

3rd September 1929

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV

(2nd September to 17th September, 1929)

FIFTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY

1929



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# LEGISLATIVE ASSEMBLY.

*Tuesday, 3rd September, 1929.*

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

## MEMBERS SWORN :

Mr. John Young Philip, M.L.A. (Bengal : European) ; and Mr. Henry Louis Stevenson, M.L.A. (Burma : Nominated Official).

## QUESTIONS AND ANSWERS.

### NUMBER OF APPLICATIONS FOR EXTENSION OF TIME RECEIVED IN EACH OF THE INCOME-TAX OFFICES IN SIND IN 1927-28 AND 1928-29.

41. \*Mr. Lalchand Navalrai : Will Government be pleased to give for each of the Income-tax charges in Sind the following information for each of the two years 1927-28 and 1928-29 :

(a) Total number of applications for extension of time received under section 45 of the Act ; and

(b) How many of these were granted ?

**The Honourable Sir George Schuster :** A statement is laid on the table.

*Statement regarding the applications in Sind for stay of recovery of income-tax under Section 45 of the Indian Income-tax Act, 1922, during the years 1927-28 and 1928-29.*

Charge.	1927-28.		1928-29.	
	No. filed.	No. granted.	No. filed.	No. granted.
Karachi City .. .. .	85	56	154	114
Thar Parkar District .. .. .	15	12	20	14
Hyderabad .. .. .	25	20	20	16
Sukkur .. .. .	25	21	21	18
Shikarpur .. .. .	2	2	4	3
Larkana .. .. .	90	18	23	22
Total .. .. .	172	129	242	167

ISSUE OF NOTICES FOR COMPLIANCE ON SUNDAY BY INCOME-TAX OFFICERS IN CERTAIN DISTRICTS.

42. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that in some cases the Income-tax Officers of the Karachi and Thar Parkar Districts issued notices for compliance under section 23 (2) and 22 (4) of the Act for Sunday ?

(b) If so, do Government propose to stop such a practice ?

The Honourable Sir George Schuster : (a) Yes. In some cases work has been done on Sundays in the desert tracts of the Thar Parkar district in order to expedite assessment work, or to enable assesseees to return to their homes as soon as possible, or to reduce the period of halt of the Income-tax Officer and his staff in view of the hardships involved in touring in these areas. In some instances assessments have been made on Sunday at the request of the assesseees themselves.

(b) The circumstances in these areas are peculiar and the Government of India propose to take no action except to direct that, if an Income-tax Officer wishes to take up cases on Sunday, he shall give assesseees the option of attending on some other day.

Mr. Lalchand Navalrai : Is the Honourable Member aware that the people of the Thar Parkar district feel that there should be no hearings on Sunday and that they feel it very inconvenient ?

The Honourable Sir George Schuster : I have told the Honourable Member that, in future, if the Income-tax Officers undertake cases on Sunday, they should always give the assessee a chance of objecting.

PERIOD OF TIME ALLOWED TO ASSESSEES BY INCOME-TAX OFFICERS IN SIND FOR PAYMENT UNDER SECTIONS 29, 31, 32 AND 33 OF THE INCOME-TAX ACT.

43. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state the usual time given by Income-tax Officers in Sind to the assesseees for payment under sections 29, 31, 32 and 33 ?

(b) Will Government be pleased to state in how many cases notices of demand under section 29 of the Act were issued in each of the charges of the Income-tax Officers in Sind during each of the years 1927-28 and 1928-29 allowing for payment a longer period than 30 days from the date of demand ?

(c) Will Government be pleased to give the cases in Sind in the years 1927-28 and 1928-29 in which no time was fixed for payment under sections 29, 31, 32 and 33, and assesseees were compelled to pay on the 1st day of the 2nd month following the date of the service of the notice or order ?

The Honourable Sir George Schuster : (a) The period allowed for payment of a demand under section 29 of the Indian Income-tax Act, 1922, is usually thirty days. No period has been fixed for an amount specified as payable in an order under sections 31, 32 or 33 and the time allowed depends on the circumstances in each case.

(b) A statement is laid on the table.

(c) The compilation of the information for which the Honourable Member asks would involve an amount of time and labour which is disproportionate to any possible advantage that could be obtained. The Government are therefore unable to comply with the Honourable Member's request.

*Statement showing number of cases of notice of demand of Income-tax in Sind in 1927-28 and 1928-29 in which more than 30 days were allowed from the date of the notice.*

Name of Circle.	Number of cases during 1927-28.	Number of cases during 1928-29.
Karachi .. .. .	387	489
Hyderabad .. .. .	35	35
Sukkur .. .. .	29	18
Shikarpur .. .. .	..	..
Larkana .. .. .	..	..
Karachi and Thar Parkar .. .. .	10	10
Total for Sind .. .. .	453	552

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to realise that if certain information is necessary, it would be helpful if an extract or some idea of the information wanted is given ?

**The Honourable Sir George Schuster :** I have gone very carefully into this case, as into a number of other cases where the Honourable Member asked for complicated returns to be compiled, and I have come to the conclusion that it would not be in the public interest to devote the time necessary. The object gained does not justify the amount of time and labour involved.

†44.

**NUMBER OF ASSESSEES IN 1927-28 AND 1928-29 ASSESSED BY EACH INCOME-TAX OFFICER IN SIND IN RESPECT OF REMITTANCES OF PROFIT FROM FOREIGN BUSINESSES.**

45. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state the number of assessees in each Income-tax Officer's charge in Sind who were assessed income-tax in each of the years 1927-28 and 1928-29 under " other sources " in respect of remittances of profit from foreign businesses and the number of cases in which the production of foreign books was called for ?

**The Honourable Sir George Schuster :** The compilation of this information will require an amount of time and labour which is disproportionate to the result obtained, and the Government of India regret to be unable to supply it.

**PETITIONS SUBMITTED BY TAX-PAYERS IN TATTA, KARACHI DISTRICT, IN REGARD TO THE WORKING OF SECTIONS 4 (2) AND 22 (4) OF THE INCOME-TAX ACT.**

46. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that certain tax-payers in Tatta, Karachi District,

†Question withdrawn by the questioner.

submitted petitions to the First Member, Central Board of Revenue, in regard to the working of section 4 (2) and section 22 (4) of the Act in 1928 and 1929 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action has been taken in the matter ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) No action was taken by the Central Board of Revenue since the points raised were, either outside the competence of the Board, or of such a nature that in the opinion of the Board no action was called for.

**PRACTICE INTRODUCED BY INCOME-TAX OFFICERS OF OBTAINING THE SIGNATURES OF ASSESSEES TO REPORTS ON THE EXAMINATION OF THEIR ACCOUNTS.**

47. \*Mr. Lalchand Navalrai : Will Government be pleased to state if it is a fact that recently a system has been introduced by Income-tax Officers of obtaining the signature of assessee or their clerks to the reports on the examination of their accounts in token of the correctness of the reports ?

**The Honourable Sir George Schuster :** It is not the fact that there has been any recent introduction of the system referred to. It has, however, been ascertained that the practice has been followed by Income-tax Officers in two or three districts only. The Central Board of Revenue do not approve of the practice and have issued orders directing its discontinuance.

**REFUSAL OF INCOME-TAX OFFICERS IN SIND TO SUPPLY, ON REQUEST, COPIES OF ORDERS PASSED BY THEM UNDER SECTION 23 OF THE INCOME-TAX ACT.**

48. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that in a number of cases in the year 1928-1929 the Income-tax Officers in Sind refused to supply, on request, copies of the orders of assessment passed by them under section 23 of the Act which, under the orders of the Central Board of Revenue, have to be supplied free of charge on request to the assessee ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases in which applicants were called upon to state the purpose for which the orders were required ?

(c) Do Government propose to put a stop to this practice ?

**The Honourable Sir George Schuster :** (a) and (b) The facts to which the question apparently refers are not exactly as stated, for there was no case of refusal by the Income-tax Officers in Sind in 1928-29 to supply copies of assessment orders to assessee at their request. The facts in this case, which I think the Honourable Member has in mind, were that one particular Income-tax Officer, before granting copies inquired the purpose for which the copies were required in order to ascertain whether any stamp duty was leviable. This procedure was incorrect and, when it came to the notice of the Assistant Commissioner, was discontinued. It is not possible to state the number of cases in which applicants for copies were asked to state the purpose for which the copies were required as no record of them was kept.

(c) No further action is necessary as the practice referred to has already been stopped.

**DEMAND BY INCOME-TAX OFFICERS IN SIND FOR CERTIFICATES FROM REGISTERED FIRMS SHOWING THAT THEIR CONSTITUTION REMAINED UNALTERED.**

49. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that Income-tax Officers in Sind have called upon "registered firms", who applied for renewal of registration for the years 1928 and 1929, to furnish certificates showing that the constitution of such firms remained *unaltered* during the said years ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases in which such requisitions were made, and under what rules or orders they were made ?

**The Honourable Sir George Schuster :** (a) and (b). Under rule 6 of the Indian Income-tax Rules an application for renewal of a certificate of registration must be accompanied by a certificate signed by one of the partners of the firm that the constitution of the firm, as specified in the instrument of partnership remains unaltered. If, in any case, therefore, such a certificate was not forthcoming, it was an act of kindness on the part of the Income-tax Officer to ask for it. The Government see no need to call for statistics showing the number of cases in which Income-tax Officers asked for such certificates.

**PASSING OF ASSESSMENT ORDERS IN SIND IN THE ABSENCE OF ASSESSEES.**

50. \*Mr. Lalchand Navalrai : Will Government be pleased to state if it is a fact that in Sind assessment orders have, since the last few years, been discontinued to be passed in the presence of assesseees or their representatives and that they are generally passed several days after interview with the assesseees or of the discussion of the reports of the examiners of accounts ?

**The Honourable Sir George Schuster :** The facts are not as stated, and as a general rule, assessment orders are passed in the presence of assesseees or their representatives. It is inevitable, however, that there should be some exceptions to this practice, in cases of a difficult or important nature, or where further inquiries are necessary. For the disposal of such cases the Income-tax Officer must obviously, on occasions, need time for consideration.

**Mr. Lalchand Navalrai :** Do Government propose to instruct the Income-tax Officers to communicate the decision to the assesseees forthwith in these exceptional cases ?

**The Honourable Sir George Schuster :** I will look into the matter and try to give effect to the Honourable Member's desire.

**NUMBER OF CASES OF PERSONAL EXAMINATION OF BOOKS BY INCOME-TAX OFFICERS IN SIND.**

51. \*Mr. Lalchand Navalrai : Will Government be pleased to give for each of the years 1927-28 and 1928-29 the number of cases in

which each Income-tax Officer in Sind personally examined the accounts of assessees, noted the fact as such, and based the assessment orders on such personal examination of books ?

**The Honourable Sir George Schuster :** The practice usually followed is that the books produced by assessees are scrutinised in the first place by examiners of accounts, whose reports are examined along with the accounts by Income-tax Officers when they frame their assessments.

The statistics for which the Honourable Member asks can only be compiled at the cost of considerable labour and to the detriment of the current work of assessment, and the Government of India regret to be unable to furnish them.

**LACK OF OPPORTUNITY AFFORDED TO ASSESSEES IN SIND TO REBUT INFORMATION DISCLOSED BY INCOME-TAX OFFICERS' INQUIRIES.**

52. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that in Sind no opportunity is given to assessees to rebut the information disclosed by the Income-tax Officers' inquiries in cases in which there are no accounts ?

(b) Do Government propose to issue suitable instructions on the point ?

(c) Will Government be pleased to state if it is a fact that such inquiries are made by the Income-tax Officers through their clerks in cases in which either there are no accounts or in which accounts have been rejected on the plea that they do not reflect at a glance the position of the assessees ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Suitable instructions will be issued by the Central Board of Revenue.

(c) No such inquiries are made by Inspectors.

**PAYMENT OF *Bhatta* AND TRAVELLING EXPENSES TO WITNESSES SUMMONED BEFORE INCOME-TAX OFFICERS.**

53. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 141 (b), put on the 5th September 1928, will Government be pleased to state the information since ascertained by the Central Board of Revenue with regard to the practice of payment of *bhatta* and travelling expenses in the different provinces and the instructions the Board have issued in consequence thereof ?

**The Honourable Sir George Schuster :** The reports received from Commissioners of Income-tax showed that very few witnesses had been summoned by Income-tax Officers at their own instance, and that the payment of expenses had not been uniform since a considerable percentage of the witnesses resided at the place where their evidence was given and did not claim expenses. The Central Board of Revenue, therefore, issued a circular (of which a copy is laid on the table), directing that the expenses of all witnesses summoned by the Departments should be paid to them on the scale laid down for civil courts.

CIRCULAR No. 43 OF 1928 (D. DIS. No. 544-I.T.) 28, DATED THE 8TH NOVEMBER 1928, FROM THE SECRETARY, CENTRAL BOARD OF REVENUE, TO ALL COMMISSIONERS OF INCOME-TAX.

*Allowances—Bhatta and travelling expenses to witnesses summoned by the Income-tax Department—Instructions regarding — Paragraph 67 of the Income-tax Manual.*

In the last sub-paragraph of paragraph 67 of the Income-tax Manual it is laid down that the scale of diet money and travelling expenses for witnesses summoned under section 37 of the Indian Income-tax Act, 1922, should be that prescribed for attendance in civil courts in the Province concerned. Inquiries show that, in cases where Income-tax Officers have summoned witnesses of their own accord, the payment of diet money and travelling expenses has not been uniform. The Board, therefore, directs that the *bhatta* and travelling expenses should be paid to all witnesses summoned by the Department on the scale laid down for civil courts, and the cost met from contingent grant of the officer concerned.

**Mr. Lalchand Navalrai :** Will that payment be made by the Government or by the assesseees ?

**The Honourable Sir George Schuster :** Payment will be made by the Government.

PERIOD ALLOWED UNDER NOTICES ISSUED UNDER SECTION 22 (2) OF THE INDIAN INCOME-TAX ACT.

54. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 145, asked on 5th September 1928, will Government be pleased to state the information the Central Board of Revenue gathered with regard to the period of notices under section 22 (2) of the Indian Income-tax Act, 1922, and the instructions issued by the Board in consequence thereof ?

**The Honourable Sir George Schuster :** The information obtained by the Central Board of Revenue was to the effect that the provisions of section 22 (2) of the Indian Income-tax Act, 1922, regarding a minimum period of 30 days were observed. No instructions were therefore issued.

In any case instructions are not necessary because, if a period of 30 days is not allowed, the assessment would be illegal and could therefore be set aside.

ISSUE OF NOTICE TO INCOME-TAX ASSESSEES TO RECEIVE REFUND ORDERS.

55. **\*Mr. Lalchand Navalrai :** With reference to my starred question No. 151, asked on 5th September 1928, will Government be pleased to state what information the Central Board of Revenue collected and what instructions they issued on that point ?

**The Honourable Sir George Schuster :** The information collected was as follows :

1. (a) *Reduction in assessment on appeal under section 31.*—Except in Assam and Burma, in which provinces the practice was not uniform in all the districts, either a refund voucher was sent at once without waiting for a claim from the assessee, or a notice was issued to the assessee to come and receive the refund.

(b) *Re-opening of assessments under section 27.*—The time allowed for payment of tax is seldom less than 30 days, whereas an application for the re-opening of an assessment made under section 23 (4), must be made within one month from the service of the notice of demand. The occasion for a refund therefore seldom arises. In those rare cases in which such

occasion arose, the practice in the provinces varied, the tax being refunded in some of the provinces immediately pending fresh assessment, while in others the tax was held back for adjustment against the fresh assessment, except in cases where an assessee desired a refund.

2. The following instructions were issued :

(a) As regards cases under section 31, Assam and Burma were asked to follow the practice of other provinces.

(b) As regards cases re-opened under section 27, tax was ordered to be refunded in all cases without waiting for any application from the assessees.

#### RESTRICTION OF PRESENT UNLIMITED REPRESENTATION BEFORE INCOME-TAX OFFICERS.

56. \*Mr. Lalchand Navalrai : Will Government be pleased to state whether they intend to amend section 61 of the Indian Income-tax Act so as to restrict the unlimited representation by any person before the Income-tax Officers now allowable to the assessees ? If so, when ?

The Honourable Sir George Schuster : Yes, during the present session.

#### ASSESSMENT BY INCOME-TAX OFFICERS IN SIND OF FOREIGN PROFITS BROUGHT INTO INDIA.

57. \*Mr. Lalchand Navalrai : (a) Will Government be pleased to state if, in assessing income-tax in Sind on foreign income, the Income-tax Officers do not allow a set-off in respect of loss of profits or gains sustained by assessees in foreign countries in a previous year ? Is it the intention of section 4, clause 2, of the Income-tax Act that only the net amount of profits received or brought into British India have to be assessed ?

(b) If the answer to part (a) be in the affirmative, do Government propose to direct the Income-tax Officers to allow such a set-off ?

The Honourable Sir George Schuster : I regret that I am unable to understand the Honourable Member's question, but I state for his information the law and practice governing the levy of tax on foreign income, which, needless to say, are the same in Sind as in other parts of India.

Under section 4 (2) of the Indian Income-tax Act, 1922—

" Profits and gains of a business accruing or arising without British India to a person resident in British India shall, if they are received in or brought into British India, be deemed to have accrued or arisen in British India and to be profits and gains of the year in which they are so received or brought, notwithstanding the fact that they did not so accrue or arise in that year, provided that they are so received or brought in within three years of the end of the year in which they accrued or arose "

It will be observed that what is taxed is not the whole of the foreign profits but only that portion which is brought into British India during the year of assessment. Profits of a foreign business are computed in exactly the same manner as profits accruing or arising from a business in British India—that is to say, no set-off is allowed in respect of losses

carried forward from previous years ; and out of the profits so computed, the profits that are actually brought into British India are taxed.

If the Honourable Member will let me know more clearly what his difficulty is, or give me the details of the case or cases that he has in mind, I will have the matter investigated.

**INSISTENCE BY INCOME-TAX OFFICERS IN SIND OF THE PRODUCTION OF BOOKS MAINTAINED IN FOREIGN COUNTRIES.**

58. **\*Mr. Lalchand Navalrai :** (a) Are Government aware that the Income-tax Officers, Karachi and Thar Parkar Districts, insisted upon the production of actual books maintained in foreign countries in order to find out the profit or loss of the assessee resident in British India, and refused to accept, from the merchants of Tatta, valid certificates or balance sheets produced from the foreign country, testifying to such loss or gain ?

(b) Are Government prepared to consider the inconvenience, loss, expense and the delay in obtaining from a foreign country such books for the inspection of the British Income-tax authorities, and do they propose to direct the Central Board of Revenue to make suitable orders in relief thereof ?

**The Honourable Sir George Schuster :** (a) The answer is in the negative, but I must confess that I do not understand the meaning of the term " valid certificates ".

(b) The question whether remittances to British India from places outside British India are the profits of a business for the purpose of section 4 (2) of the Indian Income-tax Act, 1922, is frequently of a complex nature and can only be decided satisfactorily by the production of the accounts of the foreign business. It is to the interest of the assessee that such books should be produced and examined, and, since the accounts are for a previous accounting period, and in a large number of cases have already been sent to the head offices of the concerns in Sind, the conditions postulated in the question do not, as a rule, arise. The Government of India do not propose to issue any orders in the matter.

**Mr. Lalchand Navalrai :** Do Government realise that there is a great deal of trouble and expense involved in bringing all the books from foreign countries ?

**The Honourable Sir George Schuster :** I am afraid a certain amount of trouble is always inevitable in order to obtain accurate information where businesses have foreign interests.

**Mr. Lalchand Navalrai :** I suppose the Honourable Member realises that the trouble here is more than in other cases ?

**The Honourable Sir George Schuster :** Does the Honourable Member mean that the trouble in Sind is more than in other cases in India ?

**Mr. Lalchand Navalrai :** Not that, but to bring books from foreign countries would take a long time and great expense and trouble and . . .

**Mr. President :** The next question, Mr. Lalchand.

**REQUISITIONS BY TAX OFFICERS IN SIND OF ACCOUNTS OF PURCHASES AND SALES AND PROFITS AND LOSS.**

59. \***Mr. Lalchand Navalrai** : Will Government be pleased to state the result of their inquiries with regard to clauses (b) and (c) of my starred question No. 355, put on the 4th February 1929, with respect to requisitions by Income-tax Officers in Sind to prepare and produce accounts of purchases and sales, and profit and loss ?

**The Honourable Sir George Schuster** : The information for which the Honourable Member asked in parts (b) and (c) of the question referred to was supplied to him by the Central Board of Revenue in a letter, dated the 23rd February, 1929. It was to the effect (i) that it is only in cases in which a full set of accounts, with a purchase and sale account worked out, is believed to exist, that the assessee is called on to produce a purchase and sale account, and (ii) that it is only in cases in which an Income-tax Officer has reason to believe that accounts containing a purchase and sale account have been maintained and have not been produced that the assessee is required to produce them, together with a profit and loss account worked out on the basis of the purchase and sale account.

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**Mr. Lalchand Navalrai** : Question No. 60, Sir.

**Mr. E. L. Price** : On a point of order, Sir. A question to be admissible under Standing Order 15, sub-section (3), must not contain defamatory statements. My objection is concerned with paragraph (d) which does contain defamatory statements against constituents and friends of mine.

**Mr. President** : The President has, after full consideration, admitted the question, and no Member of this House has a right to question his decision.

**POLICY OF GOVERNMENT IN REGARD TO THE GRANT OF SUBSIDIES TO AERO CLUBS IN INDIA.**

60. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state how many aero clubs in India have been given Moth aeroplanes free and what is the amount of subsidy paid every year to each of these clubs ?

(b) How much is Government going to pay to each of these clubs for the construction of hangers ?

(c) Are Government aware that some of these clubs are not only giving joy rides in their respective places, but are also lending machines on hire for long distance flights ?

(d) Is it a fact that one of the Moth aeroplanes of the Karachi Aero Club was given on hire to a gentleman, who flew over to Lahore, gave joy rides there and made money out of the bargain a few months ago ?

(e) Is it a fact that the machines of the Karachi Aero Club are also hired for cross-country flights in the province of Sind ?

(f) Are these planes intended for the training of local pilots within the limits of the city where the Club is located, or are they intended to be hired out ?

(g) Do Government propose to announce their policy in this regard and communicate it to the aero clubs concerned ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Four light aeroplane clubs are at present being subsidised by the Government of India, who have provided each club with two Moth aeroplanes ; these aeroplanes remain the property of the Government of India. An annual grant of Rs. 20,000 is being paid to each club.

(b) Rs. 9,000.

(c) Yes. A member of a club, who is a qualified pilot, is entitled to hire a machine for cross-country flights, subject to such conditions as the Committee of the club may lay down.

(d) A member of the Karachi Aero Club, with the approval of his Committee, hired a machine in April last and flew to Lahore where he gave four pleasure flights. These flights were duly paid for at normal rates and the proceeds were handed over to the Club.

(e) Yes.

(f) The four flying clubs were formed in order to popularise and develop civil flying in this country and to enable the art of flying to be learnt and practised at a comparatively low cost. Cross-country flying is an integral part of the advanced training of a pilot and Government see no reason to impose restrictions on such flying.

(g) No. The flying clubs are already aware of the views of the Government of India in this respect.

**Mr. Gaya Prasad Singh :** What is the amount of money which was collected and handed over to the Club ?

**The Honourable Sir Bhupendra Nath Mitra :** I am sorry I have no information because the money was not handed over to Government.

**Mr. Lalchand Navalrai :** Do I understand that the Committee permitted these long distance flights, I mean the Committee of the Club ?

**The Honourable Sir Bhupendra Nath Mitra :** That is my information, Sir.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say if, when the money (Rs. 9,000) has been given for the construction of hangers, it is binding on the Club to maintain an Air Force mechanical workshop also ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, I submit that does not arise out of the main question. If the Honourable Member had put in that as part of the main question, I would certainly have made inquiries.

#### PRESENT POSITION AND FUTURE PROGRAMME OF THE DACCA-ARICHA RAILWAY PROJECT.

61. **\*Mr. K. C. Neogy :** Will Government be pleased to make a full statement regarding the present position and future programme of the Dacca-Aricha Railway project, with particular reference to the following points :

- (a) the circumstances that influenced the determination of the amount provided in the current Railway Budget for expenditure on this project during 1929-30 ;

- (b) the circumstances that may have led to the curtailment of the said amount, and the resulting restriction of the programme for the current year ;
- (c) the probable time that would be taken in completing the project, if work proceeds at the present pace ;
- (d) whether, taking advantage of the modification of the present year's programme, certain commercial interests in India and England are carrying on a campaign against the project ;
- (e) whether any formal or informal representations, urging the abandonment or postponement of the scheme, have been received from any quarter ; and
- (f) whether the programme is likely to be affected in any manner by any such representations or the agitation that is being carried on in the British-owned Press in India on behalf of interested parties ?

**The Honourable Sir George Rainy :** (a) The amount provided during 1929-30 was a proportion of the total funds available for the various new constructions, allowance being made for the time which would be occupied in the preparation of the plans and documents connected with land acquisition and the process of acquisition.

(b) The final location survey and the preparation of the land acquisition documents have taken longer than was anticipated and a general review of expenditure on constructions and open line works, including rolling stock, has led to a redistribution of funds, in which part of the allotment for the Dacca-Aricha Railway has been transferred to other works which were more in need of money.

(c) The project will probably take three years to complete from the time active construction is put in hand, which will probably be in 1931.

(d) and (e). Formal representations, both for and against the project, have been received.

(f) Government have found no reason to modify their opinion that the line should be constructed as soon as financial circumstances permit. I hope to lay on the table, at an early date, the representation received from the Bengal Chamber of Commerce and the reply which is being sent.

#### DISSEMINATION OF WEATHER FORECASTS AND WARNINGS AGAINST FLOODS TO INDIAN AGRICULTURISTS BY THE METEOROLOGICAL DEPARTMENT.

62. **\*Mr. K. C. Neogy :** (a) Did the Meteorological Department foresee the heavy rain and floods in Assam and Akyab that visited these areas in June last, and were warnings issued in time against the possibility of heavy rain and floods on these occasions ?

(b) If so, what are the places in the affected areas to which the warnings were communicated, through what agencies and when ?

(c) Does the Indian Meteorological Department forecast river stages and floods, as in the United States of America and European countries ? If not, why not ?

(d) Have Government any organisation for the quick dissemination of weather forecasts and warnings to the Indian agriculturist, so as to make them useful for agricultural operations? If not, do Government propose to set up any such organisation?

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

(b) Telegraphic warnings were communicated to the Port Officer, Akyab, from May 29th to June 4th, to the Deputy Commissioner, Kyauk-pyu on the 1st June, and to the Superintendent, Telegraph Engineering, Akyab, on the 2nd June. Similar warnings were also communicated to the Governments of Burma and Assam, to the Superintending Engineer, Maymyo and to the Press.

(c) No. The Meteorological Department does not possess the organisation which would be required to collect data of river levels without which floods cannot be foreshadowed.

(d) The Central Government have none, and in all probability Local Governments have none. Weather forecasts are sent to Local Governments, and no doubt Ministers in charge of Agriculture can come to a decision how far weather forecasts can be useful to agriculturists, and in case they are useful, what organisation is needed by them for their dissemination.

**Mr. K. C. Neogy :** With reference to clause (c), will Government be pleased to consider the desirability of undertaking the forecast of river stages and floods?

**The Honourable Sir Bhupendra Nath Mitra :** I shall give proper consideration to that suggestion of my Honourable friend, but I have reason to believe that he wants to reduce the expenditure of the Meteorological Department.

**Mr. K. C. Neogy :** I do not know where the Honourable Member has gathered that impression from?

**The Honourable Sir Bhupendra Nath Mitra :** I may be entirely wrong, but I have gathered that impression from some newspaper reports.

**Mr. K. C. Neogy :** The Honourable Member should not rely too much on these newspaper reports, nor on his memory either?

**The Honourable Sir Bhupendra Nath Mitra :** Very well. I stand corrected, Sir.

#### LOCATION AND PARTICULARS OF THE COMPOSITION OF THE INCOME-TAX OFFICE AT CHITTAGONG.

63. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state for what purpose the office of the Income-tax Officer, Chittagong, has been shifted to a place in an unfrequented part of the town? Are Government bound to find quarters for the Income-tax Officers stationed at Chittagong? What is the arrangement now in vogue there? Is it permissible for the Income-tax Officer to live on the premises by cramping the office accommodation?

(b) Will Government be pleased to state when the Income-tax office was first started in Chittagong? What is the total strength of the office now and how many of the staff are Moslems, (i) including the menials, and (ii) excluding the menials?

(c) What is the qualification of the Head Clerk ? What are his duties ? Do Government propose to put a man with standard qualification there in that position ?

**The Honourable Sir George Schuster :** (a) The building in which the Income-tax Office at Chittagong was located in 1923 was given up in 1927 on the recommendation of the Executive Engineer, Chittagong Division, who found the building unsafe, and suggested some improvements, which the landlord refused to make. There was no suitable building available near to the courts or the business portion of the city, and the present office was accordingly taken. The Government are not under any obligation to provide quarters for the Income-tax Officers stationed in Chittagong, but as accommodation was available in the upper storey of the building taken as an office it was let to the Income-tax Officer on the payment of rent. The occupation of these quarters by the Income-tax Officer has not caused any inconvenience, as the rooms available on the ground floor of the building are sufficient for the office.

(b) In 1923. Five clerks and four menials are employed, all of whom are Hindus.

(c) The Head Clerk has passed the Matriculation examination of the Calcutta University and is therefore qualified for employment in an income-tax office. His duties include the supervision of the work of the other clerks in the office and such clerical work as the Income-tax Officer may make over to him.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what is the number of Muhammadan clerks now, in 1929. The information that he has given relates to the year 1923.

**The Honourable Sir George Schuster :** I do not think I have the information available, but I will be pleased to furnish it to the Honourable Member.

#### DATE OF CLASSIFICATION OF SERVICES IN INDIA INTO MAJORITY AND MINORITY COMMUNITIES.

64. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state when the division into majority and minority communities was introduced in the services of the Crown in India ? What is the meaning of communal inequality which Government Members so often speak of in their reply to interpellations ?

**The Honourable Sir James Orerar :** I cannot assign a precise date for any formal recognition of the existence of majority and minority communities in the services of the Crown in India, but for a general review of the subject I would invite the Honourable Member's attention to the debate in the Assembly of March 10, 1923. The meaning to be attached to the term "communal inequality" depends on the context in which it is used, and I regret that I am unable to give a definition of the term which would be of universal application.

DATE WHEN ENGLISH WAS MADE THE COURT LANGUAGE IN INDIA.

65. \*Mr. Anwar-ul-Azim : When was English made the Court language in India ?

The Honourable Sir James Orerar : The Honourable Member is not correct in assuming that English is the language of all courts in British India. It is the language of the High Courts, Chief Courts and Judicial Commissioners' Courts, and as far as Government are aware has been since their creation. In courts subordinate to High Courts, the power to prescribe the language of the court vests in the Local Government.

NUMBER OF PEONS, OVERSEERS AND CLERKS RECRUITED TO CERTAIN POST OFFICES IN CHITTAGONG.

66. \*Mr. Anwar-ul-Azim : (a) Will Government be pleased to state how many people have been recruited as (i) peons and (ii) overseers during the last five years by the Inspectors, Chittagong North and Chittagong South Postal Circles, and how many of them are Moslems ?

(b) Will Government be pleased to state how many clerks have been recruited in the Chittagong Head Office and the offices subordinate thereto, and how many of them are Moslems ?

Mr. P. G. Rogers : (a) (i) By the expression " peons " the Honourable Member presumably means postmen. Eleven postmen were recruited by the Inspector of Post Offices, North Chittagong sub-division, of whom three were Moslems ; fifteen postmen were recruited by the Inspector of Post Offices, South Chittagong sub-division, of whom four were Moslems.

(ii) Overseers are not recruited direct but these posts are filled by the promotion by Divisional Superintendents of competent senior postmen. Six overseers were so appointed, none of whom were Moslems.

(b) Eight clerks were recruited in the Chittagong Head Office and the town offices under it, of whom four were Moslems.

Mr. Anwar-ul-Azim : Will the Honourable Member kindly tell us whether this low recruitment of three and four Muhamadans respectively was due to the fact that the qualified Muhamadans were not available even to become peons ?

Mr. P. G. Rogers : I could not say that, Sir ; I can inquire.

(1) VALUE OF MERCHANDISE THAT PASSED THROUGH THE PORT OF CHITTAGONG IN THE LAST FINANCIAL YEAR ; (2) FREQUENCY OF DAMAGE TO THE DREDGERS " KARNAFULI " AND " PATUNGA " .

67. \*Mr. Anwar-ul-Azim : (a) Will Government be pleased to state what the value of the trade that passed through Chittagong Port during the last financial year has been ? How does it compare with the trade incomes of the last five years ? What are the relations between the Collector of Customs at Chittagong and the Chittagong Port Trust ?

(b) What are the qualifications of the Appraisers for the Port of Chittagong ? How do they fix the *ad valorem* duties and duties based on

bazar prices? Are Government likely to lose any revenue if they are not strict in their valuation?

(c) How many times have the dredgers "Karnafuli" and "Patunga" been damaged and why? Is that due to their defective working?

**The Honourable Sir George Schuster:** May I first clear up, Sir, the point with reference to the supplementary question asked on question No. 63 by the Honourable Member? I misunderstood the Honourable Member's question. The figures which I gave him for the staff in the office were the figures as at present. They are the figures now; they are not the figures of 1923.

*In reply to question No. 67:*

(a) The following statement gives the information required:

Year.	Imports.	Exports.	Re-exports.
	Ra.	Ra.	Ra.
1924-25 .. ..	1,06,16,854	9,49,90,927	67,769
1925-26 .. ..	1,00,80,125	7,31,77,808	40,419
1926-27 .. ..	1,64,81,542	7,74,45,479	42,985
1927-28 .. ..	2,81,65,836	8,70,03,308	26,988
1928-29 .. ..	2,34,95,530	7,38,64,078	35,945

The Collector of Customs, Chittagong, is a member of the Chittagong Port Trust.

(b) The appraisers at Chittagong are included in the cadre of appraisers at Calcutta, where they are trained as appraisers before being sent to Chittagong. Goods assessed under section 30 (a) of the Sea Customs Act are valued with reference to actual bazaar prices—as ascertained by inquiries—in certain cases, and in others with reference to catalogues, etc., where such sources of information are available.

Goods assessed under section 30 (2) are usually valued with reference to invoices either of the goods imported or of similar goods.

The answer to the concluding part of the question is in the affirmative.

(c) The dredger "Karnafuli 1" has not been in commission since the arrival of the new dredger "Patunga" in April 1928. Prior to this date there is no record of the dredger being damaged.

The dredger "Patunga" was commissioned in July 1928 and, as is usual with the new dredgers, certain defects manifested themselves during the first six months' working, which were rectified at the builders' expense. Outside this period there has only been one instance of defect, viz., when a valve of one of the engines fractured, which in the opinion of the Engineer and Ship Surveyor, Chittagong, was attributable to the faulty fixing of a screw by the builders. No further repairs have had to be executed other than those due to fair wear and tear.

#### TOTAL MILEAGE AND NUMBER OF WORKSHOPS ON THE ASSAM BENGAL AND EASTERN BENGAL RAILWAYS.

68. \***Mr. Anwar-ul-Azim:** Will Government be pleased to state what is the total mileage of the Assam Bengal Railway and Eastern Bengal

Railway ? How many workshops does each of the two railway systems maintain and at what cost ?

**Mr. P. B. Rau :** The total route mileage on the 31st March, 1929, was :

Assam Bengal Railway.....1,185.

Eastern Bengal Railway.....1,847.

The Assam Bengal Railway has one locomotive and carriage workshop (Pahartali), the expenditure on which approximates to Rs. 19,92,000 per annum.

The Eastern Bengal Railway has two workshops for the broad gauge and two workshops for the metre gauge, the expenditure on which approximates to Rs. 96,10,000 per annum.

NUMBER OF MOSLEMS APPOINTED BY THE COLLECTOR OF CUSTOMS, CHITTAGONG, DURING THE LAST TWO YEARS.

69. \***Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state how many vacancies have been filled up by the Collector of Customs, Chittagong, during the last two years, and how many have gone to Moslems ?

(b) Will Government be pleased to state whether any clerks in the Customs Office, Chittagong, are relatives of the Office Superintendent ? If so, how many ?

**The Honourable Sir George Schuster :** (a) The statement below gives the information asked for :

Year.	NUMBER OF VACANCIES FILLED UP.		NUMBER OF MUSLIMS APPOINTED.	
	Clerical.	Other than clerical.	Clerical.	Other than clerical.
1927 and 1928 ..	5	2	3	Nil.

(b) There is only one clerk in the Chittagong Custom House related to the Office Superintendent, and he is a distant relative.

NUMBER OF MOSLEMS APPOINTED TO CERTAIN POSTS BY THE CHIEF AUDITOR, ASSAM BENGAL RAILWAY.

70. \***Mr. Anwar-ul-Azim :** Will Government be pleased to state how many vacancies amongst (1) clerks, (2) Travelling Ticket Inspectors and Examiners, (3) Audit Inspectors, have been filled up by the Chief Auditor, Assam Bengal Railway and how many of them are Moslems ?

**Mr. P. B. Rau :** The number of vacancies filled during the twelve months ending the 30th June, 1929, is as follows :

Clerks, 24,

Travelling Ticket Examiners, 10,

Travelling Inspectors of Accounts, nil.

As regards the second part of the question, with your permission, I shall reply to that and the second part of question No. 72, questions Nos. 73 to 75, and the last four parts of question No. 76 together. The information in connection with communal representation in these railways will be found in the Report on Indian Railways for 1927-28, a copy of which is in the Library. The statistics were formulated in the form they are given after consultation with and acceptance by the Central Advisory Council for Railways, and Government do not consider it in the public interest to supplement them by details regarding individual officers or posts.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what he means by "public interest" ?

**Mr. P. R. Rau :** The position of the Railway Department in this matter has been very clearly explained by Mr. A. A. L. Parsons on the floor of this House and I do not hope to better the explanation.

**NUMBER OF NEW RECRUITMENTS MADE BY THE ASSAM BENGAL RAILWAY FOR NEW LINES TO NAZIR HAT, DOHAZARI AND BELONIA.**

71. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many new recruitments have been made by the Assam Bengal Railway in connection with their new lines to Nazir Hat, Dohazari and Belonia ?

**Mr. P. R. Rau :** Seventy-five, excluding menials (whose number vary from day to day).

**PERCENTAGE OF MOSLEMS APPOINTED TO VARIOUS DEPARTMENTS ON THE ASSAM BENGAL RAILWAY UP TO JULY 1929.**

†72. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many clerks have been appointed by the various Departments of the Assam Bengal Railway up to July 1929, and what is the percentage of Moslems therein ?

**Mr. P. R. Rau :** During the 12 months ending 30th June, 1929, the number of clerks appointed is 230.

**NUMBER OF MOSLEM STATION MASTERS ON THE EASTERN BENGAL AND ASSAM BENGAL RAILWAYS.**

†73. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many station masters there are in the Eastern Bengal Railway and Assam Bengal Railway and how many of them are Moslems ?

**PERCENTAGE OF MOSLEMS DRAWING RS. 100 AND RS. 500 ON THE ASSAM BENGAL RAILWAY.**

†74. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many officers there are in the Assam Bengal Railway drawing a salary of rupees one hundred, and five hundred and what is the percentage of Moslems therein ?

†See also answer to question No. 70.

‡For answer to this question, see answer to question No. 70.

NUMBER OF MOSLEMS EMPLOYED AS CHIEF CLERKS IN THE ASSAM BENGAL RAILWAY.

†75. \*Mr. Anwar-ul-Azim : Will Government be pleased to state how many Chief Clerks there are in the Assam Bengal Railway, and how many of them are Moslems ?

1. METHOD OF GRANTING INCREMENTS TO CLERKS ON THE EASTERN BENGAL AND ASSAM BENGAL RAILWAYS.

2. NUMBER OF MOSLEMS IN CERTAIN OFFICES IN THE ASSAM BENGAL RAILWAY.

†76. \*Mr. Anwar-ul-Azim : (a) Will Government be pleased to state what method is adopted by the Eastern Bengal and Assam Bengal Railways in giving increments to their clerks ?

(b) How many clerks are there in the Co-operative Stores Office of the Assam Bengal Railway and how many of them are Moslems ?

(c) How many Permanent Way Inspectors and Permanent Way Apprentices are there in the Engineering Department of the Assam Bengal Railway and how many are Moslems ?

(d) How many clerks are there in the Chief Engineer's Office, Traffic Manager's Office, and the Agent's Office, and how many of them are Moslems ?

(e) How many clerks are there in the District Engineer's Office, and how many of them are Moslems ?

Mr. P. B. Rau : On the Eastern Bengal and Assam Bengal Railways the clerical staff are in various grades, in which the scales of pay are progressive. Increments in the progressive scales are given annually, subject to satisfactory work and good conduct. Promotion from one grade to another depends on vacancies and competence for the work in the higher grades.

PERCENTAGE OF MOSLEM REPRESENTATION IN STATE RAILWAYS DURING THE LAST FIVE YEARS.

77. \*Mr. Anwar-ul-Azim : Will Government be pleased to state what has been the percentage of Moslem representation in State Railways during the last five years, and what is the "increase" or "decrease" due to ?

Mr. P. B. Rau : The percentage at the end of 1923 and 1928 were as follows :

	In 1923.	In 1928.
Officers .. .. .	3·41 per cent. .. ..	4·33 per cent.
Senior Subordinates ..	3·15 per cent. .. ..	4·65 per cent.
All classes .. .. .	In 1925 (the figures for 1923 are not available). 29·10 per cent.	29·50 per cent.

†For answer to this question, see answer to question No. 70.

‡See also answer to question No. 70.

The increases under Officers and senior subordinates is presumably due to the policy of employing Indians in larger numbers in the higher grades.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us what is the percentage of Muhammadans in the total population of this country ?

**Mr. P. R. Rau :** I am afraid, I do not know, Sir.

**PERCENTAGE OF MOSLEM CLERKS IN THE INDIAN STORES DEPARTMENT, EASTERN BENGAL RAILWAY AND IN THE CUSTOMS OFFICES, AT KARACHI, BOMBAY, AND CALCUTTA.**

78. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state what is the percentage of Moslem clerks and officers in the Indian Stores Department, Eastern Bengal Railway and in the Calcutta, Bombay and Karachi Customs Offices ?

**The Honourable Sir George Schuster :** The following is the percentage of Muslim clerks and officers in the Departments named :

	Officers.	Clerks including stenographers.	Technical subordinates.
Indian Stores Department (including provincial organisations).	3.2 Officers excluding clerks and Superintendents and members of the Imperial Customs Services.	12.6	7.9 Clerks and Superintendents.
Calcutta Custom House ..	8	..	13
Bombay Custom House ..	10	..	5
Karachi Custom House ..	13	..	14

\*Members of the Imperial Customs Service are on an All-India cadre and have therefore been excluded from the above calculations.

In regard to the Eastern Bengal Railway, Government regret that, as has been previously explained in this House, they are not prepared to supplement the figures with regard to communal representation given in Appendix F in Volume I, and Appendix C in Volume II, of the Annual Report of Indian Railways by details for individual offices or appointments.

**CONVEYANCE OF MAILS IN THE TOWN OF CHITTAGONG.**

79. **\*Mr. Anwar-ul-Azim :** (1) Will Government be pleased to state whether it is a fact :

(a) that tenders were obtained twice for a motor service for conveyance of mails in the town of Chittagong ;

- (b) that there were some offers from men of means to run the service by motor vans on the present subsidy sanctioned for the existing pony cart service ;
- (c) that the present contract for the pony cart service provides a condition whereby either party can terminate the contract by giving a previous notice and that the present contractor has had benefit of the contract by carrying it on on a subsidy increased from time to time for a number of years ;
- (d) that the present contractor of the pony cart service is a staunch Swarajist who condemned Government in a public meeting held last year at Chittagong for not releasing the political detenus ;
- (e) that the present contractor, who got the contract originally from one Ahmed Khan, the previous contractor, on a promise of pecuniary help to the family of the latter, has discontinued the help after continuing it only for some time ;
- (f) that the present contractor has practically waged a war against the Postmaster, Chittagong, after the latter has proposed a motor service and secured men of means to undertake the proposed motor service on a monthly subsidy not exceeding the present subsidy sanctioned for the existing pony cart service ?

(2) If so, will Government be pleased to state who is responsible for the delay of about a year in the introduction of a motor service at Chittagong despite the fact that it would cost nothing extra ?

**Mr. P. G. Rogers :** (1) (a) and (b). Yes.

(c) The reply to the first part of the question is in the affirmative. Government have no information in respect of the latter part.

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

(f) There has been some friction between the Postmaster and the contractor.

(2) The contract for the present mail cart service is not due to terminate till the 30th September, 1930, and the Postmaster General has advisedly postponed the introduction of a motor service till its expiry.

**GRANT OF RELIEF FROM ATTENDANCE ON HOLIDAYS AND SUNDAYS TO THE POSTMASTER, CHITTAGONG.**

**80. \*Mr. Anwar-ul-Azim :** (a) Is it a fact that the Postmaster, Chittagong, has to attend office on *all* Sundays and post office holidays for the custody of cash and insured articles and that he has therefore to attend office on all the 365 days of the year ?

(b) Cannot an arrangement be made to relieve him of Sunday and holiday attendance, as is done in other similar or bigger offices with more cash in their custody, by allowing the group officer on holiday duty to keep a sum in a separate safe in joint custody with the Treasurer for holiday transactions ?

(c) Is an office room of 16 ft. by 10 ft. provided for the Postmaster, Chittagong ? Is it proposed to provide him with a more commodious office ?

**Mr. P. G. Rogers :** (a) Yes, but no complaint was received from him.

(b) The matter has now been brought to the notice of the Postmaster General, who will make the required arrangements.

(c) Yes. A larger office room cannot be provided in the existing building.

#### UNSATISFACTORY ACCOMMODATION PROVIDED FOR OFFICIALS OF CHITTAGONG POST OFFICE.

81. **\*Mr. Anwar-ul-Azim :** (a) Is an office room of 23 ft. by 11 ft. provided for the Treasury of the Chittagong Head Office to accommodate 1 Treasurer, 1 Assistant Treasurer, 3 Treasurer's assistants, 17 cash overseers and 12 postmen (to receive and return cash for M. O. payment) ?

(b) Is it a fact that the Treasurer has not got any public counter to transact business ? Is not the Treasurer obliged to allow the officials and members of the public into the Treasury to transact business ?

**Mr. P. G. Rogers :** (a) Yes, but the Treasurer and his staff are not all on duty at the same time, nor do cash overseers and postmen transact business in the treasury room.

(b) There is no public counter. The reply to the latter part of the question is in the negative.

#### ABOLITION OF THE RANGE OFFICE AT DACCA IN CHARGE OF THE DEPUTY POSTMASTER GENERAL.

82. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state if it is a fact that the range office at Dacca in charge of a Deputy Postmaster General would be abolished shortly ?

(b) Was not the abolition recommended by the Inchcape Committee ? If so, what has delayed it so long ?

(c) Is not the range office a source of heavy and recurring expenditure on the Post Office ?

(d) Does the office serve as more than a transmitting agency between the Circle Officer and the Divisional Superintendents and 1st Class Postmasters necessitating only duplicating and triplicating work ?

(e) When would this office be abolished ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Postmaster General, Bengal and Assam, has been asked to examine the question.

(b) No. The latter part does not arise.

(c) The maintenance of the office undoubtedly leads to a certain amount of expenditure. But the amount is certainly not heavy. Whether it is possible to secure economy without detriment to the efficiency of administration is a matter which is already under examination by the Postmaster General, Bengal and Assam.

(d) Yes, the office has certain administrative advantages.

(e) This will depend on the decision taken by Government when they receive the report of the Postmaster General, Bengal and Assam, and the recommendations of the Director General.

**HOLDING OF THE ANNUAL GENERAL MEETING OF THE LOCAL POSTAL ASSOCIATION IN THE POST OFFICE AT CHITTAGONG.**

**83. \*Mr. Anwar-ul-Azim :** (a) Is it a fact that the Postmaster, Chittagong, has been taken to task by the Deputy Postmaster General, Bengal and Assam, Dacca, for having allowed the holding, on Sunday, the 28th April, 1929, of the Annual General Meeting of the local Postal Association in the Post Office premises ? If so, do Government think the objection is consistent with the policy of the Department ? If not, do Government propose to correct the officer in his attitude towards the service associations ?

(b) Was not the Postmaster, Chittagong (who is a gazetted officer), who is in charge of the buildings, competent to permit the holding of such meetings in the Post Office premises ?

**Mr. P. G. Rogers :** (a) The Postmaster, Chittagong, was not taken to task by the Deputy Postmaster General, Dacca. He was asked for a report by the Postmaster General. No objection was taken. Instructions regulating the matter have since been issued.

(b) Yes. This has now been made clear in the instructions.

**DEATHS OF PASSENGERS IN THE S.S. "CHENAB" IN APRIL AND MAY 1929.**

**84. \*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state what treatment was accorded to the passengers on board the S.S. "Chenab", which reached Calcutta on the 3rd May 1929 ?

(b) Is it a fact that 24 passengers died on board during the voyage ?

(c) If so, will Government be pleased to say who are responsible for the lamentable loss of life of these persons ?

**Sir Frank Noyce :** (a) The passengers on the S. S. "Chenab" received every care and attention during the course of their voyage. The ship carried a medical officer with British qualifications, four compounders, and nurses, attendants, and stores of medicines in full compliance with the rules. Her general condition was found satisfactory when she was inspected upon arrival in Calcutta by the Protector of Emigrants and Medical Inspector.

(b) Yes.

(c) So far as the Government of India have ascertained, no responsibility attaches to anybody for the unfortunate loss of life. Most of the passengers who died were old and decrepit, or suffering from chronic diseases, and 19 of them on embarkation were certified as invalids, though the state of their health was not so grave as to justify their being forbidden to sail. The Government are, however, considering the question of taking the matter up with the Government of Trinidad.

**REPRESENTATION OF MINORITY COMMUNITIES IN APPOINTMENTS IN THE POSTAL AND TELEGRAPH STAFF.**

**85. \*Mr. Anwar-ul-Azim :** (a) Is it the intention of Government that at least one-third of the minor communities should be represented in the postal and telegraph staff ? If so, have Government issued orders to

so adjust the preponderance of the majority community as eventually to bring the minority representation to one-third ?

(b) Are Government aware that, if the existing preponderance is to remain unadjusted and the future recruitment is made according to the one-third policy, the net representation would never come to one-third of the minority communities, and the majority community would ever remain overwhelmingly preponderant ?

(c) Do Government propose to go into this matter and issue necessary orders to adjust the disproportion ?

(d) Is it the intention of the orders that two-thirds of the vacancies must invariably go to the majority community, regardless of the local conditions and despite a greater percentage of population of a minority community from which suitable candidates are available ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The intention of Government is to prevent the preponderance of any one class or community in Government employment, and to this end to reserve one-third of all permanent vacancies for the redress of communal inequalities. Orders to this effect have already been issued. It is not their intention to fix for any one class or community any definite share of appointments in any particular office or service.

(b) In view of my answer to part (a) this question does not arise.

(c) Government do not at present propose to issue any further orders in this matter.

(d) The intention has been clearly stated in the reply to part (a) of the question.

#### SCALE OF TRAVELLING ALLOWANCE GRANTED TO POSTMASTERS.

86. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that gazetted Postmasters who have to visit and inspect their town post offices, get, for the actual expenses incurred, a travelling allowance only at the rate of four annas a mile for visiting and inspecting the offices ? If so, is the rate adequate considering the actual expenses incurred by them ?

(b) Have Government ascertained the rates of the hired conveyances prevailing in different towns, and if so, what was the basis on which the uniform rate of 4 as. a mile was fixed for all the towns ?

(c) What mileage is granted to a Divisional Superintendent of Post Offices for travelling ?

(d) If the rates are different what justifies this differential treatment ?

(e) Do Government propose to look into this question again carefully ? Is it the intention of the Government that the Postmasters should be given at least the actual expenses incurred by them ?

(f) Is it a fact that Postmasters, who use their own motor-cars for visiting and inspecting the offices under them are entitled only to a rate of three annas a mile ?

(g) Have Government ascertained what rates are fixed for taxis at different towns ?

(h) Has the rate of 3 annas a mile been fixed after due consideration of the wear and tear, etc., of the car ?

(i) What is the basis of the calculation of the rate ?

(j) Do Government propose to look into this matter again carefully ?

**The Honourable Sir Bhupendra Nath Mitra :** It will perhaps be convenient if I answer the Honourable Member's question as a whole.

The mileage rates of 4 annas and 3 annas referred to in parts (a) and (f) of the question are intended to cover the actual conveyance expenses incurred by the gazetted postmasters in connexion with their inspection visits. They were fixed tentatively in February 1928 and reports on their suitability were recently obtained from Heads of Circles. As these reports indicate that the rates in many places are inadequate, the whole question of these allowances is under review. These allowances are granted to gazetted postmasters in respect of journeys falling within a five mile radius of their headquarters. Superintendents of Post Offices are not ordinarily entitled to any travelling allowance for such journeys, except in certain of the larger cities, e.g., Calcutta, Bombay, Madras and Rangoon, where conveyance allowances are granted on this account.

#### PAY AND TRAVELLING ALLOWANCE OF POSTMASTERS.

87. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that Government has admitted that the responsibilities and the nature of administration of a gazetted Postmaster is heavier than that of a Divisional Superintendent of Post Offices ? What then does justify the higher maximum pay of the Superintendent ?

(b) After what length of service does a Postmaster get Rs. 300, which a Superintendent gets on starting ?

(c) Is not a Divisional Superintendent of Post Offices a gazetted officer with a starting pay of Rs. 300, while a Postmaster drawing the same pay with a number of years' service at his credit, is not a gazetted officer ?

(d) What justifies this disparity ?

(e) After how many years' service is a Postmaster expected to get the gazetted rank ?

(f) Is it a fact that a proposal is already on foot to bring the maximum pay of a gazetted Postmaster to the level of that of a Superintendent of Post Offices ? If so, when is the proposal likely to materialise ? If not, do Government propose to remove the disparity between the pay of two classes of officers of the same Department ?

(g) Is it a fact that a Superintendent of Post Offices, starting on a pay of Rs. 300, is entitled to first class travelling allowance for transfer, while a gazetted Postmaster drawing even Rs. 700 or thereabout, does not get more than a second class travelling allowance ? If so, what justifies this differential treatment ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The reply to the first part is in the negative. With regard to the latter part of the question, I would invite the attention of the Honourable Member to

(i) Item (b) of the statement furnished to him in connection with his starred question No. 156 in this House on the 23rd August 1927, and

(ii) Items 10 and 25 of 16th January, 1926 and 11th February, 1926, respectively, of the proceedings of the meeting of the Standing Finance Committee, where the Committee, for the reasons placed before them, agreed to the introduction of the existing scales of pay for gazetted Postmasters and Superintendents of Post Offices.

(b) Vacancies in the grade of Postmasters on Rs. 250—20—350 are filled by promotion within the Circle in which they occur, and as they take place at irregular intervals, it is impossible to state definitely the length of service at which an official can expect to reach the stage of Rs. 310 (there is no stage of Rs. 300).

(c) The reply is in the affirmative. I may, however, point out that Divisional Superintendents, other than those directly recruited, have considerable service in the Department at their credit before they are appointed as Superintendents on Rs. 300, while direct recruits are required to serve for two or three years as probationers before they are confirmed as Superintendents on Rs. 300.

(d) The Honourable Member's attention is invited to item (f) of the statement referred to in reply to part (a).

(e) Postmasters do not reach the gazetted grade until late in their service, and the period for which they have to remain in the non-gazetted grade depends on the occurrence of vacancies in the gazetted grade, and on their fitness for promotion to such grade.

(f) Government have no information. With regard to the latter part of the question, Government do not consider that there is any disparity, as the method of recruitment and qualifications of the two classes of officers are entirely different. As a matter of fact the maximum pay of some gazetted Postmasters is higher than that of Superintendents of Post Offices.

(g) Yes. Superintendents of Post Offices are classed as first class officers for the purposes of travelling allowance in consideration of the nature of their duties. These considerations do not apply to gazetted Postmasters.

#### GRANT OF PASSAGE CONCESSIONS TO SUBORDINATES OF NON-ASIATIC DOMICILE.

88. \*Lieut.-Colonel H. A. J. Gidney : (a) Will Government be pleased to state whether, at the request of the Secretary of State, they have been considering for some considerable time past the question of the grant of passage concessions to subordinates of non-Asiatic domicile ?

(b) Will Government be pleased to state whether the concession referred to in part (a) has already been granted to ex-military clerks of Army Headquarters who have continued to be employed as such ?

(c) If the replies to parts (a) and (b) are in the affirmative, do Government propose to expedite orders in respect of the remaining classes so that they can avail themselves of the concession in the spring of 1930 ?

The Honourable Sir James Crerar : (a), (b) and (c). The Honourable Member is referred to the reply given to the question by Mr. S. C. Mitra on the 18th September 1928 (No. 391). The matter is being expedited as much as possible.

**CONSTRUCTION OF A RAILWAY FROM THE TANGAIL SUB-DIVISION OF THE DISTRICT OF MYMENSINGH TO THE HEADQUARTERS OF THE DISTRICT.**

89. \***Mr. D. K. Lahiri Chaudhury** : Will Government be pleased to make a detailed statement regarding the present position of the proposal to connect the Tangail Sub-division of the District of Mymensingh by railway with the headquarters of the district ?

**Mr. P. R. Rau** : In view of the heavy construction programme which we have in hand at present, I am unable to say what the prospects are of the construction of the line being considered during the next two or three years.

**DISASTROUS FLOODS IN ASSAM AND BENGAL.**

90. \***Mr. D. K. Lahiri Chaudhury** : Will Government be pleased to state whether they are aware that a disaster of unparalleled magnitude has overtaken Sylhet in Assam and Comilla in Bengal on account of the heavy floods of June last and, if so, what steps have been taken to alleviate the sufferings of the people in the affected areas ?

**Sir Frank Noyce** : Government are aware that serious floods have occurred in the Sadar and Brahmanbaria sub-divisions of the Tippera district in Bengal and in the Assam Valley in Assam. The Local Governments concerned have taken all possible steps to alleviate distress in the affected areas. In Bengal, in addition to loans from co-operative banks and private relief funds, rupees one lakh have been allotted by the Local Government for agricultural loans and Rs. 1,50,000 for gratuitous relief. The Government of Bengal are in close touch with the local officers and will sanction further amounts, if necessary. In Assam, the Local Government up to the end of July last, had sanctioned the grant of rupees one lakh seventy-six thousand for gratuitous relief, and rupees fourteen lakhs sixty thousand for agricultural loans. This does not, however, include their full commitment on account of the rice which has been commandeered and distributed. Relief funds have been opened by His Excellency the Governor of Assam and by local committees. Special measures have been taken to prevent epidemics, and every effort is being made to furnish seed grain for replanting of crops wherever possible. Distribution of agricultural loans has also been carefully organized throughout the affected areas.

**NUMBER OF PERMANENT AND TEMPORARY COMMISSIONS, ETC., GRANTED TO EUROPEAN AND INDIAN OFFICERS IN THE INDIAN MEDICAL SERVICE.**

91. \***Mr. M. R. Jayakar** : Will Government be pleased to state :

- (a) How many officers have been given permanent commissions in the Indian Medical Service since 1920, stating for each year separately the number of Indian and European officers so taken up ?
- (b) How many officers have been given temporary commissions in the Indian Medical Service since 1920, stating for each year separately the number of Indian and European officers so taken up ?

- (c) How many Indian and European officers, originally recruited on the temporary basis, have been given permanent commissions in the Indian Medical Service, giving separate figures for each year since 1920 ?
- (d) How many Indian and European officers, originally recruited on the temporary or short term basis, have been holding civil appointments or collateral civil charges, giving the figures for each year since 1925 ?
- (e) How many Indian and European officers, originally recruited on the temporary basis in the Indian Medical Service, have been retired since 1920, and how many of them had put in eight years or more of service, prior to retirement, stating separately for each case, the exact number of years' service so put in, and the terms and conditions, if any, on which the retirement took place ?
- (f) How much did an Indian and European officer originally recruited on temporary or short term basis, and finally retired, cost the Government, on the average per head, and per year of service, giving separate figures for each year and each rank since 1920, including the cost of passage, bonus and allowance drawn ?
- (g) How many Indian officers have been given commissions, permanent or temporary, in the Indian Medical Service, since December 1921, giving separate figures for each year, according to the provinces to which the officers belonged ?

**Mr. G. B. F. Tottenham :** A statement giving the information asked for in parts (a) to (d) and (g), so far as it is available, is placed on the table.

The collection of the information asked for in parts (e) and (f) would entail an amount of time and labour which would be incommensurate with the results, and Government regret therefore that they are unable to give the information asked for.

*Statement laid on the table with reference to parts (a) to (d) and (g) of starred question No. 101.*

					Europeans.	Indians.
(a)	1920	..	..	..	22	59
	1921	..	..	..	16	12
	1922	..	..	..	8	12
	1923	..	..	..	28	Nil.
	1924	..	..	..	9	Nil.
	1925	..	..	..	11	10
	1926	..	..	..	12	3
	1927	..	..	..	15	10
	1928	..	..	..	24	10
	1929 to date	..	..	..	14	Nil.

but a number have recently been recommended to the Secretary of State for appointment.

					Europeans.	Indians.
(b)	1920	..	..	..	17	21
	1921	..	..	..	Nil.	5
	1922	..	..	..	1	1
	1923	..	..	..	Nil.	63
	1924	..	..	..	Nil.	9
	1925	..	..	..	Nil.	18
	1926	..	..	..	Nil.	42
	1927	..	..	..	Nil.	20
	1928	..	..	..	Nil.	22
	1929 to date	..	..	..	Nil.	3
(c)	1920	..	..	..	13	59
	1921	..	..	..	6	12
	1922	..	..	..	2	12
	1923	..	..	..	Nil.	Nil.
	1924	..	..	..	Nil.	Nil.
	1925	..	..	..	Nil.	7
	1926	..	..	..	Nil.	3
	1927	..	..	..	Nil.	4
	1928	..	..	..	Nil.	10
	1929 to date	..	..	..	Nil.	Nil
<p>but some of those who are being recommended to the Secretary of State for appointment have had temporary service in the I. M. S.</p>						
(d)	1925	..	..	..	Nil.	1
	1926	..	..	..	Nil.	2
	1927	..	..	..	Nil.	2
	1928	..	..	..	Nil.	1
	1929 to date	..	..	..	Nil.	1

*Note.*—(1) The figures relate only to officers actually holding temporary commissions in the Indian Medical Service. It would be very difficult to give figures for all those who had originally been given temporary commissions and subsequently granted permanent commissions in the Indian Medical Service.

(2) Temporary Indian Medical Service officers are recruited entirely for military employ.

(g) See the statements given under (a) and (b).

Recruitment is made on an all-India basis and figures are not therefore maintained according to Provinces.

**Lieut.-Colonel H. A. J. Gidney** : Will the Honourable Member please inform this House with reference to his answer whether Government have taken any action on a similar matter that I brought forward in the last Delhi Session, when we discussed the grant to the Army Department ?

**Mr. G. R. F. Tottenham** : I am afraid I must ask for notice of that question.

### REINSTITUTION OF THE COMPETITIVE EXAMINATION FOR THE INDIAN MEDICAL SERVICE.

92. \***Mr. M. E. Jayakar** : Will Government be pleased to state when the competitive examination for the Indian Medical Service is proposed to be reinstated and to explain why this examination has not yet been restarted either in England or in India, when similar competitive examinations for the Civil, Police and other all-India services, which were stopped during the War, have been held for some years past ?

**Mr. G. R. F. Tottenham** : This time last year it was stated in reply to a question in this House on the same subject that Government proposed to wait and see what effect the reorganisation of the Indian Medical Service would have on recruitment before taking up the question of re-introducing the competitive examination.

There has been some improvement in recruitment since the reorganisation, but there is still a serious shortage in the authorised cadre, and I am afraid last year's answer must therefore hold good for some time longer. I can assure the Honourable Member that Government are continuing to watch the situation closely and that they are as anxious as he is to see matters reach a state in which the revival of the competitive examination would be justified.

**Lieutenant-Colonel H. A. J. Gidney** : Will the Honourable Member inform this House what objection Government has to reopening the competitive examination for the Indian Medical Service ?

**Mr. G. R. F. Tottenham** : Government do not consider that it would be wise to reopen the competitive examination until there is some chance of getting people to compete.

**Lieutenant-Colonel H. A. J. Gidney** : Is it a fact that if this examination was held simultaneously in England and in India, you would have ample candidates competing ?

**Mr. G. R. F. Tottenham** : That is a matter of opinion.

†93.

### RECRUITMENT OF MUSLIMS IN DIVISIONAL WIRELESS OFFICES.

94. \***Maulvi Muhammad Yakub** : (a) Will Government be pleased to refer to the first part of starred question No. 228, answered on the 8th September, 1928, and state whether Government are prepared to say that equally qualified Muslims were not available when the recruitment of clerks was made ; if so, will Government be pleased to lay on the table a statement separately for each Divisional Wireless Office, showing :

- (1) Name of each clerk with designation,
- (2) Educational, technical and special qualifications of each clerk,
- (3) Date and place of recruitment of each clerk,
- (4) Starting pay of each clerk,
- (5) Present pay of each clerk,
- (6) Scale of pay of each clerk ?

(b) Were the appointments advertised in any paper ? If so, what is the name of the paper and date of its issue ? If not, why not, and why were the interests of Muslims overlooked ?

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†This question was cancelled owing to the resignation of the questioner.

(c) Has any permanent or temporary clerk been appointed in either of the Divisional Offices after the issue of the Home Department Office Memorandum No. F. 176/25-Ests., dated the 5th February 1926, and the Director General's letter No. A.M.-516/12/27, dated the 22nd November 1927? If so, will Government include the name of the newly recruited clerk in the statement mentioned in part (a) above?

(d) If the newly recruited clerk be a non-Muslim, will Government be pleased to state in detail the reasons justifying the employment of non-Muslims only in the Divisional Offices of the Wireless Branch?

**The Honourable Sir Bhupendra Nath Mitra :** No useful purpose would be served by undertaking an examination of the facts connected with the recruitment of clerks in Divisional Wireless Offices before the issue of the Director General's letter of 22nd November 1927, quoted in part (c) of the Honourable Member's question, in which heads of offices in the Indian Postal and Telegraph Department were instructed to adopt, in all future recruitment, the principle of reservation of one-third of all permanent vacancies for the redress of communal inequalities. The number of permanent recruits taken in Divisional Wireless Offices after the issue of the Director General's letter is four of whom one belongs to a minority community, though he is not a Muslim. Of these four appointments, 2 were advertised for, viz., one in the *Statesman* of 5th August, 1928, and the other in the *Statesman* and the *Forward* of the 13th October 1928. In the case of the first of these appointments, only three applications were received from Muslims, out of a total of 21, and in the second case, no Muslims applied out of a total of 74 applicants. As the facts mentioned show that the requirements of the orders of Government have been complied with, Government have not attempted to compile all the information required to answer in detail the various items of the Honourable Member's question.

**Maulvi Muhammad Yakub :** Is this the attitude of Government, that where injustice is done to Muslims in a particular Department, an inquiry will not be made?

**The Honourable Sir Bhupendra Nath Mitra :** There is no question of injustice. After the issue of the order of 1927, four recruits were taken and out of those four, one was a member of a minority community. Therefore the orders have been fully complied with, and the question of injustice to the minority communities does not arise.

**Maulvi Muhammad Yakub :** Is it believable that out of 75 applicants, not a single one was a Muhammadan?

**The Honourable Sir Bhupendra Nath Mitra :** I have stated the facts; the Honourable Member can form any conclusion he wants to draw from those facts.

**Nawab Sir Sahibzada Abdul Qaiyum :** What is the procedure for advertising for these appointments and calling for applications?

**The Honourable Sir Bhupendra Nath Mitra :** I have stated the facts so far; but I shall state, for the Honourable Member's information and for the information of other Members of this House, that in consequence of these interminable questions, I am arranging that recruitment of clerks in the Indian Posts and Telegraphs Department

should be on the basis of competitive examinations, one-third of the vacancies being reserved for the redress of communal inequalities.

**Mr. K. Ahmed :** Are Government aware that during the regime of Lord Reading the principle was quite different and that during the present regime of Lord Irwin of course somebody is officiating for him now the attitude of the Government has been changed ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid the Honourable Member has forgotten the facts. I think I have told him, time after time on the floor of this House, that he has misunderstood what Lord Reading had said in his day.

**Mr. K. Ahmed :** Are Government aware that Lord Reading declared in 1925 and that a circular was issued in 1925—probably on the 31st December from the Home Department that at least one-third of the appointments should be confined to the Muslim community, and that the percentage may go up to 45 per cent. if suitable candidates are available from that community ? If that is so, and if the answer is in the affirmative, do Government propose now in the public interests to qualify the answer given just now ? (Laughter).

**The Honourable Sir Bhupendra Nath Mitra :** The precise circular is already quoted in the question of my friend, Maulvi Muhammad Yakub, to which I replied a short time ago. The purport of the circular is not as stated by my friend, Mr. K. Ahmed, but as stated by me in the course of my reply.

**Mr. K. Ahmed :** In view of the fact that the answer is not given accurately by the Honourable Member, and in view of the fact that he himself has brought up this matter in the Assembly by answering the question himself, may I avail myself of the opportunity to put a question whether this present Government has done away with that circular of December 1925, issued during the regime of Lord Reading ? If that is not so, do Government propose now in the public interests, to cite quotations from any circular issued thereafter from the Home Department or the Department of Industries and Labour ?

**The Honourable Sir Bhupendra Nath Mitra :** The number and date of the correct circular is already referred to in the question of my friend, Maulvi Muhammad Yakub. I do not know of any other circulars. If the Honourable Member has reason to believe that there are other circulars, I would ask him to put down a question on paper, and I am sure my Honourable friend, the Home Member, will then be able to ascertain whether the statement of the Honourable Member is correct or not.

**Mr. K. Ahmed :** In view of the fact that the Honourable Member is now placed in a somewhat awkward position, and in view of the fact that the Honourable the Home Member has listened to these questions, do Government propose, in the Home Department or the Industries and Labour Department—I do not mind which—in order to clear up the situation, to make a statement now whether they have followed their old policy of 1925, or have come down to the new policy enunciated by the head of the Department of Industries and Labour ?

**The Honourable Sir Bhupendra Nath Mitra :** My friend over there is perfectly unintelligible to me ; he talks of a circular of December

1925 and he talks of some old policy of 1925. As I have told him, the Home Department circular is one of February 1926, and in my reply to my friend, Maulvi Muhammad Yakub, and in reply to various unintelligible questions of my friend, Mr. K. Ahmed, I have referred to that circular.

**Mr. K. C. Neogy :** Is the Honourable Member entitled to make a defamatory statement with reference to a Member of a Royal Commission ?

**Nawab Sir Sahibzada Abdul Qaiyum :** May I ask, Sir, if the circular referred to laid down certain principles for safeguarding the interests of minority communities, and how, in view of the answer given to my supplementary question, the Honourable Member proposes to safeguard those interests consistent with the principle laid down in that circular ?

**The Honourable Sir Bhupendra Nath Mitra :** I think, Sir, I have already answered that question, but for the information of my Honourable friend, Sir Abdul Qaiyum, I will make it more clear. The usual practice is that if you recruit clerks by examination,—I think that is what he has been referring to,—you reserve one-third of the vacancies for the redress of communal inequalities. That is, roughly speaking, you fill two-thirds of the vacancies from among those who stand in order in the examination, and you hold back one-third of the vacancies ; and if you find that within the two-thirds you have not got the necessary number of candidates belonging to the minority communities, you fill the one-third reserved for the purpose of redressing communal inequalities by taking in qualified candidates belonging to the minority communities.

**Nawab Sir Sahibzada Abdul Qaiyum :** That is, I suppose, with respect to the posts which are competed for, or rather which are given by open competition ; but what about the other posts for which there is no competition and which are at the mercy of the departmental officers ? I want to know how they select candidates from the various communities in view of the principle laid down in that circular ?

**The Honourable Sir Bhupendra Nath Mitra :** What they are doing at present in the Postal and Telegraph Department is something like this. They advertise for recruits who will accept employment, and even now they subject them to some sort of test to find out who are the most suitable people. If there are three vacancies two of them are given to the most suitable candidates. The third vacancy is kept back for a member of a minority community, if either of the two appointments which have been filled by selection on the test of merit has not already gone to a member of a minority community.

**Nawab Sir Sahibzada Abdul Qaiyum :** Do I understand, then, Sir . .

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

#### ARRANGEMENTS FOR THE ADMISSION OF VISITORS TO THE LEGISLATIVE ASSEMBLY AND FOR GUARDING THE ASSEMBLY CHAMBER AND BUILDINGS.

**Mr. President :** I desire to make a statement on a question which has been engaging my attention since the bomb outrage in the Delhi Chamber on the 8th of April last. It has not been found possible to ascertain exactly how the perpetrators of the outrage got admission into

[Mr. President.]

the Visitors' Gallery on that particular day, though we have heard it stated that they did so without tickets, and before the arrival of the police who check visitors' tickets at the entrance to the gallery. Whether this statement is true or not, the fact remains that some modification is called for in the system of check over admission of visitors, and perhaps also in the issue of tickets with a view to minimise opportunities of mischief of similar or any other kind in future. With that end in view, and in consultation with the Chief Commissioner, Delhi, I appointed Mr. Gupta to examine the whole question, and in particular the existing practice and procedure in regard to both these matters, and report whether any, and if so what, modifications were in his opinion necessary.

Mr. Gupta has made his Report, a copy of which was sent by him to the Chief Commissioner, Delhi, under my orders. The Chief Commissioner has since sent me a note prepared by the Senior Superintendent of Police, Delhi, who, while endorsing all the proposals made by Mr. Gupta, makes other additional suggestions. The Superintendent of Police, Simla, has also, in his letter dated the 5th August to Mr. Gupta submitted certain proposals for my consideration. I have carefully examined all these proposals, but they are so many, and some of them are so sweeping in character that I thought, before passing final orders, I should have them further examined by a Committee of this House and take their advice for my guidance. In the meantime, and pending the Report of the Committee I am about to appoint and my final orders thereon, I have introduced, as Honourable Members are aware, certain changes in the existing practice and procedure of the issue of tickets, and I have no doubt Honourable Members will do their best to co-operate with the Department in carrying them out. I am aware these changes fall far short of the proposals of Mr. Gupta or the two Police Officers, but in my opinion they are adequate enough for the purpose in view, at any rate until I have the views of the Committee of the House and am in a better position to take final decision.

It is neither necessary nor perhaps desirable that I should state my views at this stage on the proposals in question beyond indicating the general principle which in my judgment should guide the Committee in their examination of the proposals. That principle is that, while we should, and indeed we are bound to, take every precaution to ensure that no undesirable and suspicious character finds entry into any of the galleries, precautionary measures to be taken must not be of such a character as to operate as a source of harassment, annoyance or humiliation to the general public visiting the Assembly building for any *bona fide* purpose.

Arising out of the question under consideration, there is one other matter of no less importance which has occurred to me, and I should like the Committee to examine it on its merits and advise the President. Under the existing arrangement, the police guard the precincts of the Assembly building including the galleries, but they are not responsible to the President, and it has been even doubted whether they are under his orders while on duty when the Assembly is in Session. In the House of Commons, on the contrary, the galleries are entirely in charge of and guarded by Messengers in the Department of the Sergeant-at-arms who is the officer of the House responsible to it, and the lobbies and the floor of the House are guarded by the door keepers on the staff of the same Department. The police do not enter the galleries, lobbies or the floor of the

House while the House is sitting, the only exception being that there is a constable in plain clothes present in what is known as the Members' Gallery. All other outside places within the Westminster Palace are guarded by the police who are always subject to the orders of the Speaker while they are on duty. The idea that has occurred to me is whether the time has not arrived to introduce in the Assembly the system of door keepers and messengers in charge of the floor of the House, its lobbies and galleries as in the House of Commons leaving all other parts of the Assembly building to be guarded by the police under the orders of the President. With these observations I hereby appoint a Committee of the following Members with Rai Sahib D. Dutt as Secretary—

- (1) to examine the proposals made by the Secretary of the Assembly, the Senior Superintendent of Police, Delhi, the Superintendent of Police, Simla, as also the changes recently introduced by the President, Legislative Assembly, in the system of issue of tickets and make such recommendations in regard to each of them as the Committee deems proper ;
- (2) to consider and recommend whether the time has arrived for the Assembly to entertain its own staff for the purpose of guarding the floor, the galleries and the lobbies, as also of regulating the admission of visitors and to leave it to the police, under the orders of the President to guard other parts of the Assembly building, and if so, what should be the number of door keepers and messengers required, their remuneration, method of recruitment, conditions of service, etc. ;
- (3) to make such other recommendations as they consider necessary in the circumstances ; and
- (4) to report on or before the 15th October, and if there are any point or points on which immediate action beyond what has already been taken by the President of the Assembly is in the opinion of the Committee necessary, to make *interim* recommendations.

*Names of Members.*

The Honourable Sir James Crerar (Chairman),  
 Maulvi Mohammad Yakub,  
 Mr. K. C. Roy,  
 Mr. A. H. Ghuznavi,  
 Mr. E. L. Price,  
 Mr. K. C. Neogy,  
 Mr. M. S. Aney,  
 Mr. A. Rangaswami Iyengar, and  
 Mr. Gaya Prasad Singh.

I also hereby direct that the Secretary do make the following papers available to the Committee :

1. Report of Mr. Gupta.
2. Note of the Senior Superintendent of Police, Delhi.

[Mr. President.]

3. Letter dated the 5th July from the President of the Legislative Assembly to the Clerk of the House of Commons.
4. Reply dated the 18th July from the Clerk of the House of Commons to the President of the Legislative Assembly and the enclosures.
5. Letter dated the 5th August from the Superintendent of Police, Simla, to the Secretary, Legislative Assembly.
6. Circular No. XX embodying the changes recently introduced under the orders of the President in the system of the issue of visitors' tickets.

In addition to these documents, the Committee will, if necessary, invite Mr. Gupta and the two Superintendents of Police to further explain and elucidate their proposals and also consult other officials and non-officials who in their opinion are likely to give useful information.

## RESOLUTION *RE* AMENDMENT OF THE INDIAN LEGISLATIVE RULES.

(POINT OF ORDER REGARDING ITS ADMISSIBILITY).

**Mr. President :** The House will now proceed to Resolutions.

I have received a telegram from Mr. Yusuf Imam, in whose name the first Resolution stands, that I should permit Mr. Satyendra Mitra to move the Resolution on his behalf. I should like to point out to Mr. Mitra that the Resolution as it stands has become out of date in part. When the Resolution was tabled, the Secretary of State for India had not accorded his sanction to Rule 17A. He has done it since, and therefore that part of the Resolution which asks the Governor General in Council to convey to the Secretary of State for India the considered opinion of this House that the Secretary of State should not accord his sanction to the proposed rule without consulting this Assembly has become out of date. Of course the Honourable Member is entitled to amend the Resolution in the light of altered circumstances, and if he will tell me in what form he wants to amend it, I will consider whether I should allow it or not.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : With your permission Sir, I should like to put the Resolution in this amended form :

" This Assembly recommends to the Governor General in Council that he be pleased to convey to the Secretary of State for India its considered opinion that :

- (i) by according his sanction under section 129A of the Government of India Act to the enactment of rule 17A he has forfeited the confidence of this House and the country,
- (ii) the part played by His Excellency Lord Irwin in the enactment of this rule is highly reprehensible, and that,
- (iii) steps be taken forthwith to make this House the master of its own procedure by empowering it to make and unmake its own rules for the conduct of business "

**Mr. President :** Is that the form in which the Honourable Member desires to move the Resolution ?

**Mr. S. C. Mitra :** Yes. I should like to move it in that amended form.

**Mr. President :** Before I accord permission to the Honourable Member to move the Resolution in that form, I should like to point out to the House that part (ii), which relates to the part played by His Excellency Lord Irwin in the enactment of this rule, is of doubtful admissibility, and I should like to hear if the Honourable Member has got anything to say on that point.

**Mr. S. C. Mitra :** With great respect for your observation, I should submit that my proposed Resolution is perfectly in order. I think, Sir, that so long as my Resolution does not contravene any of the provisions of the Standing Orders or Rules, I submit, that my Resolution is in order. The Standing Orders that are concerned are Nos. 59 and 60.....

**Mr. President :** The Honourable Member is now reading the paragraphs of the Manual.

**Mr. S. C. Mitra :** Paragraphs.

**Mr. E. L. Price (Bombay : European) :** We find it very difficult to hear at this end.

**Mr. President :** I cannot give the Honourable Member ears.

**Mr. E. L. Price :** My ears are all right.

**Mr. S. C. Mitra :** Page 116 of the Manual, and Legislative Rules 22 and 23. So far as I see, my proposed Resolution does not contravene any of the provisions of the Standing Orders or the Rules. But when you refer to clause (ii) of my Resolution, I think you are referring to Standing Order 29. With great respect I submit that Standing Order 29 refers mainly to speeches and not to Resolutions ; it does not govern the Resolution at all. It is not my intention to reflect in any way on the conduct of the Governor General in my speech. Even if the occasion arises, I think the time for ruling me out of order will come then, but so far as my Resolution is concerned, I submit that Standing Order 29 does not affect it at all. Of course, it may be said that, under the inherent powers of the Chair, you may intervene, but in that case I would submit that the Honourable the Law Member stated on the 5th April last :

“ With reference to a body like the Legislative Assembly, which is a creature of statute, all its powers are confined within the four corners of the Statute creating it. You may not stray one hair's breadth. When I say the four corners of the statute, I include, of course, the Rules and Standing Orders made under the statute. You may not stray one hair's breadth from the four corners of the statute, and the rules and orders made thereunder.....”

**Mr. President :** Does the Honourable Member agree with that view ?

**Mr. S. C. Mitra :** I do not share the Honourable the Law Member's views. I think the conditions are absurd. The House must have and the President must have the right to interpret these rules, because if you are to depend on every occasion on the Governor General, he may be miles away from the centre, from the seat of the House, and the President and the House cannot decide the point, and if the President is deprived of the inherent right, work will be impossible. As I have said before, I do not accept that view. But I beg of you that this is not an occasion when the inherent right of the Chair should be exercised to disallow this part, when it is fully within the four corners of the Standing Orders and the Rules.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I should like to add a few words to what has been stated by my Honourable friend, Mr. Mitra. He has made reference to certain Standing Orders already. I will just draw the attention of the House to Rule 23 of the Indian Legislative Rules. That lays down the restrictions on subjects for discussion in connection with Resolutions. Now, three different kinds of matter have been excluded specifically ; first, any matter affecting foreign relations—I am just summarising the provisions for the sake of convenience,—secondly, any matter affecting the relations of the Government with Indian States, and thirdly, any matter that may be *sub judice*. So, that is the only positive exclusion from the purview of Resolutions which the Rules contemplate. Now, as has been already stated, the only immunity which the Governor General enjoys is laid down in Standing Order 29, and that says that, whilst speaking a Member shall not reflect on the conduct of the Governor General. My Honourable friend, Mr. Mitra, has not yet made his speech. When he makes his speech it is for you to decide as to whether he makes such reflections upon the conduct of the Governor General as to entitle you to stop him from making any further observations. Now, so far as the wording of the Resolution goes, I do not know how you, Sir, can possibly rule out the particular section to which you have drawn attention. Then there is another point. Reference is made to the part played by His Excellency Lord Irwin. Now, let us consider what is exactly the present position of Lord Irwin. Is he, the Governor General, entitled to the immunity of the Standing Order.....

**The Honourable Sir James Crerar** (Home Member) : On a point of order, Sir. I submit that what the Honourable Member now wants to say is not relevant to the point of order before the House.

**Mr. President** : I am afraid what the Honourable Member says is not relevant. The question before the House is whether Mr. Mitra's motion is in order or not.

**Mr. K. C. Neogy** : I say that having regard to the fact that we cannot possibly have two Governors General.....

**Mr. President** : That is not the question which we are considering.

**Mr. K. C. Neogy** : I do not know how we can possibly avoid that question altogether, because I take it that the only immunity which Lord Irwin could claim under the Standing Orders would be in his capacity as the Governor General.

**Mr. President** : That question will arise when the Resolution is moved and the immunity is claimed, not now. For the present we are considering the question whether the Chair has got the inherent power to disallow this Resolution on the ground that it involves an abuse of the forms and procedure of this House.

**Mr. K. C. Neogy** : I have already submitted that there is no express provision in the Rules or Standing Orders which would authorise you to rule out this particular clause.

**The Honourable Sir James Crerar** : On the point of order, I submit that the part of the Resolution to which you, Sir, have referred to is en-

tirely out of order. In the first place I would invite your attention to the terms of Standing Order 29. The relevant words are as follows :

“ A member while speaking shall not reflect upon the conduct of the Governor General ”.

I now invite attention to Standing Order 61. That prescribes that the Member in whose name the Resolution stands on the List of Business shall, when called upon to move the Resolution, commence his speech by a formal motion in the terms appearing on the List of Business. In other words the formal terms of the Resolution constitute a part of the Honourable Member's speech. That, I submit, attracts the restriction of Standing Order 29. The terms of the Resolution are a part of the Honourable Member's speech and the Honourable Member, when speaking, is precluded by Standing Order 29 from reflections, in the sense which is conveyed by the terms of this Resolution. I submit for your consideration, Mr. President, that if a matter appears in a Resolution which is expressly precluded by Standing Order 29, it is impossible for that part of the Resolution to be debated. For that reason also this portion of the Resolution is out of order.

**Mr. President :** Under what rule ?

**The Honourable Sir James Orerar :** My suggestion is if that stands as part of the Resolution, it cannot be debated.

**Mr. President :** If a debate on a motion is not possible, is the Leader of the House contending that the Chair can rule it out ? Under what power ?

**The Honourable Sir James Orerar :** My point is that this portion of the Resolution is definitely out of order in view of the terms of Standing Order 29, read with Standing Order 61.

**Mr. President :** Supposing the Chair holds that the proposing of a Resolution is a different thing from a speech on the Resolution, will the Honourable Member tell me under what powers given to me by Standing Orders or Rules he asks me to disallow this part of the Resolution ?

**The Honourable Sir James Orerar :** On that construction of the case I could not point to any particular Standing Order. But I rely on the correct interpretation of Standing Order 29, read with Standing Order 61.

**Mr. President :** What I want the Leader of the House to tell me is this. In case the Chair comes to the conclusion that the proposing of a Resolution is a different thing from making a speech on it, will he tell me under what powers he asks the Chair to disallow this particular part of the Resolution ?

**The Honourable Sir James Orerar :** I am not able to quote any specific Standing Order on that point, but I have already explained, Mr. President, that I rely on Standing Orders 29 and 61. which expressly declare that this portion of the Resolution is out of order.

**Mr. President :** Surely this is a point on which the Chair expects the Law Member to throw some light.

**The Honourable Sir Brojendra Mitter (Law Member) :** Standing Order 29 refers to speech. What I submit is this. If the Resolution is

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in terms such that you cannot embody the wording of the Resolution in your speech, then surely you cannot make a speech in support of the Resolution. That being so, how can that Resolution be debated ?

**Mr. President :** Under what express provision can I disallow it ?

**The Honourable Sir Brojendra Mitter :** If you come to the conclusion that objectionable matter must necessarily be in that speech, then, on the true construction of Standing Order 29, you can disallow it, because you have to enforce the Standing Order.

**Mr. President :** In that case I can stop the Honourable Member from making a speech. How can I disallow the motion ?

**The Honourable Sir Brojendra Mitter :** If he cannot make a speech he cannot move. The motion must necessarily be an essential part of the speech, because that is the motion. If that motion is objectionable, then the speech in support of it should be ruled out of order. If that is ruled out, then the motion necessarily falls with it. I do not know whether I have made myself clear. Supposing the objectionable portion formed the Resolution, and there was no other part. The Member moving the Resolution must make a speech in support of that Resolution. Now that Resolution in terms is objectionable in a speech. It would indeed be an essential part of the speech itself and all the other matters in that speech must be in support of it. They are complementary to the objectionable portion. That being so, the whole speech becomes out of order. And that is so on account of the wording of the Resolution.

**Mr. President :** The Honourable Law Member's contention the other day was that the Chair and this House were the creature of a statute and unless express power were given to them to stop discussion or to disallow a Resolution on the ground that it involved an abuse of the forms and procedure of the House, they could not do so. His contention was that the Chair had no inherent power. I would like to know whether there is any express power which he can quote which will enable me to rule this motion out of order.

**The Honourable Sir Brojendra Mitter :** As I have said, Sir, beyond Standing Order 29 there is no other Standing Order or Legislative Rule covering this point. My submission is this, that you, being the authority charged with interpreting these Standing Orders, on a strict interpretation of them, you can and should rule it out.

**Mr. President :** I am quite convinced that the motion itself involves an abuse of the forms and procedure of the House ; I have not the slightest doubt about that. The question is whether I am entitled to rule it out in the absence of any express power in that behalf.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Standing Order 58 allows you to rule it out of order.

**The Honourable Sir Brojendra Mitter :** Probably you were referring to your last ruling. Let there be no misunderstanding about it, Sir. That was about quite a different matter and is clearly distinguishable. Your last ruling was upon a matter which was already in the possession of the House. This matter would not be in the possession of the House.

till you allow it. Therefore it is a matter entirely for you now. It is not a matter which is before the House. That being so, your last ruling is clearly inapplicable to the present case. Therefore, I will not say anything more about that last ruling. But what I do say is that, on a strict interpretation of the two Standing Orders, it is impossible for any Member to move the Resolution, because it must necessarily involve his stating that Resolution in a speech and making a speech in support of it ; and if the essential part be bad, then the rest must necessarily be bad also. Your power flows from those Standing Orders, because you have to enforce them.

**Mr. President :** I should like to know from Sir Darcy Lindsay whether he thinks the Chair has inherent power to disallow this Resolution on the ground that it involves an abuse of the forms and procedure of the House.

**Sir Darcy Lindsay (Bengal : European) :** It is very difficult to hear the proceedings from this part of the House and I have been quite unable to follow the arguments put forward by the Mover and also some of the arguments put forward by the Home Member. I do not even know, Sir, what is the amended Resolution (Hear, hear). I speak on behalf of this part of the House when I say that we are very severely handicapped. You ask me, Sir, to put forward my views in the matter. It appears from your very remarks, Sir, that you should disallow the Mover from moving the Resolution at all. He has made an attempt to so amend a Resolution put forward by another Member as to put it in what may appear to be an objectionable form, a form contrary to certain regulations. You find difficulty, Sir, in ruling the objectionable portion out of order because there is no rule or Standing Order that directly empowers you to do so. On the other hand, Sir, you have expressed your view that the wording is open to objection, and on these grounds, Sir, I submit to you that you should disallow the Member from moving the Resolution.

**Mr. President :** In the absence of any express power ?

**Sir Darcy Lindsay :** Does it not lie with you, Sir ?

**Mr. President :** I think I have the power.

**Mr. Muhammad Yamin Khan :** Sir, under the Standing Order that is quoted on page 47 of the Manual of Business a Member who wishes to move a Resolution shall give fifteen days' clear notice of his intention.

**Mr. President :** That is not the point we are discussing. The point we are discussing is whether that part of the Resolution of Mr. Mitra, to which objection has been taken, is in order or not on the ground that it involves an abuse of the Standing Orders.

**Mr. Muhammad Yamin Khan :** Yes, my point is, and I am raising this point of order, that not only a portion but the whole Resolution, which he seeks to move, is out of order.

**Mr. President :** We are not concerned with that. We are concerned with the particular part of the Resolution to which I have taken exception.

**Mr. Muhammad Yamin Khan :** My point of submission to you is that.....

**Mr. President :** The Honourable Member may raise another point afterwards ; we must confine ourselves to the point that we are *now* considering.

**Mr. E. L. Price :** Sir, it is laid down by Standing Order No. 61, that a Member must necessarily begin his speech with the motion that he is moving. The motion, therefore, itself is the exordium, an integral part of his speech. He cannot, however, utter in his speech words that are prohibited by Standing Order 29. But, Sir, you are asking how you have specific authority to bar the motion. I suggest, Sir, that that is beginning at the wrong end. It is rather this, that you have specific authority to admit a motion that is in order and then a motion is submitted in an undesirable form, in a form that is not in accordance with the Rules or Standing Orders, you will refuse to admit it ; you will not assume authority to admit a motion in a form that you yourself condemn.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : I should like to know, Sir, whether the reflection that is contained in Mr. Mitra's Resolution relates to such action in official capacity or not.

**Mr. President :** It is a very curious coincidence that this question, *viz.*, whether the Chair has inherent power to disallow a motion or rule a motion out of order on the ground that it involves an abuse of the rules and procedure of this House should arise on the very Resolution which seeks to protest against the action of the Governor General in Council and the Secretary of State in enacting a rule purporting to deprive him of such power. It is a very curious coincidence, and I sympathise with the Opposition as well as the Government for the attitude they have got to take up in putting their respective cases. The Opposition, so far as I have been able to gather, contends that the Chair has got no express power to disallow this motion and, therefore, it must rule it in order, although the motion might involve an abuse of Rules and Standing Orders.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Has anybody contended that ?

**Mr. President :** It has been contended that the Chair has no express powers, and therefore it cannot disallow this motion. On the other hand, Government contend that, although the Chair has not in so many words the express power given to it, it must disallow this Resolution, because, under Standing Orders 29 and 61, read together, the very moving of the motion constitutes an abuse of Standing Orders. As I said, I really sympathise with both sides of the House. This is all very amusing, but that does not absolve me from the responsibility of deciding the point of order that has been raised on the floor of this House. The question I have to decide is.....

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Take the vote of the House and decide it.

**Mr. President :** Order, order—whether the part of the Resolution in question is in order. There is of course no rule or Standing Order which gives the Chair express power to rule it out of order. At the same time there is no doubt that the Resolution cannot be moved without referring to matters which have been prohibited by Standing Order 29. In fact

the only matters that could be relevant are those which come under prohibition. I am convinced, therefore, that no debate is possible on this motion without wholesale infringement and abuse of the Standing Order in question, and yet I would be bound to admit the Resolution and put it to the vote of the House if I had no inherent power to rule it out. This would result in absurdities. I have no doubt in my mind that every occupant of the Chair of a deliberative assembly possesses and ought to possess, if he is to function as such, inherent power to prevent the abuse of the forms and procedure of that body. It is no doubt true that these discretionary powers are liable to abuse, but for that the remedy is obvious. If the occupant deliberately and grossly misuses or abuses these powers, the Assembly can remove him by a vote of no-confidence. The remedy does not lie in the direction of endeavouring by any rule or resolution to restrict or take away those powers. I am convinced that the Chair has got the inherent power to rule a motion out of order on the ground that it involves an abuse of the rules and procedure, and I have no doubt that this motion does involve such abuse. I, therefore, rule that part of the Resolution out of order, and will allow Mr. Mitra to move the other parts of the Resolution.

**Mr. Muhammad Yamin Khan :** May I raise my point of order now ?

**Mr. President :** Order, order. The Honourable Member will have an opportunity later. Before, however, Mr. Mitra proceeds to move his Resolution, I should like to make one suggestion. I know several Honourable Members are annoyed because the Secretary of State has sanctioned Rule 17-A, particularly at this juncture when this Assembly was going to meet and when the Resolution on the subject had been tabled and balloted. But before I really make any suggestion to the Honourable Member, I should like to know exactly what the attitude of Government would be in regard to proposals for the amendment of rules in future, so that the Honourable Member (Mr. Mitra) and the House may know exactly how matters stand. If Government have no objection to state what their attitude in regard to the future proposals for the amendment of rules was going to be, I hope they would disclose it to the House.

**The Honourable Sir Brojendra Mitter :** Sir, I am much obliged to you for giving me this opportunity of stating the position of the Government with regard to the making of rules regulating the course of business and the preservation of order in the Chambers of the Indian Legislature. Government considered this matter very seriously and they have come to a definite conclusion, and, as you, Sir, want to know the attitude of the Government, I shall state it as briefly as I can.

Under the Government of India Act, the whole duty and responsibility in respect of the Indian Legislative Rules are laid on the Governor General in Council and the Secretary of State in Council, subject always to the control of Parliament. The Governor General in Council cannot, under the constitution, refuse to discharge this duty, nor can he share the responsibility with any other body. That is, Sir, the constitutional position. But the matter is not concluded by that in so far as the Government attitude is concerned. Honourable Members will realise that the Government of India Act makes no provision for consultation with the Legislature. Although there is no provision in the constitution, yet there is nothing in it to exclude the establishment of conventions or understandings whereby the Executive, charged with the duty of making the rules, may adopt the practice of approaching the Legislature for advice, before proposing any

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amendments. So far back, Sir, as May 1924, it was definitely announced in the House of Commons, "that the desirability of consulting the Legislature before changes are made in any statutory rules is always considered when the proposed change could suitably be made the subject of such consultation". It would be observed that this policy, which has been the policy of the Government of India, contains a two-fold reservation. In the first place, the proposed change must be one which could suitably be made the subject of consultation with the Legislature, and, in the second place, the desirability of consulting the Legislature in that particular case, when the first condition is fulfilled, is to be considered. In accordance with that policy, I can cite instances when the Legislature has been consulted before alterations have been suggested in the Legislative Rules. Thus, rule 48-A, which makes provision for the Railway Budget being discussed separately from the General Budget, was inserted after and as a result of acceptance by this House of a Resolution moved on behalf of Government for the separation of the Railway finance from the General finance. The present attitude of Government is a further step in advance, and they agree to bring before the House all important alterations in the Legislative Rules before reporting them for the sanction of the Secretary of State in Council. I am sure Honourable Members will realise that this represents a very considerable advance on the present convention. Government have given their most anxious consideration to this question and desire, so far as possible, to meet the wishes of the House in this matter. In this connection I would also make it perfectly clear that when amendments have been considered by the Legislative Assembly, the Government will undoubtedly give the most careful consideration to the views of the House, but they cannot bind either themselves or the Secretary of State to do more than that, because, after all, the ultimate authority is the Secretary of State. I also want to make it clear that Government must retain one reservation, and that is a reservation in cases of emergency. Without such a reservation they cannot but feel that they would be doing precisely what I have said under the constitution they are not permitted to do, that is to say, they would be seeking to share the responsibility which is laid upon them by the Government of India Act with the Indian Legislature. If the Government must discharge the responsibility vested in them, they must remain the judges of what constitutes such an emergency as to require them to proceed without consulting the Legislature in respect of the change of any of the Legislative Rules. Subject to such exceptional cases, which it is the sincere hope of Government will be of the rarest occurrence, Government are in full sympathy with the establishment of a convention by which both Houses of the Legislature should be consulted before any important change is made in the Rules. That, Sir, is the Government's attitude.

**Mr. President :** To put it briefly the attitude of the Government is that henceforth, in all matters of important amendments of rules, they would consult the Legislative Assembly before they submit, their proposals to the Secretary of State, except in case of emergency, and the Assembly is not in Session at the time. In that case they reserve to themselves the right to approach the Secretary of State without consulting the Assembly. Such cases, according to them, would be very, very rare and exceptional. That being so, one point the Honourable Members have gained, namely, that henceforth they would be consulted before any proposal containing an important amendment of the rules is taken up.

The further question proposed to be discussed by the Honourable Member from Bengal really concerns the President no less than the House, and by common consent, you have appointed me as the custodian of the rights and privileges, of the honour and prestige of this House and the sole director of its procedure, and I feel that no useful purpose would be served by discussing or recording a vote of censure against the Government of India or the Secretary of State for not consulting the Legislature in regard to this particular amendment, because, so far as I have been able to gather during my experience of four years in this Chair, what the Assembly wants is not merely the right to be consulted, but full power to make and unmake its rules of business, irrespective of the Government of India or the Secretary of State. They are not going to be satisfied with the right to be consulted, but what they are concerned with is the main thing, namely the right to make its own rules and unmake them. That being so, I am clearly of opinion that no useful purpose would be served by discussing this vote of censure on the Secretary of State and the Government of India. Honourable Members are also aware that the whole of the Government of India Act, every rule and regulation made under it are in the melting pot and who knows what is going to come out of it. This particular rule, which has been recently sanctioned by the Secretary of State, is also in the melting pot and in the meantime, I know, as your President, what the self-respect and the dignity of this House demands, and if any occasion arises, I hope it will not arise, when it is necessary that I should fight for the liberties of this House and the dignity of the Chair. I hope Honourable Members have sufficient confidence in me to believe that I shall rise to the occasion....

**Mr. K. Ahmed :** The Honourable President is doing it now.

**Mr. President :** The Honourable Member must be very careful in dealing with the Chair. I therefore trust that the Honourable Member from Bengal will accept my advice and not raise this discussion at this juncture.

**Mr. S. C. Mitra :** Sir, I know full well that the House has complete confidence in its President (Applause). I have taken into serious consideration the letter that His Excellency the Viceroy wrote for this House which was read yesterday by you and also the statement made by the Honourable the Law Member. Although we object, and very strongly object, to the reservation of power in cases of emergency, yet I think I will be well advised to accept your suggestion and I therefore beg leave of you not to move this Resolution.

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#### RESOLUTION *RE* THE ESTABLISHMENT OF PANCHAYATS IN VILLAGES.

**Mr. K. V. Banagaswami Ayyangar (Madras : Landholders) :** Sir, I beg to move

" This Assembly recommends to the Governor General in Council that he do appoint a mixed committee of officials and non-officials to examine the rural conditions obtaining in the various provinces, and to recommend ways and means for establishing in each village, or group of villages with a population of not less than 1,000 inhabitants, an efficient panchayat which will mainly be elected on the adult franchise system, and possess sufficient legal powers and financial resources for administering all village concerns, such as agriculture, minor irrigation and forests, cottage industries, village sanitation, education, co-operation, trade and banking, and for deciding civil and

[Mr. K. V. Rangaswami Ayyangar.]

criminal suits up to a certain limit, subject only to the general control and technical advice and appellate jurisdiction of District and Provincial officers and Courts of Law.

Sir, the subject of the Resolution which I have moved is one for which I crave the Honourable Members should evince a great deal of interest and also of patience. I may point out that, last year, my Honourable friend, Mr. Acharya, wanted to move this Resolution at a time when the Simon Commission was here and I had then my own misgivings about the wisdom of moving that at that particular time. I wanted him to wait for some time longer before this question could be brought up before the Assembly when feeling was not running high and when it was in a mood to hear as patiently.

Now, Sir, coming to the subject of my Resolution, for the last half a century, two schools of political thought have been exerting their best powers to bring about a better state of things in the economic, political and moral condition of the people of India, and it will be pertinent to the subject if I should briefly describe the directions in which these two parties have been working to bring about that common goal.

During the beginning of the Congress, the one school of political thought that guided the destinies of that institution was that of the founders and builders of that great institution—the National Congress—as represented by the late Messrs. Hume, Ranade, Gokhale and Wedderburn and others. They really thought that “spade work” in the geographical and political unit of this country, that is, the village was essential, so that people there should be made to live a better life and be made to think very strongly on the injustice done to them, either by their own upper classes, or by the Government, and also to evince a feeling of gratitude for the benefits conferred on them and thereby become true citizens of the State.

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Without making the masses feel that, and thereby the true political fire of the nation being kindled in these people, the founders of the Congress thought that India could not have a better form of government and India could not efficiently put a brake on the economic exploitation of the country. Up till a recent period this school of thought guided the destinies of the Congress, and they carried the day. But for the last 15 or 20 years the other school of thought came to loom large in the destinies of the Congress, and this party thought that this up-hill task of working from the village unit was impossible without having a voice in the government of the nation and wished to put pressure on the Government to grant Home Rule and this party came to be styled the “impatience idealists” or the “extremist party”, and they are adopting their own methods of educating the country by expressing their resentment against the present form of government, and of bringing pressure upon Government to delete or withhold all objectionable legislation. Their methods have till now been confined mostly to the Councils and a little outside it by various experiments as “non-co-operation”, “hartals”, “abstention”, “boycott”, etc. These are within the knowledge of the Members of the Assembly. I recapitulate this before touching upon the subject matter of this Resolution, only to focus the attention of the country on the vast work that lies before it in the villages, and also to seek the help of Government, on behalf of the former set of political thinkers I have described above, who were the founders of the Congress, to effect some serious reforms among the masses of India, without which I think

the nation is bound to deteriorate day by day. With all the impatient zeal for getting Swaraj all at once, I was faced many a time with the cold logic of that great saint Mahatma Gandhi, that political emancipation is not a plum to drop of its own accord into the hands of a lazy and unsacrificing nation. Many of the impatient idealists are made to feel the truth of the practical motto of such workers as the Servants of India Society, that every nation deserves the government that it has, and so India should elevate itself to deserve Swaraj.

It may be contended that the subject matter of the Resolution is a provincial subject, and every item noted in this Resolution is a transferred subject now administered by the elected representatives of the local Councils. Being in that category, there will be many zealous friends here, as well as outside, to hold that it will be appropriate to move it in the provincial Councils, instead of making the Government of India interest itself in that matter. I am aware of the constitutional point of view involved, and let me state that my object in bringing this question up here is to co-ordinate the results of the many committees and commissions which have been the subject matter of inquiry by and for the Imperial Government. We have had the Report of the Agricultural Commission and if at all the suggestions of this Agricultural Commission should have any practical result, there should be a village working unit effectively to carry out the suggestions of the Commission by having experimental farms in the villages and having the agriculturists of the villages better protected. The Ministers in charge of the subject cannot be dictated to by the Central Government. Will the Research Institute create a village unit and make it a living organisation to carry out the instructions and advice of this central organisation? Fortunately this institution of the Agricultural Research Institute is not a transferred subject under a Minister, but it is directly under the control of the Government of India.

Now, there is a Banking Inquiry Committee. There are no doubt in it members of the Co-operative Societies. Co-operation is a transferred subject, but the Banking Inquiry Committee was instituted by the Government of India. If my object in bringing this Resolution is to suggest that instead of these Co-operative Societies being a transferred subject in the provinces they should be directly administered by the Government of India, will I not be in order in having brought this subject before this Assembly? I am not concerned with what it is at present, but I am concerned with what it ought to be, and so my suggestions should not be dismissed lightly because it is a transferred subject. I am sure co-operation can have better credit with a cheaper rate of interest, and usury and idle waste will be stamped out of India if this allied department of Indian banking, that is co-operation, is administered directly by the Government of India. It may be that at present it is administered in an efficient manner under the transferred Department, but my suggestion for the Government of India taking control out of the hands of the provinces may be appreciated because the vast credit that is required for Co-operative Societies may be had only if the Imperial Government take it over upon themselves. The Committee I am recommending to be constituted by this Resolution may consider this point, and by the time the Banking Inquiry Committee finishes its investigation, it may make known to the Government of India whether the Co-operative Societies in the villages and the urban banks in the districts cannot be administered by the Government of India direct.

[Mr. K. V. Rangaswami Ayyangar.]

Government cannot divest themselves of their responsibilities of the trusteeship of the masses of India, and as such, it is a thing to be regretted that the responsibility of nation-building departments is shifted from the shoulders of Government to that of the Ministry, many of whose communal activities in the provinces are not conducive to the efficiency of the departments governed by them. Such departments as education, agriculture, co-operative and panchayats should be directly administered by the Reserved half, or by the Government of India themselves. In the Co-operative Department something like five to ten crores will be required to wipe off the indebtedness of the agriculturists,—at least in some of the big districts like Tanjore and Trichinopoly. Can you find credit for these five or ten crores if it is to be administered by the Transferred half? We should have the credit of the Government of India to back them up so that they may have these five or ten crores at their disposal to liquidate all the usurious loans the agriculturists have contracted, so that they may have greater happiness, and co-operation may be a living factor and a more useful factor in the villages. Sir, it will no doubt be a strange confession from one who has belonged to the extreme wing of the Congress for the last quarter of a century, to say that the development departments should be managed by the non-communal and unbiassed British element. But I cannot help giving out what I feel on the subject. I may, at the same time, voice forth my opinion that the best way of training Indians for befitting them for higher forms of self-government and the management of their own affairs would be more to associate them intimately in such departments as the Army, Railways and foreign relations.

Even as regards the giving of universal franchise for the election of members to the Central Legislature I have my own views. A village panchayat, elected by universal suffrage in the village, will be the foundation of the entire structure of the British Government and the Central Legislature in India. This panchayat will in turn elect the members of the Indian Parliament. Some of us wanted to suggest, even last year, when Sir John Simon was here, that, instead of a direct representation or having a member to represent about  $\frac{1}{4}$  million of the population, as suggested in some other popular report, it would be far preferable to elect 500 members through the franchise of the five hundred thousand panchayats, formed at the rate of one panchayat per village or two. But we could not do it for various reasons last year—there was the political issue and we had to obey the fiat of our leaders. But the ignorance of the villager is appalling, and to let loose communalists and other prejudices to excite their sympathy for voting for a particular candidate and also the adoption of other doubtful means such as we have been witnessing these years, is not conferring a boon on the country. I do recommend therefore indirect election through the panchayats and not direct election in the present state of the masses. The local Ministry at Madras is now trying to do away with the taluk boards and in their place to create the village unit to work out the problems of village education, roads, settlement of civil disputes, co-operation, etc. The scheme that I am asking Government by this Resolution to investigate is only to develop the village institutions directly responsible to the Central Government, and to elect members to the Legislature. The ideal scheme of a central government can be evolved from the village units which elect a district government and which, in its turn, is controlled by the central government. By this

scheme these costly provincial governments may be done away with and one central ideal government may be thought of. But in these days when provincial autonomy is on the lips of every one, this ideal of a district autonomy responsible only to the central government may, at the outset, look fantastic. But, Sir, that is the form of government obtaining in the United States of America and it may be copied in India. District autonomy will be the most ideal form of government that can be adopted for the administration of India. The wrangle for linguistic provinces, like Utkal, Andhra, Karnatic, or the separation of Sind, will all go away, and village institutions will be better managed in each district. Each district being as big as the average Indian State, these districts may be self-governing units under the control of the central government. We have been working the present Reforms for the last ten years, and if they are to be worked on the present lines, I do not know how long it will take for the masses to understand the Government and to discriminate between the political issues, and to imbibe the political instinct of the Western nations. Indian politicians, even of liberal instincts, who have seen the advantages obtaining in the foreign countries, when they come to India, have to look at things as they appear here and have to defer to the communal prejudices which set at naught the true interests of the country. Everything is not aright with the village artisans, with the economic conditions of the village, with their education and with their moral standards ; and he is no leader of the country who does not feel the ills and diagnose the same and take his courage in both hands to expose the weakness and seek the aid of the custodians of the popular welfare, that is, the present Government, in order to better the condition of the people. There is no use becoming touchy or sentimental when the weak spots in our character or our social evils are pointed out, or denying the same where they exist, or pointing out such evils or worse conditions in the habits of a foreign nation. The true well-wisher of the country must begin the spade work that was begun by the late Mr. Hume or Mr. Gokhale or Sir William Wedderburn, in the villages. We have a few workers in the villages and they are becoming rapidly popular, and we want the aid of the Government to help and to come to their aid.

By these words I do not mean to speak disparagingly of the work of some of the leaders of our country, who think that they can bring in a better state of political and economic conditions by their endeavours to rectify the Government from the top, and that they should therefore begin at the top. What I want to say is this : let us not forget the other side of the work, such as is being done by the Servants of India Society, Mr. Kelkar and others, that is, work from the bottom, the village unit. I shall only give expression to my view that real and honest efforts lie in unostentatious work in the village unit, which, I see, many are doing and have begun to do. My friend, Mr. M. K. Acharya, will tell the Assembly how the late Mr. C. R. Das himself came to feel like that in his later days. It is depressing at the present moment to see the conditions prevailing in the villages. No worker can be optimistic of the future of India if he were to scrutinise the moral and material degradation of the people daily. It is to bring in a better state of things and to create a powerful village unit that I venture to seek the aid of the Government to help the workers in this direction. With these words I beg to move my Resolution.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I am thankful to my friend, Mr. K. V. Rangaswami Ayyangar, for having placed this Resolution in the very clear manner in

[Mr. M. K. Acharya.]

which he has done before this House. I should confess that I am responsible for the wording of this Resolution, but only for the wording. I have no right to take any credit for the central idea, which belongs to some one else, to one far greater than myself, I mean, the late Deshabandhu C. R. Das ; and I am glad to see that, unlike other Resolutions subjected to the scrutiny of Members, this Resolution has not got any amendments so far tabled under it. I find no amendment of any kind ; and I hope therefore I may take it as an indication that there is not much difference of opinion with regard to the subject matter of this Resolution. Nevertheless, Sir, I have just a few words to say in pointing out what I consider are the issues involved in this Resolution. I will state them in the form of a few questions and answers.

The first question is whether rural autonomy on a wide scale is desirable. This Resolution wants rural autonomy on a wide scale ; and it recommends to Government to appoint a mixed committee of officials and non-officials to inquire into the rural conditions at present existing, and to suggest various means for organising rural autonomy on a wide scale. Now, my answer to that question is, yes, both for administrative efficiency and for constitutional development ; and my authorities are these. In their Report, the Decentralisation Commission, which visited this country about 20 years ago, said this :

“ The foundation of any stable edifice of local self-government, which shall associate the people with the administration, must be the village ”.

This is what they have said on page 439 of their Report. Secondly, even according to the Preamble to the Government of India Act, the policy of the British Government in India is declared to be :

“ The development of self-governing institutions with a view to progressive realisation of responsible Government in India ”.

The development of self-governing institutions, therefore, must begin in the village ; the village is and has always been our lowest administrative unit. And lastly, I rely on the authority of the late Mr. C. R. Das, than whom there was no stauncher patriot or greater statesman in India. In his famous speech delivered at the Gaya Congress, he said this :

“ To me the organisation of village life and the practical autonomy of small local centres are more important than either provincial autonomy or central responsibility ”.

In this one sentence, that most powerful exponent of rural autonomy has practically given all his thoughts on the subject. He has said in another place :

“ If to-day the British Parliament grants provincial autonomy in the provinces with responsibility in the Central Government, I for one, will protest against it ; because that will inevitably lead to the centralisation of power in the hands of the middle class. I do not believe that the middle class will then part with their power. How will it profit India, if in place of the white bureaucracy that now rules over her, there is substituted an Indian bureaucracy of the middle classes ! ”

Therefore, in his opinion, if any true scheme of Swaraj is to be evolved, and all India should mourn that he has not been spared to us to evolve a suitable scheme for attaining Swaraj on right lines, we ought to begin with the village as the starting unit. So, Sir, on these three authorities I come to the conclusion that rural autonomy is desirable, and indeed

very necessary, both for administrative purposes and for constitutional advance.

The second question is this : Is not such development of rural autonomy to be left entirely in the hands of the Provincial Governments ? My answer is, no ; because after the recommendations of the Decentralisation Commission in favour of the village panchayats, the progress made in that direction by Provincial Governments during the last twenty years has been very tardy. Even after the Act of 1919 came into force, even after local self-government has been made a Transferred Subject and placed in the hands of Ministers, the progress made during the past nine years has been very tardy indeed, if the figures are to be trusted. The House may remember that some time last Session I had given a number of questions asking for statistics ; and these are the figures I got from Government. For the whole of India the total number of towns and villages is 500,042, according to the last census. The total population is 246.9 millions. The total number of villages with a population under 500 is 346,138 ; the total number of villages with population above 500 and below 5,000 is 133,573. And there are only 2,313 towns in British India, of which less than 750 are big enough to form municipalities. The number of district boards and municipalities is 224 and 749 respectively. The number of union boards and village panchayats for the whole of India is only 9,747 for five hundred thousand and odd towns and villages. There have been established during the past ten years in all the provinces put together only 9,747 village unions, village boards, village panchayats, of any kind. This is ample proof, I contend, to show that the subject of local self-government has been handled by the Provincial Governments, by the Ministers responsible in the various provinces, in a manner not at all conducive to the best interests of the country. The figures show something very deplorable indeed. Therefore, I say that because the Local Governments have been doing their work in a manner which is neither to their credit nor to the advantage of the country, the matter must be inquired into, in order that some comprehensive scheme could be evolved. I repeat that no efficient scheme has so far been evolved in any province up to date. Therefore, Sir, I think the time has come, before any large step in the direction of constitutional advance is taken, for us to tackle this question seriously.

Now, Sir, the next question I propose to answer is ; Why should the Government of India deal with this subject ? Well, I have already given some of my reasons. The Central Government should tackle this problem as provincial Governments have failed in their duty. I might also give some other reasons ; and here are some : The Government of India ought to take steps to emphasise rural autonomy as the basis of provincial autonomy and central responsibility. The late Mr. C. R. Das has pointed out how it is only the Central Government that can take effective steps to evolve some scheme of Swaraj or responsible Government which will integrate together rural autonomy, village autonomy, provincial autonomy and central responsibility, all into one living comprehensive whole. Secondly, we want some comprehensive scheme integrating rural and provincial autonomy, which can be adapted to provincial conditions ; and thirdly, we should find a solution to the problem of a proper and workable franchise to the Provincial and Central Legislatures. For this purpose the development of the panchayat system, or rural autonomy is

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very necessary ; it deserves to be carefully inquired into. I may show how it is very necessary in a minute. For example, universal adult suffrage in present Indian conditions for the Provincial and Central Legislatures is quite impractical and undesirable. If universal adult suffrage is introduced, it will be fraught with most undesirable consequences. The demand has been made, for instance, by the Nehru Committee, who, in their Report, suggest 500 seats for the House of Representatives corresponding to the Assembly to be elected by all the people, men and women, of all grades and sections above the age of 21. This will mean at least 125 millions of voters, roughly, calculating the adults to be half of the total population ; that is to say, one quarter of a million for each seat, or two and a half lakhs of votes for every seat in this House. Two and a half lakhs of voters for every seat ! My European friends do not know what it is to go about in a constituency and get votes. Two and a half lakhs of votes for every seat in the Lower House of the Legislature is a number which I should consider to be fantastically too large, because of the 250,000 not more than four per cent., or 10,000, can be expected to take any intelligent interest in the many questions that may come before them or on which they may have to send up their representatives ; and all the remaining 96 per cent., for at least the next 50 years to come, will be people who will be amenable to every kind of demoralisation that takes place in the course of an election. This is an instance to show that direct election to the Central Legislature in the years to come will be a problem of very great intricacy.

It is in view of all this that the Resolution recommends that there should be a preliminary inquiry into the conditions prevailing in the various provinces. It recommends that the inquiry should be conducted by a committee of officials and non-officials. It further recommends that the inquiry should not be a blank inquiry conducive to no purpose, but an inquiry which should try and find out ways and means by which village panchayats can be established, based on the ideal of full rural autonomy. I know there are some nominal panchayats already established in many provinces, and in my own province particularly. These panchayats are not, however, autonomous. There are separate different panchayats for different matters. These are disunited ; and that is a thing which is very, very undesirable. The Government do not care to study what the Decentralisation Commission twenty years ago wrote about these things. Having a number of small committees or small panchayats, in the rural parts, in one and the same village sometimes, is rather dividing the attention of the people and not concentrating it. I want integration and not division. Therefore, we have got it stated in this Resolution, moved by my Honourable friend, Mr. Rangaswami Ayyangar, that practically all the very many directions in which the people should develop, such as, agriculture, minor irrigation and forests, cottage industries, village sanitation, education, etc.—all these very many sides of the life of the village people should be entrusted to one and the same village panchayat. Such village panchayats should be elected, and they alone or the adult franchise system, because there the people know what problems concern them most. They know what leaders they would like to have in each village panchayat. That was how, in the past, as has been often pointed out, these village panchayats had been small little republics, each

one a republic in its own area ; and that would probably be the very best kind of self-government we can have in the future as well. With integration greater and greater, higher and higher, embracing the villages, the districts, and provinces, and the whole of the Empire—in that way the whole scheme is to be involved. These are some of the ideas that have been in my humble mind ever since I first heard, and pondered over the words of my late revered leader, the great Deshabandhu Das. Therefore, Sir I support with all my earnestness the Resolution which has been moved by my Honourable friend, Mr. Rangaswami Ayyangar, and I hope the House will accord to the Resolution the careful consideration that it deserves, the very sympathetic consideration that it deserves both from the standpoint of administrative efficiency and from the larger standpoint of constitutional advance. I support the Resolution.

**Mr. President :** The House stands adjourned till a Quarter to Three.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

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

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I had hoped that it would be my good fortune to remain a silent Member of this House until such time as I have become better acquainted with its forms and procedure and more inured, if I may say so, to its atmosphere, but the fortune of the ballot has not been kind to me and no less than three of the five Resolutions on the Agenda for to-day affect the Department which I have the honour to represent in this House. I can only crave, Sir, in these circumstances that indulgence which you and the Members of this House, I know, invariably extend to new Members.

I do not propose, Sir, to follow the Honourable Mover of this Resolution in the details of the constitutional changes, the far-reaching constitutional changes, which he proposes. As I understand it, he wishes to abolish Provincial Governments entirely and desires that the Government of India should deal directly with a multitude of village authorities. I prefer, Sir, to take the facts as they exist and to state as clearly as I can the attitude which the Government of India has always taken on this question and the attitude which they propose to take to-day. It is impossible to see the Honourable Member's Resolution in its proper perspective without a brief resume of past history, but I promise not to make this longer than is absolutely necessary. The Report of the Decentralisation Commission of 1909 may be said to have brought the question of the village panchayat system first into prominence, though the possibilities of providing some organisation for the development of village life had been discussed from time to time before that. In the section of the Report of the Decentralisation Commission which is devoted to the village panchayat, that Commission indicated the lines on which, in their opinion, such panchayats should be developed. They did not contemplate, I may point out in passing, any additional machinery for the promotion of local self-government in the sense in which that term had been used in previous official literature. It was their desire to develop the corporate life of the individual villages and

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to give the villagers in them an interest in and some control over local affairs. They recognised very clearly—and that is a point which I wish now to emphasise—that the differences in character of villages, not only in different provinces but in different parts of the same province, necessitated caution in taking up the policy of developing panchayats. While they indicated certain general functions and powers which might be allotted to panchayats, they were careful to explain that there should be no question of developing them on an uniform system. The next stage was reached in the Resolution of the Government of India on local self-government in 1915, in which the Government of India expressed their general concurrence in the lines on which the Decentralisation Commission had proposed to develop the panchayat system. They again left the matter in the hands of Local Governments, but suggested certain general principles as indicating the lines on which advance was most likely to be successful. I need only here refer to the first of these. They are eight in number, and it is unnecessary to read them all. The first of them lays down that experiments should be made in selected villages or areas. It was this Resolution of the Government of India which may be said to have given the first stimulus to the development of the panchayat system. In 1915, the Government of Assam passed a Local Self-Government Act, which provided for the constitution of village authorities under the ægis of district boards, which might delegate minor duties to the village authorities and make grants for the performance of those duties. A special committee investigated and reported on the subject in the United Provinces. Again, Sir, we have another Resolution of the Government of India in 1918, in which they desired that the matter should be further pursued and, with certain exceptions, concurred in the views contained in their Resolution of 1915. They recommended that, where it was decided to call a panchayat into existence, the legislation entailed should be as simple and as elastic as possible, with full liberty to fill in details as experience demanded. They considered it, however, very necessary that action should be taken as soon as possible, and the result of the Resolution was that every major province between 1919 and 1922 passed a Village Panchayat, Village Self-Government, Village Administration or Rural Self-Government Act, with the exception of Assam, which already had one, and which passed a new Act in 1926. My object in giving here this historical retrospect is twofold. In the first place, I wish to point out that, even when the Government of India had far more extensive powers in regard to local self-government than they have to-day, they recognised that the development of village panchayats must be a provincial matter. In the second place they emphasised time and again the impossibility of imposing any uniform system of panchayats owing to differences of local conditions, which are no less striking to-day than they were then. The progress which has been made in the different provinces since the beginning of the Reforms era has shown the soundness of this view. I am sorry that the figures I have regarding the number of village authorities are not quite up to date, as they were prepared for the Statutory Commission, but I think they are more up to date than those quoted by the Honourable Secunder of this Resolution.

**Mr. M. K. Acharya :** I got the information from your Department.

**Sir Frank Noyce :** I hope they gave you the latest figures. In Bengal, for example, there are about 2,800 union boards.

**Mr. M. K. Acharya :** How many villages ?

**Sir Frank Noyce :** I cannot quote the number off-hand. I can only say that there are about 2,800 union boards in Bengal, and it is reported that they have justified the hope that an advance in local self-government may be based on village organisation.

**Mr. M. K. Acharya :** I think there are about 5,000 villages.

**Sir Frank Noyce :** In the neighbouring Province of Bihar and Orissa, there are only a few hundred, and most of them are reported to be apathetic. In the United Provinces, which had in 1926, and probably to-day has, more village panchayats than all the other provinces put together, it is stated that they have in many cases justified themselves and done useful work. In the Central Provinces and Bombay, on the other hand, they have not met with any great measure of success, and in both these provinces in 1925, a committee of inquiry was appointed to find out the reasons why no greater advance had been made. I think, Sir, the action of the Governments of the Central Provinces and Bombay shows the best method of dealing with this difficult question. It is evident, I think, that no all-India Committee could hope to deal with it successfully, and that it is a matter which Local Governments must tackle for themselves. In these circumstances, Sir, I do not propose to comment at any great length on the wording of the Resolution, though it seems to me to be open to criticism, and very strong criticism, on several points. I waited with great interest but in vain to hear the reasons which induced the Mover of the Resolution to confine his village panchayats to villages with a population of not less than a thousand. I am quite sure that there are many villages to-day with a much smaller population in which panchayats are working successfully. Then, again, Sir, he has given no clear definition of financial resources, nor has he given any idea of the extent to which these panchayats should expect grants-in-aid from Provincial or Imperial revenues. These, Sir, he probably regards as sordid details into which it is unnecessary to enter. I do not want to weary the House by quoting the provisions existing in the various Acts, which empower village panchayats to impose certain taxes and fees. The prospect of allowing village panchayats to administer *all* village concerns—agriculture, cottage industries, trade and banking—can hardly be regarded with equanimity. It would appear to afford excellent scope for socialistic activities but it would, I venture to think, involve measure of interference with individual liberty which would hardly tend to the successful working of the system. Sanitation, education, improvement of village amenities generally, civil and criminal jurisdiction in petty cases, are all duties which have been assigned to village panchayats under all or some of the various Acts under which they are administered. Trade and banking seem to fall rather outside the scope of panchayats.

**Mr. M. K. Acharya :** Why ?

**Sir Frank Noyce :** It is difficult to see what useful work they could do in that direction, especially in regard to banking.

**Mr. M. K. Acharya :** Go to the villages and see.

**Sir Frank Noyce :** Then, again, Sir, the Honourable Mover proposes that the panchayats should be subject to the technical advice and jurisdic-

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tion of district and provincial officers and courts of law. This proposal, if I may say so, is entirely opposed to the true panchayat spirit. Local Self-Government is essentially a matter of decentralisation, whether as between the Government of India and the provinces, or as between the provinces and the village authorities. I am not quite sure whether the Honourable

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Mover has envisaged the results of the acceptance of his proposal. He asks that panchayats should be set up immediately in all villages with a population of a thousand and over. In the province from which both he and I come, there are about 13,000 villages with this population. I would invite the Honourable Mover's attention to the grave risk of failure which should follow if panchayats were set up in these 13,000 villages at once without the villages being ready for this form of administration. I cannot help thinking that district and provincial officers and courts of law would look with dismay at the prospect of appeals from this multitude of village panchayats. This, Sir, is however somewhat of a digression. I can only repeat that the matter is entirely one for Local Governments. Progress in this domain has not been uniform throughout. The reason is to be sought.

**Mr. M. K. Acharya :** Has it been satisfactory anywhere ?

**Sir Frank Noyce :** I think, Sir, later speakers, with a more intimate knowledge of provincial conditions, will be able to tell the Honourable Member something about that. My point is that the rural conditions vary from province to province, and the best avenue of advance is to be explored by Provincial Governments. The Government of India cannot impose a committee of the character asked for by the Honourable Mover of this Resolution on Local Governments, and they have at present no evidence whatever that they would want or would welcome it. All I can promise, Sir, on behalf of the Government of India, is that the Government of India will gladly forward copies of this debate to Local Governments for their opinion and for any action that they consider suitable. I do not know whether this will satisfy the Honourable Mover of the Resolution, but it is all that the Government of India are prepared to do.

**Mr. N. C. Kelkar** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this Resolution in a general way. I say "in a general way" and it is not necessary to say more than a few words for the purpose of generally agreeing with the main purport of the Resolution. As anticipated, the Honourable Member for Government has brought forward the patent objection to the motion that already village panchayats have become a matter of provincial administration. We on this side of the House, I think, are well aware of that fact. Many of the matters mentioned as subjects for consideration in this motion are already transferred subjects in the hands of Provincial Governments. That also we know, but what perhaps the Mover of the Resolution wants this Government to do is to evolve, if possible, a centralised policy for the guidance and acceptance of Provincial Governments. We have been promised to-day that the debate in this House on this motion will be circulated among the Provincial Governments. But perhaps that is not quite enough. We would like the Government of India to do something more and better, namely, to formulate a central policy for the guidance of Provincial Governments. There was a nice opportunity for dealing with this subject when the Agricultural

Commission sat and went to its business. Of course they were mainly dealing with cultivators, but the cultivators, we must know, are the principal inhabitants for whom we are asking for village panchayats. It is not as if the Agricultural Commission did not touch this subject of village administration or village welfare. It is no use making a complaint now about the Agricultural Commission, but this must be said, that they touched this subject in a somewhat distant way. It is not as if they did not go into it, for they gave, in my opinion, disproportionate place to the work that is being done at Gurgaon, and went into details for the guidance that might be given to the village people with regard to their welfare. That they did. They also mentioned the agencies in a general way through which this work of welfare could be done in the villages. But my complaint is that they did not touch this subject of the village panchayats, as such with a single word either of commendation or criticism. I really fail to see how the Agricultural Commission could not see their way to deal with the village panchayats in a closer manner. The complaint embodied in the Resolution seems to be that Government have not cared to tackle this problem in as full a measure as they should have done.

**The Honourable Mian Sir Fazl-i-Hussain** (Member for Education, Health and Lands) : Which Government ?

**Mr. N. C. Kelkar** : The Central Government.

The Decentralization Commission has been referred to on both sides of the House and that Commission made concrete suggestions for the formation and the work of the village panchayats. Later on, Provincial Governments passed Acts in their Legislatures to deal with village panchayats. That is true. But as a result of the working of the administration of the village panchayats in the different provinces, 20 years after the report of the Decentralization Commission, we find that there is a lot of variety in the work of the administration of the departments dealing with village panchayats. In some provinces we find local self-government is left entirely to its own sweet will and discretion to deal with the village panchayats. In other provinces we find Government taking a hand in the guidance of the village panchayats and directing their affairs and supplying them with finances. In that way, the fortunes of the village panchayats have naturally varied in different provinces. It may be claimed on behalf of Government that they have, by this, done all that they wanted to do or could do, but I would just refer the Honourable Member on the other side to Sir Malcolm Hailey's preface to the book entitled " Village uplift in India " by Mr. F. L. Brayne, and I will just read a passage out of that. In the opening portion of the preface he denies the allegation that Government have not so far done as much as they should have done in this respect. But later on he makes an admission which is strictly relevant, and which is also very valuable. He says :

" But the charge is to this extent true, that we have never made a direct and concerted attack on this problem ; we have never deliberately attempted to effect that change in the psychology of the peasant, and in his social and personal habits without which it is impossible materially to improve his conditions of life. The reason did not lie entirely in the immensity of the task. It was obvious that we should have to encounter an enormous dead weight of conservatism and apathy ; there were many who not unreasonably feared the result of preaching to the villager that discontent with his own conditions of life which was necessary to their improvement ; and not many of us, to tell the final truth, have had the missionary spirit necessary for the enterprise.

[Mr. N. C. Kelkar.]

He is here speaking for Government.

" For the villager has the keen instincts of a man who lives very close to nature ; he will not be persuaded by those (and this is the most important part of it) whom he has not learnt to trust, charm they never so wisely, and he will not trust those who do not seem prepared to put aside all other claims and considerations, in order to live with him, to learn his troubles, and to support him through them."

Now, I maintain that these last words of the quotation must be interpreted to mean more closely, more strictly to the village panchayats, for it is the village panchayat people who live among the villagers and throw in their lot with the villagers and share their troubles and fortunes and misfortunes. These village panchayat people will ultimately be the people who will be expected to do what is good for the villages in the nature of village welfare. Therefore, I take it, that Sir Malcolm Hailey, in the remarks I have just quoted, had probably in his mind the village panchayats or the people who constitute the village panchayats.

**The Honourable Mian Sir Fazl-i-Hussain :** No ; he had you and me in mind.

**Mr. N. C. Kelkar :** Now, as the Mover has himself suggested, the point is that a committee should be set up to inquire into these matters and to make recommendations. As I said in the beginning, it is not necessary to agree with him in every word, and if Government say that they do not see the necessity of actually appointing a committee of officials and non-officials, I can understand that. They may make a departmental inquiry if they like, but the point is that an inquiry is needed, whether it is by a committee or by a departmental agency associated with non-officials. I do not know about the fortunes of village panchayats in other provinces. If our friend, Mr. N. Gopalaswami Aiyangar, were here, he might have told us about the success of the village panchayats in the Madras Presidency. I was told by him, if I remember aright, that in the Madras Presidency they succeeded in forming a very large number of village panchayats and that the working also there is very successful. My friend, Mr. Aney, tells me that in Berar also the experiment has been a success. Unfortunately, on the other hand, in my own province, the Bombay Presidency, the working of the village panchayats is not successful. I could not exactly catch the words of the Honourable Member on the other side when he referred to the working of the Bombay Presidency. I do not know whether he said that the work was successful or unsuccessful.

**The Honourable Mian Sir Fazl-i-Hussain :** It has been unsuccessful.

**Mr. N. C. Kelkar :** Then, I entirely agree with him. Now, I may tell the House why, in my opinion, the result there has been different from other provinces, and what is the cause of the unpopularity of the village panchayats in my Presidency. In my opinion the success of the village panchayats, would depend mainly on two things, viz., the powers given to the village panchayats in respect of settling village disputes, and the powers of taxation. In both these matters the Bombay Act relating to village panchayats has clearly contradicted the recommendations of the Decentralisation Commission, as I will presently show.

In 1918 I think it was that a Local Self-Government Committee was instituted in my province and our worthy President was a member of that Committee, and I remember to have been a witness before that Committee. That Committee itself wanted to go into the question of village panchayats

if possible, and this point was also stressed by many of the witnesses that appeared before it.

I am absolutely certain that if the consideration of the village panchayats had not been excluded from the purview of the Local Self-Government Committee, to which I have referred, then very good recommendations might have been made. The Committee, I am quite sure, would have made recommendations to follow directly the lines of the recommendations made by the Decentralisation Commission. But Government excluded that matter from the inquiry entrusted to that Committee and took it upon themselves to pass an Act by itself specially for the village panchayats. In doing so, they acted in contradiction to the specific recommendations made by the Decentralisation Commission, the one relating to powers and the other relating to taxation. First of all, I will take the point about the powers. I have got in my hand the Bombay Act relating to village panchayats, and I do not find there any reference to any of the powers such as I have been referring to and such as have been recommended by the Decentralisation Commission. The Commission says :

“ A panchayat should have civil and criminal jurisdiction in petty cases arising within the village.”

This has not been done in the Act :

“ We were told in the Punjab that the Native States of Patiala and Faridkot had recently instituted *sail*, or village panchayats, for the disposal of petty civil and criminal cases and that the results so far had been good. Some witnesses hold that the exercise of such powers might lead to injustice, through faction, corruption or undue personal influence ; and the opinion has also been expressed that as popular sentiment has become accustomed to regular courts, it would not now tolerate a more summary and informal procedure. On the other hand, such jurisdiction is already exercised by individual headmen or *munsifs* in several provinces, and it seems to us that it would be still better discharged by a small collective panchayat. It is also most desirable to relieve the regular courts, to prevent the people from having to undertake long journeys for the settlement of paltry disputes, and to check the habit of undue litigation, which is so prevalent in some parts of India. Village benches may no doubt occasionally make mistakes, but neither are the stipendiary courts infallible ; and false evidence, and the power of the purse, have less chance of prevailing in a tribunal which is directly under the influence of local public opinion and which can readily ascertain the real facts.”

Sir, I do contend that in this important respect the Bombay Act has given entirely the go-bye to the specific and well-considered recommendation of the Decentralisation Commission. With regard to that, speaking about my own province, I would lay stress on this, because in my province at any rate there has been a good tradition, a well established tradition of village panchayats settling the village disputes, and in taking back that tradition to the beginning of the nineteenth century, I would refer this House to Mount Stuart Elphinstone's Report on the working of the panchayats in the Mahrashtra province from which I come. He says :

“ But with all these defects, the Mahratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect Government. There must, therefore, have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who are most out of reach of their rulers, and most apt to be neglected under all Governments. By means of the panchayat, they were enabled to effect a tolerable dispensation of justice among themselves ; and it happens that most of the objections above stated to that institution do not apply in their case.....”

[Mr. N. C. Kelkar.]

I do not wish to read to the House any more extracts, but the point is this. Till the beginning of the nineteenth century, these village panchayats had exercised elementary judicial powers with success. That is what Mount Stuart Elphinstone says, and with the break from that tradition perhaps the wrong began. Even after the specific recommendation of the Decentralisation Commission to give back to the village panchayats these elementary judicial powers, the Bombay Act took the matter out of the hands of the Local Self-Government Committee which they had appointed, and passed their own Act, and took special care to exclude this judicial jurisdiction from the powers of the village panchayats. That is one of the strong reasons why the village panchayats had not been popular, I do not say, successful. In my province of Bombay, the village panchayats are not as popular as they should be.

Then, I refer this House to the second point about the violation of the specific recommendation of the Decentralisation Commission by the Bombay Village panchayats Act in respect of taxation. By the by, before leaving that point, I would just mention that, a few moments ago, I asked my Honourable friend, Mr. Aney, as to the condition of the village panchayats in his province, because Berar and the Maharashtra are parts of the same province; the same mentality and the same social conditions prevail in both the provinces. The Village Panchayat Act of Berar gives that elementary judicial jurisdiction to the village panchayats, and my Honourable friend assures me that the village panchayats have been very successfully working, and that they are very popular. My contention is that it is a wrong done to Bombay by the Bombay Panchayat Act.

**The Honourable Mian Sir Fazl-i-Hussain :** By whom ?

**Mr. N. C. Kelkar :** By the Government which passed this Act.

**The Honourable Mian Sir Fazl-i-Hussain :** It was passed by the Bombay Legislative Council.

**Mr. N. C. Kelkar :** We know what Councils we have got, at least in certain provinces. That is why I say the Reforms have failed in that particular respect at any rate.

**The Honourable Mian Sir Fazl-i-Hussain :** They have distinctly.

**Mr. N. C. Kelkar :** Turning to the point about taxation, I would read from the Report :

“ We consider it essential to the popularity and efficiency of the panchayat system that it should not be associated with any new form of local taxation, for the evidence shows that the imposition of taxation of this character has made such bodies as the existing unions and sanitary committees unpopular. Still less should such bodies receive power to raise such loans.....”

I will not go into the details as to the sources from which the panchayat revenue should be derived in the opinion of the Decentralisation Commission, but one single sentence from the Report I will read :

“ Finally, it is most desirable that the work of panchayats should be free from interference by the lower Government subordinates. Men of this class have their own reasons for opposing any real local control.”

And the bad effects of this interference have been seen in the proposals for taxation. To put it briefly, the Commission say, in a general way, that the starting of village panchayat should not be concomitant—I am using the

words of the Report—with the levy of new taxation by the village people for the village people. Not that the Decentralisation Commission was not aware that revenues were wanted for the administration of village panchayats, but they wanted to give revenues by methods which had not been followed in the Bombay Presidency. Therefore my particular point is this.

These two important specific recommendations of the Commission have been grossly violated by the Bombay Government. After all, the Act may have been passed by the Legislative Council, but the Bill was a Bill of the Bombay Government, and when they did not themselves introduce these matters, or went about it in the wrong way, we of course could not expect that the local Council should have exercised such influence upon legislation that it should be put as it should be. (*A Voice* : " Why not " ?) I am asked, why not ? I will just refer my Honourable friend to the proceedings of the Council and ask him to find out for himself why is why. Here is Mr. Jayakar, who was at one time the leader of the Bombay Council, and he will perhaps be able to say how the Government officials went round in the Council itself to canvass for votes and to win their case. Of course I was not a Member of the Bombay Council....

**Mr. G. L. Winterbotham** (Associated Chambers of Commerce : Nominated Non-Official) : I was a Member of the Bombay Council.

**Mr. N. C. Kelkar** : Then the Honourable Member can settle it with my friend over here.

The long and short of it is this : If the points that I have raised are correct, then they distinctly prove that the recommendations of the Decentralisation Commission have not been strictly and closely followed. They have been departed from in material respects and therefore that makes out a case in my opinion for the Government of India proceeding to formulate a central policy by way of advice, if not enforcement, to the Provincial Governments in the matter of the administration of their village panchayats.

**Mr. E. F. Sykes** (Bombay : European) : Sir, I should like to say, first of all, that I oppose the motion. In view of the manner in which Government have agreed to meet the Honourable the Mover, I am surprised that he has not accepted the offer and withdrawn his Resolution. As he appears to wish to take the sense of the House it is necessary briefly to indicate the grounds of my opposition. I need not waste time in saying that there is no difference between the Honourable the Mover and myself as to the desirability of encouraging the growth of local self-government. I do not think there is any difference between Members of any part of the House on this subject.

To admit this, however, is by no means to admit the propriety of accepting this Resolution. It is true that the objection that this is a provincial transferred subject, and therefore outside the province of this House, is by no means decisive.

On the other hand, in cases of this kind, the necessity for the intrusion of the Central Government into the provincial transferred sphere needs to be well established, and I regret to say that, as far as I have been able to hear the Honourable Member's speech, I have heard no arguments of any weight on this point, and in the absence of a conviction of such necessity, the duty of the House is to reject any such proposal.

[Mr. E. F. Sykes.]

There are other reasons why I am not prepared to support the Resolution in its present form, but you, Sir, have supplied the House with an argument which to me appears to be final. In advising the Honourable the Mover of the motion, which stood just before on the paper, not to proceed with his motion, you were pleased to observe that the questions involved were in the melting pot, and the discussion of them at the present time would serve no useful purpose. I submit that the same argument applies equally to the Resolution now before the House. The statutory inquiry now in progress can hardly fail to deal with the question of local self-government, and to send an independent committee cutting across its tracks would be obviously a waste of time, money and effort.

**Khan Bahadur Mian Abdul Aziz** (Punjab : Nominated Official) : Sir, in rising to speak on this subject, I do not wish to utter a single word in a spirit of controversy, but I do think that a certain amount of information which is available might be useful to the House, because the Honourable Member who has moved this Resolution has in that Resolution desired that panchayats be formed for dealing with such subjects as Agriculture, Minor Irrigation, Forests, Industries, Village Sanitation, Education and Co-operation. Now, Sir, the information that I want to give the House is that, in the Punjab, the Punjab Village Panchayat Act of 1921 was enforced in 1922. In this Act, apart from the power of trying certain criminal offences given to these village panchayats, and apart from the powers given to these panchayats to deal with civil suits up to the value of Rs. 50, and apart from dealing with certain other questions that arise naturally in the every-day life of the village, like the cleansing of their streets and drains, certain administrative functions were assigned to these panchayats, and I shall give a brief list of some of these administrative functions. Section 18 defines the administrative powers of the panchayat which are, to require by notice, given within a reasonable period, the owner or occupier of any building to remove any encroachment, to set right any pool, ditch, latrine, etc., the cleansing, removal and disposal of any street rubbish, and a number of other things. Cottage industries and various other activities are also included in the sphere of action of a village panchayat. Then the rules are such that these can very easily be extended to give these panchayats very much wider powers over the life of the village as it is. The Honourable Member who moved this Resolution of course said in effect, take the Government of India to the village. That is a matter which, merely as a matter of theory, has my support : but when I examined the working of these panchayats in my district two years ago and again last year, this is the difficulty that I found. In this Panchayat Act the most wholesome provision is that the panchayat shall not entertain any clerical establishment. That is clearly given in the Statute and for a very simple reason. We had this Act in 1921. We had an Act in 1912, which was repealed by this Act. We have found by experience over and over again that, when there is a mohurrir under a panchayat or in a Bench of Honorary Magistrates, the mohurrir becomes the master, and the panchayat and the Honorary Magistrates assume a subordinate position. It is an unfortunate thing, but that is the fact. So there is this most wholesome provision in this Act that the panchayat must work by itself and must not have any clerical establishment.

Now, Sir, in my last district, out of 1,008 villages, I think the panchayats are working satisfactorily only in 20, and in those 20 I often

had the difficulty of finding a literate sar-panch. I tried to extend this list by another 18, and I invited petitions, and I found that, although I had selected only 18,—I give these facts so that the House may judge of the enormous difficulties that stand in the way,—out of these 18, two or three could not work the panchayats, and in the large remainder, i.e., in 970 villages excluding these 38, at present the demand is not there. I do not really wish to say a word in a spirit of controversy. Hasty reformers want to impose their will on the village and they do not want to act as the servant of the village. My wish on the other hand has always been that the villagers should think for themselves and get rid of their habit of blind obedience. What I have attempted is to let them come forward and say what they want ; but for each sub-division of the province the factors of the problem are really different, and an all-India inquiry or an all-India solution is something impossible. You cannot do it ; it must grow from within, from that village. The Honourable Mr. Kelkar, of course, laid his finger on the real root of the trouble, and it is this, that village panchayats will not work because of the necessity which is involved in efficient working, of imposing taxation. That is really the whole root of the trouble. In the whole of my district, it was only with great difficulty that I was able to induce one panchayat to impose a very nominal tax in order to achieve some sort of elementary cleanliness. But that is not all. In the working of this system, if Honourable Members will ever take the trouble to see some provincial Report dealing with the working of this Panchayat Act in the villages, they will find that there is a long statement at the end. On the top of that are given the sections showing whether the panchayat has taken action under, for instance, sections 14, 18, 18 (a) and so on.

They will see that the only thing that panchayats touch throughout consistently is this : the panchayats will exercise their criminal powers to a certain extent ; they will deal with civil cases to a certain extent ; but in so far as their administrative functions are concerned, so far as village sanitation and other cognate subjects are concerned, the statement attached to the provincial Report will show that the column showing administrative work done in the course of the year is almost blank because those people at present have not been educated up to the level of seeing that that is a greater duty than merely dealing with petty cases. I say that, Sir, because I am thinking of the village, not as it is on paper, but as it exists there in actuality. I mean to say, I am thinking of their hearts, their traditions and their relations with one another : that is the village ; it is not merely the area in which a few mud huts exist that is the village ; it is not the insanitary condition that is the village ; it is the traditions which those people have, the interrelationship of one group of residents with other groups of residents—the landlords and the menial classes for instance—that, and the whole continuous life which they live, that is the village ; and I found often and often that even, with the very limited franchise that we have at present by which only a certain number of rate-payers can elect the panchayat, the difficulties of reconciling all interests are enormous. Of course the election is entirely by majority and there is no communal feeling, but the Mover in his Resolution has insisted on an adult franchise. I believe those of us here who have lived in villages will at once realise....

**Mr. M. K. Acharya :** Have you first-hand knowledge of the districts and villages ?

**Khan Bahadur Mian Abdul Aziz** : For twenty five years.

**Mr. M. K. Acharya** : As an official—not as one who lives in villages, but as a taskmaster.

**Khan Bahadur Mian Abdul Aziz** : I am a servant, and I have always been one, and I am yours too. As I say, at present the franchise is limited. Suppose you desire to apply adult franchise. Take the case of a village where there are 50 landowners and 950 tenants, and apply the adult franchise to them, and you will at once find out the difficulty of the landowner. The landowner may be a very reasonable man and may have every sympathy with his tenants and menials, but I doubt whether he will approve of this adult franchise as it is contemplated in this Resolution. That is also partly the reason why, where these panchayats are popular to a certain extent because their decisions in civil and criminal cases are just and not open to question, still, when they come to deal with questions that affect the everyday life of the other people, for instance, the broadening of streets and the removal of encroachments and the like, they find it difficult to touch those subjects and they do not want to touch them.

But, Sir, there is another aspect of this matter. My Honourable friend, Mr. Acharya, asked me if I had ever been to a village. Since I spoke last in this House, I have been to about more than fifty villages, and to about more than two hundred houses in each village, inside. I went there to beg those people, in accordance with my policy—I never want them to obey as I want them to think and then if it appears to them to be right, I want them to carry it out into practice—I went there to beg of them not to keep cattle in their own dwelling houses—particularly in the places where they slept. If I were a cynic, I could say that those human dwelling places were really not fit for cattle and it was hardly fair to human beings to be compelled to live there. But I have worked for the villager and I really mean to serve them, and therefore I went to argue with them and persuade them to keep their cattle separately a little removed from the place where they slept, and as I said I went very nearly through fifty villages and two hundred houses in each village on this little mission ; and I found that in connection with this question of dealing with cattle alone, the village panchayats are particularly powerless, though cattle are the most important element in their agricultural operations. They are powerless in this way. A large number of menials who live in the villages and who for grazing all their cattle and feeding and housing them, depend to a very great extent on the sweet will of those in authority are not in a position to do the needful. It is all right if everything is harmonious. But suppose you introduce this adult franchise. I say, with due respect, you will be plunging the villages more into anarchy than improving their condition.

There are one or two other facts which I took note of when Honourable Members spoke on this subject ; and the point which appeared to me of importance in particular was that the Honourable the Mover of the Resolution said that co-operation might be made an imperial subject instead of remaining a provincial subject. The interest that I have taken in the subject shows me that, in so far as the Punjab is concerned, the suggested change might perhaps—I speak with due deference—not be useful. The Honourable Member's object was that usury should be stamped out. Those were his very words. I may inform the House that in the Punjab co-operation has been successful ; it has been successful in a large

number of places ; but where it has been pre-eminently successful, the original members of those co-operative societies, during the last ten years, have been able to take out a loan without paying a penny of interest. That is a thing that is really unique. But there are several such cases. Similarly, we have not only the lending societies ; but we have societies of every kind specially suited to the requirements of our various villages ; and strangest of all, I can inform the House that even Mussalman are now not so shy of co-operation as they were at one time. At one time, of course, it was something horrid to think of asking a Muslim to join a co-operative society.

It occurs to me that one part of this co-operative movement might be affected materially for the worse if the subject is brought under the control of the Central Government, and that part is the one for which I believe the Punjab, under Messrs. Calvert and Darling's great lead, has already earned a very great reputation—I mean the consolidation of holdings. On account of our unfortunate laws of inheritance, the holdings in a large number of villages have become fragmented to an extent which it is perhaps not possible to conceive for those who have not seen it actually on the spot. In a district where I had the honour of serving there were not more than five hundred small villages ; and in each village there were more than fifty fields of a size that could not profitably be cultivated. A grandfather left five fields of a fairly workable size ; and there are now about ten grandsons who have split up those five fields in fifty different portions on all sides of the village and each one had to take his cattle to ten different places, as the plots were divided up on all sides and the holding is no longer an economic unit. This fragmentation goes on not only in regard to land, but even as regards water channels and in other directions also energy is frittered away. My object in referring to the proposal to make co-operation a Central subject is simply this : that it is through the co-operative movement that we have been able to advance very remarkably in the direction of consolidation of holdings. If the Provincial Government loses control of that subject, I doubt very much if the Central Government will take any interest in it.

Another aspect of the matter that was urged in the course of the debate was that the social and personal habits, as well as the psychology of the peasant, required considerable improvement. Sir, I have very great admiration for the peasant, even as he is to-day. One has to live with him, work with him, and work for him to realise the real greatness of the man. It is very easy to condemn him and to say that he is superstitious, sentimental and so forth ; but one has really to work with him and live with him to realise that the Indian peasant has some noble characteristics still left in him, characteristics better than those that the average man in the city can claim to possess. I have worked for the *jangli* and I have in some respects yet to find better gentlemen than the *janglis*. What has really happened is that, on account of the very complex social and religious system, the peasant has been ground down to a kind of obedience to certain conventions which are very difficult to get out of him. It is not the peasant who does not want to get out of those conventions ; it is the higher strata of society which want him to adhere to those time-honoured conventions. He is not given an opportunity to progress himself. He is not given an opportunity by the leaders of public opinion to improve himself in social matters. . . . (An Honourable Member :

[Khan Bahadur Mian Abdul Aziz.]

“By the Government”) I will give a definite instance, if necessary, but I do not want to say anything controversial. All that I want to say is, by all means give the peasant the best institutions that will give him the very best of life that any man can have on the face of the earth, but do not blame him that he is backward or that his social and personal habits are such that it is impossible for him to progress. All that the peasant wants is that a great deal of his money should not go away in fruitless endeavours to better his condition through legal processes. I will not say anything more. Therefore, I would very respectfully suggest that those who advocate the establishment of village panchayats, or those who will very kindly assist in the betterment of the panchayats that already exist, will kindly drop that note of accusation against the peasant, because he is, after all, not a bad fellow; he is willing to obey. As I said, instead of accusing the peasant, those who advocate the establishment of village panchayats will be really doing a great service to the peasant if they will take up this work as servants of the peasant.

I believe my Honourable friend, Mr. Kelkar, said that there should be a centralised policy for the guidance of Local Governments. Now, Sir, I only wish to say this once again on the basis of actual experience derived from actually working with the people, that this House will be doing its duty by the country if it gives the peasant an opportunity to feel that he is being treated by his own people fairly and equitably, and that the people of the country who advocate the village panchayat system are his co-workers and not his masters. Therefore, what we want is not a centralised policy, but real sympathy for them to enable them to express what they want and what they consider is best suited for them. If this is conceded, then I suppose it obviously follows that the suggestions contained in the Resolution before the House are not suited to the requirements of the country as a whole.

**Mr. M. S. Aney** (Berar Representative) : Sir, I do not want to make a long speech, but as reference has been made to me by my Honourable friend Mr. Kelkar, I think that it is necessary for me to intervene in the debate to explain a few points at this stage of the discussion. One Honourable gentleman mentioned, in opposition to this Resolution, that the proper place for the discussion of a question like this was not the Central Legislature but the Provincial Legislatures. It is true that, under the existing constitution, the subject of village panchayats is a provincial transferred subject, and the proper place for the discussion of this subject would ordinarily be the Provincial Councils. But I am not looking at the question purely from a technical point of view. The Central Government have a great responsibility in this very vital matter, and I am sure they cannot altogether ignore it. May I hope that they will be ready to shoulder that responsibility at this late hour at least ?

The first point which I want to make out in this connection is, the whole question of the self-government of India has been kept by the British Parliament entirely dependent on the fulfilment of conditions laid down in the Preamble to the Government of India Act, and the policy that is behind it is that there should be the development of local self-government all over the country, and it is the success of these self-governing bodies that is going to determine the measure of self-government which this

country is to be deemed fit for. Now, that is a policy to be worked out, not merely by the Provincial Governments, not by the people of this country, but by the Government of this country also. In fact, the responsibility for carrying out this policy is all the greater upon those who have enunciated it. If the development of self-governing institutions and their success are going to be the criterion of the measure of self-government which this country is to be given, then who are going to work for the creation of these self-governing bodies all over the country? If this question is put, can the Government of India say that during the last nine years that the Government of India Act has been in force, they have made any very serious attempt for the sake of developing these self-governing institutions in the villages? The answer is that, so far as the Government of India is concerned, they have done nothing of the kind; if anything, they have done very little.

**The Honourable Mian Sir Fazl-i-Hussain :** Nothing at all.

**Mr. M. S. Aney :** On the other hand, that the people have shown some sort of earnestness in this direction is amply borne out by the fact that, in the various provinces, the Ministers in charge have tried to give such encouragement to these institutions as they could possibly do within the limited means at their disposal. We have been hearing that question of the limited resources of the Provincial Governments discussed times out of number on the floor of this House, and various claims have been made on behalf of various Provincial Governments for getting something out of the Central Exchequer for their own development. So their own means are no doubt very limited, but within the limited means at their disposal, the Ministers are making an earnest effort. But what I find is this, that the implication of the policy that underlies the Government of India Act has not been sufficiently realised even by the Provincial Governments; that is real and an undesirable evil. They will be able to realise this only if there is an impetus from the Central Government goading them on to know what their responsibility in this matter is, and all that this Resolution demands to-day is to give some sort of impetus to the Provincial Governments by organising a committee to investigate into these matters and find out what is the proper way to encourage them on the path on which they are already making some progress. That is what this Resolution really stands for, and if you take this particular view of the question into consideration, the technical objection which seems to have been raised by some people will not loom large and will not in any way prejudice the real question which has been raised by the Honourable the Mover of this Resolution.

Secondly, there were apprehensions in the minds of the people some years ago that the villages themselves would not take kindly to these new and novel institutions. In the first place, this was an ill-founded apprehension, because, if there is anything deeply-rooted from times immemorial in the hearts of the Indian people, it is the institution of the village panchayat itself. Its external form may be somewhat different from the one which we propose to set up, but that there was a village panchayat or some sort of institution in every village which practically administered and managed the village affairs, without being in any way impeded or interfered with by any Central or Provincial Government, is a fact that no student of history can afford to deny today. This is the oldest institution in this country, and it has continued and survived according to the

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historian's verdict, in spite of the various causes operating against it and the storms of political revolutions that have blown in this country. Here we have a natural, old, time-rooted conception which it should be the duty of every Government to develop. I am not going into the question how the time-honoured, old institution has been destroyed. I am not here today to apportion the blame for the same to anybody, but there is the fact that, under the British Government, that institution has practically become lifeless or extinct even. But fortunately the Government of India have now taken to a policy where the development of such institutions is deemed essential for the further progress of this country. Now at least, in this limited sphere of activity, there is a common ideal for both the people of the country and the Government of India to work and strive for. The development of these village institutions is an essential thing in the case of both. That being the case, we are not working now against each other or for anything that is entirely new and alien to the conception of the people; we have to work together for an idea which has been innate, inherent in the people of the country. So, that is one aspect, which is undoubtedly favourable.

Again, the actual experience of the policy during the last ten years, which I have had in my own province, encourages me to say that, if proper steps are taken to encourage the people on in this direction, the villagers themselves will come forward and take to these things more cheerfully, and will also work for them in a spirit to develop them as rapidly as possible. In my own province the experience was for some years that all our efforts to induce the villagers to apply for an institution like that used to prove futile. On one day we used to go among the villagers, meetings used to be held, there used to be consultation with a number of their leaders and the villagers used to say, "yes", and even an application was sent signed by all the villagers in the locality. Then an officer used to be sent down to make inquiries, and he used to bring out a report that there was strong opposition to the establishment of a new institution.

Now, it simply puzzled me and other friends to see that they were the same identical villagers who said "yes" to us, and who wanted that a panchayat should be established, but who, the next day, somehow or other turned round, and said "no" to the inquiring officer. That sort of thing went on for a number of years, and the village panchayat system could not make any progress. After all we found out the real reason. We tried to understand why this was so, and we have found out that somehow or other, though the general policy of the Government of India in this matter was not avowedly adverse, the officers of the Government themselves were not imbued with the spirit which was behind it, and they thought that the development of self-governing institutions was a nuisance. They felt that they had enough difficulties in dealing with these municipalities, district boards and such other things and they would have no more by allowing each little village to have a municipality of its own. It was in their opinion going to prove a new source of nuisance, and they thought therefore that they had neither the inclination nor the time to look into these matters. Therefore there was a sort of apathy on the part of local officers and district officers and provincial officers. For that purpose what we first insisted upon when the

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Ministers came to take charge of the provincial departments, was that the Provincial Government should appoint a provincial Panchayat Officer. When that officer moved among the villagers with the authority of the Government, we found a slow change coming over all these district despots or Deputy Commissioners. They began to take first kindly and then seriously to the idea, and to co-operate with those who were working for this reform. If there is some progress in the development of these institutions in my province, I give much credit to the provincial officer who was appointed by the Provincial Government at the insistent demand of the Provincial Council. When that officer moved among the people, the district officials also thought that that was the policy of the Government and therefore that they must do something in that direction. Immediately their angle of vision was changed, and the people who did not want these institutions before, also began to appreciate the virtue of village panchayats. There are nowadays numerous applications made every year by the villagers for the establishment of village panchayats in their own villages. In fact, I understand there are more applications than the Deputy Commissioners and the district boards can conveniently dispose of. I am told that there are nearly 50 applications pending in my own district, not to speak of the whole province. In my own district, 50 applications have been pending for the last few months, and they have not been disposed of. Nearly thirty panchayats have been established, excluding the seven or eight which were established before, some five or six years ago. That shows that the people have been taking to it kindly and the report of the Provincial Government on the administration of these panchayats shows that, though there is much need of help and advice to those who are working on these panchayats in the different villages, still the general spirit in which they are working has been commended by the Government as promising and hopeful.

These are facts which clearly show that we have to work under conditions which are favourable and not unfavourable. Now a grant of Rs. 300 is given to every village for the first year as soon as the panchayat is started. So the question of monetary difficulty is at once solved and the Budget of the Central Provinces Government, has made provision for a few thousand rupees for the sake of helping the establishment of these panchayats in the province. Again, both the Ministers and the popular leaders are working for the sake of multiplying these institutions, by persuading the district boards also to surrender a part of their revenue from those villages where these panchayats are formed. One source of revenue of the district boards in my province is bazar revenue, and certain district councils have deliberately resolved that, if there is a village panchayat formed, a certain portion of the bazar revenue from that village should be surrendered by the district board. In this way these panchayats would hereafter get another source of income. Another thing which is making these panchayats popular and worth having in Berar is the conferring of judicial powers on the village panchayat under the Village Panchayat Act. This was the crux of the whole thing. It was at one time apprehended that these village people, who used to quarrel among themselves like anything, and among whom a factious spirit existed, were unfit to be entrusted with judicial powers. Now, some 30 village panchayats have been invested with these powers in my district and some 20 more are in the process of formation. These 30 panchayats have been working satisfactorily. Appeals are sometimes preferred to the district

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officers against the judgments of the panchayats, and the result of those appeals shows that, on an average, the panchayats are not less endowed with judicial capacity than the stipendiary magistrates or the honorary magistrates who are appointed by the Government of their own accord. In fact, their judgments show that these panchayats possess the same judicial acumen as is possessed by average honorary magistrates, who are so implicitly trusted by the Government that they are first entrusted with third class magistrate's powers, then soon after, with second class magistrate's powers and ultimately within two or three years, with first class magistrate's powers.

These things show their capacity. If the villagers in Berar, which is not educationally a very advanced province, as compared with the neighbouring province of Maharashtra, have been showing this aptitude, it is certainly not due to any exceptional capacity in them. The main reason is that both the Provincial Government and the provincial public men have taken earnestly to this question and have been making an honest effort to tackle this problem in a spirit of mutual sympathy and ultimate hope of success of the righteous cause.

It is that spirit of sympathy which is wanted, and you cannot create that spirit without some sort of goading on from the Central Government, asking the Provincial Governments to tackle the question seriously. All that is asked for in this Resolution is that the Government should give the necessary stimulus.

There is one other reason why I like this Resolution. In a number of provinces, the village panchayats are developing in their own way. Each province may have its own problems to solve. There is bound to be some variety in the functions of the panchayats in the different provinces. In my opinion an attempt at co-ordination is a necessity, and it is time for the Government of India to take stock of the position and find out whether there are not certain parallel lines along which village panchayats all over the country should simultaneously develop, so that they might have a common object to achieve and a common morale to create among the Indian villagers. From that point of view also, a general inquiry seems to be eminently desirable.

Lastly, my Honourable friend, Mr. Sykes, stated that, "the Statutory Commission is there and this is not the proper time to waste over a discussion of a question like this". I cannot understand that attitude. If we think that the development of these village institutions is an essential condition for the political progress of this country, then an expression of opinion on the part of this House and the active steps taken by the Government of India in that direction would, in my opinion, be a help to that Commission. Even if we on our part do not attach much value to that Report, it certainly would help the Commission and show them what the people of this country are thinking in regard to this subject. It will also form a very material piece of evidence which they cannot afford to ignore. The expectation of this Report, instead of being an argument against the consideration of this question, is, in my opinion, an argument in favour of a prompt and immediate decision of this question by this House.

Something was said by my Honourable friend Mr. Aziz about the loss of the Provincial Governments' control and the consequential evils which are likely to flow from it. It is apprehended that, if the adult franchise system was adopted, it would plunge the country into some serious difficulty. That is what I believe my friend had said. I want to bring to his notice the last portion of the Resolution, which clearly indicates that there is no reason to fear that the control of Provincial Governments and district officers would be altogether abolished. The idea is that there should be general control, technical advice and appellate jurisdiction of district and provincial officers and courts of law. That control will remain there. Lastly, I have only to say that there is a general movement going on in this country for the uplift of the village. What is the Government going to do? Is it going to sit silent or take any active step in that direction? That is a simple question which is raised in the form of this Resolution, and the attitude of the Government on this occasion will enable the people outside to understand as to how far the Government really wants to stand, even at this late hour, by the promises they have given or more correctly the professions they have made in the Preamble to the Government of India Act.

**Rai Bahadur A. K. Mukharji** (Bengal : Nominated Official) : My only excuse for rising to speak is that I am very much interested in the subject matter of this Resolution, which has been so ably moved by my Honourable friend Mr. K. V. Rangaswami Ayyangar. Sir, I come from Bengal, and in my province a very interesting experiment in village self-government—which I take to be in short the subject matter of this Resolution—is being carried on for the last ten years. The Bengal Village Self-Government Act was passed in 1919, and since then we have had some experience of the working of these village bodies. Now, Sir, if we analyse this Resolution, we find that the Honourable the Mover wants that there should be, in each village or group of villages, an efficient panchayat; secondly, that this body will be mainly elected on the adult franchise system; thirdly, that it will possess sufficient legal powers and financial resources for administering all village concerns; fourthly, that this body should decide civil and criminal suits up to a certain limit; and fifthly, that this body should be subject only to the general control and technical advice and appellate jurisdiction of district and provincial officers and courts of law.

Now, Sir, the Bengal Village Self-Government Act, to which I have referred, satisfies all the conditions laid down by the Honourable Member. This Act empowers the Government to divide a district into unions which are composed of groups of villages, and to establish unions in each village. Under section 6 of the Act, the board is composed generally of nine members, two-thirds of whom are elected and one-third nominated, but the Local Government has the power to declare that all the members should be elected. One-third of the members are nominated at present, as the electorates are inexperienced. That meets the first requirement of the Honourable the Mover.

Then as regards the second point about the adult franchise system, section 7 satisfies it. This section lays down that every male person of the full age of 21 years, resident within the union and paying a cess of rupee one, or a union rate of one rupee at least, shall be entitled to vote at an election of the members of the union board. The franchise is as low as it can be possibly made in present circumstances.

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Then as regards legal powers, I will invite the attention of Honourable Members to sections 26 to 35 of the Act. Besides the control of the rural police, they have been given powers to provide for sanitation, conservancy and drainage, cleansing of unions, to control the erection of buildings, to provide for proper water supply, to make roads and construct bridges, to improve water-ways and provide for the lighting of roads, to establish primary schools and charitable dispensaries. In fact, the powers given to these boards are in some cases even greater than those given to the municipalities in Bengal.

Then, Sir, about financial resources, these boards have been given the powers under section 37 (a) and (b) of the Act, for levying a rate under section 37 (a), for the maintenance of the rural police, and under section 37 (b), for the other purposes mentioned in the Act. We may say that these purposes are for the fulfilment of the work of nation-building or village uplift, by whatever name you may choose to designate it. Then, Sir, about criminal cases and civil suits, chapter VII of the Act authorises the Local Government to constitute union benches and union courts in each union to try criminal cases and civil suits, respectively. The union benches are empowered to decide simple cases of assault, public nuisance, theft, etc. The union boards can decide suits for money due on contracts, for the recovery of moveable property or the value of such property, and suits for compensation for wrongfully taking or injuring moveable property, where the value of these suits does not exceed Rs. 200.

As regards control, they are under the general control of district boards and the district officers. Members of the Bengal Junior Civil Service also work as circle officers for inspecting these union boards and audit their accounts. As regards appeals against the decisions of union benches and union boards, we, Sir, have gone further even than the proposals made in this Resolution. In fact, under the Village Self-Government Act, there is no appeal from the decisions of union boards and union benches. Only the District Magistrate and the District Judge have the power to revise such decisions. It is thus clear, Sir, that everything that is wanted by the Honourable the Mover of the Resolution has been incorporated in the Bengal Village Self-Government Act, so far as this province is concerned. I do not say that the Act is not capable of improvement, but for all practical purposes, it is a very workable Act, which enables these village bodies to administer their every-day concerns. I therefore fail to see the necessity of the Committee proposed by the Honourable Member. The problem of village self-government is essentially a local problem and every province should be left to work out its own salvation. My Honourable friend, Mr. Acharya, in his speech, urged that there has not been sufficient progress, and that the matter should therefore be taken up by the Government of India. I can assure him, however, that, so far as Bengal is concerned, the progress achieved has been remarkable. From the Administration Report of 1927-28 of the Bengal Local Self-Government Department it appears that, out of 70,000 square miles, 30,000 square miles are covered by union boards. That was, Sir, in 1927-28. Since then there has been further progress, and now I think about two-thirds of the province is covered by union boards. In fact almost all the districts have been either already divided into union

boards or are in the course of being so divided. The policy of Government is to have all the province divided into union boards, excluding only the very backward tracts. It appears, Sir, from the Administration Report of 1927-28 that the union boards spent about Rs. 21 lakhs in that year on what may be called nation-building or village uplift work. They also paid special attention to the improvement of the water supply, and some of these boards also constructed and were maintaining small irrigation works. A number of dispensaries were maintained by union boards, and in some places a good deal was done to promote or assist primary education. Union boards also interested themselves in the construction and upkeep of village roads, and a few boards even went in for small town-planning schemes and for systems of street lighting. Several union boards in the Howrah district maintained a conservancy establishment. In some unions anti-malaria work was also engaged in. Well, Sir, so far as this Report shows, and so far as my own personal knowledge goes, the progress has been very satisfactory.

As regards the working of the union benches, I will read out certain remarks from the Report on the Administration of Criminal Justice in the Presidency of Bengal :

“ The reports of the districts, in which union benches have been established under the Bengal Village Self-Government Act, show that, in some districts, the benches are viewed by the public with appreciation and are affording a fair measure of relief to the magistrates, while in others they are gaining the confidence of the people and are expected to afford relief to the magistrates to some extent in the near future.”

In fact where there has been a set-back in Bengal, it has been caused by the activities of some members of the Swaraj Party.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural) : May I hear again what the Honourable Member has just said ?

**Rai Bahadur A. K. Mukharji** : There has been a set-back due to the opposition of some members of the Swaraj Party. In fact I was agreeably surprised when I found that this Resolution is being moved by my Honourable friend who is sitting opposite on the Swaraj Benches ; but I think that this opposition is now dying down, and I think, in the course of the next four or five years, the districts will be completely divided into union boards in Bengal. As I have already said, these boards are working successfully in Bengal. I am not aware of the position of the other provinces in this respect. Of course, if the principle of the Resolution is that the village should be the cradle of self-government, nobody will quarrel with it, but I think, Sir, that in this matter where uniformity is certainly not attainable in all the provinces, this is a matter which should be left to the provinces. My friend, Mr. Aney, has told us that the Central Government should give a “ goading ” to the Local Governments so that the pace may be increased. But as far as Bengal is concerned, I can safely assure him that they are doing all that is humanly possible to constitute these union boards and to see that they work satisfactorily. Sir, I will not take up any more time of the House. I oppose the motion.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th September, 1929.