

**ARTICLE IN THE HINDUSTAN TIMES, DATED THE 7TH FEBRUARY, 1927, ENTITLED "LIFE IN RAJSINA."**

1166. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of the Government been invited to the editorial note under the caption "Life in Rajsina" on page 8 of the *Hindustan Times*, Delhi, dated the 17th February 1927?

(b) Is there any truth in the statements made therein regarding the defective facilities for the protection of life and property, want of facilities for the education of children, high rents and want of tram or any other cheap communication between New Delhi and Delhi city?

(c) If so, do the Government propose to remove these grievances of the staff of the Government of India?

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

(b) Most of the statements made are incorrect or exaggerated. The police force in the area has recently been increased. The Municipality provides the school considered necessary by the educational authorities. Rents are not paid for the whole twelve months, but for the period of occupation at 1/12 of the annual rental per month and the occupants are further protected as they cannot be charged more than 10 per cent. of their pay. As regards means of communication between Old and New Delhi Government are prepared to consider favourably any proposition put before them, but hitherto no company has come forward with proposals.

(c) In view of the answer to (b), the question does not arise.

**Mr. B. Das:** May I inquire if the Honourable Member is right in saying that the statement in that particular Indian paper was incorrect?

**The Honourable Sir Bhupendra Nath Mitra:** I have said so, Sir, already.

**Mr. B. Das:** Will the Honourable Member deny those charges?

**Mr. Gaya Prasad Singh:** Is it a fact that even after the Standing Finance Committee sanctioned the entertainment of an additional police force, theft cases continue to occur in New Delhi?

**The Honourable Sir Alexander Muddiman:** If the Honourable Member will wait a minute, I will tell him all about the police.

#### THEFTS IN NEW DELHI.

1167. **\*Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of the Government been drawn to the news published in the *Hindustan Times*, Delhi, dated the 21st January 1927, and other subsequent dates regarding thefts in New Delhi?

(b) How many cases of thefts or attempted burglaries have been reported to the New Delhi police since the 15th of December 1926 and in how many cases was the police successful in finding out the culprits?

(c) Are the Government aware that most of the cases are not reported to the police as it causes unnecessary trouble and additional waste of time and money without any result?

(d) Has there been any decrease in the number of thefts after the 15th January?—Are Government aware that the decrease is not due to the police arrangements but on account of the *chaukidars* employed by the residents themselves?

(e) When do the Government propose to make adequate police arrangements?

**The Honourable Sir Alexander Muddiman:** (a) Yes.

(b) 41 true cases of theft and burglary have been registered in New Delhi Police Station since the 15th December 1926. Of these, 2 cases ended in conviction, 6 are pending trial in the courts, 11 are under investigation and 22 have been filed as untraced.

(c) No.

(d) There has been a decrease, but its cause has not been established.

(e) Government have recently sanctioned an increase of police in Delhi which will enable additional protection to be arranged as soon as the training of the new staff has been completed.

**Mr. M. Ruthnaswamy:** Are Government aware that residents in certain parts of Delhi are forced to employ private *chaukidars* at their own expense to protect themselves?

**The Honourable Sir Alexander Muddiman:** I know many people employ *chaukidars*; I employ one myself.

**Mr. M. Ruthnaswamy:** Does the Honourable Member take that as a compliment to the police?

**The Honourable Sir Alexander Muddiman:** I take it as a protection to myself.

**Mr. H. G. Cocke:** Will the Honourable Member kindly inform the House of the period of training that a man undergoes in India to become an expert policeman?

**The Honourable Sir Alexander Muddiman:** That depends on the intelligence of the recruit, Sir. (Laughter.)

#### TRAINING IN WIRELESS TELEGRAPHY.

1168. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government be pleased to state the exact nature of the facilities now provided by them for training in wireless telegraphy?

(b) Will they further state what action they propose to take with regard to the provision of a sea experience of six months which is necessary before an operator could be engaged on board a ship?

(c) Are they prepared in this connection to consider the advisability of approaching the shipping companies who obtain mail subsidies from the Government of India regarding the provision of the necessary sea experience for the wireless operators seeking employment on board a ship?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Apart from training of staff required for Government purposes Government has agreed to provide training for ship operators in the Government School at Calcutta. Up to 20 students will be trained in the first class and the training will be such as to enable suitable students to qualify for the Director-General's Certificate of Competency 1st Class. A fee will be charged which will not exceed the actual cost to Government. The exact amount is now under consideration.

(b) and (c). The points raised by the Honourable Member will receive due consideration.

#### EXPENDITURE ON THE ROYAL COMMISSION ON AGRICULTURE.

1169. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government be pleased to state the total estimated cost of the Royal Commission on Agriculture?

(b) How much of this amount is votable and how much non-votable?

(c) Will the Government be pleased to state if the members of the Royal Commission are paid on a uniform basis, if not, will they please state the various amounts paid to each of the members?

(d) Will the Government be pleased to state the cost of the proposed visit to Europe by the Royal Commission on Agriculture?

(e) What is the number of non-Indians on the staff of the Royal Agriculture Commission and what are the salaries and allowances paid to each of them?

**Mr. J. W. Bhore:** (a) Rs. 12,91,776.

(b) Rs. 5,67,181 (voted) and Rs. 7,24,645 (non-voted).

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

(d) The cost is estimated at £20,990 which includes the pay and allowances of the Members and the Staff, cost of passages and contingencies.

(e) Six. A statement giving their salaries and allowances is placed on the table.

Statement showing the remuneration of the Members of the Royal Commission on Agriculture.

Name of Members.	Pay.		Personal allowance.		Subsistence allowance.		Travelling allowance.	
	In India.	In England.	In India.	In England.	In India.	In England.	In India.	In England.
Lord Lenthagew (Chairman).	Ntd.	Ntd.	Rs. 1,500 per month.	None. (On voyage £100 p.m.)	Rs. 15 per diem cont. necessity.	£1-5-0 per diem subject to India Office travelling rules.	Travelling ex-press and subsistence to and from India to an officer of the 1st Class under C. S. Regulations.	First fares.
Sir James Mackenna (official from India).	Rs. 5,400 per month.	2-3rds of pay = Rs. 2,550-5-4 per month.	None	None	Do.	Ditto	Do.	Do.
Mr. H. Calvert (official from India).	Rs. 3,000 per month. Overseas pay £12-4-8 per month.	2-3rds of pay = Rs. 1,000 p.m.	None	None	Do.	Ditto or alternately Rs. 8d. per day throughout.	Do.	Do.
Sir Henry Lawrence (Non-official from United Kingdom).	None	None	Rs. 1,500 p.m.	£100 per month during voyage.	Do.	£1-5-0 per day subject to India Office travelling rules.	Do.	Do.
Sir Thomas Middleton (Non-official from the United Kingdom).	None	None	Do.	Do.	Do.	Ditto	Do.	Do.
Sir George Ram (Non-official from India).	None	None	Do.	£100 per month (also during voyage).	Do.	£1-5-0 per day continuously while with Commission.	Do.	Do.
Raja of Parikimodi (Non-official from India).	None	None	Do.	Do.	Do.	Ditto	Do.	Do.
Prof. N. N. Gangulee (Non-official from India).	None	None	Do.	Do.	Do.	Ditto	Do.	Do.
Prof. L. K. Hyder (Non-official from India).	None	None	Do.	Do.	Do.	Ditto	Do.	Do.
Mr. E. S. Karnat (Non-official from India).	None	None	Do.	Do.	Do.	Ditto	Do.	Do.

Statement showing the salaries and allowances of Non-Indian Members of the staff of the Agricultural Commission.

Designation.	Pay.	Personal allowance.	Subsistence allowance.	Travelling allowance.
Attached Officer.	Rs. 3,750 per month in India and 1/3rds of that sum in the United Kingdom.	Nil	Rs. 15 per diem continuously in India and in England £1-5-0 per diem subject to I. O. travelling rules.	In the United Kingdom and on voyage 1st class fares and in India travelling expenses permissible to an Officer of the 1st class under Civil Service Regulations.
Joint Secretary from England.	£1,000 per annum.	Rs. 1,000 per month in India and £800 a year in the United Kingdom and in India and £68-18-6 on voyage. An outfit allowance of £50.	Ditto	Ditto.
Assistant Secretary.	Rs. 750 per month in India and 1/3rds of that sum in the United Kingdom plus £25 per month overseas pay.	Rs. 150 per month in India and in the United Kingdom.	Ditto	Ditto.
2 Personal Secretaries to the Chairman.	£21 a week for each throughout the period of their employment.	Nil	Rs. 670 per month each in India and 30s. per day each for overland journeys in Europe and 7/6d. each per diem during Voyage. Outfit allowance of £50 each.	Actual travelling expenses at 1st class rates in India when no special trains are provided, with gharry and porters.
1 Reporter	Rs. 450 per month	Nil	Usual daily allowances permissible under the Supplementary Rules.	Travelling allowance under Supplementary Rules.

**Mr. K. Ahmed:** Are these paid, Sir, as allowances or as emoluments?

**Mr. J. W. Bhore:** The information, Sir, is given fully in the statement which I am laying on the table, but if the Honourable Member wants information as to daily allowance, it is Rs. 15.

**Mr. K. Ahmed:** Is it Rs. 50 or Rs. 10 plus Rs. 5, Sir?

**Mr. A. Rangaswami Iyengar:** May I know whether the non-Indians referred to in clause (c) of the question include the appointment of a new non-Indian officer in addition to the two Secretaries to serve on the Commission?

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

**Mr. A. Rangaswami Iyengar:** May I know, Sir, why that new officer has been appointed?

**Mr. J. W. Bhore:** In order to assist the Chairman in carrying out his duties.

**Mr. A. Rangaswami Iyengar:** Is it then understood that the two Secretaries have been found incompetent to assist the Chairman to carry on his duties?

**Mr. J. W. Bhore:** Not to my knowledge.

**Mr. A. Rangaswami Iyengar:** May I inquire why this assistance is now required?

**Mr. J. W. Bhore:** That is a question, Sir, to which I am not able in a few words to give a complete reply, but shortly, in the view of the Chairman, it is absolutely essential for him to have further assistance to enable the Commission to digest the enormous mass of material which has been collected and to examine the financial problems which have to be faced.

**Mr. A. Rangaswami Iyengar:** May I take it, Sir, that the Chairman of the Royal Commission reported that over and beyond the work that was done by the two Secretaries, he was in need of a third Secretary?

**Mr. J. W. Bhore:** He reported, Sir, that he was in need of a third officer to enable him more easily to tackle both the ordinary work and the very large financial questions which had to be considered before the Commission could come to considered conclusions.

**Mr. A. Rangaswami Iyengar:** Did he say, Sir, that the Secretaries were incompetent to deal with these large issues?

**Mr. J. W. Bhore:** He said that they were overworked and that he desired another officer with large experience to enable him to deal satisfactorily with these questions.

**Mr. B. Das:** May I inquire whether the Honourable Member thinks that in the case of a member of the Royal Commission who is, I understand, going to attend the International Economic Conference at Geneva as a delegate, there will be no interruption of his duties in connection with the Royal Commission meetings in London?

**Mr. J. W. Bhore:** No, Sir, I do not think there will be any material interruption of those duties. It will be a short visit which he will be able to fit in with the course of his ordinary duties on the Commission.

**Mr. K. Ahmed:** Sir, with regard to the answer regarding the allowance of Rs. 15 per day, Government do not disclose the fact as to how much the members get per mensem or for days together, by way of remuneration.

**Mr. J. W. Bhore:** If the Honourable Member will wait, he will see that all the information he desires is contained in the statements which I am placing on the table.

**Mr. B. Das:** Is it considered economical, Sir, to allow the same officer of the Royal Commission also to attend the International Economic Conference?

**Mr. J. W. Bhore:** Undoubtedly, Sir.

**Mr. Chaman Lal:** Is it not a fact, Sir, that the same Member is going to try the novel experiment of growing cabbages on the waters of the lake of Geneva? (Laughter.)

**Mr. J. W. Bhore:** The Honourable Member can refer to the Member himself.

**Mr. N. M. Joshi:** May I ask what is the experience of financial matters of the new gentleman appointed to the Royal Commission?

**Mr. J. W. Bhore:** He is an officer, Sir, of very wide experience who has had to deal with and has been brought into close contact with large financial questions in the course of a very varied experience.

**Mr. N. M. Joshi:** May I know what that varied experience is?

**Mr. J. W. Bhore:** I am afraid I cannot give that information in the course of a brief reply to a question. The Honourable Member may refer to the history of services from which he will see that the officer in question is exceptionally fitted for this work.

**Mr. N. M. Joshi:** Does the Indian Civil Service mean financial experience?

**Mr. Sarabhai Nemchand Haji:** Is there any justification for more than half of the total expenditure on this Commission being regarded as non-voted?

**Mr. J. W. Bhore:** The classification follows the usual rules in regard to voted and non-voted expenditure and I am not in a position to alter that.

**Mr. Sarabhai Nemchand Haji:** May I further enquire, Sir, whether, in view of the fact that Dr. Hyder, one of the gentlemen appointed to the Economic Conference at Geneva, will be detained in Geneva for approximately a fortnight or more, there is no work for the Agricultural Commission in Europe during those weeks?

**Mr. J. W. Bhore:** Not at all, Sir. It is not uncommon for a Member of a Commission to fit in two sets of duties without detriment to either and we consider in this case that it is in the interests of economy that this should be done.

**Mr. M. R. Jayakar:** With reference to the appointment of the new officer, does the Honourable Member wish this House to understand that that appointment was made at the express desire of the Chairman of the Commission?

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

# NEW BUILDING FOR THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA IN LONDON.

1170. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government of India be pleased to state whether they own the building in Charles Street, Whitehall, London, wherein the India Office is located? If so, do they receive any hire for the building from the British Treasury?

(b) Have the Government of India considered the desirability of inviting the High Commissioner to occupy this building instead of erecting a new one for his occupation?

(c) Will the Government be pleased to state the total estimated cost of the new building proposed to be erected for the office of the High Commissioner in London?

**The Honourable Sir Charles Innes:** (a) Yes. No rent is recovered from the British Treasury.

(b) No. Sir.

(c) £300,000 approximately.

**Mr. R. K. Shanmukham Chetty:** Have the Government ever considered the advisability of asking the High Commissioner to occupy the building of the India Office in Whitehall?

**The Honourable Sir Charles Innes:** I dare say that idea has crossed our minds, but we did not think it worth while to pursue it.

**Mr. R. K. Shanmukham Chetty:** Is it not a fact that the Government have at present a proposal in mind to build a separate building for the High Commissioner's office in London?

**The Honourable Sir Charles Innes:** Yes, Sir.

**Mr. R. K. Shanmukham Chetty:** And in that connection, Sir, may I know why the Government did not consider whether it was advisable to ask the High Commissioner to occupy the India Office in Whitehall?

**The Honourable Sir Charles Innes:** Because we did not think it either useful or desirable to take up the consideration of the question.

**Mr. Ohaman Lall:** Would it not have been economical to do so? Would it not have saved a lot of money if the High Commissioner were to occupy the India Office?

**Mr. A. Rangaswami Iyengar:** Have the Government . . .

**Mr. Ohaman Lall:** May I ask the Honourable Member to answer my question?

**The Honourable Sir Charles Innes:** He can draw his own conclusion from my answer to part (c) of the question.

**Mr. Ohaman Lall:** I take it that it would be economical if the High Commissioner were to occupy rooms in the India Office. In view of the fact that the Government of India are always pressed very hard for money would it not have been an advisable course to adopt to ask the High Commissioner to go to the India Office instead of building a new building for him?

**The Honourable Sir Charles Innes:** No, Sir.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, whether the question of locating the High Commissioner's office in Whitehall was ever considered by the Government of India?

**Mr. T. O. Goswami:** Ever seriously considered?

**The Honourable Sir Charles Innes:** I have already answered that question in reply to Mr. Chetty.

**Mr. A. Rangaswami Iyengar:** May I know whether it was merely a question of the thing crossing the mind of the Government or whether it was seriously considered?



**The Honourable Sir Charles Innes:** In the first place, we considered it entirely unsuitable to put the High Commissioner, particularly the Trade Commissioner, in the India Office, and in the second place we did not think it would be of the slightest use considering this suggestion.

**Mr. R. K. Shanmukham Ochetty:** Was this conclusion arrived at as a result of any examination by the Government of India as to the suitability of the India Office for the High Commissioner or is it only the opinion of the Honourable Member?

**The Honourable Sir Charles Innes:** I have already told the House that when the Commerce Member speaks in this House, he speaks for the Government of India.

**Mr. A. Rangaswami Iyengar:** What we do want to know, Sir, is whether the question of locating the High Commissioner's office in Whitehall, London, was taken up by the Government of India and decided against?

**The Honourable Sir Charles Innes:** The Honourable Member may take it that it was decided against.

**Mr. A. Rangaswami Iyengar:** And the reasons therefor?

**Mr. K. Ahmed:** In view of the nature of the work done in the High Commissioner's office and in view of the nature of the work which is carried on in the India Office, Whitehall, at present, is it not improper, Sir, for Honourable Members to put again and again the question, which does not arise?

**Mr. Sarabhai Nemchand Haji:** In view of the general opinion expressed on the floor of the House, will the Government of India kindly reconsider their decision with regard to the advisability of having the present India Office building utilised by the High Commissioner?

**The Honourable Sir Charles Innes:** Certainly not, Sir.

**Pandit Hirday Nath Kunzru:** May I ask whether this question was ever referred to the Secretary of State or to His Majesty's Government?

**The Honourable Sir Charles Innes:** I must ask for notice of this question, Sir.

#### MEDICAL RESEARCH INSTITUTE.

1171. **\*Mr. Sarabhai Nemchand Haji:** (a) Are the Government considering the appointment of a Committee on the establishment of a Medical Research Institute?

(b) If so, will they please state the number of Indians, official and non-official, they propose to nominate on the Committee?

**Mr. J. W. Bhoré:** (a) Yes.

(b) The personnel of the Committee is under consideration.

#### ACTION TAKEN ON THE REPORT OF THE INDIAN DECK PASSENGER COMMITTEE.

1172. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government be pleased to state the year in which they appointed the Indian Deck Passenger Committee and the date on which the Committee submitted their Report?

(b) Have the Government published any Resolution on the Report?

(c) Have the Government taken any action on the Report? If not, when do they propose to take such action?

**The Honourable Sir Charles Innes:** (a) The Deck Passenger Committee was appointed in February 1921 and submitted their Report to Government in April of the same year.

(b) and (c). Draft amendments to the rules dealing with the more important recommendations were published in June and July 1925, and the opinions received thereon are now under consideration of Government.

#### RUNNING OF THE WESTERN HOSTEL, NEW DELHI, AS A HOTEL.

1173. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government be pleased to state whether they have received any replies to their recent advertisements in the public Press asking for tenders to run the Western Hostel in connection with the construction of a new hotel in its vicinity?

(b) If any replies have been received, will the Government please state their nature?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No tenders have been received in response to the advertisement.

(b) Does not arise.

#### LOSS INCURRED ON THE WESTERN HOSTEL, NEW DELHI.

1174. **\*Mr. Sarabhai Nemchand Haji:** (a) Will the Government please state if any offers have been received to build a new hotel in New Delhi?

(b) Will the Government be pleased to state how many officials drawing salaries of Rs. 2,000 and over have been residing in the Western Hostel during the current cold weather?

(c) Is it a fact that the rate at which the present contractor provides food in the Hostel is Rs. 5-8 a day?

(d) What loss does the Government expect to incur on the Western Hostel this year?

(e) Will the Government please give details of the tenders which it recently received for some sixty sites advertised for sale in New Delhi and how many of the offers made are likely to be accepted?

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

(b) Twelve; six of them were for short periods only.

(c) Rs. 5 to Rs. 5/8 a day in the case of resident adults and 0-8-0 to Rs. 4/ a day in the case of children.

(d) Rs. 9,000, approximately.

(e) None of the tenders are being accepted and the sites are being auctioned at the end of this month with a reserve of Rs. 5,000 per site. With two exceptions none of the tenders amounted to this sum.

**ESTABLISHMENT ROLLS OF THE STAFF OF THE DIFFERENT DEPARTMENTS  
OF THE GOVERNMENT OF INDIA.**

1175. **\*Mr. Jamnadas M. Mehta:** (a) Is it a fact that the different Departments of the Government of India Secretariats print annually an Establishment Roll of their staff?

(b) If so, do Government propose to place a copy each of the Establishment Rolls of the different Departments of the Government of India on the table of this House?

(c) Is there anything confidential or secret in such Establishment Rolls? If so, what are they?

(d) If the answer to the above be in the negative, will the Government be pleased to state the reasons for not placing such copies on the table of this House?

**The Honourable Sir Alexander Muddiman:** I would refer the Honourable Member to the reply given by the Honourable Sir Malcolm Hailey to Khan Bahadur Sarfaraz Hussain Khan's question (No. 608), on the 6th March 1924.

**APPOINTMENT OF AN ASSISTANT COLLECTOR OF CUSTOMS AT TUTICORIN.**

1176. **\*Sir Walter Willson:** (a) Will Government please state what the revenue derived from the Port of Chittagong was when an Assistant Collector was first appointed at Chittagong?

(b) Are Government prepared to consider the appointment of a Customs Officer of the rank of Assistant Collector at Tuticorin?

(c) Is it the second port of the Madras Presidency and did the value of its trade exceed Rs. 12 crores in 1924-25?

**The Honourable Sir Basil Blackett:** (a) The post of Customs Collector at Chittagong has been included in the cadre of the Imperial Customs Service from its inception in 1906, but the provincial officer who at that time held the position, and who was of the status of an Assistant Collector, held the post until 1915, when on his death he was succeeded by an officer of the Imperial Customs Service. The revenue of the port in 1905-06 was about 10½ lakhs and in 1914-15 about 17½ lakhs.

(b) The Government of India do not consider that the amount and responsibility of the Customs work at Tuticorin justify the posting of an officer of the Imperial Customs Service to that Port. We have only 85 officers in the Service and Tuticorin contributes less than 1/100th part of our Customs revenue.

(c) Yes.

**PROPOSED SCHEME OF ARRANGEMENTS WITH THE SECOND PREFERENCE  
SHAREHOLDERS OF THE TATA IRON AND STEEL COMPANY.**

1177. **\*Sir Walter Willson:** Will Government please state:

(1) whether they were consulted by the Tata Iron and Steel Company regarding their proposed scheme of arrangements with their Second Preference Shareholders and others?

(2) whether the scheme adopted had the approval of Government, specific or implied?

- (3) whether the Government at any time expressed approval of that portion of the scheme whereby the rights of the 7½ per cent. Cumulative Second Preference Shareholders (especially with regard to arrears of cumulative preference dividends) were transferred to a position behind the rights to dividend of the ordinary shareholders?
- (4) whether the agreement reached in regard thereto is contrary to the specific terms upon which the Second Preference Shareholders were invited to and did subscribe for their shares?
- (5) what were the stipulations, if any, with regard to readjustment of shareholders' rights under which Government agreed to advance a loan of 50 lakhs?
- (6) Will Government either lay on the table the correspondence with the Tata Iron and Steel Company, with reference thereto, or make a general statement?

**The Honourable Sir Charles Innes:** (1) The Tata Iron and Steel Company explained the scheme in a letter addressed to the Government of India.

(2) and (3). No. The Government of India replied merely that they noted the contents of the letter. They made no comments of any kind on the scheme. Subsequently however the Steel Company informed the Government of India that the shareholders who opposed the scheme had stated in an affidavit to the Court that Government did not desire the scheme and would not be satisfied with it. The Directors were accordingly authorised to say that the Government were satisfied that the scheme was a serious attempt on the part of the Company to respond to the message sent from Government in the Assembly.

(4) The Government do not know.

(5) None.

(6) The Government are not prepared to lay the correspondence on the table.

#### OPENING OF SUGAR INDUSTRIAL SCHOOLS, ETC.

1178. **\*Mr. Mukhtar Singh:** (1) Have Government made any arrangement for the opening of the sugar industrial schools as recommended by the Indian Sugar Committee? If the answer be in the affirmative, will the Government be pleased to state the place or places where such schools have been started? If the answer be in the negative, will the Government be pleased to state why this valuable recommendation of the Committee has not been given a practical shape?

(2) Have the Government instituted any Sugar Board as recommended by the Sugar Committee? If the answer be in the affirmative, will the Government be pleased to state the constitution and function of such a Board? If no such Board has been constituted will the Government be pleased to state the reasons as to why this recommendation has not been given effect to?

(3) Will the Government be pleased to state the steps taken on the recommendation of the Indian Sugar Committee's Report?

(4) Have the Government created some scholarships for the study of the sugar industry in foreign countries?

**Mr. J. W. Bhore:** (1) and (2). The Indian Sugar Committee recommended *inter alia* the establishment of (a) a Sugar Research Institute with research sub-stations in the provinces; (b) a Sugar Board; (c) a Sugar School and (d) a Government Pioneer Factory in Upper India. The Capital cost of (a), (b) and (c) was estimated at Rs. 35½ lakhs and the recurring charges at Rs. 12 lakhs per annum. The capital cost of (d) was estimated at Rs. 56 lakhs. Government have not been in a position to undertake this heavy expenditure, but at the same time they have taken such action as they could on the Committee's Report. For example, the Cane-breeding Station at Coimbatore has been brought under Imperial control, on a permanent basis, with effect from the 1st April 1925. A sum of Rs. 1,03,600 was provided during the year 1925-26, Rs. 1,00,000 during 1926-27 and Rs. 1,20,500 during 1927-28 for the expansion of this station.

(3) A statement of the action taken on the recommendations of the Committee will be supplied to the Honourable Member.

(4) No.

SCHOLARSHIPS FOR THE STUDY OF CERTAIN SUBJECTS IN FOREIGN COUNTRIES.

1179. **\*Mr. Mukhtar Singh:** (1) Have Government created any scholarships for the study of the following subjects in foreign countries:

- (a) Co-operative Banks.
- (b) Agriculture.
- (c) Cattle Breeding and animal husbandry.
- (d) Fruit culture.
- (e) Railway Engineering.

(2) Is there any such scheme under contemplation?

**Mr. J. W. Bhore:** 1 and 2. The reply is in the negative.

NUMBER OF MUSLIMS AND NON-MUSLIMS EMPLOYED IN THE POLICE FORCE OF THE NORTH-WEST FRONTIER PROVINCE AND DELHI.

1180. **\*Mr. Mukhtar Singh:** (a) Will the Government be pleased to state the number of Muslims and non-Muslims employed in the police force in the North-West Frontier and Delhi Provinces as (a) Constables, (b) Sub-Inspector of Police, (c) Inspector of Police, (d) Deputy Superintendent of Police, (e) Superintendent of Police?

(b) What steps do Government propose to take to increase the proportion of non-Muslims?

(c) Will the Government be pleased to state their policy as regards the representation in services of the different communities? Do the Government sacrifice efficiency over communal representation in the services or is communal representation the only guide in making appointments?

**The Honourable Sir Alexander Muddiman:** (a) and (b). The information asked for is being collected and will be supplied to the Honourable Member.

(c) I would refer the Honourable Member to my speech of the 2nd March 1925 in the Council of State, and to the reply that I gave in the Assembly to a question of Maulvi Muhammad Yakub on the 24th of the same month.

**Nawab Sir Sahibzada Abdul Qaiyum:** Do Government propose to consider the advisability of fixing the proportion of representation of the various communities in Government services with due regard to educational qualifications, to settle this vexed question once for all and get rid of answering these ever increasing questions, at least in the minor provinces directly under them if nowhere else?

**The Honourable Sir Alexander Muddiman:** I should be very glad, Sir, if any method I knew of would prevent these questions, which I agree with the Honourable Member lead to most unfortunate recriminations in this House.

**Nawab Sir Sahibzada Abdul Qaiyum:** Do Government propose to fix the numbers of the two communities in the police in equal numbers throughout India so that there may be no fear of bias in the performance of their duties?

**The Honourable Sir Alexander Muddiman:** I think, Sir, that might be rather difficult. The police are recruited in local areas, and if the different communities in those areas do not propagate in equal numbers, it is difficult to appoint the police in equal numbers.

**Nawab Sir Sahibzada Abdul Qaiyum:** Will that not solve the difficulty to a great extent, if the police are half and half in Bengal at least?

**Mr. President:** But, what is the answer to the difficulty raised by the Honourable the Home Member?

**Pandit Nilakantha Das:** Considering that in many cases the answer is that the answer will be supplied to the Honourable Member, will the Honourable Member consider the advisability of laying it on the table in every case for the benefit of the House?

**The Honourable Sir Alexander Muddiman:** No, Sir. I always lay a statement which I regard of any importance. If the Honourable Member will look at this question, he will see the details that are asked for, and I really cannot agree to Government incurring printing charges for long statements as to the number of Mussalman and Hindu constables in different places in India.

**Nawab Sir Sahibzada Abdul Qaiyum:** Will Government consider the question of the numbers of Mussalmans in the Education Department, to which my friend Maulvi Muhammad Yakub has so often referred, with respect to the Delhi Province, and in other departments of Government too besides the police?

**The Honourable Sir Alexander Muddiman:** I am afraid I did not follow the Honourable Member.

**Nawab Sir Sahibzada Abdul Qaiyum:** Will Government consider, along with this question of police raised by Mr. Mukhtar Singh, the advisability of going into the whole question of communal representation in services in respect of the other departments of the Government besides the police, such as Education, Accounts, and various other departments, where certain communities are very badly represented?

**The Honourable Sir Alexander Muddiman:** If the Honourable Member is asking as regards the other departments in the provinces I suggest he should put down a question because I am not in a position to answer that.

PROCEDURE TO BE FOLLOWED BEFORE THE DISMISSAL OF ITS EMPLOYEES  
BY THE BENGAL NAGPUR RAILWAY.

1181. \*Lieut.-Colonel H. A. J. Gidney: (a) Will the Honourable Member please state if it is a fact that the Agent, Bengal Nagpur Railway, has agreed not to dismiss any railway employee without charges being framed against him and a proper inquiry being held on them?

(b) If the answer is in the affirmative will the Honourable Member be pleased to state if he is prepared to issue similar instructions to Agents of all State Railways, and advise all other Company-managed Railways to follow the Bengal Nagpur Railway? If not, why not?

The Honourable Sir Charles Innes: There is of course a distinction between dismissal and discharge. The Government of India agree that before the penalty of dismissal is enforced, the procedure indicated by the Honourable Member should be followed. They have no reason to suppose that the procedure is not already being followed on Company Railways other than the Bengal Nagpur Railway, but they will draw the attention of Company Railway Administrations to the subject.

DISCHARGE OF MATRONS OF MILITARY FAMILY HOSPITALS.

1182. \*Lieut.-Colonel H. A. J. Gidney: (a) Will Government be good enough to state if it is a fact that the services of Matrons of over ten years' service employed at Military Family Hospitals are to be dispensed with and a younger staff employed?

(b) Is it a fact that two such Matrons, Mrs. Arnold of Secunderabad and Mrs. Knight of Purandah, have already received notices of their congé? If so, why?

Mr. G. M. Young: (a) The answer is in the negative.

(b) No, Sir. The Government of India are informed that Mrs. Arnold has resigned on account of private affairs; and that no orders have issued or are contemplated for the termination of the services of Mrs. Knight.

STANDARDISATION OF WEIGHTS AND MEASURES.

1183. \*Kumar Ganganand Sinha: (a) Will the Government be pleased to state what action has been taken on the Resolution of Mahamahopadhyaya Dr. Ganganath Jha regarding the standardisation of weights and measures discussed in the Council of State?

(b) How far have the Provincial Governments contributed towards the fulfilment of the object?

(c) If no action has been taken by the Local Government, why?

(d) How do the Government propose to accelerate the fulfilment of the object?

The Honourable Sir Charles Innes: (a) I would refer the Honourable Member to the Resolution of the Government of India, No. 9, dated the 8th January, 1922, published in the Supplement to the Gazette of India, dated the 7th January 1922, which shows the action taken by them on Dr. Ganganath Jha's Resolution.

(b), (c) and (d). Enquiries will be made and the Honourable Member will be informed of the result in due course.

### PREVENTION OF THE SALE OF TEA BELOW A PRESCRIBED STANDARD OF QUALITY.

1184. \***Sir Darcy Lindsay:** (a) Will Government be pleased to state which of the Provincial Governments have adopted Food Regulation Acts and have brought the same into operation?

(b) Have any of the Provincial Governments other than Bengal made special provision under the Act to prevent the sale of low quality and worthless teas below a prescribed standard of quality?

(c) Are Government aware that there is a considerable import of black teas, chiefly from Java and Ceylon, and that the tea industry apprehend that much of this foreign tea is of a very inferior quality and not genuine tea fit for human consumption?

(d) Are Government prepared to consider the desirability of prescribing a standard quality of teas below which imports will not be allowed by the Customs authorities, and thereby afford the same protection to the people of India against adulteration as is enjoyed by other countries?

(e) Are Government aware that in the United Kingdom, United States, Canada and Australia Custom regulations prescribe a standard with which imported teas for human consumption must comply?

**Mr. J. W. Bhore:** (a) Practically all the major provinces have Food Adulteration Acts.

(b) The Government of India have no information on the subject.

(c) Yes.

(d) The suggestion was considered in 1924-25 in consultation with Local Governments, the majority of whom were not in favour of it.

(e) It is possible that regulations of the kind referred to by the Honourable Member exist, but definite information is not readily available.

### SALE OF SURPLUS TEA WASTE IN INDIA.

1185. \***Sir Darcy Lindsay:** (a) Will Government after consulting their medical experts state whether or not tea waste (sweepings) contains impurities and is unfit for human consumption?

(b) Are Government aware that for the seasons 1916 to 1920 on a production of 1,844,400,000 lbs. tea practically the whole of the tea waste of 27,666,000 lbs., computed on a basis of  $1\frac{1}{2}$  per cent. of manufactured tea was exported for manufacture of caffeine and that for the years 1921 to 1925 out of 25,500,000 lbs. of tea waste believed to be available, calculated on the same basis, only 18,284,000 has been exported? Also that for the ten months of 1926-27 the export of tea waste has fallen about 80 per cent. on the export for a like period of 1925-26?

(c) Have Government any information as to whether much of this surplus tea waste is being sold in India for human consumption and are Government prepared to press upon Provincial Governments—other than Bengal—the urgency of prescribing a standard quality of teas under the Food Adulteration Act, where such Act is in force, and where not, that early steps be taken to bring the Act into force?

**Mr. J. W. Bhore:** (a) and (c). The matter primarily concerns Local Governments to whom the Honourable Member's suggestions will be conveyed.



(b) Yes, except that the exports of tea waste during the years 1921—1925 amounted to 18,458,000 pounds and not 18,284,000 pounds.

**STOPPAGE OF THE RECRUITMENT OF HINDUS IN THE POSTAL SERVICE OF THE PUNJAB AND NORTH-WEST FRONTIER CIRCLES.**

1186. \***Pandit Thakur Das Bhargava:** (a) Will the Government be pleased to state what action the Director General and the Postmaster General, Punjab and North-West Frontier Circles, have taken in cancelling the orders regarding the stoppage of recruitment of Hindus other than graduates in the Punjab and North-West Frontier Circles as promised by the Honourable Member in charge of Industries and Labour in reply to a question put by the Honourable Rai Bahadur Lala Ram Saran Das in the Council of State in 1925?

(b) If the orders of the Postmaster General, Punjab and North-West Frontier Circles, have since been cancelled will the Government be pleased to lay on the table a copy of the instructions issued for cancelling those orders as well as a statement showing separately the number of Hindus and Muhammadans recruited in the Punjab and North-West Frontier Circles, after the reply of the Honourable Member in 1925?

**The Honourable Sir Bhupendra Nath Mitra:** (a) and (b). I would refer the Honourable Member to the portion of my speech in this House on the 11th March last in connection with "Postal grievances", which deals with this particular matter.

The statement asked for by the Honourable Member is being compiled and will be furnished to the Honourable Member in due course.

**IMPROVEMENT OF THE PRESENT CONDITION OF THE COAL INDUSTRY.**

1187. \***Mr. K. C. Neogy:** (1) Will Government be pleased to make a statement describing the present condition of the coal industry in India?

(2) Are Government considering the desirability of taking any steps for improving the condition of the coal industry, particularly in the direction of reducing railway freight and also otherwise helping to popularise coal as a domestic fuel?

(3) Have Government recently received any request from the Board of Industries in Bihar and Orissa, or from the trade, for a reduction of the railway freight of coal to Bombay and Karachi by a rebate or otherwise? If so, what is the attitude of Government towards this request?

(4) Will Government be pleased to state their policy in the matter of the expansion of railway collieries?

(5) Have Government taken any steps for the preparation of annual balance sheets and statements of assets and liabilities in respect of each railway colliery, on the footing of a regular independent business concern?

**The Honourable Sir Charles Innes:** (1) I would refer the Honourable Member to the reply I gave to question No. 967 asked by Mr. Siddheswar Sinha on the 16th March 1927.

(2) Government do not at present contemplate making any further general reduction in freight rates on coal. But, the question has been raised whether it would be possible to reduce the railway freight on soft coke in order to popularise it as a domestic fuel. This question is under consideration.

(8) The answer to first part of the question is in the affirmative. The Government are considering whether a reduction in railway rates on coal to Bombay in full train loads would so stimulate traffic as to be feasible without loss to railway revenues.

(4) The policy which Government have at present under consideration is that of adjusting the development of railway collieries so that railways may continue to take from private collieries approximately the same amount of coal as they are taking at present.

(5) The question of the best form of accounts to be maintained for railway collieries has been referred to the expert accountants who are employed on investigating the whole system of Railway Accounts and Government do not propose to modify the existing system until Sir Arthur Dickinson's report has been received and considered.

**Mr. K. C. Neogy:** May I know if it is not a fact that the Standing Finance Committee for Railways were given an assurance that balance sheets would be prepared for these railway collieries?

**The Honourable Sir Charles Innes:** I am afraid I do not know, but the position is as stated in the answer to the last part of the Honourable Member's question, namely, that as soon as we get Sir Arthur Dickinson's report we shall look into the matter.

**Mr. K. C. Neogy:** Has the attention of Government been drawn to a recent statement of the President of the Indian Mining Association that in view of the reduction in coal prices, it might benefit the railway to purchase coal from the market instead of maintaining their own collieries?

**The Honourable Sir Charles Innes:** I have no doubt he said it.

#### ADDITIONAL STAFF FOR REORGANISATION WORK IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1188. **\*Mr. K. C. Neogy:** (a) With reference to the statement in the Standing Finance Committee proceedings, dated the 4th February, 1927, at page 497, regarding additional establishment required for reorganisation work in the Office of the Accountant General, Central Revenues, will Government be pleased to state the reasons of the great delay and difficulty with which the special staff was secured, and of the fact that the staff secured was not of the necessary calibre?

(b) Is it a fact that the Accountant General himself visited several places in search of the necessary staff, if so, with what result?

(c) From what offices was the staff ultimately obtained?

**The Honourable Sir Basil Blackett:** (a) Only accountants and clerks possessing previous experience of a certain kind could be employed usefully on the work. There have been heavy calls in various directions for the services of men trained in audit and account offices. In consequence of the depletion of their staff, heads of such offices could not make many men of this description available; and, even of those who were made available, some were unwilling to come on the terms which could be offered.

(b) As a result of his interviews, the Accountant General, Central Revenues, secured the men who were appointed in connection with the reorganisation work.

(c) From the offices of the Accountant General, Central Provinces, Nagpur, the Deputy Accountant General, Posts and Telegraphs, Nagpur, the Deputy Accountant General, Posts and Telegraphs, Madras, the Accountant General, Punjab, Lahore, the Deputy Accountant General, Posts and Telegraphs, Delhi, the Auditor General, and the Finance Department of the Government of India.

**RECRUITMENT OF CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL,  
CENTRAL REVENUES.**

1189. **\*Mr. K. O. Neogy:** (a) Is it a fact that the Accountant General, Central Revenues, confines recruitment of clerks of his office to a few select provinces and students of a few select universities?

(b) If so, was approval of the Government of India taken by the said officer prior to the adoption of this principle?

(c) How many examinations were held for recruitment of clerks of the said office between October, 1925, and January, 1927; what was the number of candidates who appeared at each of these examinations and how many were recruited each time?

(d) What was the total expenditure on each of these examinations—including advertisement charges?

**The Honourable Sir Basil Blackett:** (a) and (b). Attention is invited to the reply given on the 2nd February, 1926, to question No. 556 by Mr. Gaya Prasad Singh. The rules on the subject were framed in consultation with the Auditor General and have the approval of the Government of India.

(c) Three examinations were held between October, 1925, and January 1927; the number of candidates who appeared were 93, 157 and 164, respectively, and the numbers ultimately recruited were 24, 11 and 9.

(d) Rs. 384; Rs. 548 and Rs. 986.

**Mr. K. O. Neogy:** May I know, Sir, whether the approval of Government to the rules referred to by the Honourable Member was obtained previous to the publication of the Notification or subsequent to it?

**The Honourable Sir Basil Blackett:** I am afraid I shall have to enquire.

**Mr. K. O. Neogy:** With reference to the reply to the previous question to which I was referred by the Honourable Member, is it a fact that the previous notification left certain discretion to the Accountant General to permit men from the other provinces and graduates of the other Universities to appear at the examination, and that this discretion has since been taken away?

**The Honourable Sir Basil Blackett:** I am afraid I must ask for notice of that question.

**The Revd. Dr. E. M. Macphail:** May I ask if Government are aware that the degrees of certain Indian Universities are much more valuable than the degrees of some other Indian Universities?

**Mr. K. O. Neogy:** May I know why is it that the Public Service Commission is not asked to recruit clerks for the Accountant General's Office?

**The Honourable Sir Basil Blackett:** I do not think that question arises; I must ask for notice of it. I do not carry all the details of this question in my head.

**Mr. B. Das:** Will the Honourable the Finance Member specifically enquire why the Accountant General did not allow the graduates of Bengal and of the province of Bihar and Orissa to apply for these posts? What was the reason why these provinces were excluded?

**The Honourable Sir Basil Blackett:** Sir, I am not aware that he did not.

**Mr. B. Das:** But I know he did.

#### SCHOOLS MAINTAINED BY THE EAST INDIAN RAILWAY IN BENGAL AND THE UNITED PROVINCES.

1190. **\*Pandit Hirday Nath Kunzru:** Does the East Indian Railway maintain any schools for the education of the children of its employees? If so, how many schools does it maintain for:

- (a) European and Anglo-Indian children, and
- (b) Indian children,

in Bengal and the United Provinces, respectively?

**The Honourable Sir Charles Innes:** The East Indian Railway maintain the following schools in Bengal and the United Provinces:

- (a) Schools for European and Anglo-Indian children:

Bengal—6 Primary Schools.

United Provinces—6 Primary and one High School.

- (b) Schools for Indian Children:

Bengal—1 Middle and 1 High School.

United Provinces—1 Primary, 2 Middle and 1 High School.

#### EXPENDITURE ON RAILWAY SCHOOLS FOR EUROPEANS AND INDIANS.

1191. **\*Pandit Hirday Nath Kunzru:** (a) How much money does the Government of India spend annually on these railway schools for (a) Europeans and (b) Indians?

(b) How much money is spent in providing medical and travelling facilities, etc., in connection with the above institutions for (a) Europeans and (b) Indians?

(c) Do these railway schools receive any grants from the Provincial Governments in whose jurisdiction they are situated? If so, how much?

(d) What are the other sources of income of these purely railway schools?

#### RAILWAY SCHOOLS.

1192. **\*Pandit Hirday Nath Kunzru:** (a) Are these schools under the Government of India or the Local Governments concerned?

(b) Is it a fact that the East Indian Railway does not issue passes to its non-Christian employees during Christmas? If so, are Government prepared to take steps to have this religious distinction removed?

**The Honourable Sir Charles Innes:** I propose, with your permission, Sir, to answer questions Nos. 1191 and 1192 together.

An enquiry is now being made into the whole question of expenditure on the education of the children of railway employees and an officer has been placed on special duty for the purpose.

As regards part (b) of the second question, Government have no information. But there is no limitation of passes based on religion. Passes are issued under the Pass Rules; but limits have to be placed on issue of passes at holiday periods to prevent overcrowding of trains.

**Pandit Hirday Nath Kunzru:** Will Government be pleased to make an enquiry with regard to the grievance mentioned in 1192(b)?

**The Honourable Sir Charles Innes:** If the Honourable Member wants me to, I will, Sir. You mean the suggestion that there is discrimination?

**Pandit Hirday Nath Kunzru:** Yes, I have been told there is. That is why I am anxious that Government should enquire.

**The Honourable Sir Charles Innes:** I will enquire, but my information is, there is not.

#### CONTRACTS FOR THE SUPPLY OF PORTERS FOR DELHI RAILWAY STATION.

1193. **\*Lala Rang Behari Lal:** (a) Will Government be pleased to state the names of persons who have been given contracts for the supply of railway porters for the Delhi railway station from 1920 up to date?

(b) Will Government be pleased to state the duration of each of these contracts?

(c) Will Government be pleased to state if they are aware of the fact that the Contractor charges four annas a day from each licensed porter as his commission?

**Mr. A. A. L. Parsons:** (a) and (b). I am obtaining the information and will send it to the Honourable Member.

(c) Yes.

#### HARASSMENT OF THE TRAVELLING PUBLIC BY RAILWAY COOLIES AT DELHI JUNCTION.

1194. **\*Lala Rang Behari Lal:** Has the attention of the Government been drawn to a paragraph on page 5 of the *Hindustan Times* of 11th March, 1927, regarding the harassment of the travelling public by railway coolies at Delhi Junction? Will Government be pleased to state if any action is being taken in the matter?

**Mr. A. A. L. Parsons:** Government have seen a letter on the subject which appeared in the *Hindustan Times* on the same date. The matter is one for the Agent to whom a copy of the Honourable Member's question has been sent.

#### INSPECTORS' APPOINTED TO SUPERVISE THE WORK OF THE COOLIE CONTRACTOR AT DELHI JUNCTION.

1195. **\*Lala Rang Behari Lal:** (a) Will Government be pleased to state if any Inspectors have been employed by the Railway to look after the work of the Coolie Contractor at Delhi Junction?

(b) If so, how many of them are Indians?

**Mr. A. A. L. Parsons:** (a) The reply is in the negative.

(b) Does not arise.

**EDUCATIONAL QUALIFICATIONS OF LALA BHIM SEN, SECOND CLERK IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION, DELHI AND AJMER-MERWARA.**

1196. **\*Maulvi Muhammad Yakub:** Is it a fact that one Lala Bhim Sen has been appointed second clerk in the office of the Superintendent of Education, Delhi and Ajmer-Merwara, in 1926? If so, will Government be pleased to state his educational qualifications, university examination, if any, passed by him, and the year in which he passed the examination, and his age at the time of the university examination according to the university certificate?

**Mr. J. W. Shore:** Yes. The Honourable Member is referred to the information supplied to him by letter, on the 23rd March, in reply to part (g) of his question No. 938.

**PROVINCIALISATION OF DISTRICT AND MUNICIPAL BOARD SCHOOLS.**

1197. **\*Maulvi Muhammad Yakub:** Will Government be pleased to state their policy in the Education Department in the Delhi Province for the provincialisation of district and municipal board schools? Is it a fact that most of the board schools in the Punjab have been provincialised? Is it a fact that in pursuance of the policy followed in the Punjab the Delhi Government have provincialised the Industrial School, Delhi city, formerly under the Municipal control? Are Government prepared similarly to provincialise a district board school in justice to the rural population?

**Mr. J. W. Shore:** There is only one high school in the Delhi Province under district board or municipal management, which it is not proposed to provincialise. It is understood that the Punjab Government have provincialised a certain number of board high schools. There is only one industrial school, that in Delhi, which will be provincialised in April next.

**SHORT NOTICE QUESTIONS AND ANSWERS.**

**COLLISION AT BHADRAK ON THE BENGAL NAGPUR RAILWAY.**

**Mr. B. Das:** (a) Have Government noticed the press report about the collision of the Madras Mail, Bengal Nagpur Railway, off Bhadrak Station (Orissa)?

(b) Will Government be pleased to state the loss of human lives ascertained so far:

A. (1) Europeans, (2) Indians,

B. (1) First and second class passengers, (2) Third class passengers, in that collision?

(c) Was it a fact that large number of casualties were railway employees?

**The Honourable Sir Charles Innes:** (a) Yes.

(b) A. (1) Nil.

A. (2) 15.

B. (1) Nil.

B. (2) 14.

(c) No.

**COLLISION AT BHADRAK ON THE BENGAL NAGPUR RAILWAY.**

**Mr. B. Das:** (a) Is it a fact that two third class carriages were telescoped and both of these carriages were fully occupied at the time of the accident?

(b) Will Government be pleased to state the number of people sent to hospital for treatment?

**The Honourable Sir Charles Innes:** (a) In addition to the luggage van which was next to the engine, two third class carriages which were practically full, were telescoped.

(b) Forty-one.

**Mr. B. Das:** Have Government noticed the press interview that appeared in the press all over India that the students of the Cuttack College who entered a railway special to go to that place for the relief of these people suffering from the accident, were not allowed to proceed there, but were held up at a roadside station for three hours?

**The Honourable Sir Charles Innes:** I think, Sir, there is a subsequent question about that by my Honourable friend Pandit Nilakantha Das.

**APPOINTMENT OF A COMMITTEE TO ENQUIRE INTO THE COLLISION AT BHADRAK ON THE BENGAL NAGPUR RAILWAY.**

**Mr. B. Das:** (a) Do Government propose to appoint a Committee to enquire into the causes of this accident?

(b) Are Government prepared to enforce payment of compensation for property and lives endangered by this accident on the Bengal Nagpur Railway authorities?

**The Honourable Sir Charles Innes:** (a) The necessary technical enquiry by the Government Inspector as to the cause of the accident was held at the site of accident the next day. The District Magistrate was present at the enquiry.

(b) The matter is one for settlement between the Administration and the parties concerned. If any one is not satisfied with the Agent's decision, his remedy lies in a court of law.

**COLLISION AT BHADRAK ON THE BENGAL NAGPUR RAILWAY.**

**Pandit Nilakantha Das:** (a) Will the Government please make a statement regarding the railway collision at Bhadrak (Bengal Nagpur Railway) Up Madras Mail on the 18th instant?

(b) What is the number and extent of the casualties and damage?

(c) Is it a fact that students of the Cuttack College—60 of them,—who were coming to give relief, were detained at Manjuri Road station for about an hour?

(d) What has been done with the dead and the injured?

**The Honourable Sir Charles Innes:** No. 4 Up Calcutta-Madras Mail left the previous station Markona (mile 174) at 22.18 hours on the 18th instant and was to have been received on the platform line No. 1 at Bhadrak station. The train, however, entered the station on line No. 5 and collided with a shunting engine attached to about 55 goods wagons on that line. I propose not to say anything about the reason why the train was admitted on the wrong line, because it is possible that criminal proceedings may take place. Both the engines were considerably damaged. A luggage van which was next to the engine, the whole of the body of the second vehicle and half the body of the third, both third class carriages, were smashed to pieces as a result of the collision and one upper class composite carriage was derailed.

(a) The number of casualties was as follows:

Fifteen persons were killed and 69 injured, 26 seriously. The estimated cost of damages to rolling-stock and railway property has not yet been ascertained.

(b) The Agent reports that he has no knowledge of Cuttack College students having been detained at Manjuri Road station, but intimates that all passenger trains on both sides of Bhadrak were detained for sometime after the collision. It may be mentioned for the Honourable Member's information that the Medical Officer, Kharagpur, reports having received considerable assistance from Bengali students believed to have come from Cuttack in carrying the wounded.

(c) The dead were placed in the Bhadrak mortuary in charge of the police. 35 injured were sent to Kharagpur hospital and six to Bhadrak hospital to be removed later to Kharagpur. Twenty-three lascars who were bruised in the accident continued their journey and five passengers who were slightly injured refused to go to Kharagpur.

**Pandit Nilakanta Das:** Sir, are the Government aware that there is a kind of suspicion generally that in cases of collisions people are not allowed to get at the real truth of the casualties, and in this case particularly when the Down Express arrived at the Bhadrak station at about the same time no passenger was allowed to get out and see the amount or extent of the damage done?

**The Honourable Sir Charles Innes:** I am afraid that it is quite impossible to keep pace with suspicions of the kind mentioned by the Honourable Member, but he may take it from me that at the earliest possible moment the fullest possible information about this accident was given to the Press and the public. And if trains were prevented from coming into the station where the accident occurred, I think the Honourable Member can readily understand the reason himself, namely, that with so much confusion at that station the whole organisation is disorganised and it is quite impossible to admit other trains.

**Mr. B. Das:** Has the attention of the Honourable Member been drawn to the press interview given by Babu Purna Chandra Saha to the



representative of the *New Empire* which was quoted all over India in the Press? This is what the *Indian Daily Mail* of Bombay, 12 Noor. said, I will quote the particular passage:

"At Cuttack station these students were detained for about three hours by the station staff who were alleged to have tried to persuade them not to go to the place of occurrence representing that the accident was not very serious. They however persisted and were allowed to go by a down train which was detained for about three hours."

**The Honourable Sir Charles Innes:** No, Sir; I had not seen that statement. I have given all the information I have got at my disposal at the present moment.

**Pandit Nilakantha Das:** May I ask whether the driver in charge of the engine was a new officer or an old and experienced man?

**The Honourable Sir Charles Innes:** I have no information on that point, Sir.

**Mr. B. Das:** Are the railway staff or even the Government suspicious of those who want to go and do some good in case of these accidents, and whose sole motive was to relieve the distress of suffering humanity?

**The Honourable Sir Charles Innes:** Not at all. I have already stated that the District Medical Officer received great assistance from certain students from Cuttack and he was very grateful for it.

**Mr. K. C. Neogy:** Was the engine in this particular case fitted with a searchlight?

**The Honourable Sir Charles Innes:** I do not think it would have made any difference at all whether there was a searchlight on this particular train, because the train was admitted to the wrong line. But the Honourable Member knows that we are fitting searchlights to passenger trains as fast as possible, and I think he may take it that in this particular case there was a searchlight on the engine of the mail train.

**Mr. B. Das:** Will the Government ask the Bengal Nagpur Railway to have the interlocking system of signalling introduced between stations and have this old method changed?

**The Honourable Sir Charles Innes:** Yes, Sir. We shall certainly take up this particular matter soon.

## UNSTARRED QUESTIONS AND ANSWERS.

### REPAIRS TO THE BOOKING OFFICE AND WAITING ROOM AT DELHI SADAR STATION.

**218. Mr. Mukhtar Singh:** Are Government aware that the Delhi Sadar station booking office and the waiting room both require immediate repairs and during the rains the whole of the roof leaks very badly and there is no room left for the passengers to sit in?

**Mr. A. A. L. Parsons:** Government have received no complaints to this effect; but the Delhi Sadar station will shortly be replaced by a new station, which is at present under construction near the Ajmer Gate overbridge.

**RULES GOVERNING THE DISMISSAL OF EMPLOYEES ON STATE AND COMPANY-MANAGED RAILWAYS.**

**219. Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state what rules govern the dismissal of employees on State Railways as also on Company-managed railways, and will Government kindly place a copy of these rules on the table?

**The Honourable Sir Charles Innes:** So far as State-worked Railways are concerned, the Honourable Member is referred to rule 298 (2) of State Railway Open Line Code, Volume II.

A copy of this rule will be sent to the Honourable Member.

As regards Company-worked Railways, I am making enquiries and will inform the Honourable Member in due course.

**NEW PENSION RATES FOR THE INDIAN MEDICAL DEPARTMENT.**

**220. Lieut.-Colonel H. A. J. Gidney:** Will Government be pleased to state why the new pension rates for the Indian Medical Department have not been published as yet, and when is it likely that they will be published?

**Mr. G. M. Young:** The rates have not yet been settled. The proposals of the Government of India will be formulated as soon as possible after the present Session.

**TRANSMISSION OF TELEGRAMS BY POST.**

**221. Pandit Thakur Das Bhargava:** (a) How many telegrams were sent by post throughout India during the year 1926-27?

(b) Will Government be pleased to state the amount of charges recovered from the senders of such telegrams?

(c) Are there any rules whereby the Telegraph Department is enjoined not to accept any telegrams in case the impossibility of transmission is apparent?

(d) Was any money received from the senders of telegrams subsequently posted refunded to the senders?

(e) Are there any rules providing for such refund?

(f) Do the Government propose to refund in future the charges of such telegrams as cannot be transmitted by the Telegraph Department by telegraph wires?

**Sir Ganen Roy:** (a), (b) and (d). The required information is being collected and will be furnished to the Honourable Member in due course.

(c) No. When it becomes apparent to the Department that telegrams cannot be disposed of by wire due to interruption or imperfect communication of lines, the public are duly informed through the agency of the Press and by notices hung up in booking offices that telegrams to or from places concerned are liable to serious delay and it is open to the sender to send a telegram or not.

(e) Yes, Rules 150 and 381 of the Indian Telegraph Rules, 1927.

(f) Provision already exists for granting refunds and each case is considered on its merits.

**PROMOTIONS OF CAPTAINS IN THE INDIAN MEDICAL SERVICE TO THE RANK OF MAJOR.**

**222. Pandit Thakur Das Bhargava:** (a) Is it a fact that Captains (I. M. S.) get their promotions to the rank of Major six months earlier if they acquire some higher professional or academical qualifications approved by the Secretary of State for India?

(b) Is it a fact that the appointments to professional chairs in the various Medical Colleges in India, as well as other special appointments depend upon the acquisition of higher professional or academical qualifications which are only available by a study in Europe?

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

(b) Professorial appointments in Government Colleges are made on the strength of qualifications appropriate to the post to be filled, irrespective of where those qualifications were acquired. Normally, however, persons appointed to these posts are men who have studied in Europe or America where exceptional facilities exist for specialisation.

**GRANT OF PASSAGE FACILITIES TO THE INDIAN MEMBERS OF THE INDIAN MEDICAL SERVICE PROCEEDING TO THE UNITED KINGDOM ON STUDY LEAVE.**

**223. Pandit Thakur Das Bhargava:** (a) Will the Government be pleased to state if the Indian members of the Indian Medical Service have been granted any facilities for further study in Europe by way of free passages, to and from Great Britain or other parts of Europe?

(b) Are there any facilities by way of free passages for European members of the Indian Medical Service?

(c) Are there facilities alike for Europeans and Indians?

(d) If not, will the Government kindly state the difference between the respective facilities for Europeans and Indians and the reason for the same?

**Mr. G. M. Young:** (a) The Government of India have decided in consultation with the Secretary of State to grant passage facilities to Indian Medical Service officers of Asiatic domicile proceeding to the United Kingdom on study leave. The details of the scheme are being worked out.

(b) European officers of the Indian Medical Service are given no special facilities in the way of free passages for study leave in Europe. They are entitled however to the Lee Commission passage concessions.

(c) As the rules stand, there are no special facilities for either.

(d) Does not arise.

**CORRECT OFFICIAL DESIGNATIONS OF OFFICERS IN THE INDIAN ARMY.**

**224. Pandit Thakur Das Bhargava:** (a) Is it a fact that officers in the Army are generally classed under the heads "British officers" and "Indian officers" to denote roughly King's commissioned officers and Viceroy's Commissioned officers?

(b) In view of the fact that Indian gentlemen now hold King's commissions in the Indian Army and Indian Medical Service, do the Government propose to substitute the said expressions by King's commissioned officers and Viceroy's commissioned officers?

**Mr. G. M. Young:** (a)—(b). The correct official designations are, and always have been, King's Commissioned Officers and Viceroy's Commissioned Officers, respectively.

#### OVERSEAS PAY OF INDIAN MEDICAL SERVICE OFFICERS.

**225. Pandit Thakur Das Bhargava:** (a) Is it a fact that Indian Medical Service officers of European domicile draw more overseas pay than Indian Medical Service officers of Indian domicile whose wife or legitimate child or children do not happen to reside in Europe in so far as the previous named officers get their overseas pay in sterling at the rate of 2 shillings a rupee?

(b) If the Indian Medical Service officers of European domicile are paid their overseas pay in sterling at the rate of 2 shillings a rupee, will the Government be pleased to give reasons for the differential treatment?

(c) In view of this apparent differentiation do the Government propose to pay all Indian Medical Service officers of whatever domicile they may be at a uniform rate?

**Mr. G. M. Young:** (a) Yes.

(b) The reasons are stated in Chapter VI of the Lee Commission Report.

(c) The reply is in the negative.

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#### STATEMENT RE EXPENDITURE ON THE DESPATCH OF TROOPS TO CHINA.

**Mr. G. M. Young** (Army Secretary): Sir, with your permission, I should like to make a statement about the incidence of expenditure on the troops sent from India to China. In answer to a question on the 16th, I undertook to inform the House on this subject before the end of the present Session. Since I gave that answer, discussions have taken place between His Majesty's Government and the Government of India, and it has been decided that Indian revenues will bear no part of the cost of the contingent furnished from India.

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#### RESOLUTION RE SALARIES OF THE TWO MEMBERS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL POSSESSING INDIAN EXPERIENCE—*contd.*

**Mr. President:** The Assembly will now resume further consideration of the following Resolution moved by the Honourable Sir Alexander Muddiman:

"This Assembly recommends to the Governor General in Council to take steps to secure:

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals;
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice;

(3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues; and

(4) that during any period when this salary is enjoyed any pension payable to either of them from Indian revenues shall lapse."

**Mr. S. Srinivasa Iyengar** (Madras City: Non-Muhammadian Urban):

Sir, I do not think I shall keep the House for any length of time. I rise to say a few words as Dr. Gour asked me to express my opinion and as this is a non-political subject upon which my opinion is not known, I should say at the outset that no case whatever has been made out for this extraordinary proposition which has been made by the Honourable the Home Member on the other side. It is admitted on all hands that the Privy Council jurisdiction is a prerogative jurisdiction founded in British history and is not one which is due to any demand of the Indian people. It is a residuary jurisdiction which they claim for themselves and nobody asks that they should exercise that jurisdiction. Therefore those who claim the prerogative right to hear appeals from other parts of the Empire are bound to pay for that prerogative right; and in many cases the right is denied, because it is said, in criminal cases for instance, as a matter of practice, though they have got the right to exercise jurisdiction, they refuse to exercise it as a matter of discretion, as was ruled in Dillott's case and the cases following. Therefore it is entirely a matter, I submit, of prerogative and the British Exchequer must therefore pay the full expenses of such strengthening or improvement as the British Government may consider necessary for the purpose of making the Judicial Committee of the Privy Council more acceptable to the various populations which are scattered over the British Empire.

Sir, it has been suggested that they want persons of Indian experience. I do not say that I am in agreement with this Privy Council jurisdiction at all. I am very much in sympathy with the view taken by one section of the House and by Sir Hari Singh Gour that there should be a Supreme Court for India; but I know at the present stage it is a highly controversial matter and the decision of the House on the last occasion was against it. I associate myself, however, with that opinion, namely, that the time has come for the establishment of a Supreme Court in India and that this further strengthening of the Privy Council is a formidable obstacle in the way of such establishment, and on that ground also I oppose the motion that has been made.

But taking it that the Privy Council should continue, from more than one point of view it is unnecessary that the Indian Exchequer should bear the burden which is sought to be imposed upon it. In the first place the view may well be entertained and is held in very competent circles, though I do not see eye to eye with that section, that if you are to have the utility of the Privy Council at all as a judicial body, it is very much better that the Privy Council should function as it used to function in the days of Moore's Indian Appeals, composed of Judges of British experience and not drawn from Indian experience. As regards the recruitment of Judges from India we have no control whatever and therefore it is said—and there is a great deal of force in that—that it is unnecessary that Judges of Indian experience should be sent to England and that the British Government can provide such competent judiciary as it deems fit for the purpose. I know that very competent men hold the view strongly that it is very much better to have these appeals decided by unbiassed opinion of England trained Judges without any Indian experience. I may agree with that or I may not agree with that;

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but there is that point of view and I know it is held in legal circles, and I must therefore bring that also to the notice of the House prominently to show that there is really no case made out for Judges with Indian experience. I may ask conversely "What is the Indian experience of Judges who are brought to India and who are made to preside over the various courts?" They have no experience. If that is the case I do not see why Judges of Indian experience are required in England. It may be that they may have to find out whether certain particular terms which are used in the vernacular have one meaning or another. It has been suggested also that in dealing with translations and other things Judges of Indian experience will have greater facilities. But I want to say that all this is merely special pleading. When you come to it, you really will not get the right type of Judges that you want, whether they are Judges of Indian experience or others. Therefore, I want that we should not interfere with the Privy Council and we should not indicate, either expressly or by necessary implication, our support of the institution of the Privy Council and say that we should bear the burden of salaries or half the salaries of certain Judges.

There is also another reason which I think should be borne in mind. There has been a view that the Privy Council is a very efficient and competent institution. My own experience has been latterly, even after the introduction of Judges of Indian experience—and Judges of Indian experience do not necessarily mean judges of Indian nationality—that the Privy Council is not such a competent judicial tribunal as to encourage me in the belief that it is necessary that I should vote for any strengthening of its emoluments. In many cases we know they misread the Statutes. Their decisions are a fruitful source of litigation in this country and legislation also. We had only the other day the Privy Council interpreting the Registration Act in one particular way and the Honourable the Home Member bringing forward a fresh proposal to set it right. Far from the Privy Council operating as a body which is intended to co-ordinate the different judicial dicta in the various provinces and harmonising them, I have known instances, say in the case of liability of a son for his father's debts and in many other cases where they have been riding roughshod over well settled decisions in India. I rather think that the Privy Council was all right in the earlier days when the Indian Judiciary and Indian courts were not as competent as they are at present. I am glad to be able to say that in my humble judgment the Indian judiciary and the Indian tribunals are on the whole far more efficient and competent to deal with the complicated litigious data presented in courts by litigants and their advisers than any foreign tribunal imposed upon us. I therefore think that whatever the utility of the Privy Council may have been in the earlier days there is not now that necessity for the Privy Council functioning. What are the necessities served by this Privy Council jurisdiction? It is a luxury for the rich people. If it is found that it is necessary that they should have more fees it is perfectly open to the Judicial Committee or those who are competent to do it to raise the fees to provide for the increased emoluments of the members of the Judicial Committee. There is no necessity why the democracy of India, why the general tax-payer should be made to pay for what after all is a luxury for zamindars and sowcars and such other people who want to go to the Privy Council after thrashing out their fortunes in the Indian courts. I am one who is in

favour of minimising litigation. After the bitterest experience of courts and litigation in this country, I have come to the conclusion definitely that litigation should not be encouraged by providing more and more appeals. I agree entirely with the view presented by Sir Hari Singh Gour that so far as the federal constitution of India may be in sight, it is very much more convenient and in fact it is necessary that we should have a Supreme Court in India rather than a continuance of the Judicial Committee in England. Apart from that I do not see why the ordinary litigant should not be content with the judgment of the High Courts in the country and therefore it is a special privilege which is sought to be conferred on a few people at the expense of the general tax-payer. It may be that the money which is sought is, relatively speaking, not very great and it may be that the already depleted Exchequer may be able to provide it because of the hidden surpluses. At the same time I do not see why this House should go in for this kind of differentiation in the matter of providing for the rich persons and for the purpose of providing for those who gamble in litigation. In the earlier days I am free to admit that the Judicial Committee provided a wholesome check upon the apology for a judicial administration that prevailed in this country, but at the present moment, having regard to the high level of judicial efficiency in our country and the way in which Judges and the Bar have come to laugh at the scattered dicta in the judgments of the Privy Council which are the starting point for endless litigation in this country, I submit that it is not really necessary to enthuse over this proposition which was so humorously supported by the Honourable the Home Member.

I would suggest also the reconsideration of one other matter and that is this, whether the time has not come for the establishment of the Supreme Court. I know I may not be able to carry conviction in the minds of those who still have a vague feeling in favour of the Privy Council, and I do not propose to discuss that question at length here, as its relevancy is not as obvious as it would be in a debate raised upon the specific issue. I therefore would simply object to this motion being supported by any Member of this House on the ground that it will not make the Privy Council more useful and that the Privy Council even with the aid of Judges of Indian experience is not really going to do any great good. Having regard to our own experience, we know that those who have been out of touch with the courts have very little working knowledge of the latest decisions in the reports and their acquaintance with case law becomes rusty and their acquaintance with principles is also of a somewhat shadowy character. Therefore my own opinion is that people of Indian experience when they retire or when they are taken away and put in there will not be really in touch with Indian case law or with the general trend of it. We know what an exacting mistress the legal profession is and how difficult it is to keep in touch with its developments even for those who have got what Sir Henry Maine used to call the gift of memory which gives one a disgraceful advantage over all the finer qualities of the legal intellect, to keep pace with the multiplication of decisions and with the subtleties and ramifications of case law. I would suggest that even though people may have been trained in India and get Anglicised as my Honourable friend on the other side remarked they would not be very different from the other members of the Judicial Committee. It is better to have purely British Judges unbiassed by any Indian opinion, looking at the matter with detached minds and coming to it from the study of general

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principles rather than details. The Indian law is now embodied in Statutes and these Statutes are always in English and I do not understand how Judges with Indian experience may be able to construe these things very much better than other Judges in England. It is a mere question of interpretation and in some cases is a question of comparing case law here and comparing one judgment with another, seeing whether the Bombay decision is sounder or the Calcutta decision or the Madras decision is sounder still. That after all is a question upon which the Judicial Committee constituted as it is can easily propound its own decisions. And the tables groan with the Indian decisions. Therefore there is no lack of material for the Judges in England. They can look into these cases and they can come to their conclusions.

Then it is said that a knowledge of the vernacular is of first-class importance. Sir, I think the Privy Council has only translations. It is true, in exceptional cases, the original may be submitted when they may be looked into. But after all it is the translations certified by the Registrars of the respective High Courts that form the authentic and original record so far as the Privy Council is concerned; and though the originals may be of some value in cases here and there, the number of such cases is infinitesimal. I say the translations being the real record before the Privy Council it is really useless to say that Indian Judges are required. I know cases in my own experience in which even though there were Indian Judges and counsel of Indian experience and some having a leading practice in Allahabad and elsewhere, they were unable to deal with the vernacular terms accurately and the Privy Council took an erroneous view, as of course in half the cases they do take erroneous views in these things. The effect of these things is that the vernacular terms do not really play that part which we want that they should play. For instance in the construction of wills and deeds of gift no doubt it is very important for the tribunal adjudicating to have the actual words of the originals before it. But what guarantee is there that Judges of Indian experience taken from one province or another, say from Allahabad or Calcutta, for instance, would be able to understand a Tamil or Telegu or an Oriya will, or a Gujarati or Marwari will. I understand also that the dialects of Upper India differ, though not for the practical purpose of conversation and understanding, in their literary sense, and I do not know that it will be possible for two Judges of Indian experience drawn from one province or another to master the subtleties of the various vernaculars or even to understand the originals if they are presented to them.

Therefore my submission is that the advantages which are sought to be provided by the employment of Judges of Indian experience are really not substantial. And finally there is no guarantee that Indians are going to be appointed. I do not suggest that even if Indians are going to be appointed that we should agree to vote this sum. But I say there is no guarantee whatever. The Honourable the Home Member was quite frank and scrupulously accurate when he stated he could not give that guarantee. Instead he said that possibly, or probably, or on occasion and so on, they may be appointed. And we know all those words, Sir. Therefore, Sir, for all these reasons I say I must unhesitatingly give my vote.



against this proposal which has been moved by the Honourable the Home Member.

**Mr. F. W. Allison** (Bombay: Nominated Official): When, Sir, doubtless like every other Member of this House, I read through the lengthy debate here and in another place on the Resolution last year, I felt considerable surprise at the strenuous opposition which was raised from several quarters on several grounds to an arrangement which seems to promise to this country a substantial benefit, and that on conditions which appear to me not only reasonable but actually advantageous to India. But Sir, the surprise which I felt when I read those debates pales into positive insignificance when compared to astonishment with which I hear an Honourable Member of the Swaraj Party, himself a distinguished member of the Bar, get up in this House and say that the Privy Council is not an efficient tribunal. Sir, I do not think this needs argument. I do not believe that the Honourable Member would carry with him any support either from among Indian lawyers or from the public, and I am quite sure that argument will attract to him no supporters in this Assembly. For the rest of his speech I will observe that it seemed to me to contain several useful admissions which no doubt will be of help to some of us in future arguments in this House. But I would point out to the Honourable Member that in one particular he seems to have misunderstood the object of this Resolution entirely. One of the main objects is to ensure that there shall be on the Privy Council a succession at short intervals of the best lawyers who can be found in India to accept the terms offered. One of the weaknesses of the Privy Council up till last year—and that is a weakness which this Resolution and the Bill in Parliament are particularly designed to overcome—has been that the only two Judges of Indian experience who sat with any consistency on the Privy Council for, I believe, nearly 20 years, were two extremely old men, Sir John Edge, who was 87 when he died, and Mr. Justice Ameer Ali who is now nearly 80. And it was I say in order to ensure that the representatives of India on the Council should not be aged men who had lost all contact with up-to-date conditions in India, but that instead we should have a succession of competent Judges engaged in practice at the Bar or possibly sitting on the Bench in India and entirely up-to-date in their knowledge of Indian law, that this Resolution was brought forward. Well, Sir, part of the opposition in those previous debates was based on the plea that India wanted and ought at once to have a Supreme Court, and that the present Resolution if passed by this House would delay or prevent the establishment of that Court. Well, Sir, that point of view is at any rate intelligible, but I venture to think that on examination it will appear to be unsound. This plea for a Supreme Court was again put forward yesterday by my Honourable friend Sir Hari Singh Gour, who has associated himself with it for many years and has raised it on every possible occasion, with that indomitable perseverance which we in this House have learned to associate with him. But I put it to him and to this House that, generally speaking, the question of a Supreme Court at this moment is not a live issue. I noticed indeed that the Honourable Member did not yesterday move the amendment which stands in his name, and I think that when he was pleading the cause of his Supreme Court yesterday I detected a pathetic note in his voice which seemed to indicate that even he at last realized that his favourite project had become a forlorn hope. As that amendment is not actually before

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the House I need only indicate as shortly as possible why in my opinion, and I think in the general opinion, the question of a Supreme Court does not afford any adequate ground for opposing this Resolution. First, Sir, we have the fact that when Sir Hari Singh Gour introduced his Resolution into this House nearly two years ago, it was rejected on an entirely free vote by an overwhelming majority. I believe I am right in saying that the majority is a record in the history of divisions taken in this Assembly. This suggests irresistibly I think that the bulk of public opinion is strongly against Sir Hari Singh Gour and his proposal. In the second place, if I may say so with modesty, I have taken myself a personal interest in this subject. I have often discussed it with my Indian friends, of whom I am proud to have many both at the Bar and among the general public. I am sure, and my conviction is borne out by what has often been said by Honourable Members of this House, that neither Indian lawyers as a whole nor the Indian public—and by the Indian public I mean those people who have had experience of litigation or are likely to be concerned in litigation of sufficient importance to go to the Privy Council—want a Supreme Court. In spite of what the Honourable the Leader of the Swaraj Party has said, the Privy Council has a deservedly high reputation as the most competent judicial tribunal in the world, and even Sir Hari Singh Gour will not I think quarrel with that description of the Privy Council—whether or not it is to be classed as a court, whether the Council is or is not a court, has not in my humble judgment any practical effect on this Resolution. I say, Sir, it is regarded and will be regarded by the Indian public as an extremely valuable privilege to be able to appeal in the last resort to the Privy Council. Incidentally, Sir, I may say that in conversation, a friend of mine, a very able lawyer, summed up the Supreme Court somewhat contemptuously I am afraid, and perhaps a trifle unfairly, as being a merely glorified High Court. The implication was that so long as only considerations of judicial efficiency are concerned, the public would not be satisfied to lose the valuable right of appeal to the Privy Council for the sake of a local Supreme Court. I would just mention briefly a third reason which is likely to be an important factor in this case. There is, Sir, I believe, a large body of opinion both in this House and outside that even if a Supreme Court for India were desirable in itself, still it should not be established or even asked for until India has obtained responsible self-government. An apostle of this school of thought, I may mention, is a distinguished Member of this House, Pandit Motilal Nehru. Then, Sir Hari Singh Gour seems distressed at the idea that if this Resolution were carried, it would in some way perpetuate—that is the word he used in quoting some authority, but I suppose he really meant “prolong” . . . . .

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I was quoting His Excellency Lord Reading's opening address.

**Mr. F. W. Allison:** I did not catch the name, but, with all respect to the highest person in the land, “perpetuate” could not possibly be the proper word to use. I think the meaning of the late Viceroy and of the Honourable Member is to “prolong” the appellate power of the Privy Council. In my humble view, Sir, this is entirely a misconception. As soon as India has responsible self-government, as I understand it, nothing

can prevent her from having a Supreme Court if she then chooses. If I may say so without any offence to Sir Hari Singh Gour, I think he has been misled by the mistaken idea that this Supreme Court is in some way a condition precedent to responsible self-government. In my view, and I think in the general view, it is not so at all. It is merely a possible consequence of self-government, as indeed, if he will consider the matter, is plain from the analogy of those self-governing Dominions which he has quoted. I suggest then, Sir, that this Resolution must be discussed on the basis that for some years at least there will be, and must be, appeals from India to the Supreme Court. Then, Sir, there remains the practical question as to how these appeals are to be decided. As the House knows, appeals to the Privy Council are generally decided by a Board of four or five Members, (Sir Hari Singh Gour: "Three sometimes."), sometimes three, sometimes four, sometimes five Members. (Sir Hari Singh Gour: "Three is the quorum.") It so happens that the last appeal that I myself read in the current number of the *Calcutta Weekly Notes* had five. However, the point is, Sir, that the majority of those Judges are Lords of Appeal. They are known to be some of the most eminent Judges in the world, and they receive a salary of £6,000 per year. Also on the panel are eminent ex-Lord Chancellors, and they receive, most of them, and can receive if they apply for it, a very large pension. With these have sat up to the present two gentlemen, Judges with experience of Indian law, who have been drawing the miserable pittance described under another name of £400 a year. Well, Sir, one essential thing is that there should be Members of the Judicial Committee of the Privy Council who would be willing to be, and could afford to be, in constant attendance. There are other Judges, we are told, under the Act of 1895 who can attend and occasionally do attend. Sir Lawrence Jenkins is one at present and Lord Sinha is another and has sat on one or two appeals but he is in India at present. You cannot expect a Member of the Privy Council who is not paid and has other calls on his time to attend constantly at the meetings of the Board. That, Sir, is a very important point, and that is one reason why it is at any rate in my poor judgment essential that those Members who represent India on that Board should be given, I will not say a competent salary, but a salary which at any rate is very much more than the miserable £400 which is their lot at present. I think, Sir, it is obvious that we must have men of Indian experience, who must be men of first-rate ability, full of vigour of mind and quite up to date in their knowledge of Indian law and practice. And it is important to have men who will also command as great respect in the eyes of the legal profession as the Lords of Appeal with whom they are to sit, and that, Sir, I put before the House as an object very valuable in itself and which the House should not lose this opportunity of securing.

I will speak very briefly, Sir, as to the amendment. I am, Sir, a very humble cog in the machinery of the bureaucracy. I am not in the confidence of the Government of India, still less of the Home Government, but I believe for myself that if these appointments are created, they will in the main be filled by Indians, the best Indians—and that is important, we must have the best men available whether Indians or not—if the best Indians will accept these appointments, I think they will be so filled. With regard to the amendment, first of all there is the constitutional point. Neither this House nor the House of Commons can limit the prerogative of His Majesty the King Emperor to appoint anyone he will to his own

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Privy Council. In practice, Sir, this amendment is not necessary. We know that there is no Statute ordaining that any number of Members of the Governor General's Executive Council shall be Indians, but it is not in the least likely that the present custom will be abandoned. I think also that on the ground of self-interest, it may be supposed that the British Government, the advisers of the King Emperor himself, will choose Indians if possible, and for this reason; it has been stated that the Privy Council as the Supreme Court of the whole Empire, is a strong link which binds the whole Empire together, and it seems to me obvious that this link will be stronger if Indians are appointed, and this is likely to appeal most vividly both to India and the rest of the Empire alike. For this reason, Sir, I think this amendment is not necessary. It would wreck the object of the Resolution and should not be approved by this House. Well, Sir, we have got rid, I am glad to say, we all are glad to say, of the Finance Bill and the Ratio Bill. I seem to detect, Sir, a sort of holiday feeling in the air—very obvious at question time this morning—and at such times I think the House may be disposed to accept with good will the appeal of the Honourable the Leader of the House, which he made so engagingly. I think I have shown to the House that the proposal contains no ground for offence and is in the best interests of India. It contains no political issue and there is no question of racial preference or prejudice in the Resolution, as I understand it. Sir, I commend this Resolution both to the good sense and the good feeling of the House.

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, if you will permit me, I shall move an amendment of which I could not give proper notice. I may say at the very beginning that the amendment which I propose to move is a mere variation of Mr. Aney's amendment and that my Honourable friend has agreed to withdraw his amendment in favour of mine. Sir, I move:

"That for clause 3 of the Resolution, substitute the following:

- (3) That if either of them is a person with an Indian domicile, £2,000 per annum shall be paid from Indian revenues as allowance to him in addition to such salary as may be granted to him from the British exchequer."

And there is a consequential amendment to clause (4), namely:

"In clause 4 for the word 'salary' substitute the word 'allowance'."

Sir, my Honourable friend who has just sat down pointed out that there is a constitutional objection to the amendment moved by my Honourable friend Mr. Aney. This amendment is intended chiefly to obviate that difficulty. I admit that it is not within the competence of this House to fetter the prerogative of the Crown or the choice of the Lord Chancellor, which determines the selection of the members of the Judicial Committee. The distinction between Mr. Aney's amendment and mine is this. Whereas Mr. Aney's amendment would make it incumbent on the authorities in England to have two Indians appointed, invariably two Indians, on condition that half of their salary is to be borne by the British Exchequer and half by the Indian revenues, my amendment contemplates that the salary, properly so called, would be the amount that would be

paid to the Members of the Judicial Committee who may be appointed in pursuance of the Bill now pending in the House of Commons and that any amount which India is expected to pay would be considered to be an additional allowance to be paid only in the event of Indians being appointed. Sir, the position as I find it to be under the Bill which is just now before the Houses of Parliament is this. They have fixed £2,000 as the salary. There is, however, a clause in the Bill which provides that the salary of the Members appointed may be increased by such sum not exceeding £2,000 as may be provided out of the revenues of India. So that whatever our decision may be on the present occasion, the Members of the Judicial Committee to be appointed under the new Bill will draw £2,000 per annum as salary from the British Exchequer. The position was made quite clear by the Lord Chancellor in the House of Lords when this Bill was under discussion. This is what the Lord Chancellor said :

"What we now propose to Parliament is that His Majesty should have authority to appoint two Members of the Judicial Committee of the Privy Council with special experience of India at a remuneration of £2,000 per annum each; but that if hereafter India should provide a further sum, then that sum shall go to the Members appointed. Meanwhile, we think that a remuneration of £2,000 *plus* such pension as the persons appointed may happen to have may be accepted as a sufficient remuneration for each of them."

In the House of Commons, again, when an Honourable Member put a question to the Attorney General while the matter was under discussion we find that this point was further cleared up. The question was :

"What will happen if the Indian Legislature do not find their £2,000?"

The Attorney General said :

"The persons appointed will have to accept the lower salary of £2,000. That, I anticipate, they will be willing to do in the circumstances."

Sir, therefore I said that the present Bill contemplates £2,000 as the normal salary to the person to be appointed under its provisions; and when a man in the position of the Lord Chancellor says that that would be considered sufficient for the time being so long as Indian revenues are not prepared to bear a further burden, I say that this amount ought to be considered sufficient for anybody whose domicile is in England. The Honourable the Home Member in his speech yesterday made it quite clear that this amount of £2,000 a year would be sufficient for anybody who was domiciled in England, and that the necessity for providing for a larger salary was to see that Indians, eminent Indians either of the position of retired High Court Judges or eminent Indian lawyers, should find it possible to accept this exalted office. If that be so, then there should be no difficulty in the way of my Honourable friend accepting my amendment. Sir, this allowance can be supported on the ground that it bears some analogy to the over-seas pay. The Honourable gentleman who has just sat down stated that we were introducing racial discrimination.

**Mr. F. W. Allison:** No, Sir. I denied it entirely. There was no racial question.

**Mr. K. O. Neogy:** 'I am sorry that I did not hear him correctly. But I think the point was made on the last occasion, that by putting forward the demand that Indians should be appointed we were seeking to introduce an element of racial discrimination. I would like to point out in reply to that that so far as Indian Members of the Secretary of State's Council are concerned, they are in receipt of a higher salary than the European Members of the Secretary of State's Council. So, if there is any element of racial discrimination involved in this amendment, there is ample precedent for this House to impose it in the present circumstances. Sir, reference has been made to the fact that there is a considerable volume of opinion in this country which is in favour of the establishment of a Supreme Court in India. I may inform the House that so far as Bengal is concerned, a very large volume of opinion, legal opinion and also lay opinion, is against this proposal. I do not know whether the opinion in Madras is unanimously in favour of a Supreme Court. I did not understand my Honourable friend Mr. Srinivasa Iyengar to make that statement. But, Sir, when my Honourable friend, the ex-Advocate General of Madras, stated that it might be an advantage, or that some people consider that it might be an advantage, to have men in the Judicial Committee with no Indian experience, for the good reason that we would prefer to have men who have absolutely no bias in any matter, I wondered if in the same breath anyone can urge the establishment of a Supreme Court in India. Because, if we have the Supreme Court in India the Judges of that Court certainly will have experience of Indian conditions which is considered undesirable in the case of Members of the Judicial Committee. Sir, on this point it is interesting to find that another very eminent Madras lawyer, no less a person than Sir Sankaran Nair, who himself was an eminent Advocate, ex-Justice of the Madras High Court, and an ex-Member of the Executive Council of the Government of India, and also an ex-President of the Indian National Congress . . .

**An Honourable Member:** He was not President of the Congress.

**Mr. M. S. Aney** (Berar Representative): Yes, he was, long before you had any connection with the Councils or the Congress.

**Mr. C. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): And who also had a bitter experience of British Justice.

**Mr. K. O. Neogy:** Sir, this is what he stated when the matter came up for discussion in the other House:

"As long as Hindu Law is not codified, we would like to have an Indian Judge always to take part in the decision of questions relating to Hindu Law. Similarly, as long as Muhammadan Law is not codified, we would like to have a Muhammadan Judge to take part in the decision of questions relating to Muhammadan Law. When they are codified, the question will become altogether different; and therefore in the Privy Council, when they decide cases relating to Hindu Law or to Muhammadan Law, we would like to have a Hindu or a Muhammadan Judge sitting there to advise the other Judges and himself taking part in the discussion and decision."

**Sir Hari Singh Gour:** Sir, I should like to make a statement.

**Mr. President:** Why does the Honourable Member wish to make a statement?

**Sir Hari Singh Gour:** On a question of fact.

**Mr. President:** Is it a matter of personal explanation?

**Sir Hari Singh Gour:** Yes, Sir, I have the authority of Sir Sankaran Nair himself . . .

**Mr. President:** Order, order.

**Mr. K. O. Neogy:** I understand the reason why my Honourable friend is so very nervous because I have just reminded this House that legal opinion in the province from which I come is not in favour of my Honourable friend's Supreme Court . . .

**Sir Hari Singh Gour:** You have not read the opinions at all.

**Mr. K. O. Neogy:** Read them yourself. I therefore venture to think that opinion is not altogether against the idea of having men of Indian experience in the Privy Council.

Sir, I should like to mention one other point before I sit down. On the last occasion when this matter came up before the Assembly I was one of those who voted against the Resolution. The amendment which has now been moved by my Honourable friend Mr. Aney is similar to the amendment which was moved on that occasion by a friend of ours. If that amendment had been voted upon, I would have voted in favour of it, but as it did not come to a division we had no opportunity of voting. I might mention another fact, that when, after disposing of that Resolution, we went back to our homes, I was not congratulated by my lawyer friends in Calcutta for having turned down the proposal of Government in the summary way we did. Of course in regard to the question of attaching the condition on which we are prepared to find the money, Indian opinion is unanimous that we can never find a part of the expenses required unless we are assured that Indians will be appointed. Subject to that reservation, opinion in Calcutta, so far as I have been able to find out from among my lawyer friends, is certainly in favour of having eminent lawyers of Indian experience in the Privy Council; and if they are Indians, then certainly public opinion, as far as I know, would not mind paying an over-seas allowance to them at the rate of £2,000 a year.

**Mr. T. Gavin-Jones** (United Provinces: European): Sir, I know very little about this subject. Therefore I shall not discuss the merits or the demerits of appointing a Supreme Court of Appeals in India. It seems to me that His Majesty's Privy Council is necessary for the present, and as long as it is necessary, it is absolutely essential that Judges should be appointed who have a knowledge of India. But I do feel, and I know other Honourable Members sitting on these Benches feel the same, that it is a pity that the Government of India should have to come to this House to ask for a petty sum like £4,000 towards a court which is, after all, an Imperial Court, and I believe I am correct in saying that none of the Dominions pay any contribution towards the Privy Council.



[Mr. T. Gavin-Jones.]

I think the Government of India might appeal to the British Government in future not to place them in this rather awkward, and if I may say so, rather humiliating position of having to come to this House for a small sum like this. (Hear, hear.)

**Mr. Nirmal Chunder Chunder** (Calcutta: Non-Muhammadian Urban): Sir, I oppose this Resolution on grounds which are quite different from those on which it has been opposed by others. I look upon the Privy Council and its Judicial Committee as an entirely British institution. It is no part of the Government of India and the Government of India Act has got nothing to do with it. You cannot control the actions of the Privy Council; you cannot confer jurisdiction on it or take away jurisdiction from it. So it is an entirely British institution and the services the Privy Council renders to India are certainly not greater than the services the Secretary of State for India renders to India. (*An Honourable Member*: "Question?")

**Mr. K. Ahmed** (Rajshahi Division: Muhammadian Rural): Contempt of Court, Sir.

**Mr. Nirmal Chunder Chunder**: I mean the services which the Secretary of State is supposed to render to the Government of India and the Indian Empire. You may look at it in this way. After persistent agitation we have been able only very recently to put the expenses of the Secretary of State for India on the British Exchequer. Are we now going to go up to the British Government and tell them that we are willing to take a part of the expenses of your administration or your institutions? Shall we not be stultifying ourselves if we do that? And once we open the door we do not know who will come in one after another.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran: Non-Muhammadian): Sir, I beg to oppose the Resolution of my Honourable friend the Home Member . . . .

**Mr. President**: What about the amendment?

**Mr. Gaya Prasad Singh**: I am opposing the Resolution itself. Am I not entitled to do it?

**Mr. President**: The Honourable Member is entitled to do so, but the Chair would like to know what the attitude of the Honourable Member is towards the amendment.

**Mr. Gaya Prasad Singh**: Last year the Home Member brought forward this Resolution, but it was rejected by the House; and since then no new materials have been placed before us and no new arguments have been advanced. The Home Member is very anxious to bring forward the Resolution about adding to the efficiency of the Judicial Committee of the Privy Council, but he seems unwilling to move in the matter of adding to the efficiency of the judicial administration in this country. I might mention one matter, the question of the separation of the judicial from executive functions . . . .

**The Honourable Sir Alexander Muddiman** (Home Member): On a point of order, is that relevant?



**Mr. Gaya Prasad Singh:** It was a very important matter, but he has been moving at a snail's pace in this matter . . .

**The Honourable Sir Alexander Muddiman:** On a point of order . . .

**Mr. Gaya Prasad Singh:** I am not referring to it at greater length. I was only mentioning it by the way, as an example.

**Mr. President:** Mr. Gaya Prasad Singh is very discreet.

**Mr. Gaya Prasad Singh:** I know why my Honourable friend is so anxious to saddle India with an annual sum of £4,000. Yesterday, in the course of his speech, my Honourable friend Sir Hari Singh Gour referred to the opinion of Mahatma Gandhi, but evidently he had not the opinion of Mahatma Gandhi with him. I happen to have with me a cutting from the *Hindustan Times* dated the 7th August 1926, in which the opinion of Mahatma Gandhi has been reproduced. I want to have his opinion on record, and so with your permission I should like to read one short paragraph. This is what he says:

"I have been following the controversy. I gathered together papers with a view to writing upon it for *Young India* and then decided not to write anything. I will now reconsider the thing. The objections raised by distinguished lawyers have made absolutely no appeal to me. Indeed it has been a painful surprise to me to observe opposition to Sir Hari Singh's very mild and very innocent proposal, but we have lost all confidence in ourselves. I have some little experience of the Privy Council cases, and it is my firm belief that the Members of the Privy Council are not free from political bias and on highly intricate matters of custom, in spite of all their labours, they often make egregious blunders."

**Mr. K. Ahmed:** Contempt of Court, Sir."

**Mr. Gaya Prasad Singh:** I may refer the House to two cases. One is the case of *Bal Gangadhar Tilak vs. Valentine Chirol*, and the other is the recent case of *Sir Michael O'Dwyer vs. Sir Sankaran Nair* . . . . .

**Mr. President:** Order, order. The Honourable Member is wide of the mark.

**Mr. Gaya Prasad Singh:** *Emperor vs. Bal Gangadhar Tilak* was the case I wanted to refer to.

**Mr. K. Ahmed:** That was in 1909; this refers to future appointments.

**Mr. Gaya Prasad Singh:** The Home Member does not give a guarantee that Indians will be appointed to these posts. I have a shrewd suspicion that in making appointments those European gentlemen  
1 P.M. who have been either acting as Judges of any of the Indian High Courts, or who want to retire after a lucrative practice at the Bar will fill up those appointments. With regard to the observations of my Honourable friend Mr. Neogy I would like to refer this House to the opinion of Sir Abdur Rahim, who was a Member of the Executive Council of Bengal. This is what he says . . . .

**Mr. President:** Order, order. I have got a request from some Moslem Members that for their convenience I should adjourn the House at 1 o'clock, I may inform them I am not going to take a division on this question before recess, so they may well go and return by 2-30 P. M.

**Mr. K. Ahmed:** But still, Sir, for the benefit of those Members who want to hear the debate it may be adjourned.

**Mr. President:** The Session is coming to an end and we must finish the business.

**Mr. Gaya Prasad Singh:** This is what Sir Abdur Rahim, who was then a Member of the Executive Council in Bengal, said:

"I am not disposed to minimise the significance of the fact that the majority of those who were consulted including the High Court at Calcutta, the Calcutta Bar and the Vakils' Association and several prominent Barristers and Pleaders have advised against the establishment of a final Court of Appeal in India. On the other hand considerable importance should be attached to the views of the British Indian Association which represent very important and extensive landed interests and of the Bengal National Chamber of Commerce and the Marwari Association who represent the Indian Commercial community of the province, as they may be relied on to voice between them the opinions of the classes who resort from Bengal to the Privy Council for a final decision of their legal disputes. When these important public bodies have emphasised in clear terms the need for establishing a final Court of Appeal in India it seems to me that it would hardly be correct to say that 'there is no public demand' for such a Court."

With these few words, I oppose the motion.

**Mr. M. R. Jayakar** (Bombay City: Non-Muhammadan Urban): Sir, I just want to occupy the attention of the House for a few minutes and put before them a point of view which is very different from those which have been urged by those who have spoken so far. Sir, I oppose this motion and I submit that the least the House can do is to support the amendment proposed either by my Honourable friend Mr. Aney or Mr. Neogy; I oppose it on grounds which may seem novel to the House. The Honourable the Home Member is often very accurate in his analysis of the classes of his opponents, but this time I fear he has gone egregiously wrong. He classified his opponents as belonging to one or another of three classes. First, those who want to break the link of India with the Empire, to which class I may say I do not belong. Another class was of those who desire that India should have a separate Court of its own. On this, my own personal view is that the time has not yet come when we could have a Supreme Court of our own. I say this with great respect for my Honourable friend Sir Hari Singh Gour's view. I do not then belong to this class either. The third class which the Home Member mentioned consisted of those who held the view that India not being properly treated by the Colonies should have nothing to do with any institution connected with the Colonies. In this analysis the Home Member neglected a fourth class of people, the class to which I belong, and their view is that this experiment of importing ex-Indian Judges or Judges with Indian experience into the Privy Council has not been very successful of late, and ought not to be encouraged. It may seem a very novel view to my Honourable friends but I hold the view which is shared by a considerable section of my profession, that if the Privy Council has to be maintained under the political conditions of this country for yet a few more years, nothing should be done to import into that body any material which may carry elements of prejudice or misconception, as is likely to be done if you introduce an Anglo-Indian Judge into that assembly. I hold the view, which my profession very largely shares, that the section which was introduced by the Act of 1833 providing for Judges of Indian experience, to quote the expression used here, has not been successful. We have been safe up to now from the extreme results of that mistake owing to the very wholesome rule which prevents these places being turned into lucrative jobs, namely, the provision only of £400 a year which was given by way of indemnity against personal expenses. The result was that the appointment was not regarded as a job; it had no element of a job about it.

The salary was not attractive, the surroundings were not attractive, with the result that only those people for whom the law had a real fascination or who were mentally gifted with all those attributes which make a great lawyer, coveted these places. The result was that up to now the few appointments which have so far been made to the Privy Council of ex-Indian judges have all of them, except a few, been of men who cared for the seat for its own sake. As the Honourable the Home Member rightly remarked, and I agree entirely with him, that we cannot induce the right type of Indian to go to England. He very wisely remarked and it shows his great knowledge of an insight into Indian affairs, only the Anglicised type of Indian will go, and often he is not the right type of Indian to go.

**Sir Hari Singh Gour:** Is an Anglicised Indian not the right type of Indian?

**Mr. M. R. Jayakar:** Not from the point of view of the provision which the Home Member wishes to make, as an aid to the work of the English Judges in the Privy Council. If we could get a combination of men like Muthuswami Ayyar J. or Sir V. Bashyam Ayyangar J. sitting with men like Lords Macnaughten and Shaw, we should have an ideal combination. But even if we pass this Act we cannot induce such men to go; and until we have men of that type we will not have true representatives of the Indian mind or view. After all, what is all this shibboleth about "Indian experience?" What is the Indian law? I am not speaking for the moment of the personal law of the Hindus and Muhammadans. Even then I say, Sir, with great respect to Mahatma Gandhi's opinion quoted before this House a few minutes ago, that although the cases which go up to the Privy Council have to be decided by English Judges their decisions on the whole have not been unsound. But leaving this on one side, for the moment, what is our Indian law? A distant imitation, a defective reflection of British law. I have heard it said by a Judge of great experience in Bombay, who later on adorned the Privy Council benches, that he learnt the whole of the Indian law in the course of a fortnight's voyage from London to Bombay! Indian law, with all its peculiarities, with all its difficulties, is as I said, but a distant and very often a defective reflection of British law. Take the Transfer of Property law. What is it but real property law mixed up with rules of Equity in England.

This Resolution lays undue stress on the importance of "Indian experience." My fear is that if we provide this attractive salary of £4,000 a year, as proposed by the Resolution, we will make these places jobs with all the bad qualities of jobs about them—all the scramble, the scheming, the designing on the part of the unworthy, from which these places have been free so far. I hold the view, Sir, that the Privy Council ought to be adorned only by men who are the greatest lawyers of the Empire working for the dignity of their office. I personally have spent the most important years of my life in legal Chambers in England. I have come across some of the best and most important men in the legal world of England at that time, and I have a great respect for their eminence. For Heaven's sake, let us not perpetrate by means of this Resolution a job, the result of which will be that the right type of men will not be drawn, and which will only be an easy, comfortable, snug place for inferior men who have made their fortunes in this country and want to continue the process in their retirement. I personally hold the view which the Honourable Member who is not in his place, Mr. Allison, rightly expressed that men of first-rate ability, of full vigour of mind, should go into those places. Do you think,

[Mr. M. R. Jayakar.]

Sir, taking the compulsory age of retirement for a judge to be 60, that any Indian is going to a foreign place after such an age and possibly after 35 or 40 years of strenuous life in this country? How many of them can be said to preserve first-rate ability or full vigour of mind at that age?

Remember, Sir, that the average age of retirement is 60 years for a High Court Judge. Who are our Judges drawn from? Not often from the successful men at the Bar. I may say under our present system such men seldom become Judges. Everybody knows . . . . .

**The Honourable Sir Alexander Muddiman:** For what reason, may I ask the Honourable Member?

**Mr. M. R. Jayakar:** Because the Government are often suspicious of the practising lawyer.

**The Honourable Sir Alexander Muddiman:** Because he will not accept the judgeship that is offered to him.

**Mr. M. R. Jayakar:** Yes, it may sometimes be for the reason that the practising lawyer does not feel much attraction for Rs. 4,000 a month. Whatever the cause may be, the fact is there that our Judges are very infrequently drawn from the class of practising lawyers. To him this provision is not temptation at all. He wants to go to England but for six months a year to enjoy himself in the Spas and the baths of Europe; he does not wish to go into the Privy Council. I am stating what is a fact. Take Bombay for instance. Take then the civilian Judge who retires after 35 years of service sundried with strenuous work. Let us say he has spent in the High Court or as a Judge some 25 years. With great respect to the civilian, may I say that very often though he has been a High Court Judge for some years he retains the mentality which he developed as a junior collector. Having spent his early life in the midst of Police Inspectors and people of that description, very often he does not represent the highest type of the judicial mind. With great respect to the Home Member and his class, I will say this; but leaving that aside for a moment, whom are we providing for when we say "with Indian experience"? Can the Honourable the Home Member provide a system—for which I shall be very thankful if it can be done—by which you could weed out the undesirable Judge and give us the right type of Indian Judge to go there? Therefore I submit that by choosing Judges under the guise of very sound and wholesome arguments, this House will be perpetrating a jobbery. I am purposely using that word, without offence to anybody. We are practically creating two handsome posts which may become jobs. Please do not be under a misgiving; the right type of Indian will not go to these posts. You will simply be creating comfortable places for third and fourth-rate non-Indian Judges who want to continue the process of money-making on their retirement from India; and I submit on these grounds the Honourable the Home Member is very much mistaken if he thinks that he will get the right type of Indian Judge by this process.

Let us take things as they are and see how far the experiment is likely to be successful. I ask the Honourable Member to state, without giving instances, how many successful Judges he has found in the Privy Council, since 1888, out of those who were promoted for their Indian experience. Will he kindly name a dozen at least? Since 1888 up to now it is nearly a century. How many Indian Judges with Indian experience—to quote

the words of his Resolution—have distinguished themselves by their eminence? I only know of one during recent times and he unfortunately owing to his age and his illness has not been able to take any large part in the decisions of the Privy Council. And I may tell the Honourable the Home Member that, speaking of the Bench in the Bombay High Court, he will be surprised to hear, that when I sometimes quote a Privy Council decision, *e.g.*, a decision which happened to be of two ex-Indian Judges sitting there, the Judges asked me: "Oh; proceed to some other ruling, Mr. Jayakar; leave this aside for a moment." I am telling him the plain facts of the profession. To-day in the profession the decisions of pure English Judges of the Privy Council are valued more. I had occasion only two years ago to rely upon a famous decision of an ex-Indian Judge—I shall not name him—and I was not allowed to proceed for more than half an hour on the ground that that decision did not command assent. The Honourable the Home Member began by saying, "The Court must be such"—I will quote his very words. I do not doubt that the Privy Council is a court, I will accept his argument that it is a court—he said "The court must be such as to command the respect of all including the litigants." I take that as a very sound and wholesome dictum. I say, therefore, if we want to preserve this wise rule, let the Privy Council be kept absolutely uncontaminated by attractions of lucre. It is bad enough that under the law of 1883 we have got to send two Indian Judges of Indian experience to this tribunal. But we will make it worse if we couple with that office a sordid and attractive remuneration like £4,000 a year. I oppose the Resolution, Sir, on these grounds, which are somewhat novel—they have not been expressed before this House up to now by any speaker—because I am anxious that the dignity and integrity of the Privy Council should be maintained. The remark may seem somewhat queer, proceeding from an occupant of these Benches that I should give the Privy Council such credit; but I have lived in their midst; I have seen the legal system of England at close quarters and I have the highest respect for it. Somebody spoke of political prejudices being imported into the Privy Council. Well, Sir, shall I say quite frankly that that is perhaps the result of introducing the Indian element there? I know there are cases where the Privy Council is not free from political prejudice. But let us not make matters worse by making these places attractive jobs for retired Judges. This is apart from the ground rightly stated by my friend, Mr. Nirmal Chunder Chunder, that the Privy Council is a purely British institution I am not averse to giving £4,000 a year—it is not a very big salary in the legal profession but the question is whether we will not strive to keep, pure from the scramble of cupidity, the institution called the Judicial Committee on which eminent men of England have so far served practically without remuneration—the Lord Chancellor does not charge anything separately for his work nor also other big lawyers who go and dispense justice there. I want that tradition to be maintained as far as possible. But if you turn that into a job like £4,000 a year my fear is that third and fourth-rate men, Indian or non-Indian—I do not care, I am concerned more with the quality of the men—will try to get in; I am sure the right type of Indian will not be induced to go and spend 10 or 20 years in England on this salary. It is the more ambitious, not necessarily the more able man who will go, attracted by these salaries. On these grounds, Sir, I oppose this motion.

**Mr. C. Duraiswamy Aiyangar:** Sir, I thought when the Honourable the Home Member spoke of three classes of opponents, he had not

[Mr. C. Duraiswamy Aiyangar.]

exhausted the list and I wanted to claim to belong to the fourth class; but as my friend, Mr. Jayakar, has appropriated the fourth class to himself, I must say that I belong to the fifth class. Sir, I oppose both the Resolution moved by the Home Member as well as the amendment moved by my friend, Mr. Neogy. Sir, from my point of view I am opposed to the existence of either the Privy Council in England or the Supreme Court in India. The courts that we have in India are sufficient in themselves, and I do not want that parties and people in this country should be further impoverished by opening up a larger vista of courts for them. My Honourable friend, Sir Hari Singh Gour, is always fond of speaking of the Supreme Court as "my Supreme Court" and saying that he is personally interested in the matter. I have always been at a loss to know what his personal interest is, unless, perhaps when the Supreme Court comes into being, he claims to be the first Judge of that Court. I do not grudge him that position; having fought for it so long he ought to gain it first; but I would stand as much as possible in the way of the court itself coming into being before he can take his seat there. (Laughter.) Sir, from my point of view litigation has of late become more or less a gamble. I would not say that the courts are gambling houses, but at any rate the confidence that people once had in courts of justice is gradually going away and the question now is who has got the longest purse, and the uncertainties of the courts of law are so great, that people are becoming day after day impoverished by the various courts that are opened to them. I must say that after the village panchayats have been ruthlessly killed and extinguished, some of the courts at any rate are necessary evils in this country. Why should we multiply them? My Honourable friend Mr. Srinivasa Iyengar at the far end of his practice says to-day that the courts are too numerous and that as much as possible the courts must be curtailed and litigation must be curtailed. (Laughter.) I am likewise at the far end of my practice and both of us think that there should be no further litigation. Both of us are alive to the fact that we have in our own way contributed a great deal to the impoverishment of the people. We have been abettors also in the miscarriage of justice. Both of us will have to stand answerable before God. I am only glad that Mr. Srinivasa Iyengar will be the first accused. At any rate I am convinced that it is high time that all of us should advocate as much as possible the boycotting of the courts, and I do not want that further scope must be given to have access to the Privy Council or Judicial Committee whatever it may be called. My Honourable friend the Home Member was giving some statistics of a superficial kind. He said that many cases of late have been coming before the Privy Council of which the percentage of India was large. I would ask him to quote further statistics and point out how many of these judgments were *ex parte*, how many were left unrepresented and how many were the cases of rich men who alone have the purse to go to the Privy Council to oppress the poor. I would ask him to state how many appeals that were preferred were dismissed and how many were allowed or modified in any manner. If he finds that in a large number of cases which went up to the Privy Council the appeals were allowed, then I say it is due to something wrong in the selection of Judges in our courts here. It is because Judges are not always selected according to merit. Sometimes they get in by nepotism and that is why we find that in so many cases the judgments are reversed in the Privy Council. If on the other hand

you turn your attention to the constitution of these High Courts and make them perfect, there will be no charm in any one getting into a steamer, crossing the ocean and then blossoming suddenly into a big personage as a Member of the Privy Council whose judgment must be much more respected than the judgment of the same gentleman delivered from this side of the ocean. It all depends upon the personnel of the High Court. An efficient personnel will satisfy the ends of justice and not the sending of one man to another country and calling him a Member of the Judicial Committee and then saying that his judgments must be valued more than the judgments of those on this side of the water. Now, Sir, I would ask what are the costs of prosecuting an appeal before the Privy Council. Has even the successful man ever returned in a better condition than what he was before? Is not the successful man more impoverished than the defeated man? Why multiply all this litigation and thereby impoverish the people? I ask the Home Member to state the average time taken for a decision of the Privy Council, between a decision of the High Court and a decision of the Privy Council on the same matter. I have made a rough calculation and it has come to four or five years. If the Privy Council has entertained an appeal it takes five years before a decision is arrived at. I find that the number of judgments that have been actually delivered during the last three or four years are not many.

In 1922-23, 38 cases were decided by the Privy Council. In 1923-24 41 cases were decided. In 1924-25 50 cases were decided. Of those 50 cases 30 were dismissed so far as I have been able to calculate.

**The Honourable Sir Alexander Muddiman:** What figures is the Honourable Member quoting?

**Mr. C. Duraiswamy Aiyangar:** I am giving the figures of the decided cases in the Indian appeals, by a regular counting from the Reports themselves last night and I am sure I am accurate. If the Home Member is so much enamoured of the efficiency of the Privy Council, I would like him to become an appellant or a respondent before the Privy Council one day. The Honourable Sir Charles Innes and the Honourable Sir Basil Blackett had some experience in the matter of imported duties which were recovered by the Customs Department and which were asked to be refunded to the Railway Department. But that was a sham fight though at the cost of the tax-payer. But what happens to the people? I will quote one typical instance. There is a case in 50 Indian Appeals, p. 801. That case started in the year 1904 in India. It ended in 1924.

**The Honourable Sir Alexander Muddiman:** Is that a Madras case?

**Mr. C. Duraiswamy Aiyangar:** I am not quite sure. Probably it was a Madras case. That case is a case in which a zamindar filed a suit against tenants for rents. It cannot be in each case more than Rs. 10,000 in value. The matter went up to the Privy Council by a consolidated valuation of the batch of cases. Now, Sir, that was a case which was started before an ordinary revenue court for rents against tenants. The revenue courts decided it in a particular manner. The district courts confirmed it. The High Court confirmed it. Then the matter was taken to the Privy Council. The Privy Council reversed the judgment of the High Court. That was in 1914. The High Court had decided it in favour of the landlord in 1908. He filed intermediate suits between 1908 and 1914 on the basis of the decision of the High Court. After the Privy Council reversed it the tenants went back for a refund of all the amounts which were collected by the landlord between 1908 and 1914. That matter was



[Mr. C. Duraiswamy Aiyangar.]

decided in favour of the tenants by the subordinate judge, confirmed by the High Court. The matter went up to the Privy Council, but the Privy Council said that the tenants were not entitled to get a refund of the amount. So the matter went up twice to the Privy Council. On the first occasion the tenants succeeded in having the rent established at Rs. 2-12-0 an acre. The second time it went up the landlord succeeded in establishing it at Rs. 6 an acre. The same case went on between the same two parties—I will not say the same two parties, because they would not be alive for such a long time (Laughter) or the legal representatives of the parties. This is exactly the efficiency of the Private Council. May I quote another small instance, if you will have the patience to hear it, of justice, equity and good conscience which is administered for the benefit of the people. A man aged 19 years executed a will in which he disposed of some property and in which he also authorised his wife to make an adoption after his death, and the document registered. Then the matter went right up to the Privy Council on the question of adoption. The Privy Council, contrary to the decisions of the Indian courts, decided that the registration of that document was invalid, because he was a minor under the Guardian and Wards Act, though he was 19 years old, and therefore his disposition of the property was illegal. Now as to the authority to adopt, the age of majority is only 16 years according to the Hindu Law when a man can give authority to adopt. But unfortunately in this case that authority to adopt was incorporated in that document, and as the registration of that document was held to be invalid, so the authority to adopt was also rendered invalid. (Laughter.) This is the equity and good conscience which is imparted to us from a distant shore. So, Sir, in spite of the admiration which my friend Mr. Jayakar has for the efficiency of that Committee, and even supposing the competence of Indians to sit on the Privy Council is denied by Mr. Jayakar, we have had enough of decisions which have caused troubles over even settled laws and which have developed litigation, as my friend Mr. Srinivasa Iyengar put it. I will not go into all the cases and points, because we cannot carry all these things in our heads, particularly Mr. Srinivasa Iyengar, who gets his juniors to put up all these points to him.

**Mr. S. Srinivasa Iyengar:** On a point of personal explanation, I may say, I was also a junior once. (Laughter.)

**Mr. C. Duraiswamy Aiyangar:** In regard to the decision of the Privy Council regarding an antecedent debt to support the validity of alienation made by a father, in regard to the effect of attestation in a document, and in regard to the effect of the registration of a document, about which this House has now my Bill pending before it and which has on the motion of Sir Hari Singh Gour been circulated for public opinion—all these points, including also the presumption to be drawn in the case of inam-grants, are matters in which the decisions of the Privy Council have led to a number of conflicting decisions which have upset all the previous settled law in this country. One notable example was a case in 51 Indian Appeals 129. The previous decision of the Privy Council in 44 Indian Appeals 128 was interpreted in different ways, one in the way of the Full Bench of the Madras High Court and the other as in Allahabad. And both had to be reconciled in this other Privy Council decision contained in 51 Indian Appeals 120 in which the observation in the previous decision are not



approved. What is it that this country has gained, therefore, by sending 20 or 30 cases annually, which comes to an average of two or three cases per province? And all this is proposed to be at the cost of the tax-payer, and to the detriment of poor litigants at the cost of the rich who have taken cases for decision to that eminent body called the Judicial Committee of the Privy Council. What is it, Sir, I ask, that this country has gained, either in the way of an education in law or for the betterment of the condition of the people? I say that it is an absolute disadvantage to us to have a large number of courts, and particularly a court beyond our shores.

**Mr. President:** The Honourable Member must conclude his observations now. His time is finished.

**Mr. C. Duraiswamy Aiyangar:** Sir, I would only mention one point, and that is I would suggest that if it is necessary we must have some tribunal here in this country which must sit to reconcile conflicting views or settle serious cases of importance either in our civil or criminal administration. I would suggest that a Judge be taken from each of the principal Courts in this country to form a tribunal which will sit for a week or two every year to bring together all conflicting decisions and decide important points without any cost or additional charge. That, I submit, Sir, will be a proper remedy for the settlement of these intricate questions of law.

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

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

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**Khan Bahadur Sarfaraz Hussain Khan** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, the question before the House is the Resolution moved by the Honourable Sir Alexander Muddiman, the Home Member. With regard to that motion, I neither am in favour of it nor quite against it. I am not against it in the sense that Judges of Indian experience, if they have to go to the Privy Council, will no doubt be an acquisition to the Privy Council, but I object to it on the ground that that in itself would not be of so great an advantage that we Indians should have to pay for that and that the pay of those Judges should come from the Indian revenues. It is entirely on this financial ground that I am opposed to it; otherwise, so far as the securing of Judges of Indian experience is concerned, I think there is no doubt that there will be an advantage. Some Honourable Members have made remarks regarding the point that the time has not come for the establishment of a Supreme Court in India. Well, Sir, I am quite opposed to that view. Now if the time has come for the establishment of self-government in India, then there is no reason to think that the time has not come for the establishment of a Supreme Court in India. There is not the slightest reason why there should not be a Supreme Court here in India to decide all constitutional questions of law instead of going so far as England for it; such a Court will itself have to decide the matters here, matters which have had to be carried outside to the

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Privy Council. And, further if the time has not come for the establishment of self-government in India, why do you clamour for it? So in my opinion it is as clear as broad day light that the time has come for the establishment of a Supreme Court in India and there is no reason why this question should be held up any longer. Doubts have been expressed as to the integrity of courts. I am quite opposed to that view. I have had a long experience of courts and have not found that so far as the miscarriage of justice is concerned the courts are to blame; but rather that is due to the members of the bar; it is they, the vakils with their satellites and their touts who create all the trouble. I hope I will be pardoned for expressing these views. So it is neither the fault of the courts here nor of the High Courts nor of the Privy Council in England that miscarriages of justice occur. It is true I think that an addition of Judges of Indian experience to the Privy Council, as proposed by the Honourable the Home Member, will in every sense be an advantage. Then, Sir, much doubt has been expressed with regard to the decisions of the Privy Council. If you go on arguing in this way, you can have no end of it. Even the *fatwas* have been disputed at times. Mistakes occur everywhere. So if mistakes are made by Pandits, by Maulvis and theologians even in religion, there is no reason why we should attach so much importance to mistakes made here or there in district courts, in the High Courts. So, taking all these things into consideration, I oppose the Resolution moved only on financial grounds and not on political grounds.

**Pandit Thakur Das Bhargava** (Ambala Division: Non-Muhammadan): Sir, I rise to oppose the Resolution of the Honourable the Home Member and to warn the House against the narcotic sought to be administered through the insidious platitudes and implications of Indian experience and possession of knowledge of recent Indian law and practice. As an abstract proposition by itself, the Resolution has its attractions, but to my mind, beneath its attractive veneer lies the repelling prospect of the perpetuation of the Privy Council in its present shape. I deem this Resolution, Sir, as an attempt to indefinitely put off the establishment of a Supreme Court in India. Sleeping draughts are not now favoured in medical science, but palliatives are still regarded as honoured recipes in political laboratories. I believe, Sir, the establishment of a Supreme Court is long overdue. It should have come as an integral part of the reforms laying the foundation of judicial autonomy on the basis of similar colonial Supreme Courts. Sir, just as legislative bodies and other institutions provide a framework through which the national life of India is to pulsate vigorously and develop to the heights of which it is capable in the fulness of time, the Supreme Court should have provided a framework of judicial autonomy: and my humble submission is that this framework of judicial autonomy should have been provided *pari passu* with other frameworks. In some quarters, Sir, this argument has been regarded as the argument of sentiment. It has been said, Sir, that there is no real demand for such a Supreme Court, and that there is a practical utility in the continuance of present arrangements, and that efficiency should not be sacrificed to sentiment. Sir, even if the gravamen of this argument were sound, I have no hesitation in saying that national sentiment would outweigh all other considerations. Sir, sentiment is the real bedrock of all that is good in human nature. Sentiment is the life-blood of self-respect and sense of honour. Why fight shy

of this sentiment? How those who know its value are influenced by this consideration would appear from the opinion of the Honourable the Chief Justice of Allahabad. He says:

"I think it desirable to establish a Supreme Court of Appeal in India for the trial of Civil Appeals on the ground of sentiment and encouragement of nationalism provided Indians are willing to bear the cost."

It will be interesting in this connection to quote the opinion of the Government of the Punjab also. They say in their letter No. 5741, dated the 29th September 1921:

"That though purely administrative arguments are against the establishment of this Supreme Court in India, the Governor in Council is of opinion that the establishment is necessary for reasons connected with national sentiment in order to give to India that which Canada and Australia already possess."

The Madras High Court and other bodies are in favour of this proposal and almost all the Bar Associations of the Punjab and the United Provinces have favoured the idea. I will not trouble the House with any further quotations. But I submit, Sir, that on this ground alone the position of India should be assimilated to those in the Colonies and a Supreme Court should be established in India. Apart from that, Sir, there are other very good reasons why there should be a Supreme Court in India. My first reason is that the present criminal law of India provides only one appeal in Sessions cases. In cases where capital sentences are given the High Court is the final judge. In civil cases worth only Rs. 600 two appeals are provided by law. Moreover in appeals against acquittals there is very good reason why there should be a court sitting over the High Courts. We know, Sir, that the Privy Council is disinclined to interfere in criminal cases unless those are cases of manifest injustice or infraction of some well established principle of law. What to speak of other cases? The Privy Council did not interfere even in the Punjab Martial Law cases. It is necessary to have a court in India with powers of criminal revision, reference and review sitting over the different High Courts. My second reason is that since a constitution has been granted to India and it is likely that questions of importance will arise, it is necessary to have a court to interpret and uphold the constitution. In all federations, such courts are an absolute necessity. The third point is the question of expense. This needs very serious consideration. Of late there is a tendency and it is generally felt that law is the servant of the long purse and the poor people cannot have their cases decided rightly. I know of several cases in my district which have gone to the Privy Council. In one case the property involved was about Rs. 12,000. It was a pre-emption case and the expenses incurred amounted to the same amount plus Rs. 5,000 or Rs. 6,000 extra by way of interest which the people of that village had to pay. In fact, Sir, in many cases the poor party goes unrepresented in the Privy Council. It will be interesting to find how many cases which were decided by the Privy Council were heard *ex parte*. The fourth point is, Sir, that the cases are not well represented before the Judges of the Privy Council. Legal practitioners before the Privy Council are not acquainted with the usages, custom and personal law of the parties and it is very difficult for ordinary litigants to go personally to such a long distance and instruct their counsel. So in many cases proper justice is not done. Because the judgments of the Privy Council are the judgments of the highest Court, and they are cited subsequently by High Courts as precedents, so in many cases great injustice is done. We have just heard how a case was decided in 20 years. But, Sir, I understand that 5 years is the average duration

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and justice delayed is justice denied, to quote the Honourable the Home Member himself. It has been said, Sir, that if a Supreme Court were established in India able and competent Judges will not be found in India to fill the post and we shall be . . . . .

**Mr. F. W. Allison:** Does the Honourable Member commit himself to the statement that the average duration of a case in the Privy Council is five years?

**Pandit Thakur Das Bhargava:** I know of some cases in which the duration has been much more than five years, and if the Honourable Member wishes me to give a list of those cases, I will supply him with that.

**Mr. F. W. Allison:** I should like to have that.

**Pandit Thakur Das Bhargava:** It has been said that if a Supreme Court is established in India able and competent Judges will not be found to fill the posts and we shall be deprived of the services and ability of distinguished Judges of the Privy Council. Being a lawyer myself, I must say that in many cases the judgments of the Privy Council inspire confidence and are a masterly exposition of the principles of justice and law, but need many instances be quoted in which the Judges have produced an intolerable amount of mischief and uncertainty into established principles of law. As an illustration I would quote 39 Allahabad, page 437. Sir, in this ruling, their Lordships have defined "antecedent debts". If I mistake not at least 50 judgments have been delivered by various High Courts and almost all the High Courts interpreted the ruling differently and the Privy Council have again themselves put another interpretation on their previous ruling. May I quote 101 and 124 Punjab R. 1918 in which 2 per cent. per mensem rate of interest was upheld by the Privy Council. Sir, even conceding without admitting that we shall lose judicial perspicacity and reasoning, I must reiterate that the argument is one which must be dismissed as soon as it is entertained. Does the Supreme Court of any other country possess British Judges? And then, Sir, Sir Hari Singh Gour's proposal does not say that British Judges should not be appointed.

**Mr. M. S. Aney:** But that is not before the House.

**Pandit Thakur Das Bhargava:** The proposal means the establishment of a Supreme Court and nothing else. That is the negation of the Resolution of the Honourable the Home Member and as such it is before the House.

It is very convenient, Sir, for the Honourable Mr. Duraiswami Aiyangar and the Honourable Mr. Srinivasa Iyengar at the fag end of their career and practice, to find out that courts are evils and they should be boycotted, at least not multiplied, but the establishment of a Supreme Court does not multiply courts, nor does it increase litigation. The whole scheme of the establishment of a Supreme Court is conceived in the spirit of robust nationalism, of which the Honourable Sir Srinivasa Iyengar and Mr. Duraiswami Aiyangar are the best exponents. But, Sir, some of them may be the likely competitors of Dr. Gour and they would rather not have a Supreme Court than have a formidable rival in Dr. Gour. Sir, I oppose the Resolution.

**Mr. S. Srinivasa Iyengar:** Sir, on a point of personal explanation, I am not a "Sir" or a titled person at all.

**Mr. T. Prakasam** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I am much obliged to the Honourable the Home Member for the analysis which he has made about the position of the Members and parties on this side here with regard to this proposition. He has divided them into three groups and my friends have made them into five groups. My Honourable friend Mr. Jayakar was telling us in this House a few days ago that wisdom was dawning upon some of us; now three groups have developed into five groups. The Honourable the Home Member was frank in his statement—that his Government would not give us Swaraj or self-government and that it is a matter in which we should help ourselves. It was really very good on his part to have said so and that is a correct position which I, for my part, will accept; and he has been consistently very generous and quite impartial to everyone of the groups in this House; no partiality—absolute impartiality in any and every respect. He has been very good in telling us: "You may belong to any party you like; so far as the Government is concerned, the position is

3 P.M. this, you can never think of getting anything of self-government from the Government itself." So wisdom must be dawning upon some of us having regard to this very impartial treatment of every one of us. I cannot agree with my Honourable friend Mr. Jayakar when he says that Indian judges were not so popular as some of the civilian judges. (*An Honourable Member:* "He never said that.") I thought he said so. If I am mistaken in that respect I do not wish to refer to it at all. I oppose this proposition first on the ground that the cost of taking a case to the Privy Council has been almost prohibitive even to those who can afford to pay. secondly, on the ground of delay that is caused in the administration of justice. I can tell the Honourable Members of this House that I have known some cases which have not been finally decided even after 15 or 16 years. The parties, successful as well as unsuccessful, have been ruined on account of the expenses of litigation . . . .

**Mr. K. Ahmed:** Whose fault is that?

**Mr. T. Prakasam:** It is the fault of the system and of the people who have not been able to realise the evil consequences of litigation. Anybody who has to take a case to the Privy Council has to incur prohibitive printing charges he has to deposit a security for costs of the other side and he has to engage counsel and solicitors in England paying enormous charges. This cost is the first great trouble. Then as regards the constitution and character of the Privy Council, my Honourable friend Mr. Allison over there challenged the statement of the Honourable Mr. Srinivasa Iyengar that the Privy Council is not really a judicial tribunal. It is a very elementary matter; every one knows it and nobody can dispute, that the Judicial Committee of the Privy Council is not really a judicial tribunal. It is a tribunal that has arisen out of the prerogative of His Majesty the King Emperor. That has continued in some form or other. I happened to be in that court not merely as a student, but even as a lawyer, in cases argued before that tribunal: and I can tell you how cases were heard, on occasions when I happened to be present. One of the most eminent of the presiding Judges got out of his seat and went to the chimney in which a fire was burning, and stood in front of the fireplace as

[Mr. T. Prakasam.]

the case was argued. It is just like the hearing of a case by His Majesty the King Emperor himself when His Majesty was exercising the Royal prerogative. Now about the competency of the Judges, Sir. As my Honourable friend Mr. Jayakar has pointed out, it is quite true that some of the most eminent Judges of the House of Lords and other courts in England sit on that Committee and attempt to understand and decide cases. Two Judges who have been presiding for a very long time are Sir John Edge and Mr. Ameer Ali. There were cases in which I myself found it very difficult to instruct the senior counsel with whom I was associated there, in Hindu Law cases, because the subjects were so difficult and they were not familiar with them. The top-most gentlemen in the legal profession including ex-Attorney General were engaged sometimes in Indian cases and even they found it very difficult to grasp the several questions presented to them by their own juniors. In the end what a mess was made. These are cases involving several crores and lakhs of rupees, and how were they disposed of by the Judges who did not understand the custom or law, with the aid of the counsel who were not able to present the cases well owing to their inability to understand? How could they be expected to decide cases under Muhammadan law and cases under Hindu law? Formerly there were Supreme Courts in India. The present High Courts are supposed to have taken the place of those Supreme Courts. In those days justice was done much better than now. When questions affecting Hindu or Muhammadan law came up Pandits and Maulvis were sitting by the side of the Judges interpreting the texts and original documents to enable the Judges to do justice. Now, to say that justice could be done in these days, with regard to these laws, is simply a perversion of truth. It is a mere chance and accident; it is a gamble in litigation, it is a criminal waste of money. I may tell the Honourable Members of this House of one typical instance to show the incompetency of this tribunal. There was a case in which my Honourable friend Mr. Duraiswamy Aiyangar appeared against my client in one of the courts. It was a very simple case. A mortgage bond was executed by one zamindar, his client, in favour of mine, another zamindar. It was a registered document, duly attested. When a suit was filed for recovery of the money, an extraordinary defence was raised by the client of this ingenious friend of mine, Mr. Duraiswamy Aiyangar (Laughter) relying upon a Privy Council decision. The plea was: "It is quite true that I executed this mortgage bond, it is quite true that I borrowed some lakhs from the plaintiff, but I say that this document is invalid because I did not sign in the presence of the two testators who signed the document." For this he relied upon a Privy Council decision. There was a Privy Council decision which was quite wrong. Could you ever think of a decision like that? In England where the common law courts were exercising their jurisdiction in a most technical manner, sticking to the letter of the law and denying substantial justice, equity courts jurisdiction came in. It was again equity jurisdiction of His Majesty the King Emperor

**Maulvi Muhammad Yakub:** What was the fate of your client in that case?

**Mr. T. Prakasam:** The fate of my client was quite good because the Judge was one who could get out of the letter of the law of the Privy Council decision and he characterised the defendant as one of the perjurers and liars of this country. (Laughter). But allow me to complete the

story, Sir. It so happens that this gentleman who has been characterised to be a liar was lifted up to one of the topmost places in the Presidency by the Government of Madras and the Judge who gave such a judgment had lost all prospect of becoming a Judge of the High Court. So my submission is that it is really cruel that this country should be now called upon to pay £4,000. My submission is that £400 which is now paid under the old Act . . . . .

**The Honourable Sir Alexander Muddiman:** Who is it being paid by?

**Lala Lajpat Rai:** By the English Exchequer for an English Court.

**Mr. T. Prakasam:** Sir, I submit that £400 is an adequate honorarium for the gracious services which these gentlemen render by presiding over the Judicial Committee and hearing cases while they warm themselves in front of a fire and ultimately giving judgment on a technical point or on a point of law. When they give decisions on points of law after they understand the case clearly I admit that their decisions are masterly productions and I have the greatest respect for the learned Judges of Great Britain because I had been a student there myself and had learnt much from them. I have nothing to say against them. But when they have to decide Indian cases and apply the principles of Indian law after hearing counsel for one or two hours it is really a difficult matter. The Judicial Committee of the Privy Council as it is to-day has contributed more towards perpetrating unhealthy and unholy litigation in this land by much hair-splitting . . . . .

**Mr. S. Srinivasa Iyengar:** In the law of adoption particularly.

**Mr. T. Prakasam:** In everything; it would be a fruitless task to go into details in these matters. They considered it their duty to do some service to this land by presiding over this Committee for an annual sum of £400. That is quite a good amount and India should not be taxed to pay more. Whether we get self-government or not, whether you give it or not, the people outside are watching you and us and they will take good care of what you and we do and also of self-government themselves. You will no doubt be doing your duty and they will do their duty and we will do ours. I appeal to you, Sir, to please withdraw this Resolution.

**Honourable Members:** I move that the question be now put.

**Rai Bahadur Tarit Bhusan Roy** (Bengal Mahajan Sabha: Indian Commerce): Sir, I desire to occupy the attention of this House just for a few brief minutes only. I am sorry I cannot support my Honourable friend Sir Hari Singh Gour's demand for the establishment of a Supreme Court here in India. I stand here to-day more as a litigant and a business man than as a lawyer. I cannot believe that such a costly institution as a Supreme Court should be established in India.

**Sir Hari Singh Gour:** On a point of order, Sir. I submit that is not the question before the House.

**Mr. President:** The Honourable Member himself spoke for twenty-five minutes on the question of the Supreme Court. (Laughter.)

**Rai Bahadur Tarit Bhusan Roy:** Sir, I do not think that I am using the language of exaggeration when I say that such an institution would be an unmixed evil in this country. It would add to the cost of litigation in an impoverished country like India. I oppose this. I cannot understand why such a costly institution should be established here inasmuch



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as the Judicial Committee would remain all the same in England, and we cannot do without the same. We cannot think of another Supreme Court so long as the Judicial Committee cannot be dispensed with. That is the view which I take. My Association, which I represent here, would not support such an institution. My Honourable friend Mr. Gaya Prasad Singh has referred to the opinion which was expressed by the Bengal National Chamber of Commerce of which I am a member, and the Marwari Association. I believe they expressed their opinion in support of a Supreme Court in India under the impression that the Judicial Committee would give place to the Supreme Court in India. Of course I am speaking subject to correction. I can say this with confidence and without fear of contradiction that Bengal does not want this Supreme Court. The Calcutta High Court have expressed their opinion definitely against it, and what is more, the Bar Association and the Vakils' Association, the members of which would be directly benefited and would gain by such an institution in India, have themselves disapproved of this project. I am sorry I cannot lend my support to this scheme. My Honourable friend Mr. Srinivasa Iyengar has paid a glowing tribute to the Indian Judiciary which is appointed, on the recommendation of the High Courts, by the Government of India and the Local Governments. There may be jobbery in the case of these appointments here by sundried bureaucrats; but I believe the Lord Chancellor of England would be impartial in making appointments to the Judicial Committees. I therefore do not share, I am sorry, the view which has been expressed by my esteemed friend Mr. Jayakar on this point. I support the amendment of my Honourable friend Mr. Neogy which appears to me to be an eminently sensible proposition. A clear precedent has been created in the Council of India to which reference has been made by the Parliamentary Joint Committee. In their report they have stated as follows:

"Later on in this Report it will be suggested that Indian Members of the Council of India in London should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the Legislative Council that it was reasonable for the ministers of the provincial Government domiciled in India to be paid on a lower scale of remuneration than the European members."

My friend Mr. Neogy has referred to this fact in support of the amendment which he has placed before the House. I think on the same principle Indian lawyers of experience ought to be remunerated on a higher scale by means of an allowance. Their ordinary salary ought to be fixed at £2,000 a year and if any Indian lawyers of experience—and I believe they will be available to serve on the Judicial Committee—are appointed another extra allowance of £2,000 ought to be provided for them. I think the better class of lawyers and the better type of Indian lawyers of experience will be attracted to the Judicial Committee if such a provision is made. Otherwise I fear the anticipations of my friend Mr. Jayakar may prove correct. Can we think of a better man than Lord Sinha to serve on the Judicial Committee? I am sure my Honourable friend Mr. Jayakar would welcome such a sober and sound lawyer as Lord Sinha on the Judicial Committee. Sir, I support the amendment of my friend Mr. Neogy.

**Honourable Members:** I move that the question be now put.



**The Honourable Sir Alexander Muddiman:** Sir, I cannot on the present occasion complain that the House is empty when I rise to reply on this important Resolution which has been under consideration of the House for a considerable period. I have scarcely listened to a debate with greater interest! This is one of the occasions when the House has permitted itself to speak its mind—its various minds—and to express in a manner which I wish sometimes that it would do on other matters where prejudices prevent it from expressing its mind. (*Mr. S. Srinivasa Iyengar:* "Question.") My Honourable friend says "question". I propose to deal with him individually later on and I think he will not then say "question". The House has approached this subject from many points of view. We have heard some remarkable speeches, speeches which I think will afford useful points for observation when we are dealing with other legislation. I have heard a very distinguished lawyer from Madras express his opinion, if I understand him aright, that multiplicity of courts is an evil. Sir, I should have thought that that was a point that hardly lies in the mouth of those who resist every motion from this side of the House to reduce appeals. I should have thought that it hardly lies in the mouth of one who, if I am correctly informed, has practised with the greatest honour and profit at the Bar. I should have thought that it hardly lay in the mouth of one who owes, as I understand, his success in life to the courts established by the Government. That is one observation which I shall permit myself to make on the speech of my Honourable friend opposite.

Then, Sir, this debate has developed with a subtlety which is really remarkable. When I see how subtle some of the arguments employed are, I am inclined to thank providence for the general method of a portion of this House which rather relies on prejudice than on argument because I am one of those stupid people who find it difficult to reply to arguments as subtle as those that have been employed. I have been told that because the appellate power of the Privy Council originates, as theoretically it undoubtedly does, in the prerogative right of the Crown, that is a ground and a sufficient ground for holding that no assistance should be given by this country in obtaining the services for which it does not pay at present. We have been told, moreover, that the Privy Council's influence on the law of India has on the whole been detrimental. That, Sir, is a statement that I do not believe can be maintained by any fair-minded man. I affirm, and I affirm with the greatest conviction, that the influence of the Privy Council is and continues to be most valuable in regard to the administration of law in this country; and I will go on to say that if this country continues in the future to have courts—I repeat it—if this country continues to have any courts established by any law and under any Government whatever, in those courts the dicta and the judgments of the Privy Council will continue to be respected and quoted, whatever the Government then existing may be. My Honourable friend referred to the gift of memory as one of the most valuable gifts that can be granted to a lawyer; and, Sir, when I peruse some of the documents that come before me I can well believe that this is regarded in some quarters as the greatest gift of the lawyer. I venture to differ from that and I venture to hold the view that it is the gift of selection that is the mark of a lawyer and that the gift of memory is the mark of a handicraftsman. It is just the fact that the Privy Council has brought into the law of this country

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the gift of selection that has made their judgments so valuable to the courts in this country and to the administration of law in this country.

Then, Sir, a very curious argument was used in reference to the detached minds of English Judges. What that exactly means I do not know. Is it suggested that those who go with Indian experience have not got detached minds, or is it suggested that lack of knowledge is in itself a recommendation? Sir, Mr. Jayakar made a very powerful speech which I listened to with the greatest interest. He referred to the Act of 1833 as the beginning of the corruption of the Privy Council. Now Mr. Jayakar is a lawyer and his speech was in many ways the most interesting speech made in the course of this debate. But has Mr. Jayakar ever heard the names of men like Peel, Colvin, Peacock, Wilson and Lord Hobhouse? And does he suggest that those minds have brought nothing to the great bulk of law that has derived its source in the Privy Council?

**Mr. M. R. Jayakar:** On a point of personal explanation, Sir. I say that these are not the class of men that your £4,000 a year would draw.

**The Honourable Sir Alexander Muddiman:** Sir, they were the men who were appointed under the Act of 1833; they were the men who sat in virtue of that Act and they are the men who my Honourable friend suggests corrupted the Privy Council. They did nothing of the kind; they brought the greatest honour to that tribunal and they brought the greatest advantage to the people of India. Those, Sir, are the men and other men of that class were the men who have served for a honorarium of £400 a year, men who at any rate had a sense of civic duty and have shown the way which others might well copy who decline to serve in more lucrative posts in this country. I will tell this House here and now that one of our greatest difficulties in staffing the High Courts of this country is that men in big practice will not take High Court Judgeships; and why will they not take them? Because they cannot get enough money out of them, and that is the only reason. (*Cries of "No"*).

**Mr. T. Prakasam:** You must change the Charter Act.

**The Honourable Sir Alexander Muddiman:** Then, Sir, Mr. Jayakar referred to the enhancement of the emoluments of these Judges as likely to lead to jobbery. I do not understand what he means. I fail to understand that at all. Does he suggest that because the Lord Chancellor draws £10,000 a year and sits on the Privy Council, he is appointed in virtue of a job, while if we propose to pay men, who are to sit and hear Indian appeals, a reasonable salary, they are supposed to be appointed in pursuance of some form of jobbery? Is it jobbery to pay a Judge a reasonable fee for services performed? I do not understand the argument at all. Why does he think so poorly of his countrymen? Does he mean to suggest that no Indian Judges will go to England and perform their duties on a reasonable salary except the sort of men who are not fit for the post? Surely that is a grave reflection on his own nation, which I for one refuse to endorse.

**Mr. M. R. Jayakar:** The Honourable the Home Member completely misunderstands the point of my speech. What I said was that the right type of Indians will not be drawn away from this country at all as the Honourable the Home Member practically admitted. So, that class is

entirely out of the question. The right type of Englishmen will not be drawn for various other reasons which I have explained in my speech. The result is that the class of aspirants that will be drawn will be persons to whom the £4,000 a year are a greater attraction than the work of dispensing justice.

**The Honourable Sir Alexander Muddiman:** I am very glad my Honourable friend has made the point perfectly clear—which is that for this £4,000 a year you will get nobody but men who will take it up for the sake of money. That point I deny entirely and I hope the House will endorse my view. Because a man is paid a reasonable fee, is it to be supposed that he is doing something in the way of jobbery? Then another Honourable Member—I have not noted down his name here—referred to the fact that the Secretary of State's salary is now transferred to the English budget. It seems to me that I have never heard a more irrelevant argument brought in to oppose this Resolution. Now, Sir, I have spoken with some warmth on this subject, more warmth than I should have done. I do not desire to alienate the House by adopting that kind of attitude, but I do feel very strongly that the reflections that have been made on these men who for a miserable honorarium have performed duties of the very greatest benefit to India—reflections not only on their Lordships of the Privy Council but also on Judges of the High Courts—are quite unfounded and ought to be resented. (Mr. K. Ahmed: "Contempt of court.")

Now, Sir, many Honourable Members have expressed their objection to a Supreme Court at the present moment. I tried in my opening speech to show that this Resolution of mine is not necessarily incompatible with the idea of a Supreme Court in the future. My Honourable friend Mr. Allison, whom I must congratulate on his speech, made it quite clear that responsible self-government would mean, if the country so wished, a Supreme Court and a Supreme Court given now will neither hinder nor advance the cause of self-government. Nor do I think that it affords any justification for the Honourable Members who cherish that wish to vote against my Resolution. They must know that it is a question of practical politics. Some years must elapse before such an institution could possibly be set up, even supposing that the opposition which was voiced in many quarters of this House to that institution was overcome. Therefore you have to provide for a considerable number of years for the hearing of these appeals and I suggest that my Resolution does provide a reasonable, practicable and fair way of doing it.

One Honourable Member observed that it was a miserable meanness for the Government of England to come to the Government of India and ask us to meet half the expenditure. I think myself that is an extremely reasonable position. The Government of England have borne this expenditure for nearly 100 years and they now propose to spend in the future ten times more than they spent in the past. They ask us to put up an equal amount. That is a very generous offer which the House would be very unwise to refuse. There is no Colony, no Dominion, no part of His Majesty's Dominions where the British Government make any special pension at all to provide for the hearing of their appeals except in the case of India. That, Sir, is a matter which the House should not lose sight of.

[Sir Alexander Muddiman.]

I now turn to the amendments. I believe I am correct in saying that my Honourable friend Mr. Aney has withdrawn, or wishes to withdraw with the permission of the House, to put it more correctly, his amendment in favour of the amendment in the name of my Honourable friend Mr. Neogy. I must confess that at first sight Mr. Neogy's amendment seemed to be a very reasonable amendment and one which I should have had very seriously to consider. With the principle of that amendment I have a good deal of sympathy. But if my Honourable friend will examine the actual effect of his amendment I think he will see that it is an impossible amendment. He proposes to substitute for clause (8) of the existing Resolution the following:

"That if either of them is a person with an Indian domicile, £2,000 per annum shall be paid from Indian revenues as allowance to him in addition to such salary as may be granted to him from the British Exchequer."

and he proposes to substitute in the last paragraph of the Resolution the word "allowance" for the word "salary". Now, Sir, let us examine the actual effect of this amendment. It must be perfectly clear to the House that the persons appointed under the powers which this Resolution asks will be of two classes. One class will be barristers either of Indian or other domicile. Now as regards barristers of either Indian or other domicile, the amendment is consistent enough, because the Indian domicile barrister would get £2,000 from Home revenues and he would get £2,000 from the Indian revenues. The English barrister would only get his £2,000 from the Home revenues. But how would it work in the case of a retired Judge? Take for example a case with which my Honourable friend will be familiar, the case of an ex-Chief Justice of Bengal with a pension of £1,800. If he was of Indian domicile the result of this would be that he would get £2,000 from English revenues and £2,000 from Indian revenues less his pension of £1,800. That is in all he will get £2,200. Now let us take the case of an ex-Chief Justice with a non-Indian domicile. He would get nothing from the Indian revenues. He would get £2,000 from the English revenues plus his Indian pension of £1,800, which will give him £3,800. Now, it is obvious that there must be something wrong in an amendment which would work out in that way and therefore on that ground alone I must oppose the amendment.

My Honourable friend Khan Bahadur Sarfaraz Hussain Khan would like to have everything of the best in this best of all possible worlds. He would like to improve the Privy Council but would not like to pay for it. That is an attitude of mind which is very common but it is not possible in this world of sin to have your cake and eat it too. And my Honourable friend must either resign himself to an unimproved Privy Council or support my Resolution. I have no doubt he will take that course.

I would turn again to Mr. Jayakar whose speech I listened to with the greatest interest because I felt that it was a frank expression of opinion from a man who was speaking from his heart and was not mincing his words. Now, I ask Mr. Jayakar who I believe is a man open to conviction whether as a matter of fact when he comes to think it over he does desire to maintain the position which I suggest is an impossible position that these Judges appointed under the Act of 1883 have been a source of weakness to the court. I maintain on the contrary that they have been a source of strength. I ask Mr. Jayakar whether on a full reflection of

the case he does not believe that he will actually obtain the kind of men he and I both want to see in the Privy Council. If the House agrees to my Resolution, it will provide for a reasonable sum for doing work which ought to be reasonably remunerated. I appeal to the House to give that earnest consideration and I beg it not to be misled by the many red herrings that have been drawn across the trail. I ask the House not to turn down this Resolution, because if it does so, this is the end of all attempts to strengthen the Privy Council. And that of course would give supreme satisfaction to some of my Honourable friends who dislikes the Privy Council but would not give supreme satisfaction to the people of this country or, I trust, to this House.

**Mr. President** (addressing Mr. Aney): Does the Honourable Member wish to press his amendment?

**Mr. M. S. Aney**: No, Sir, I beg leave to withdraw it.

The amendment\* was, by leave of the Assembly, withdrawn.

**Mr. President**: Does Mr. Neogy wish to press his amendment after the speech of the Home Member?

**Mr. K. O. Neogy**: In view of the observations made by the Honourable the Home Member I beg your permission, Sir, to drop clause (2).

**Mr. President**: I am afraid I cannot allow any amendment at this stage.

**Mr. K. O. Neogy**: In that case I beg leave to withdraw.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. President**: The question is that the following Resolution be adopted, namely:

"This Assembly recommends to the Governor General in Council to take steps to secure—

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals;
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice;
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues; and
- (4) that during any period when this salary is enjoyed any pension payable to either of them from Indian revenues shall lapse."

\*That in clause (2) after the word "persons" the words "who are *bona fide* residents of India and" be inserted.

†That for clause 3 of the Resolution, substitute the following:

- (3) That if either of them is a person with an Indian domicile £2,000 per annum shall be paid from Indian revenues as allowance to him in addition to such salary as may be granted to him from the British exchequer.

And there is a consequential amendment to clause (4), namely,

"In clause 4 for the word 'salary' substitute the word 'allowance'."

The Assembly divided:

AYES—50.

Abdul Aziz, Khan Bahadur Mian.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmed, Mr. K.  
 Akram Hussain Bahadur, Prince  
     A. M. M.  
 Allison, Mr. F. W.  
 Anwar-ul-Azim, Mr.  
 Arif, Mr. Yacoob C.  
 Ashrafuddin Ahmad, Khan Bahadur  
     Nawabzada Sayid.  
 Ayyangar, Mr. V. H. Aravamudha.  
 Ayyangar, Rao Bahadur Narasimha  
     Gopalaswami.  
 Bhoze, Mr. J. W.  
 Blackett, The Honourable Sir Basil.  
 Coatman, Mr. J.  
 Cocke, Mr. H. G.  
 Dalal, Sir Bomanji.  
 Donovan, Mr. J. T.  
 Dunnett, Mr. J. M.  
 Ghazanfar Ali Khan, Raja.  
 Ghulam Kadir Khan Dakhan, Mr.  
     W. M. P.  
 Ghuznavi, Mr. A. H.  
 Graham, Mr. L.  
 Greenfield, Mr. H. C.  
 Haigh, Mr. P. B.  
 Hezlett, Mr. J.  
 Howell, Mr. E. B.  
 Innes, The Honourable Sir Charles.

Jowahir Singh, Sardar Bahadur  
     Sardar.  
 Kabul Singh Bahadur, Risaldar-Major  
     and Honorary Captain.  
 Keane, Mr. M.  
 Khin Maung, U.  
 Lamb, Mr. W. S.  
 Macphail, The Rev. Dr. E. M.  
 Mitra, The Honourable Sir Bhupendra  
     Nath.  
 Mohammad Ismail Khan, Haji  
     Chaudhury.  
 Moore, Mr. Arthur.  
 Muddiman, The Honourable Sir  
     Alexander.  
 Nasir-ud-din Ahmad, Khan Bahadur.  
 Paddison, Sir George.  
 Parsons, Mr. A. A. L.  
 Rajah, Rao Bahadur M. C.  
 Rau, Mr. H. Shankar.  
 Roy, Mr. K. C.  
 Roy, Sir Ganen.  
 Ruthnaswamy, Mr. M.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Willson, Sir Walter.  
 Young, Mr. G. M.  
 Zulfqar Ali Khan, Nawab Sir.

NOES—49.

Abdul Matin Chaudhury, Maulvi.  
 Acharya, Mr. M. K.  
 Aiyangar, Mr. C. Duraiswamy.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. K. V. Rangaswami.  
 Bhargava, Pandit Thakur Das.  
 Birla, Mr. Ghanshyam Das.  
 Chaman Lall, Mr.  
 Chetty, Mr. R. K. Shanmukham.  
 Chunder, Mr. Nirmal Chunder.  
 Das, Mr. B.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Dutta, Mr. Srish Chandra.  
 Gavin-Jones, Mr. T.  
 Goswami, Mr. T. C.  
 Gour, Sir Hari Singh.  
 Gulab Singh, Sardar.  
 Haji, Mr. Sarabhai Nemchand.  
 Iyengar, Mr. A. Rangaswami.  
 Iyengar, Mr. S. Srinivasa.  
 Jayakar, Mr. M. R.  
 Jogiah, Mr. Varahagiri Venkata.  
 Joshi, Mr. N. M.  
 Kelkar, Mr. N. C.  
 Kidwai, Mr. Rafi Ahmad.

Lahiri Chaudhury, Mr. Dharendra  
     Kanta.  
 Lajpat Rai, Lala.  
 Mehta, Mr. Jamnadas M.  
 Misra, Mr. Dwarka Prasad.  
 Moonje, Dr. B. S.  
 Murtuza Saheb Bahadur, Maulvi  
     Sayyid.  
 Naidu, Mr. B. P.  
 Neogy, Mr. K. C.  
 Prakasam, Mr. T.  
 Purshotamdas Thakurdas, Sir.  
 Rahimtulla, Mr. Fazal Ibrahim.  
 Rao, Mr. G. Sarvotham.  
 Sarda, Rai Sahib Harbilas.  
 Sarfaraz Hussain Khan, Khan  
     Bahadur.  
 Sassoon, Sir Victor.  
 Shafee, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Singh, Mr. Ram Narayan.  
 Sinha, Kumar Ganganand.  
 Sinha, Mr. Ambika Prasad.  
 Tok Kyi, U.  
 Vishindas, Mr. Harchandrai.  
 Yusuf Imam, Mr.

The motion was adopted.

## DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

### AUDIT.

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways): Sir, I move:

"That a supplementary sum not exceeding Rs. 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1927, in respect of 'Audit'."

I need not, I think, Sir, detain the House with the details which have led to this increased demand; they are given in full in the blue-book. It will be observed that though we expect Rs. 11,000 more to be brought to account under this head, it does not represent any increase, but rather a decrease, in the total amount to be spent on statutory audit in the course of the year, for Rs. 18,000 less will be spent under another head, under Demand No. 7. Sir, I move.

**Mr. M. S. Aney** (Berar Representative): Sir, I move the amendment which stands in my name:

"That the Supplementary Demand in respect of 'Audit' be reduced by Rs. 100."

My object in moving this is simply to draw the attention of the Railway Board and of the Railway Department to one specific grievance. It is in connection with certain claims that have been made by people for refund of money paid by way of surcharge-tax.

**Mr. A. A. L. Parsons**: On a point of order, Sir. I ask your ruling whether the Honourable Member can raise on this motion the question of the rejection of claims for refunds of surtax.

**Mr. President**: Why can he not?

**Mr. A. A. L. Parsons**: Demand No. 3, Audit, provides purely for the salaries and allowances of the statutory audit staff, that is to say, of the officers and offices of the Accountant General, Railways, the Government Examiner of Accounts, the Chief Auditor of the East Indian Railway and the Clearing Office. Now none of these officers or offices has anything to do with the orders which have been issued by the Government instructing the railways as to the manner in which they should deal with these claims for refund. Indeed these audit officers are not even concerned with the manner in which any payments by way of refunds are made or brought to account, for that is done by officers whose salaries appear under another Demand, No. 4, General Administration. My submission, Sir, is that had this motion been moved on the original Demand, it would have been out of order for these reasons, and that therefore it cannot be moved on a Supplementary Demand.

**Mr. M. S. Aney**: I would like to know from the Honourable Mr. Parsons to what account the amounts collected by way of these surcharges were credited.

**Mr. A. A. L. Parsons**: The amounts collected by this surcharge were collected by the railways and handed over to general revenues and do not appear in the Railway Budget at all. I am not certain under exactly what head of account in the General Budget they appear—No. 35, Miscellaneous, I think—but they do not appear in the Railway Budget at all. The railways merely acted in this matter as a collecting agency.

**Mr. M. S. Aney**: So this amount was lying with the railways for some years in deposit, or not?

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

**Mr. M. S. Aney:** Never?

**Mr. A. A. L. Parsons:** It was handed over to general revenues.

**Mr. M. S. Aney:** Immediately, as you received them? Is that the position?

**Mr. A. A. L. Parsons:** Yes.

**Mr. M. S. Aney:** Then why is it that applications for refunds are being received by railway companies and some of them are granting the applications and some rejecting the applications, and not sending them to the Finance Department or some other Department?

**Mr. A. A. L. Parsons:** Because the railways were the collecting agency, and therefore the agency who know to whom refunds may be due. My objection to the motion, Sir, is not on the ground that railways did not deal with the collection of the surtax and the payment of refunds, but that these audit officers, who are not under the Railway Board but under the Auditor General, have nothing whatever to do either with the original collection of this tax or the payment of the refunds or with the orders under which the payment of refunds is authorised.

**Mr. President:** Unless the Honourable Member from Berar can show how this particular question which he wishes to raise is relevant to the motion before the House, I am afraid I cannot allow him.

**Mr. M. S. Aney:** I leave it to you to decide, Sir. I hold in my hand certain orders passed by the Agent of the North Western Railway as well as by other Agents on applications made by traders who have paid these surcharge taxes and orders have been passed and some claims have been rejected as time-barred.

**Mr. President:** That is a quite different matter altogether, for which an explanation has been given by Mr. Parsons. What does the Honourable Member say to that explanation?

**Mr. M. S. Aney:** My impression was that these amounts were lying for some time in deposit with the railways.

**Mr. President:** That impression is wrong.

**Mr. M. S. Aney:** Now that Mr. Parsons has definitely stated that it was never done, I am afraid I have nothing to urge on the point.

**Mr. President:** The question is . . .

(At this stage Mr. Ranga Iyer rose to speak.)

I am afraid I cannot allow the Honourable Member to go back to his motion.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): I am not moving my motion, Sir. I am making an observation. I am not going back, but I want to speak on the motion that the Supplementary Demand in respect of Audit be reduced by Rs. 100. It is printed on the agenda also.

**Mr. President:** It is printed on the agenda, but the Honourable Member was not in his place when the Demand was taken up, and therefore I had to call upon Mr. Aney to move.



**Mr. C. S. Ranga Iyer:** I was in my place. (*Honourable Members:* "Order, order.") I mean no disrespect but as Mr. Aney stood up and was called I could not disobey the Chair.

**Mr. President:** The paper is with the Honourable Member. He knows that his motion was put down first.

**Mr. C. S. Ranga Iyer:** Mr. Aney was standing . . . .

**Mr. President:** But if Honourable Members do not protect their interests, the Chair cannot help them. The Honourable Member may speak on the main question.

**Mr. C. S. Ranga Iyer:** I shall only place before you certain observations which I submit I am justified in making, but I will not go back and move my motion. I submit to your ruling; and I thank you for giving me this opportunity to make the observations.

In reply to some observations during the General Budget which I made, the Honourable the Commerce Member said that if I raised it during this debate, he would answer it. Here is an opportunity for Mr. Parsons, as the Honourable Member can really serve the ends of economy as well as the interests of large numbers of people by locating the Clearing House in Lucknow. Sir, before the Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway, the former had entered into a kind of agreement with all their employees,

4 P.M. and the agreement was that they would be confined during their period of employment to the United Provinces. Most of those gentlemen who had joined the service did so because the head office was in Lucknow and they belonged to Lucknow. Government could not, I admit, anticipate all that might happen in the future years. They could not anticipate, for instance, the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway. I submit that the number of railway employees who have been transferred is not so low as the Honourable the Commerce Member put it the other day, but about eight or nine hundred. He said about 200 or 300 men were transferred to Calcutta from Lucknow, but really about 800 or 900 people have been transferred. Of course in the list of transfers I cannot include their suffering dependants; otherwise my figure of 5,000 becomes correct. However, for this Clearing House about 800 to 900 people are required. There is accommodation for these people in Lucknow. Some correspondence has passed between the Audit Office at Lucknow and the railway authorities here in regard to the available accommodation. It was found that the railway buildings at Lucknow could accommodate as many as 800 or 900. That is exactly the number of men on the Clearing House staff. They need not go in for special additional building if they have the office located in Lucknow. That will be one saving, saving of money so far as buildings are concerned and the other saving is saving in efficiency. So far as saving in efficiency is concerned I do not want to repeat what I said the other day, regarding the advantage of having the services of these trained and experienced clerks. I am sure it is economical and that my Honourable friend Mr. Parsons will agree that Lucknow is more centrally situated for all the railways in India, both for the railways on the Punjab side as for the rest of the railways on the Burma side and the Calcutta side, and also for railways on the Bombay side. For instance, Jhansi is nearer to Lucknow than to Calcutta or to Lahore. Sir, the last consideration for the location of the Clearing House in Lucknow is the doing of justice to the employees of

[Mr. C. S. Ranga Iyer.]

Lucknow, who are to-day in Calcutta. The paltry allowance that has been given to them does not enable them to make both ends meet and then they are educating their children in Lucknow, thus keeping up two establishments, one in Calcutta and one in Lucknow, which they cannot afford. By locating the Clearing House in Lucknow these men will have an opportunity of coming back to their place from which they have been taken away against the terms of agreement and I do not think the Government could really keep them there. I am sure, Sir, the Honourable Mr. Parsons will make an endeavour to do justice to these clerks either by locating the Clearing House in Lucknow or by some other suitable means. I urge that the Clearing House should be located in Lucknow on the ground first of economy, secondly efficiency and thirdly because Lucknow has got a central situation. I do not want to make a long speech. I have presented the case of these gentlemen and the case for the location of the office in Lucknow in my conversations in the lobby to Mr. Parsons. Therefore I need not waste the time of the House by going into the matter in detail; as he fully understands the case of these poor employees, I am sure he will sympathise with them and that he will express what he really can do in this matter.

**Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): Sir, I want to make one observation on this question of the Clearing House. I understand that it is not a question between Lucknow and Calcutta only, but I understand it is a question between Lucknow and Calcutta and Lahore.

**Mr. A. A. L. Parsons:** And Delhi.

**Lala Lajpat Rai:** So far as Delhi is concerned, it is a different thing at the present moment. So far as my friend's plea against Calcutta is concerned, I join with him, but if several thousands of men from Lahore are going to be transferred to the Central Clearing House, it will be extremely unreasonable to transfer them to Lucknow. I suggest, however, that a more central place than Delhi cannot be found. Therefore if there should be a Central Clearing House, it will be better, more convenient, to people both in Lucknow and in Lahore, if a Central Clearing House is to be situated at Delhi rather than at Lucknow. I wish the Honourable Member in charge would remember that point of view. In fact, a number of men from the Punjab will be affected in this matter. Three thousand is the number of clerks who are likely to be affected, whereas so far as Lucknow is concerned according to my friend's own statement some hundreds will be affected. So even in the matter of convenience and justice and efficiency, I think either they should be allowed to remain at Lahore or they should be brought to Delhi, but not transferred to Lucknow or Calcutta.

**Mr. Chaman Lal** (West Punjab: Non-Muhammadan): Sir, I do not want to take up the time of this House to any great extent but I would like to support the statement made by my Honourable friend Lala Lajpat Rai in connection with the desirability of having a Central Office at Delhi and not at Lucknow. The reasons given by my Honourable friend Mr. Ranga Iyer are cogent enough for a few people who have been transferred from Lucknow to Calcutta, but if the office is to be removed from Calcutta to either Lucknow or Delhi, I submit, Sir, that there are very cogent reasons why Delhi should be chosen in preference to Lucknow.

Honourable Members will remember that originally an experiment was made in this connection and the experiment was tried at Lahore and it was the Punjabi clerk who was really responsible for the success of the experiment when it was started in 1926. The four State Railways that are going to join this particular scheme are the East Indian Railway, the North Western Railway, the Great Indian Peninsula Railway and the Eastern Bengal Railway, and I understand, Sir, that the Bombay, Baroda and Central India Railway also intend to join the scheme. Now, for all these Railways Delhi seems to be the centre between the United Provinces and the Punjab, so that in either case either for the United Provinces or the Punjab there can be no hardship if Delhi is chosen, but there will be hardship, a definite hardship for the Punjab if Lucknow is chosen. Apart from that, if notice is taken of the distances covered, it will be seen that Delhi is really more convenient from the distance point of view. One point is that the Bombay, Baroda and Central India stations would be within easier reach of Delhi than Lucknow; all the stations on the North Western Railway would be within easier reach of Delhi than Lucknow. Another point is that Delhi is the headquarters of the Railway Board and it is the Railway Board that is in charge of the policy in connection with these matters, and it is more desirable therefore that the Clearing House should be situated in Delhi and should be in constant touch with the Railway Board at Delhi. Then, another point was raised by my Honourable friend when he talked about the Burma Railways, as really a point relevant to the consideration of choosing Lucknow rather than Delhi. I submit it is not at all relevant, because I understand it is not at all contemplated to have a Central Clearing Office for all Railways, and under this scheme the Railway Board will have more than one Clearing House. For Madras and for Burma I daresay there would be different Clearing Houses. It is certainly not a very good proposition to have one Clearing House for all of them. Another point that was mentioned by my Honourable friend was about the building. There was a reply given by my Honourable friend Mr. Parsons to the question put by Maulvi Muhammad Yakub in regard to the buildings. The building at Lucknow is already in the possession of the Divisional Headquarters staff and it is not relevant to say that the building is available.

**Maulvi Muhammad Yakub:** A portion of that building only.

**Mr. Chaman Lall:** A portion of that building only, and the Honourable Member knows perfectly well that for this Clearing Office new machines have to be brought in which require a new sort of building to keep the dust away from the machines and that the existing building will not suffice. What you want is to set up a new building; in any case you have your office in occupation there at Lucknow, and in the circumstances, I submit that even that argument about the building is not a relevant argument. I have here in my hand a list prepared of various stations on the Bombay, Baroda and Central India Railway showing the distances from Delhi and from Lucknow respectively and from this statement I find that the large majority of the stations on the Bombay, Baroda and Central India Railway are really nearer Delhi than Lucknow. In view of all these facts, I submit that the Punjab ought to have the first consideration as the Punjabi was the first in the field in making this experiment a success and secondly that a large number of Punjabi clerks would be affected and that their position would be much better if they were brought to Delhi than if they were shunted off to

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Lucknow. . . Considering therefore that in any case a new building would have to be set up, and considering further that Delhi is the headquarters of the Railway Board, which has to deal with the policy connected with this matter, and finally that most of the stations that are on these railways are nearer Delhi than they are to Lucknow, I would submit, Sir, that the Railway Board should decide definitely to have the central office here in Delhi and not shift the office to Lucknow.

**Mr. A. A. L. Parsons:** Sir, my task has been made much easier by my Honourable friends Mr. Chaman Lall and Mr. Lajpat Rai, and I think I can deal very briefly with the three points Mr. Ranga Iyer raised. He suggested that we should locate the new Clearing Office at Lucknow on the grounds of efficiency and of economy, and on the ground that we should then be able to avoid the hardship we have caused recently by having had to transfer certain accounts and audit clerks from Lucknow to Calcutta. Now with regard to efficiency, I have little to add to what Diwan Chaman Lall has said. The Railway Board have not yet definitely made up their mind where to locate the new Clearing Office. But I think it is almost certain that we shall locate it at Delhi because it will deal with the transactions of four railways, the North Western Railway, the Great Indian Peninsula Railway, probably the Bombay, Baroda and Central India Railway, and the East Indian Railway, and what is necessary is that, wherever the Clearing House is situated, the spot should be one which the vouchers from stations on these railways will reach as quickly as possible. Now of the stations which are affected on these four Railways, about 2,500 are nearer to Delhi than to Lucknow and only 1,000 are nearer to Lucknow than Delhi; and probably that will be on the efficiency ground the deciding factor when we come to decide the question. On the economy ground it is easier still to reply. Part of the building in Lucknow is not at the moment occupied. The divisional office there does not occupy the whole building which is to be vacated . . . .

**Pandit Hirday Nath Kunzru:** What part of it is occupied?

**Mr. A. A. L. Parsons:** I am not sure.

**Maulvi Muhammad Yakub:** A very small portion of it.

**Mr. A. A. L. Parsons:** We have other proposals in Lucknow, but if we do not use it the question will arise whether we should not get rid of it. In Delhi we are hopeful of getting adequate accommodation in offices already built, not in New Delhi, but in old Delhi, for there are a good many houses and offices and, I think, clerks' quarters which have been vacated there. I think it will probably be possible to locate the new Clearing House in Delhi with practically no expenditure on accommodation except for alterations. In any case, before we come to a decision on the question, we shall of course look into the matter of the expenditure which will be involved. The final question relates to those clerks who have been recently, I think last January, transferred from Lucknow to Calcutta. Now I do not agree with Mr. Ranga Iyer that they were not liable to transfer under the terms of their contracts, but I have a good deal of sympathy for them because, though they might

be liable under the terms of their contracts, no doubt they did not foresee the amalgamation of the two Railways and did not expect to be transferred to Calcutta. And there is a considerable amount of hardship when a man is uprooted in that way. Now though I do not expect that we can relieve that hardship to any large extent by the creation of the Clearing Office either in Lucknow or elsewhere, we are doing our best to meet it in a number of ways. The Agent of the East Indian Railway and the Chief Accounts Officer, under whom these clerks are, have been instructed, wherever vacancies occur in divisional offices up-country, to give the first choice to men who have been transferred to Calcutta, provided of course that they are capable of performing the duties of the posts. In that way we have already, I think, transferred back up-country a considerable number of men. This morning for instance I had before me the question of extending the crew system and partly because of this difficulty over these clerks, we decided that the division to which the system should now be extended should be the Lucknow Division. We shall locate the headquarters of the crew there, and that should enable us to transfer further clerks back again from Calcutta, in this case actually to Lucknow. I propose to continue that practice and I think in a very short time, probably most at any rate of these clerks who have been transferred to Calcutta and do not like what is, after all, a very pleasant city, will get a chance of getting back nearer their homes. With this explanation, I hope my Honourable friend will be satisfied.

**Mr. President:** I am not sure how far the discussion that has so far proceeded is really permissible under the Supplementary Demand for a Grant, but as I have some doubt in the matter, I have allowed the discussion to go on. I hope Honourable Members will not treat this as a precedent.

The question is:

"That a supplementary sum not exceeding Rs. 11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1927, in respect of 'Audit'."

The motion was adopted.

#### COMPANIES AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS.

**Mr. A. A. L. Parsons:** Sir, I move:

"That a supplementary sum not exceeding Rs. 10,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1927, in respect of 'Companies and Indian States' share of surplus profits and net earnings."

Here again, Sir, the reasons for this Supplementary Demand have been fully explained in the blue-book.

The motion was adopted.

## APPROPRIATION FROM THE RESERVE FUND.

**Mr. A. A. L. Parsons:** Sir, I move:

"That a supplementary sum not exceeding Rs. 7,06,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1927, in respect of 'Appropriation from the Reserve Fund'."

This is merely a balancing entry.

The motion was adopted.

## OPEN LINE WORKS.

**Mr. A. A. L. Parsons:** Sir, I move:

"That a supplementary sum not exceeding Rs. 1,07,81,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1927, in respect of 'Open Line Works'."

The reasons for this extra grant are stated succinctly in the blue-book and were also explained at the time of the debate on the Railway Budget.

The motion was adopted.

## STRATEGIC LINES.

**Mr. A. A. L. Parsons:** I move:

"That a supplementary sum not exceeding Rs. 15,43,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1927, in respect of 'Strategic Lines'."

The motion was adopted.

## THE INDIAN MINES (AMENDMENT) BILL.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour): Sir, I beg for leave to introduce a Bill further to amend the Indian Mines Act, 1923, for certain purposes.

The motion was adopted.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I introduce the Bill.

Sir, I move that the Bill be circulated for the purpose of eliciting opinions thereon.

I have given a fairly full explanation of the Bill in the Statement of Objects and Reasons and I do not propose therefore to discuss the Bill at length at this stage. When the present Indian Mines Act was under discussion in this House in 1923 some Members were strongly of opinion that a direct limitation should be placed on the daily hours of work of miners. The Bill now before the House, if it becomes law, will secure that object for it will prevent the employment of persons in mines for more than 12 hours daily. But if this were the only object which the Bill would secure it might be argued with some force that the Bill was unnecessary, for although miners in some cases remain in the mines for

comparatively long periods the miner who works for more than 12 hours a day must be extremely rare. I have myself visited a number of mines but I did not come across any miner so industrious as to work for more than 12 hours. Most of them actually work for much smaller periods.

The main object of the Bill is to secure greater regularity in the hours of work in mines. If it comes on our Statute-book in due course, the mine-owner who wishes to keep his mine open for more than 12 hours a day will be compelled to divide his workers into shifts and to fix the hours of their entry into and exit from the mine. In place of the haphazard system at present in operation in many mines, by which the miner enters as he pleases and remains in the mine for indefinite periods, there will then be substituted a system by which miners will enter the mines at specified hours and will leave the mines at the end of regular periods. I do not propose, Sir, to waste further the time of the House, for if I made a longer speech I might provoke my Honourable friend Mr. Joshi into making a still longer one and that might let loose the flood of eloquence on this House. I move my motion, Sir.

**Mr. President:** The question I have to put is that the Bill be circulated for the purpose of eliciting opinions thereon.

(Mr. Chaman Lal rose in his place.)

**Mr. President:** Does the Honourable Member wish to speak at this stage of the Bill?

**Mr. Chaman Lal** (West Punjab: Non-Muhammadian): Sir, in spite of the fact that the Member in charge of the Bill was afraid of provoking a flood of eloquence I will, with your permission, make a few humble observations in my own uneloquent humble manner; because I notice, Sir, that the very first point of the Bill is that the Honourable Member does not intend that the Bill should come into operation before the year 1930. Now I for one see no reason why if, in the opinion of the Honourable Member, certain legislation has to be taken in hand for the betterment of the miner's condition and the regulation of his hours, that legislation should wait for another three years. There may be technical difficulties. Well, let us hear of those technical difficulties; but on humanitarian grounds, if it is right and just that the provisions of this amendment should be brought into force in 1930, why should they not be brought into force at the earliest moment possible? Besides, I do not know what the Honourable Member's intention is in wanting to elicit public opinion in regard to this Bill. Does the Honourable Member intend to take three years in obtaining this opinion, or does he intend to introduce this Bill at the earliest possible moment when he has obtained public opinion, say in the September Session at Simla. I submit, Sir, that the question dealt with in the provisions of this amendment of the Indian Mines Act, is a very important one, and I consider that instead of submitting a Bill of this kind for the purpose of eliciting opinion the Honourable Member would have done very much better if he had brought the measure into line with civilised legislation in other civilised countries and then submitted his proposed legislation to the public for an expression of the public's opinion. As it is, what the Honourable Member proposes is this, that there shall be shifts, shifts of

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12 hours each, that is, in the year 1927—I beg your pardon, in the year 1980; after 8 more years of civilisation which we shall have, we shall be compelling Indian miners to go into the mines and work 12 hours a day no doubt for a limited number of days per week, but 12 hours at a stretch in the coal mines. Now I do not know of any civilised country in the world where such a state of things is permitted. I understand that the average British miner does not work more than 6 to 7 hours. (An Honourable Member: "What about Russia?") There was a tremendous strike in Great Britain because they wanted to increase the hours to 8. And the same is true about other civilised countries. (An Honourable Member: "What about Russia?") My Honourable friend knows more about Russia than I do perhaps and he can get into touch with Russia and find out for himself. If he does not know anything, I will hand him the Soviet Russian Year Book. I consider the conditions in Russia to be very much better than they probably are anywhere else in the world, but whether they are or not, I am not asking the Honourable Member to follow the example of Russia. I am asking the Honourable Member to follow the example of Great Britain in this respect. If labour in the mines is arduous, if labour in the mines is dangerous, if labour in the mines is of such a nature that it undermines the health of the worker working in the mines, then it is up to the Honourable Member to bring in legislation to make it impossible for any coal-owner to make his worker go into the mine and work for 12 hours at a stretch. Legislation should be brought in to enable no employer to make his worker work for more than 6 or at the outside 7 hours in the coal mines. That is one point. I do not want this Bill to be circulated without recording my opinion or the opinion of those who support me in this matter, because we consider that to put in provisions of this nature and demand public opinion on them would be to give a wrong lead to the public. The right lead would be to bring in a measure in line with civilised legislation in all civilised countries and then ask public opinion in regard to it.

There is another small point here about notices being put up. Now, the Honourable Member was once responsible for taking me and my friend Mr. Joshi to the coal mines in Jheria, and I was really surprised when I heard the Honourable Member say that there was no worker in the coal mines working more than 12 hours a day; I submit, Sir, the present system in the coal mines is such that it is not possible to prevent sweating of coal miners by their employers and there is no check whatsoever, no effective check, upon the number of hours that these men and women, these girls and boys are allowed to work inside the coal mines. I have myself known of cases of young girls of 17 and 18 working longer than 12 hours in coal mines at a stretch. There are rules to the effect that no children are allowed to go into the coal mines: but I have seen with my own eyes little babies, two or three months old, taken right down into the coal mines, into the bowels of the earth and kept there in the darkness of the mines. This is all due to the fact that the control exercised by the Inspectors is very lax, that it is not really effective control at all; so that even under the provisions of the law there is ample scope for the employer to go outside the law and make his workers work longer hours and go behind the regulations and flout the regulations. Therefore it is much more necessary that regulations should be such and so effective and incorporated in the



body of the Bill that they will not enable the employer to do lightly what he is doing at present in the coal mines. Now, the point that I would like to deal with is, that there is a provision here about notices being put up in the coal mines regarding the number of hours that a shift can work. I would like some sort of provision, a more effective provision, namely, the announcing of those hours and shifts, and I would make such provisions as will enable every worker in the coal mines to know what his rights are under the Act. I do not want the Honourable Member to run away with the idea that I am not in full sympathy with his desire to better the condition of miners in coal mines. I do not want him to run away with that idea. I congratulate him for all that he is doing. My complaint against him is that he is not doing as much as he should do; and I hope that as a result of this discussion the Honourable Member will take the first opportunity to see that opinions collected are collected soon and placed before this House in the September Session in order that we may be able to enact a measure this year and not wait till the year 1930 in order to do justice to the miners of Bihar and Bengal.

**Mr. B. Das:** What about the introduction of compulsory elementary education for the miners and their children?

**Mr. Chaman Lall:** My Honourable friend, who is as usual irrelevant, wants me to talk about compulsory education for miners under this Bill. The Honourable Member has not read the provisions of the Bill and therefore he does not know that there is no provision in the body of this Bill regarding compulsory education. I am in full sympathy with that desire of the Honourable Member. I am in full sympathy with lots of other things that I want to be done for the miners; and that is the sole reason why I wish to impress upon the Honourable Member the necessity of getting opinions at the earliest possible moment and placing them before us at the September Session, so that we can get along with the Bill this year and not wait till 1930.

(Mr. N. M. Joshi rose to speak.)

**Mr. President:** Does the Honourable Member wish to speak on the motion for circulation? The Honourable Member had no intention to do so before Diwan Chaman Lall spoke.

**Mr. N. M. Joshi:** I wish only to make one remark.

**Mr. President:** Does the Honourable Sir Bhupendra Nath Mitra wish to say anything?

**The Honourable Sir Bhupendra Nath Mitra:** If Mr. Joshi wants to speak, I am willing to give way.

**Mr. President:** Sir Bhupendra Nath Mitra.

**The Honourable Sir Bhupendra Nath Mitra:** Sir, I was a little amused and very much grieved at the speech to which I have just listened from my Honourable friend, Diwan Chaman Lall. I have on several occasions mentioned in this House that his speeches are made more in a vein of levity than of seriousness which subjects of this importance demand. He was one of the members of my Advisory Committee who went down with me to the coal mining area of Dhanbad and there we examined the position on the spot. I can say this on the floor of the House that not a single case was forthcoming where it was proved that a miner was working 12 hours a day; nor did I come across a single . . . . .

**Mr. Chaman Lall:** On a point of personal explanation, Sir . . . .

**The Honourable Sir Bhupendra Nath Mitra:** There is no question of a personal explanation. I am giving the facts as we saw them. My Honourable friend may have gone there on some previous occasion. I know precisely what happened on the particular occasion on which he went with me; we did not come across a single case of an infant in arms taken down the mines; we examined . . . .

**Mr. Chaman Lall:** Sir, I must ask your protection against the imputation . . . .

**Mr. President:** The Honourable Member may stand afterwards, after the Honourable Sir Bhupendra Nath Mitra has finished his speech. The Honourable Member might note down the point on which he wishes to offer a personal explanation.

**The Honourable Sir Bhupendra Nath Mitra:** Now, Sir, after we examined matters on the spot, we drafted the provisions included in this Bill and they were again shown to the Advisory Committee of the Legislature attached to my Department. There may have been slight differences of opinion; but on the whole the provisions of this Bill were accepted by my Advisory Committee. My friend, Diwan Chaman Lall, wants us to introduce in India what he calls the more progressive labour legislation of civilised countries. I have already told the House on a previous occasion that we must go slow in this matter, that we must have our labour legislation conform more to the conditions in this country than to the conditions in England or Russia or whatever other countries may have been quoted by my Honourable friend. I take a more practical view of the matter, and it is for that reason that I have produced this Bill in this particular form. I have also got to give a certain amount of consideration to the industry itself. That is the reason why the date on which the Bill will come into force has been put down as the 1st day of April 1930. There is no use our trying to kill the industry, a result of which will be that there will be no work for the miners. I do not propose at this stage to deal further with my Honourable friend, and I have no intention at present of accepting any of his suggestions.

**Mr. N. M. Joshi** (Nominated: Labour Interests): May I say one word now by way of personal explanation?

**Mr. President:** There is no case for personal explanation.

**Mr. N. M. Joshi:** I am not going to make a speech. The Honourable Member in charge of the Department has made a statement that the members of the Standing Advisory Committee for the Department have approved of this Bill. Sir, my attitude towards the Bill is that I approve of this Bill because it is . . . .

**Mr. President:** The Honourable Member cannot explain away the speech of the Honourable Sir Bhupendra Nath Mitra by a speech of his own which he has no right to make at this stage. The Member for industries has made no charge against this Honourable Member personally.

**Mr. N. M. Joshi:** That is exactly my point.

**Mr. President:** What is the point?

**Mr. N. M. Joshi:** The point is the Honourable Member said that the Advisory Committee has approved of this Bill . . . .

**The Honourable Sir Bhupendra Nath Mitra:** On the whole.

**Mr. N. M. Joshi:** On the whole; now the only thing that I wanted to explain was that as the Bill is a progressive one we may approve of it, but we are not satisfied with it . . . .

**Mr. President:** That is no case for personal explanation.

**Mr. Chaman Lall:** On a point of order, Sir. There are two charges that have been made against me by the Honourable Member and I ask your protection to enable me to make a reply to them.

**Mr. President:** There is nothing in the Honourable Sir Bhupendra Nath Mitra's speech to justify the Honourable Member in rising to offer any personal explanation.

**Mr. Chaman Lall:** May I explain my position, Sir? The Honourable Member made certain charges . . . .

**Mr. President:** The Honourable Member will have ample opportunities when this Bill comes up again.

**Mr. Chaman Lall:** On a point of order, may I just explain, Sir, why I rise to speak?

**Mr. President:** The Chair is not satisfied that there is any case for personal explanation.

**Mr. Chaman Lall:** He almost called me a liar, for having made the statement which I did; and it is due to me that I should be allowed to explain and to justify what I said.

**Mr. President:** The Honourable Member has not used that word at all. He is not justified in imputing a statement to the Honourable Sir Bhupendra Nath Mitra which he did not make.

**Mr. Chaman Lall:** I made a statement to the House that I had seen a certain thing with my own eyes and the Honourable Member says that the statement is untrue. Is that not tantamount to calling me a liar?

**Mr. President:** Will the Honourable Member resume his seat? The Honourable Member narrates his own version just as the Honourable Member did his own. Both Honourable Members are entitled to hold their own views.

**Mr. Chaman Lall:** When I said that I had actually seen babies taken down into mines, the Honourable Member said that what I said was untrue. I must ask the Honourable Member to withdraw that statement.

**Mr. President:** The Honourable Member is very persistent.

**Mr. Chaman Lall:** The Honourable Member is grossly unfair to me.

**Mr. President:** The Chair has already ruled that there is nothing in the Honourable Sir Bhupendra Nath Mitra's speech which requires any explanation from the Honourable Member.

**Mr. Chaman Lall:** (*Cries of: "Order, order."*) You must hear me before you can give a ruling on the point.

**Mr. President:** I have heard the Honourable Member enough.

The question is:

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

## THE INDIAN LIGHTHOUSE BILL.

### MOTION FOR REFERENCE TO A JOINT COMMITTEE.

**The Honourable Sir Charles Innes** (Member for Commerce and Railways): I move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 members."

The objects of this Bill are explained fully in the Statement of Objects and Reasons. It is a very important Bill in a way because it attempts to put on a proper basis our lighthouse administration throughout India, which has grown up in rather a haphazard fashion and which we now propose to put on a much more satisfactory footing than at present. The Bill is in no way a controversial Bill. It has been the subject of very careful consideration and consultation with local Governments and the business community. The principle I think has been generally accepted and all that remains now is to settle certain details. Sir, I move.

The motion was adopted.

**The Honourable Sir Charles Innes:** I move that the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to the provision, maintenance and control of lighthouses by the Government in British India, namely:

Sir Walter Willson, Mr. R. K. Shanmukham Chetty, Mr. S. N. Haji, Sir Purshotamdas Thakurdas, Mr. K. C. Neogy and Mr. W. S. Lamb.

The motion was adopted.

## MESSAGES FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, three messages have been received from the Secretary of the Council of State. The first is as follows:

"I am directed to inform you that the Council of State have, at their meeting held to-day, agreed without any amendments to the Bill further to amend the Indian Coinage Act, 1906, and the Indian Paper Currency Act, 1923, for certain purposes, and to lay upon the Governor General in Council certain obligations in regard to the purchase of gold and the sale of gold or sterling, which was passed by the Legislative Assembly on the 22nd March, 1927."

(Honourable Members on the Swarajist Benches: "Shame, shame.")

**Mr. President:** It is difficult to understand Honourable Members. They cry "Shame" when the Council of State differs from this House and

they cry "Shame" also when the Council of State agrees with it. (Laughter).

**Secretary of the Assembly:** The second message runs as follows:

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in a motion to the effect that the Bill to establish a gold standard currency for British India and to constitute a Reserve Bank of India be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 28 members, was considered by the Council of State at their meeting to-day, and that the motion was concurred in by the Council."

The third message runs as follows:

"I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring their concurrence in a motion to the effect that the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 28 members, was considered by the Council of State at their meeting to-day and that the motion was concurred in by the Council."

The Assembly then adjourned till Eleven of the Clock on Saturday, the 26th March, 1927.

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