

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 31st JANUARY, 1929

Vol. I—No. 4

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Thursday, 31st January, 1929.

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

QUESTIONS AND ANSWERS.

POLITICAL AND MILITARY SITUATION ON THE NORTH-WEST FRONTIER.

988. ***Mr. Gaya Prasad Singh:** Will Government be pleased to make a statement on the political and military situation on the North-West Frontier of India with special reference to the recent upheaval across the frontier and its possible repercussions on our border?

Sir Denys Bray: I am grateful to the Honourable Member for giving me this opportunity of making a statement on the position on the North-West Frontier with special reference to the upheaval in Afghanistan.

The military situation has been normal throughout. Not a soldier or a gun has been moved to the frontier: the daily life of the frontier garrisons has remained undisturbed. The only interruption of military routine has been the diversion of Royal Air Force machines from their ordinary duties to the humane task of bringing women and children in safety from Kabul. (Applause.)

Hitherto the political situation within our borders has been remarkably quiet. As the frontier tracts and districts are at all times sensitive to events in Afghanistan, this, I think, is a notable demonstration of the soundness of our frontier policy and its skilful execution by the frontier administrations. (Applause.) Every one of our tribes has so far remained steady, though individual tribesmen have been unable to resist the strong natural impulse to enter the turmoil on this side or that. But the interest of the tribesmen in the civil war is intense and their support is being canvassed by adherents of the three Governments at Kandahar, Kabul and Jalalabad; and the energies of our frontier officers are being taxed to keep the tribes from headstrong action and to hold them to observance of that policy of scrupulous non-interference in Afghanistan which Government have set before themselves from the outset. Government are confident that, in pursuing this policy unswervingly, they will have the support and assistance of India at large.

The Press and public will, I am sure, realise the duty which is upon us all of observing sobriety in speech and writing at this critical time. Until authority is re-established and peace is restored in Afghanistan, the political situation on our frontier will of necessity continue to cause anxiety and

call for vigilance. It is the earnest hope of Government that this consummation will not be long delayed, and that India will soon have once more for its neighbour on the North-West Frontier, an Afghanistan peaceful and progressive, friendly, united, independent and strong.

ESCAPE OF SIRDAR MOHAMMED OMAR KHAN FROM ALLAHABAD.

334. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) whether it is a fact that Sirdar Mohammed Omar Khan escaped from his internment at Allahabad?
- (b) who and what is this Sirdar?
- (c) why was he detained in Allahabad?
- (d) whether his brothers also are detained there and if so, why?
- (e) under what law are they detained?

Sir Denys Bray: (a) Yes, Sir.

(b) An Afghan refugee and a son of the late Ayub Khan.

(c) For reasons of State.

(d) Yes, till their recent removal to Burma. For reasons of State.

(e) Under Regulation III of 1818.

MAINTENANCE BY THE BRITISH GOVERNMENT OF SIRDAR AYUB KHAN AND HIS DEPENDANTS.

335. ***Mr. O. S. Ranga Iyer:** (a) Has the attention of Government been drawn to a statement in the *Civil and Military Gazette* of the 5th January, 1929, that Sirdar Ayub Khan, father of Sirdar Mohammed Omar Khan, came in 1898 to India with 8,000 relatives and partisans?

(b) Is it a fact that the retinue was supported by the British Government while a Political Agent supervised the Sirdar's affairs?

Sir Denys Bray: (a) and (b). Yes, Sir.

COST OF MAINTENANCE OF THE FAMILY OF SIRDAR AYUB KHAN IN INDIA.

336. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) whether it is a fact that after the said Sirdar Ayub Khan's death, his children continued to be supported by the Government?
- (b) how many members of his family are in India under the financial support of the Government?
- (c) under what conditions are the said detenus living?
- (d) what amount of money has hitherto been spent on the said detenus from 1888?
- (e) what is the annual recurring expenditure now?
- (f) how long do they propose to maintain them?
- (g) why have they been maintained by the Government?

Sir Denys Bray: (a) Yes.

(b) 19, dependants and adherents not included.

(c) Normally on parole under quiet surveillance.

(d) The compilation of the figures would I fear involve a disproportionate amount of labour.

(e) A little over half a lakh.

(f) Until their repatriation can be fixed up with the Afghan Government. Meanwhile the allowances are reduced progressively at each death.

(g) Ayub Khan's removal to India was effected in the interests of the peace of a United Afghanistan at a time when Government stood in relations of special responsibility towards Afghanistan and her neighbours. His removal would naturally have been impossible without a guarantee of suitable maintenance for himself and his family.

PROSECUTION OF NEWSPAPERS FOR PUBLISHING FALSE REPORTS ABOUT AFGHANISTAN.

387. ***Mr. C. S. Ranga Iyer:** Will Government be pleased to state:

(a) if it is a fact that they have instructed the Local Governments to consider forthwith the prosecutions of newspapers which had published articles to the effect that support or encouragement was being given by the British Government or the Government of India to the Afghan rebels against the Government of His Majesty King Amanullah?

(b) if the answer is in the affirmative, under what law are the alleged offenders to be proceeded against?

Sir Denys Bray: With your permission, Sir, I shall answer this and the next two questions together.

I would refer the Honourable Member to the communiqué of 5th January. The attention of Government had been drawn to articles endangering peaceful relations between India and Afghanistan, partly by reproductions in the Afghan Press, partly by His Majesty's Minister, and partly by Local Governments; while others drew attention upon themselves directly. The Honourable Member will, I am sure, appreciate my reluctance to lay any papers on the table, or to say anything further in this regard, lest I should in any way prejudice the fair trial of such newspapers as the Local Governments may see fit to prosecute. I am advised that prosecutions will be under section 124(a) of the Indian Penal Code.

CORRESPONDENCE WITH LOCAL GOVERNMENTS REGARDING PUBLICATION OF FALSE REPORTS ABOUT AFGHANISTAN.

†388. ***Mr. C. S. Ranga Iyer:** Will Government be pleased to state:

(a) if it is a fact that their attention has for some time been drawn to the publication of the articles referred to in my preceding question by any Local Government or Governments?

(b) if so, by what Local Government or Governments?

† For answer to this question, see answer to question No. 337.

- (c) if any correspondence on the subject has passed between the Government of India and the Local Governments?
- (d) if the answer to (c) is in the affirmative, do Government propose to lay the correspondence on the table? If not, why not?

**ACTION AGAINST NEWSPAPERS FOR PUBLISHING FALSE REPORTS
ABOUT AFGHANISTAN.**

†339. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state against what journals or newspapers they have instructed the Local Government or Governments to take action in connexion with the publication of articles propagating the story that encouragement is being given by the British Government or the Government of India to the Afghan rebels?

DISAPPEARANCE OF SIRDAR MOHAMMED UMAR KHAN FROM ALLAHABAD.

340. ***Mr. Abdul Hays:** (a) In what manner and to what extent were the movements of Sirdar Mohammed Umar Khan, son of Sirdar Mohammed Ayub Khan and his family restricted when they were permitted to reside at Allahabad by the Government of India?

(b) What officer or officers were responsible to enforce the conditions imposed upon the freedom of the said family?

(c) Is it a fact that in December last Sirdar Mohammed Umar Khan disappeared from Allahabad and for full ten days the Government were not aware of his disappearance?

(d) Whom do Government hold responsible for the disappearance of Sirdar Mohammed Umar Khan and what action have Government taken in this matter?

(e) Are Government now in a position to state whether Sirdar Mohammed Umar Khan is still in British India or has crossed the border?

Sir Denys Bray: (a) He was detained under Regulation III of 1818 but was not under confinement. In normal times he was merely on parole not to quit Allahabad without permission. In view of the Afghan situation, all Local Governments in charge of Afghan refugees were asked in September to exercise special vigilance over them, and were warned in December that the strictest possible watch should be kept.

(b) The District Magistrate.

(c) Umar Khan escaped in December but the exact date has not yet been established.

(d) The report of the Local Government has only just been received and is still under examination.

(e) He is believed to be across the border.

† For answer to this question, see answer to question No. 337.

DISCIPLINARY ENQUIRIES ON INDIAN RAILWAYS.

341. ***Mr. T. Prakasam:** (a) Has the attention of the Government been drawn to the procedure observed on English railways in cases of disciplinary enquiries, set forth at page 163, column 2 of the *Indian Railway Magazine* in its issue for July, 1928, and to the procedure observed for similar enquiries on South African railways set out at page 282 of the *Indian Railway Magazine* under the heading 'a just procedure'?

(b) Are the Government aware of the fact that the Madras and Southern Mahratta Railway Administration compels all its employees to sign a service agreement containing a covenant that the employee can be dismissed without assigning any reason, at the will of the Administration, and that the employees have got to sign it to get the job?

(c) Are Government prepared to adopt the procedure of the English and South African railways in cases of disciplinary enquiries on Indian railways as well?

Mr. President: Mr. Prakasam. (Question No. 341.)

Mr. V. V. Jogiah: Will you permit me to put the questions for Mr. Prakasam?

Mr. President: Why should I?

Mr. V. V. Jogiah: He has written to me, Sir.

Mr. President: He has not written to me.

Mr. A. A. L. Parsons: (a) Government have seen the articles mentioned.

(b) Government are not aware of the exact terms of the service agreements in force on the Madras and Southern Mahratta Railway, but they probably include, as do those on other railways, provision for discharge, not dismissal, on one month's notice, or on receipt of one month's pay in lieu of notice.

(c) Government understand from the Agent that on the Madras and Southern Mahratta Railway no employee is punished by discharge or dismissal before he has had an opportunity of offering an explanation or appearing before an enquiry committee, and that all employees have the right to appeal to their immediate superior officers, and, through them, to the head of a department. Appeals to the Agent go through both these channels, and details of the case are furnished for the Agent's final decision. In the majority of cases the decision bears the Agent's signature. Government consider that this procedure secures that an employee gets a full hearing.

PROVISION OF FACILITIES FOR INDIAN WORKMEN CLAIMING COMPENSATION FOR ACCIDENTS.

342. ***Mr. T. Prakasam:** (a) Has the attention of the Government been drawn to the judgment of the Commissioner for workmen's compensation of Bombay in *Durbaldas versus Great Indian Peninsula Railway*, in application No. 271 B 26 of 1928, wherein the Commissioner remarks

that, following the English practice of requiring notice of accidents, without also providing facilities to give notice by maintaining a book wherein to enter all accidents, as has to be done in every factory under English law, is causing great hardship to illiterate Indian workmen?

(b) Do Government propose to consider the question of amending the Act so as to require the factories to publish, in the vernacular of the division, the formalities to be observed and the period of limitation for claiming compensation, and to maintain a register, an entry in which will constitute sufficient notice?

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

(b) The matter will receive consideration in connection with the question of the further amendment of the Indian Workmen's Compensation Act.

OVERWORK OF FITTERS AT GUNTAKAL ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

848. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if it is a fact that the fitters of the engine shed at Guntakal on the Madras and Southern Mahratta Railway are allotted more work than could be done in eight hours, and are fined for failure to complete the work, and fined also for inefficient work if they complete it somehow by rushing through the work?

(b) Is it a fact that circular No. 58 of the D. L. R., consequent on the Geneva Convention has ordered only eight hours' work to be given and overtime not exceeding two hours a day in exceptional cases?

(c) Is it a fact that the normal overtime paid to each man, before the Madras and Southern Mahratta Railway accepted the Geneva Convention, was a consolidated allowance of 25 per cent. of his salary, thus representing nearly three hours' overtime for each man every day?

(d) Is it a fact that there is a shortage of engines and pressure of traffic on the Madras and Southern Mahratta Railway, necessitating more work to be turned out, whereas there has not been a single extra hand provided?

(e) Is it a fact that, while the same quantity of work, if not more, is being turned out by the men, the consolidated allowance of 25 per cent. of salary has been abolished and they are paid only as for one or two hours' overtime as per the Geneva Convention?

(f) Is it a fact that no register is kept, as per clause 5 of Circular 58, wherein each man could record, in his own handwriting, the hour when he leaves his work, and that the only register kept is the one by the foreman wherein he enters something *ex parte*?

(g) Is it a fact that the men are compelled to work overtime whether they like to or not, and that they have recently passed resolutions at their meeting that they would refuse to do any overtime work unless their proper wages were paid?

(h) Will the Government be pleased to state if the Geneva Convention laid down the limit of payment to workers or the hours of work?

Mr. A. A. L. Parsons: (a) to (g). Government have no information, but are making enquiries.

(h) No. The 'Geneva Convention' allows a weekly rest day to such staff on railways as may be specified for this purpose by competent authority.

MEMORIAL OF THE FITTERS IN THE ENGINE SHED AT GUNTAKAL.

344. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if it is a fact that fitters in the engine shed at Guntakal have been fined four to ten days' pay every month during the last three or four months, although they are all men who have put in 10 to 20 years of service without paying any fines?

(b) Is it a fact that the complaint against them is that the repairs done by them are again booked for within a few days?

(c) Is it a fact that the men have sent a memorial saying that the fault is not on their part, and that, owing to pressure of traffic, they were instructed by their chageman not to go deep into repairs but to tighten up or do something just for the emergency, whereas the chageman would record in his register that the repair had been done?

(d) Is it a fact that no extra staff of fitters has been provided for the Guntakal shed, while circular No. 58, of the D. L. R., has ordered eight hours' work a day and limitation of overtime work?

(e) Is it a fact that the foreman asked for ten extra fitters but the same have not yet been sanctioned by the Administration?

(f) Do Government propose to enquire into these matters?

Mr. A. A. L. Parsons: The information has been called for, and will be supplied to the Honourable Member on receipt.

EMPLOYMENT ON MENIAL WORK OF THE APPRENTICES IN THE ENGINE SHED AT GUNTAKAL.

345. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if it is a fact that the chageman of the engine shed at Guntakal compels the apprentices to carry a 250 lbs. engine 'jack' by the overbridge to the outer cabin and that one apprentice even resigned, being unable to put up with the insults and hardships of the chageman?

(b) Do Government propose to direct that apprentices should not be utilised for doing menial work?

Mr. A. A. L. Parsons: Government have no information and regret that they are not prepared to make enquiries with regard to the individual servants of the Company mentioned by the Honourable Member. They will, however, send a copy of his question to the Agent of the Madras and Southern Mahratta Railway for his information.

**ASSAULT OF INDIANS BY CERTAIN EUROPEAN EMPLOYEES OF THE MADRAS
AND SOUTHERN MAHRATTA RAILWAY AT JOLARPET.**

346. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if it is a fact that one Mr. Ellis, an ex-military man who was directly recruited as a guard on the Madras and Southern Mahratta Railway and who was acting as Assistant Station Master at Jolarpet, assaulted one Mr. Rajaveloo, a Relieving Assistant Station Master at the same station, and if so, how the matter has been dealt with?

(b) Is it a fact that Mr. Rajaveloo has cited a number of eye witnesses, and has also produced a medical certificate as to injuries, but no enquiry has been held, and the permission asked for by Rajaveloo to take civil and criminal action against the man has not been given?

(c) Is it a fact that on 6th October, 1928, one Mr. C. A. Cook, an acting Station Master at Jolarpet, assaulted a pointsman, and that no action has been taken against Mr. Cook?

(d) Is it a fact that Mr. Cook was also an ex-military man directly recruited as guard and promoted as Station Master?

(e) Is it a fact that one Mr. Cook, a European Driver, assaulted Raghunathan, Manager of the Refreshment Room and no departmental notice was taken of his actions and even the permission asked for to prosecute him was refused?

(f) Is it a fact that one Lakshmaiya, a ticket collector at Jolarpet, was dismissed for talking impertinently to the Assistant Station Master?

(g) Is it a fact that Devanesan, a number-taker at Raichur, was dismissed for assaulting another number-taker?

(h) Do Government propose to direct the Madras and Southern Mahratta Railway to award the same degree of punishment to Europeans who assault Indians as to Indians who commit a similar offence?

Mr. A. A. L. Parsons: I propose to answer questions Nos. 346 and 347 together. Government have called for the Agent's remarks, and I will communicate with the Honourable Member on their receipt.

**RECRUITMENT OF EX-MILITARY MEN AS GUARDS ON THE MADRAS AND
SOUTHERN MAHRATTA RAILWAY.**

347. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if complaints have been received against the recent recruitment of ex-military men on high salaries by the Madras and Southern Mahratta Railway as ticket collectors, on the ground that they unnecessarily harass innocent and illiterate third class passengers and are very rude in their behaviour?

(b) Is not such recruitment adverse to the interests of the Indian employees, whose seniority in service is overlooked? Do Government propose to consider the question of stopping this system of recruitment?

† For answer to this question, see answer to question No. 346.

EXPENSE INCURRED FOR TRAVELLING AND HALTING ALLOWANCES OF MEMBERS OF THE CENTRAL LEGISLATURE.

848. ***Mr. C. S. Ranga Iyer:** Will the Government be pleased to state how much money has been spent on the travelling and halting allowances of the members of the Central Legislature since the inauguration of the new reformed Legislature in 1921?

. **Mr. L. Graham:** The total amount spent up to 31st March, 1928, is Rs. 88,52,240.

LONDON-KARACHI AIR SERVICE.

849. ***Mr. C. S. Ranga Iyer:** Will the Government be pleased to state:

- (a) if it is a fact that the London-Karachi air service will open at an early date, and if so, has the exact date been fixed?
- (b) the full particulars regarding the opening of the Imperial Airway service to enable those who wish to take advantage of it, to make their arrangements?
- (c) if it is a fact that the said service is to be a weekly one?
- (d) how many passengers will the air service be able to take each time?
- (e) what will be the cost of the service per passenger?
- (f) whether the expense of the service will be borne on the Indian or, British Exchequer, or on both, and if so, in what proportions?

The Honourable Sir Bhupendra Nath Mitra: (a) The Government of India have no precise information, but they understand that the London-Karachi air service will commence on or about the 1st April, 1929.

(b), (d) and (e). Government have no information.

(c) Yes.

(f) Beyond providing certain facilities for Imperial Airways Limited at Karachi, no expenditure connected with the Air Service referred to will be charged to the Indian Exchequer. It is understood that the Company will be subsidised by the British Government.

STATEMENT LAID ON THE TABLE.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 30th June, 1928.

HIGH COMMISSION

INDIA STORE

ABSTRACT OF CASES in which tenders for Stores demanded by the Central of the goods demanded, were accepted on the grounds greater facility of inspection,

HALF-YEAR ENDING .

PART A.—*Cases in which lower foreign tenders, including British tenders for ten*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Glazed board .	G.3648/5929/10-1-28 .	Butterfield & Renton .	52 0 0 (British).
Bridgework .	G.3949/8.3080/1-2-28 .	Tees Side Bridge & Engineering Wks., Ltd.	11,110 0 0 (British).
Laminated Springs	G.4026/7152/7-2-28 .	Steel Peech & Tozer, Ltd.	9,467 10 0 (British) delivery 2-14 weeks.
Lead, chemical .	G.4190/6795/16-2-28 .	Walkers, Parker & Co., Ltd.	114 7 6 (British).
Wheels and axles	G.4302/5979/23-2-28 .	R. Y. Pickering & Co., Ltd.	1,475 0 0 (British).
Locomotive boilers, cylinders, etc.	G.4459/2299/7-3-28 .	Kon. Ung. Staatliche Eisen, Stahl-und Maschinenfabriken.	33,475 0 0 (Hungarian).
	G. 4460/2299/7-3-28 .	North British Locomotive Co., Ltd.	190,406 0 0 (British).
		Total . . .	223,881 0 0

RE FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description of superior quality, superior trustworthiness of the firm tendering, quicker delivery, etc.

30TH JUNE, 1928.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
48 2 3 (German).	The accepted tender was the best offer received having regard to the cost of inspection.
Including duty : 10,875 0 0 (French).	The accepted tender was the most advantageous taking into account the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.
9,397 10 0 (German) about 7 to 22 weeks.	The springs were indented for by telegram and delivery was required in India by 31st March, 1928. The lowest tenderer had proved unreliable in the matter of delivery on previous contracts and acceptance of his tender would have entailed higher cost of inspection. The order was consequently placed with the next lowest tenderer.
109 17 9 (German).	The accepted tender was the more advantageous having regard to the cost of inspection.
1,417 10 0 (German).	The accepted tender was considered to be the more advantageous taking into account the extra cost of inspection that would have been entailed if the order had been placed with the lowest tenderer, and the superior reliability of the firm with whom the order was placed.
210,825 0 0 (Hungarian).	The lowest tender was from the Royal Hungarian State Works. This firm was not known to the Consulting Engineers as locomotive builders, and therefore any contract placed with them would necessarily be a trial order. The delivery offered by the next lowest tenderer was so long that the contract would have taken over 2 years to complete. The third tender was from the North British Locomotive Company, who are experienced in this class of work and could be relied upon to execute the contract satisfactorily.
	The full quantity of boilers and cylinders would have formed too large and complicated a contract to be entrusted to an untried firm as a trial order, and it was therefore decided to divide the contract as shown. The Department will thus be enabled to form an opinion of the capabilities of the Royal Hungarian State Works with regard to future requirements.

PART A.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Locomotive engines and tenders.	G.4474/2303/8-3-28 .	Beyer, Peacock & Co., Ltd.	72,747 0 0 (British).
Fishplates . . .	H.20/8.6570/3-4-28 .	Bolckow Vaughan & Co., Ltd.	409 12 6 (British).
Zinc sheet . . .	H.401/8638/1-5-28 .	London Zinc Mills . . .	21 0 6 (British).
Butter paper . . .	H.466/7830/5-5-28 .	Rappings, Ltd. . . .	579 5 5 (British).
13 Locomotive engines and tenders Y. B. type.	H.764/7148/1-6-28 .	Naamyth Wilson & Co., Ltd.	65,845 0 0 (British).
18 Locomotive engines and tenders Y. D. type.	H.804/7149/1-6-28 .	Swiss Locomotive & Machine Works.	87,840 0 0 (Swiss).
12 Locomotive engines and tenders X. B. type.	H.765/7149/1-6-28 .	Vulcan Foundry, Ltd. . .	85,388 0 0 (British).
		Total	173,228 0 0
104 sets of Locomotive boilers, cylinders, etc.	H.766/6932/1-6-28 .	Royal Hungarian State Iron, Steel & Machine Works. (87 sets.)	182,357 4 0 (Hungarian).
	H.767/6932/1-6-28 .	Saechsische Maschinenfabrik A. G. (17 sets).	37,392 9 0 (German).
		Total	219,749 13 0
Steel boiler tubes	H.1175/1740/30-6-28 .	Tubes, Ltd.	420 15 0 (British).

could.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
64,145 0 0 (German).	The lowest suitable tender was from a Continental firm, but the Consulting Engineers recommended that in view of the fact that these engines were of new types it was necessary that they should be designed and built under their close and constant supervision. The case was submitted to the Government of India, who issued instructions that the lowest British tender should be accepted.
392 2 6 (Belgian).	If the lower tender had been accepted the cost of inspection would have exceeded the difference in price between the two quotations.
18 17 1 (Belgian).	The accepted tender was the most advantageous taking into account the extra cost of inspection that would have been entailed if the order had been placed with the lowest tenderer.
566 8 3 (German).	Ditto.
57,200 0 0 (Czecho-slovak).	
165,120 0 0 (Swiss).	The tenders for these locomotives and for the spare boilers, etc., were invited in conjunction with those for 40 locomotives for Companies Lines. Contracts were placed in each case with the lowest tenderer known to be capable of executing the work up to the standard required. Firms who had not previously carried out work of this character for Indian railways received trial orders of adequate value. Orders having thus been allocated to the lowest tenderers up to the limit of safety, the remainder of the work was placed with the next lowest suitable tenderers.
218,032 8 0 (Hungarian).	
378 2 6 (German).	The indent indicated special urgency and stated that the first instalment was required to reach India by 1st September, 1928. The delivery offered by the two lowest tenderers was not early enough to ensure this, and, moreover, delay in shipment was to be expected by reason of a dock strike at Antwerp and probable subsequent congestion at that port.
390 12 6 (Belgian).	

PART B.—Cases in which the discrimina

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Colours, regimental.	G.3901/4793/30-1-28 .	Hobson & Sons (London), Ltd.	135 0 0 (British).
Cable, electric D, 2	G.4218/6621/17-2-28 .	British Insulated Cables, Ltd.	1,287 10 0 (for 250 miles) (British).
Bridge erecting crane.	G.4413/6131/3-3-28	Jos. Booth & Bros., Ltd.	3,250 0 0 (British).
Brussels carpet .	H.11/7720/2-4-28	Carpet Manufacturing Co.	40 0 0 (British).
Wheels and axles.	H.293/8586/23-4-28 .	Kitson & Co., Ltd.	233 15 0 (British).
Duck, cotton .	H.339/8066/26-4-28 .	Sir Elkanah Armitage & Sons, Ltd.	3,364 13 9
	H.340/8066/26-4-28 .	M. C. Thomson & Co., Ltd.	3,375 0 0
		Total . . .	6,739 13 9 (British).

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>123 15 0</p> <p>128 0 0 (British).</p>	<p>The colours were required to reach India by the end of March, 1928. The lowest tenderer offered delivery in this country by 29th March, 1928, but in view of the difficulty which the firm was experiencing in making deliveries under a current contract it was considered very improbable that the promised delivery would be kept. The time quoted for delivery by the second lowest tenderer was long and moreover the firm had not previously executed a contract for this Department for colours.</p> <p>The order was accordingly placed with the third lowest tenderer for delivery in four weeks on the grounds of superior reliability and quicker delivery.</p>
<p>1,250 0 0 (for 250 miles) (British).</p>	<p>In view of the difficulty experienced by a British Government Department in obtaining satisfactory supplies of D class cable from the firm which on this occasion submitted the lowest tender, it was not considered advisable to entrust this firm with the whole order in view of the probability of delay, and possibility of failure to supply the proper material. An order for 110 miles only was therefore placed with them, the remaining 250 miles being given to the next lowest tenderer whose supplies were known to be satisfactory.</p>
<p>2,995 0 0 (British).</p>	<p>The lowest tenderer could not deliver in under 9 months. As the crane was urgently required in India for bridge erecting the order was placed with the next lowest tenderer who offered delivery in 20 weeks.</p>
<p>38 0 6 (British).</p>	<p>Accepted on the grounds of the superior quality of the goods offered, which represented more than the small difference in cost.</p>
<p>225 5 0 (British).</p> <p>6,720 7 6 (British).</p>	<p>Accepted on the ground of quicker delivery asked for by the indenter.</p> <p>The cotton duck was required in India between 1st April, 1928, and 31st October, 1928. At the rate of delivery offered by the lowest tenderer over 12 months would have been required to complete the order. The contract was therefore divided between the two lowest tenderers.</p>

PART B.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheels and axles.	H.552/325/12-5-28	Taylor Bros. & Co., Ltd.	527 10 0 (British).
Stoneware bases and plates.	H.587/112/16-5-28	Deulton & Co.	48 13 8 (British).
Coupling rods	H.630/704/21-5-28	Kitson & Co., Ltd.	94 15 0 (British).
Propellers	H.873/651/8-6-28	Bow, McLachlan & Co., Ltd.	95 0 0 (British).
Flannel, silver grey—			
50,000 yds.	H.1008/1164/19-6-28	T. & C. Littlewood & Co., Ltd.	4,922 18 4
120,000 „	H.942/1164/14-6-28	J. Bradbury & Co., Ltd.	13,625 0 0
100,000 „	H.941/1164/14-6-28	Kelsall & Kemp, Ltd.	10,312 10 0
270,000 „ Total.		Total	28,860 8 4 (British).
Steel wire	H.1136/1448/28-6-28	Richard Johnson & Nephew, Ltd.	135 12 0 (British).

contd.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
515 0 0 (British).	Accepted on the ground of quicker delivery asked for by indenter.
42 3 2 (British).	As supply by Messrs. Doulton was specially asked for by the indenter, in view of his previous experience, that firm's tender was accepted, but the lower quotation was brought to the notice of the indenting authority in India for future guidance.
88 0 0 (British).	Accepted on the ground of earlier delivery as immediate supply was required by indenter.
90 0 0 (British).	Accepted on the ground of earlier delivery as immediate supply was asked for by indenter.
	The lowest tenderer had not previously executed any contracts for the Department. In view of the importance and urgency of the demand it was considered advisable to place only a small trial order with them and to order the balance from the next lowest tenderers.
28,531 5 0 (British).	
131 16 8 (British).	Accepted on the grounds of superior quality of the wire offered, which represented more than the difference in price between the two quotations.

PART C.—*Cases in which the discrimina*

Stores ordered.	Contract Number.	Name of Contractor	Amount of Contract.
Insulators, porcelain.			£ s. d.
	H.377/8504/28.4.28	W. F. Dennis & Co.	1,800 0 0 (German).
	H.379/8504/28.4.28	Equipment and Engineering Co.	1,950 0 0 (German).
	H.378/8504/28.4.28	Porzellan-Industrie A. G.	1,975 0 0 (German).
		Total . . .	5,725 0 0
Wheels and axles.	H.939/917/14.6.28	Carters (Merchants), Ltd. Delivery —12/14 weeks (approx.).	3,000 0 0 (Czecho-Slovakian).
	H.940/917/14.6.28	Vereinigte Stahlwerke A. G. Bochumer Verein. Delivery.—7/8 weeks.	1,519 0 0 (German).
		Total . . .	4,519 0 0

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President: I have to inform the Assembly that the number of candidates nominated for election to the panel for the Standing Committee to advise on subjects in the Department of Industries and Labour is equal to the number required, and therefore I announce that the following members are declared to be duly elected :

Mr. Muhammad Rafique.
Maulvi Abdul Matin Chaudhury.
Sir Darcy Lindsay.
Mr. Mukhtar Singh.
Mr. N. M. Joshi.
Rai Sahib Harbilas Sarda.
Dr. B. S. Moonje.
Mr. Abdul Qadir Siddiqi.
Raja Ghazanfar Ali Khan.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 205 AND 540A.)

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadian): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 205 and 540A). I have given the reasons in the Statement of Objects and Reasons why I move for an amendment of the law.

At present, under the provisions of section 205, it is only in cases in which summonses are issued in the first instance that exemptions from presence can be granted. According to the provisions of section 204, summons can be issued in cases in which, according to the fourth column of the 2nd Schedule of the Criminal Procedure Code, warrants should be issued in the first instance, and similarly, under section 90 of the Code, warrants can be issued in cases in which, according to the fourth column of the 2nd Schedule of the Code, summons ought to issue in the first instance. According to the provisions of section 91, if the accused is present in court, even in cases in which summons ought to issue in the first instance, the court is not bound to issue any summons but may take a bond from the accused, so that it is not necessary, even in summons cases, for the Court to issue a summons in the first instance. And the scope of discretion for the ordinary Courts is very limited in the matter of exemptions from presence.

The law relating to the exemption from presence of accused persons is not founded on the original sin of a summons or warrant having been issued in the first instance; it is founded on the compelling nature of the circumstances which necessitate such absence. I therefore think that this principle of exemption should be applicable to a greater number of cases and there is no reason why this arbitrary distinction should be made between cases in which summonses are issued in the first instance as against those in which warrants or notices are issued in the first instance. This one ground alone, I submit, should be regarded as enough for a change in the law.

As regards the other change, that is, change in section 540A, the present section makes it discretionary on Courts to dispense with the presence of accused only in one case. That is, when the accused is before the Court and becomes incapable of remaining before Court. That means that, even if the accused is suffering from a fatal disease he must be brought into Court and the Court must find that he is incapable of remaining before the Court. In that case alone and in no other case can the Court dispense with the personal attendance of the accused. Every criminal practitioner knows how this provision causes hardship to the accused himself and his co-accused, and I cannot understand why, when this provision, namely 540A, was enacted, this aspect of the case was not considered and, instead of providing for a state of things in which presence of the accused was physically impossible, only the contingency of an accused person being present in Court and then becoming incapable of remaining before the Court was provided against. There are one or two other changes of a minor character also which I shall not dwell upon on this occasion. This is all I have to submit at this stage.

Mr. President: The question is :

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 205 and 540 A)."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 552.)

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 552). In the Statement of Objects and Reasons I have briefly submitted the reasons for an amendment of the law on this point. The main reason, I would submit at this stage, is that the case of orphans is not provided for, and it happens in practice that, when an orphan is brought before the court, in virtue of the exercise of the power given under section 552, the court is quite helpless, and on account of the absence of any provision in the Criminal Procedure Code, the court cannot make any proper order for the safe custody of the orphans. Moreover, in a number of cases, it is very difficult to prove the unlawful purpose which is provided under section 552. As a matter of fact the very words 'unlawful detention' connote a state of things in which a person ought to be set at liberty, and the further restriction that there should be an unlawful purpose, generally gives rise to communal conflicts and religious animosities and I have proposed that these words "for an unlawful purpose" may be omitted. This is all I have to say at this stage.

Mr. President: The question is :

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 552)."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th February, 1929.