

Monday, 11th September, 1933

THE  
**COUNCIL OF STATE DEBATES**

**VOLUME II, 1933**

*(29th August to 16th December, 1933)*

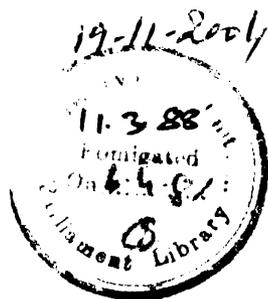
---

**SIXTH SESSION**

OF THE

**THIRD COUNCIL OF STATE**

**1933**



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.

PRINTED BY MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA

1934

# CONTENTS.

PAGES.

## Tuesday, 29th August, 1933—

Members Sworn . . . . .	1
Questions and Answers . . . . .	1—72
Remarks by the Honourable the President <i>re</i> (1) absence of Members during Question time and (2) publication of their questions and resolutions before they appear on the List of Business . . . . .	72—73
Message from His Excellency the Governor General . . . . .	73
Committee on Petitions . . . . .	73
Governor General's assent to Bills . . . . .	73—74
Statements laid on the table . . . . .	74—76
Bill passed by the Legislative Assembly laid on the table . . . . .	77
Congratulations to the Honourable Sir Hormusji Mehta . . . . .	77
Motion for the election of two non-official Members to the Standing Committee of the Department of Industries and Labour—Adopted . . . . .	77
Motion for the election of two non-official Members to the Standing Committee of the Department of Commerce—Adopted . . . . .	77
Indian Arbitration (Amendment) Bill—Introduced . . . . .	78
Cantonments (House-Accommodation Amendment) Bill—Introduced . . . . .	78
Deaths of Raja Bijoy Sing Dudhoria of Azimgunge, Bengal, and Mr. C. H. F. Pereira . . . . .	78—79
Statement of Business . . . . .	79—80

## Wednesday, 30th August, 1933—

Address by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly . . . . .	81—89
---	-------

## Thursday, 31st August, 1933—

Questions and Answers . . . . .	91—95
Short Notice Question and Answer . . . . .	95—96
Motion <i>re</i> future administration of Aden—Adopted . . . . .	96—123
Motion <i>re</i> levy in British India of dues in respect of lighthouses, etc.—Adopted . . . . .	124—25

## Monday, 4th September, 1933—

Members Sworn . . . . .	127
Questions and Answers . . . . .	127—31
Short Notice Questions and Answers . . . . .	131—32
Condemnatory speeches in connection with the assassination of Mr. Burge, District Magistrate, Midnapore . . . . .	133—34
Bills passed by the Legislative Assembly laid on the table . . . . .	134
Resolution <i>re</i> provision of privileges, powers and immunities to Legislatures in the new Constitution—Withdrawn . . . . .	134—41
Resolution <i>re</i> condition of agriculturists—Negatived . . . . .	141—55
Resolution <i>re</i> reduction of railway freights on the transport of Punjab wheat—Withdrawn . . . . .	156—60
Resolution <i>re</i> sale of silver—Moved . . . . .	160

	PAGES.
<b>Tuesday, 5th September, 1933—</b>	
Questions and Answers . . . . .	161—63
Short Notice Question and Answer . . . . .	163
Indian Arbitration (Amendment) Bill—Considered and passed . . . . .	164
Cantonments (House-Accommodation Amendment) Bill—Considered and passed . . . . .	164—65
Workmen's Compensation (Amendment) Bill—Considered and passed . . . . .	165—70
Statement of Business . . . . .	170
<b>Wednesday, 6th September, 1933—</b>	
Questions and Answers . . . . .	171—74
Bill passed by the Legislative Assembly laid on the table . . . . .	174
Resolution <i>re</i> sale of silver—Withdrawn . . . . .	174—83
Resolution <i>re</i> release of political prisoners and detenus—Negatived . . . . .	183—202
Resolution <i>re</i> Indian Civil Service—Moved . . . . .	202
<b>Thursday, 7th September, 1933—</b>	
Bill passed by the Legislative Assembly laid on the table . . . . .	203
Land Acquisition (Amendment) Bill—Considered and passed . . . . .	203—06
Indian Wireless Telegraph Bill—Considered and passed . . . . .	206—07
Indian Income-tax (Second Amendment) Bill—Considered and passed . . . . .	208—12
Indian Railways (Amendment) Bill—Considered and passed . . . . .	212—18
Nomination of Members for election to the Standing Committee of the Department of Industries and Labour . . . . .	218
Nomination of Member for election to the Standing Committee of the Department of Commerce . . . . .	218
Statement of Business . . . . .	218
<b>Monday, 11th September, 1933—</b>	
Member Sworn . . . . .	219
Questions and Answers . . . . .	219—31
Resolution <i>re</i> Indian Civil Service—Negatived . . . . .	231—43
Resolution <i>re</i> terrorist prisoners in the Andamans—Withdrawn . . . . .	243—59
Resolution <i>re</i> need for a further enquiry into the pharmaceutical action and production of the standardised alkaloids of cinchona, <i>i.e.</i> , totaquina—Withdrawn . . . . .	259—66
Resolution <i>re</i> reduction of land tax—Withdrawn . . . . .	266—81
Legal Practitioners Amendment Bill—Motion to circulate, adopted . . . . .	281—83
Election of two non-official Members to the Standing Committee of the Department of Industries and Labour . . . . .	283
Election of two non-official Members to the Standing Committee of the Department of Commerce . . . . .	283—84
Appendix . . . . .	285—86
<b>Wednesday, 13th September, 1933—</b>	
Questions and Answers . . . . .	287—88
Result of the election of two non-official Members to the Standing Committee of the Department of Industries and Labour . . . . .	288
Result of the election of two non-official Members to the Standing Committee of the Department of Commerce . . . . .	288

**Wednesday, 13th September, 1933—contd.**

Resolution re export duty on gold—Negatived . . . . .	299—98
Resolution re University Training Corps—Withdrawn . . . . .	299—300
Ajmer-Merwara Juveniles Smoking Bill—Motion to consider, negatived . . . . .	300—11

**Thursday, 14th September, 1933—**

Message from the Legislative Assembly . . . . .	313
Cotton Textile Industry Protection (Second Amendment) Bill—Considered and passed . . . . .	313—17
Statement of Business . . . . .	317

**Saturday, 16th September, 1933—**

Members Sworn . . . . .	319
Questions and Answers . . . . .	319—32
Statement laid on the table . . . . .	332—36
Message from the Legislative Assembly . . . . .	337
Bills passed by the Legislative Assembly laid on the table . . . . .	337
Motion re Joint Committee on the Reserve Bank of India Bill—Adopted . . . . .	337—64
Motion re Joint Committee on the Imperial Bank of India (Amendment) Bill—Adopted . . . . .	364—65
Statement of Business . . . . .	365

**Monday, 18th September, 1933—**

Message from the Legislative Assembly . . . . .	367
Bill passed by the Legislative Assembly laid on the table . . . . .	367
Motion re nomination of Members to serve on the Joint Committee to consider and report on the Reserve Bank of India Bill—Adopted . . . . .	367—68
Motion re nomination of Members to serve on the Joint Committee to consider and report on the Imperial Bank of India (Amendment) Bill—Adopted . . . . .	368
Murshidabad Estate Administration Bill—Considered and passed . . . . .	368—76
Indian Tea Control Bill—Considered and passed . . . . .	376—80
Indian Merchant Shipping (Second Amendment) Bill—Considered and passed . . . . .	380—82
Statement of Business . . . . .	382

**Wednesday, 20th September, 1933—**

Questions and Answers . . . . .	383—84
Short Notice Question and Answer . . . . .	385
Statements laid on the table . . . . .	385—87
Bill passed by the Legislative Assembly laid on the table . . . . .	387
Dangerous Drugs (Amendment) Bill—Considered and passed . . . . .	387—88
Statement of Business . . . . .	388

**Thursday, 21st September, 1933—**

Indian Medical Council Bill—Considered and passed . . . . .	389—404
Death of Dr. Mrs. Annie Besant . . . . .	405—06

**Thursday, 14th December, 1933—**

Members Sworn . . . . .	407
Questions and Answers . . . . .	407—43
Death of Mr. Vithalbhai Patel . . . . .	444
Message from His Excellency the Governor General . . . . .	445

**Thursday, 14th December, 1933—contd.**

Committee on Petitions . . . . .	445
Library Committee . . . . .	445
Governor General's Assent to Bills . . . . .	445—46
Reports of the Joint Committees on the Bill to constitute a Reserve Bank of India and on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes laid on the table . . . . .	445
Statements laid on the table . . . . .	445—53
Announcement <i>re</i> laying of information on the table . . . . .	454
Bill passed by the Legislative Assembly laid on the table . . . . .	454
Motion for the election of one non-official Member to the Standing Committee on Emigration <i>vice</i> Mr. G. A. Natesan, resigned—Adopted . . . . .	454
Resolution <i>re</i> ratification of the Silver Agreement—Adopted . . . . .	455—64
Resolution <i>re</i> non-ratification and non-acceptance of the Draft Convention and Recommendation concerning fee charging employment agencies adopted at the Seventeenth Session of the International Labour Conference—Adopted . . . . .	455—66
Resolution <i>re</i> non-ratification and non-acceptance of the Draft Conventions and Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference—Adopted . . . . .	456—69
Statement of Business . . . . .	469

**Saturday, 16th December, 1933—**

Member Sworn . . . . .	471
Questions and Answers . . . . .	471—74
Election of a non-official Member to the Standing Committee on Emigration . . . . .	474
Indian Tariff (Second Amendment) Bill—Considered and passed . . . . .	475—87

# COUNCIL OF STATE.

*Monday, 11th September, 1933.*

---

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

---

## MEMBER SWORN :

Major-General James Drummond Graham, C.B., C.I.E., K.H.S.  
(Government of India : Nominated Official).

---

## QUESTIONS AND ANSWERS.

### FORMATION OF A CENTRAL JUTE COMMITTEE AND THE ASSIGNMENT OF THE JUTE TAX.

148. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ :

(1) Will Government be pleased to state whether any action has been taken to give effect to the formation of a Central Jute Advisory Committee? If no action has been taken, why not?

(2) When do Government propose to form this Committee?

(3) Will Government please state whether the Bengal delegates to the Round Table Conference and to the Joint Parliamentary Committee asked for the assignment of the jute tax to the Government of Bengal to enable it to balance Bengal's budget, and whether Government have decided to accept their recommendations? If they have not accepted their demands in full what is their final decision in the matter?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(1) and (2). If the Honourable Member is referring to the recommendation of the Royal Commission on Agriculture in India, that a Central Jute Committee should be formed on the lines of the Indian Central Cotton Committee, I may state for his information that the matter is still under consideration. It has not been possible to take any action in view of the prevalent financial stringency.

(3) The attention of the Honourable Member is invited to paragraph 137 of the proposals in the White Paper.

### APPOINTMENT OF MUSLIM JUDGES IN THE CALCUTTA HIGH COURT.

149. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ :

(1) Will Government be pleased to state whether the appointments of the Judges of the Calcutta High Court are made on the advice and recommendation of the Provincial or the Central Government?

M94CS

(2) Is Government aware that formerly the High Court Judges were appointed from outside the province as in the case of the Madras High Court when a Bengal man was appointed there ?

(3) Is Government aware of the dissatisfaction of the Muslim community of Bengal at a 6 per cent. representation in the High Court in a province where they are 54 per cent. ?

(4) Is it a fact that for the last 17 years there has been one and only one Muslim Judge in the Calcutta High Court ?

(5) Is it a fact that by rule or convention proportions are fixed for the Indian Civil Service and members of the English Bar ? Do Government contemplate the reservation for Muslims of a certain proportion of the appointments of the Judges in the Calcutta High Court with the proviso that as long as local talent is not available appointment should be made from outside the province ?

THE HONOURABLE MR. M. G. HALLETT : (1) Permanent appointments are made by His Majesty under section 101 of the Government of India Act and not in the manner suggested by the Honourable Member.

(2) Government are aware of cases in which vacancies in the High Court of a province have been filled by the appointment of a lawyer practising in another province.

(3) Government are aware that the Muslim community would welcome the appointment of more Muslim Judges.

(4) The Honourable Member's statement is correct so far as permanent Judges are concerned. In 1931 a second Muslim acted as a Judge in the High Court while there was already a permanent Muslim Judge.

(5) As the Honourable Member is no doubt aware it is proposed in the White Paper to abolish the reservation of proportions of Judgeships for members of the Indian Civil Service and for barristers. Government are certainly not prepared to introduce a reservation in favour of any community.

#### PRESENT POSITION AND FUTURE OF THE SUGAR INDUSTRY IN INDIA.

150. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (1) Has the attention of Government been drawn to the statement of Haji Abdulla Haroon, M.L.A., published in *Advance* of June 17th, 1933 (dark edition), regarding the future of the sugar industry in India ?

(2) Do Government intend to contradict what has been said by the Haji Sahab ? If not, why not ?

(3) What was the quantity of import of Java sugar into India during the year 1931-32 ?

(4) What is the present position of the sugar industry in India and what is the total output of sugar produced in India during the year 1931-32 ?

(5) How many new sugar factories have been established in India from January, 1931 up to July, 1933 ?

(6) Will Government be pleased to state the respective quantities of sugar produced in India during the year 1931-32, by the factories owned and managed by Indians and by those under European management and ownership ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :

(1) Yes.

(2) Government do not consider it necessary either to contradict or to confirm individual expressions of opinion on matters of this kind.

(3) 366,758 tons.

(4) The Honourable Member is referred to the review of the sugar industry of India by the Sugar Technologist of the Imperial Council of Agricultural Research, which was published as a supplement to the *Indian Trade Journal*, dated the 18th May, 1933. The total quantity of sugar manufactured in India during the year 1931-32 was 478,120 tons, including 250,000 tons, which is only a rough estimate, of the sugar produced by the *khandsari* process.

(5) As the sugar crushing season in Northern India normally extends from November to May, figures for the exact period mentioned by the Honourable Member are not available. No new factories were started during the season 1931-32. The number of new factories working during the season 1932-33 was 27.

(6) I regret that this information is not available.

CLERICAL STAFF OF CURRENCY OFFICES.

151. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government be pleased to state whether the clerical staff of the currency offices in India is divided into two parts, *viz.*, pensionable and non-pensionable ? If so, how many are pensionable and how many are non-pensionable in each currency office ?

THE HONOURABLE MR. J. B. TAYLOR : It is correct that the clerical staff of the currency offices is partly pensionable and partly non-pensionable. Information regarding the exact number of each class is not immediately available.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : When that information will be available, will the Honourable Member state it ?

THE HONOURABLE MR. J. B. TAYLOR : I will have the information collected and will supply it to the Honourable Member.

INDIANIZATION IN THE INDIAN ARMY.

152. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Will Government be pleased to state their policy in regard to Indianizing the Army military services in India in view of the new political reforms to be embodied in the new Constitution Act ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The present policy of Indianizing a complete division of infantry, a complete cavalry brigade and all their ancillary services will remain unaffected by the Constitutional reforms.

## DEFINITION OF THE TERM "CLASS COMPOSITION."

153. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Will Government state the exact meaning of the definition of the military term, "class composition" and its exact operation in relation to recruitment in the military service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: All units of the Indian Army are composed of one or more specified classes or castes. Thus the class composition of the 1st Punjab Regiment, for instance, is Punjabi Mussalmans, Sikhs and Rajputana Rajputs, while the class composition of the 5th Mahratta Light Infantry is entirely Mahrattas.

The class composition, and in many cases the recruiting area for each class are prescribed by Government with due regard to the numbers of the various classes and their suitability for military services.

It is then left to the commanding officer to obtain recruits from the authorised class and area.

SHIWAJI MARATHA MILITARY PREPARATORY SCHOOL, POONA.

154. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Will Government state whether they intend to give recognition to the Shiwaji Maratha Military Preparatory School in Poona in the same manner as to the Prince of Wales' Royal Military College at Dehra Dun?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: No, Sir.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Do the Government propose to give any other sort of recognition to the Shiwaji Maratha Military Preparatory School in Poona, if not on the exact lines of the Prince of Wales' Royal Military College at Dehra Dun?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: That is not the intention at present. The school is in no way a Government institution like the Prince of Wales' College and its career today does not show that it deserves recognition.

## ENCOURAGEMENT OF PRIVATE INSTITUTIONS OF PHYSICAL EXERCISE AND CULTURE AND GYMNASIUMS, ETC.

155. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: Will Government state generally what their policy is with regard to the encouragement of private institutions of physical exercise and culture and gymnasiums, etc., irrespective of the fact whether they are affiliated or not to the educational institutions for giving physical training and teaching discipline on lines approved for the recognised preparatory military schools?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: As the Honourable Member is aware, Education is a provincial transferred subject in the Governors' provinces in India and the matter referred to by the Honourable Member, in so far as it concerns educational institutions, is the concern of Local Governments. As regards the value of such training to the Army, which concerns the Government of India, the latter's attitude towards institutions which impart that training is one of sympathy.

**HINDU REFRESHMENT ROOM AT KURDUWADI STATION, GREAT INDIAN PENINSULA RAILWAY.**

156. **THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT:** (a) Will Government be pleased to state whether complaints have been made to the Traffic Manager of the Great Indian Peninsula Railway complaining against the management and amenities of the Hindu refreshment room or hotel for the use of railway passengers at Kurduwadi station?

(b) Are Government aware that the Kurduwadi railway station is used by a very large number of passengers generally of orthodox persuasion going to and coming back from the sacred shrine of Shri Vithoba at Pandharpur, practically throughout the year and particularly on the occasion of the annual festival?

(c) Do Government propose to make arrangements for the proper management of the Hindu section of the refreshment room or hotel?

**THE HONOURABLE MR. M. W. BRAYSHAY:** Government have no information, but the matter will be brought to the notice of the Agent, Great Indian Peninsula Railway, for any action that he may deem necessary.

**CASE LAID BEFORE THE CAPITATION RATE TRIBUNAL ON BEHALF OF THE GOVERNMENT OF INDIA.**

157. **THE HONOURABLE MR. HOSSAIN IMAM:** Is Government in a position now to reply to my question in the Council of State No. 13 of 16th February, 1933, regarding the case laid before the Capitation Rate Tribunal on behalf of the Government of India.

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** I regret that I am not yet in a position to add anything to the reply given to the Honourable Member's question No. 13 on the 16th February, 1933. The Secretary of State, however, informed the Joint Select Committee on the 28th July, 1933, that he hoped to make a fuller statement on the subject in the coming autumn.

**INELIGIBILITY OF GRADUATES OF INDIAN MEDICAL COLLEGES FOR APPOINTMENT TO THE INDIAN MEDICAL DEPARTMENT.**

158. **THE HONOURABLE MR. HOSSAIN IMAM:** Will Government state what decision has been arrived at on the matter referred to in reply to my question in the Council of State No. 48 of 18th February, 1933, regarding the ineligibility of graduates of Indian Medical Colleges for appointment in the Indian Medical Service?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF:** It is proposed to defer a decision until the Legislature has completed its consideration of the Indian Medical Council Bill.

**DATES AND NOS. OF NOTIFICATIONS REGARDING EXEMPTION FROM INDIAN INCOME-TAX OF THE SALARIES OF THE HIGH COMMISSIONER FOR INDIA, ETC.**

159. **THE HONOURABLE MR. HOSSAIN IMAM:** Will Government give the date and number of the notification referred to in reply to my question in the Council of State No. 50 of 18th February, 1933, regarding exemption from Indian income-tax of the salaries of the High Commissioner for India, etc.?

**THE HONOURABLE MR. J. B. TAYLOR :** The Nos. of the Notifications are 878-F., dated the 21st March, 1922, 24-Income-tax, dated the 16th June, 1928, and 43-Income-tax, dated the 20th October, 1928.

**THE HONOURABLE MR. HOSSAIN IMAM :** Will the Government lay these notifications on the table ?

**THE HONOURABLE MR. J. B. TAYLOR :** I will lay them on the table in due course.

INDIAN MEDICAL SERVICE OFFICERS, ETC., IN PROVINCES.

160. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government kindly give the following information about the Indian Medical Service :

(a) The total number of Indian Medical Service officers in each province ?

(b) The total number of higher posts reserved for the Indian Medical Service and listed for the Assistant Surgeons in each province ?

(c) The number of Indian Medical Department officers serving as Civil Surgeons in each province and whether they are serving in the listed posts or in posts reserved for the Indian Medical Service ?

(d) Will the Indian Medical Service continue under the new constitution or will the Indian Medical Service officers be ineligible for civil employment ?

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN :**  
(a) A statement showing the number of Indian Medical Service officers employed in each province on the 1st August, 1933, is laid on the table.

(b) and (c). A statement giving the details of the civil appointments reserved for officers of the Indian Medical Service has been placed in the Library of the House. The appointment of Civil Assistant Surgeons and Indian Medical Department officers to Civil Surgeoncies or other superior medical posts in the provinces rests with Local Governments. Information in regard to the number of such appointments is not readily available.

(d) The matter is under consideration.

*Statement showing the number of officers of the Indian Medical Service employed in the various provinces on the 1st August, 1933 (including those on leave).*

Name of province.	Number of Indian Medical Service officers employed (including those on leave).
Madras .. .. .	23
Bombay .. .. .	33
Bengal .. .. .	23
United Provinces .. .. .	27
Punjab .. .. .	32
Burma .. .. .	32
Bihar and Orissa .. .. .	26
Central Provinces .. .. .	12
Assam .. .. .	12
North-West Frontier Province .. .. .	10

ARMOURIES AT RAILWAY STATIONS.

161. The HONOURABLE MR. HOSSAIN IMAM: Will Government state the names of railway stations in India where armouries exist and the number and the nature of arms kept there? Will Government further state the numbers and nature of the guards at each of the armouries?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I regret that it would not be in the public interest to disclose the details regarding which the Honourable Member desires information.

ARMOURIES AT RAILWAY STATIONS OF THE EAST INDIAN RAILWAY.

162. The HONOURABLE MR. HOSSAIN IMAM: Will Government now enquire and reply to the last part of my question No. 53 of 18th February, 1933, regarding the armouries at railway stations of the East Indian Railway before 1930?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have nothing to add to the reply given to the question to which the Honourable Member refers.

REVISED SCALES OF PAY FOR NEW ENTRANTS TO GOVERNMENT OF INDIA SERVICES.

163. THE HONOURABLE MR. HOSSAIN IMAM: (a) Has Government come to any decision on the question of the salary of new entrants to Government services? If so, what scales of salaries have now been fixed for each service?

(b) When and what report did the special officer appointed to investigate the question of the salaries of new entrants submit? Has Government consulted the Indian Legislature or do they propose to consult the Retrenchment Committee? If not, why?

THE HONOURABLE MR. J. B. TAYLOR: (a) Revised scales of pay for new entrants to services under the control of the Government of India are in the course of publication.

(b) The recommendations of the Special Officer were not consolidated into the form of a report. Government have not consulted the Legislature on the new scales, nor do they propose to do so, as they do not consider this necessary. The Retrenchment Advisory Committee was informed accordingly and they decided to leave the responsibility of fixing the new scales to Government.

STATISTICAL RESEARCH BRANCHES.

164. The HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: Will Government be pleased to state:

(a) Whether it is a fact that an office called the Statistical Research Office has been opened under the Government of India and men have been recruited recently for that office by the Director General of Commercial Intelligence and Statistics, Calcutta?

(b) If the answer to above be in the affirmative, how many appointments have been made for that office? How many Muslims and Hindus of Bengal have been taken and what was the number of Muslim applicants for these posts?

(c) Whether the vacancies were advertised in any newspaper? If not, why?

**THE HONOURABLE MR. T. A. STEWART:** (a) Yes. The office referred to is a Branch of the Department of Commercial Intelligence and Statistics, Calcutta.

(b) Ten; six by recruitment of outsiders and four by transfer of trained men from the Calcutta office. Of the outsiders two are Bengali Hindus. Of the four resulting vacancies in the Calcutta office, one post has been filled by a Bengali Hindu and one by a Bengali Muslim. The remaining two vacancies are still unfilled as the Muslim candidates to whom they were offered refused to join. The number of Muslim applicants on the waiting list of candidates for appointments in the Commercial Intelligence and Statistics Department was 102.

(c) No, Sir. Advertisement was not considered necessary as the Director General of Commercial Intelligence and Statistics already had a very large number of applicants on the waiting list.

**DEPOSIT OF ONE CRORE OF RUPEES BY DOWAGER QUEEN BAHU BEGUM IN 1813.**

165. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE** (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Will Government be pleased to state if Dowager Queen Bahu Begum deposited one crore of rupees with the British Government in 1813 at 6 per cent. interest in order to maintain her relations and dependents and extend the same to heirs and successors in perpetuity?

(2) Is Government aware of the terms of the deed of deposit, mentioned in Aitchison's Treaty, Chapter 42, Oudh No.?

(3) Will Government please state whether the terms of the deed of deposit are carried out?

(For reply see under No. 167.)

**GRIEVANCES OF WASIKADARS.**

166. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE** (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Are the beneficiaries or wasikadars referred to in the previous question governed by the Wasika Act?

(2) Is Government aware that under the said Wasika Act a wasikadar cannot sue the Secretary of State for any claim against him as under ordinary law?

(3) Is Government aware of the grievances of these wasikadars?

(4) Is Government aware that memorials addressed to the Imperial Government have been withheld by the Local Government?

(For reply see under No. 167.)

**RESUMPTIONS OF THE WASIKA IN RAJA BODH SINGH'S FAMILY.**

167. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE** (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra): (1) Is Government aware of the resumptions of the Wasika in Raja Bodh Singh's family?

(2) Is it a fact that under Order No. G.O.-1614, dated the 29th July, 1871, the Government of India declared the Wasika of Raja Bechu Singh, son of Both Singh, hereditary and inheritable ?

(3) Will Government be pleased to state the amount up to date from the time of resumption made under Amanat Head and what is done with it ?

THE HONOURABLE MAJOR W. K. FRASER-TYTLER : With your permission, Sir, I will answer questions Nos. 165—167 together. The information is being collected and will be communicated to the Honourable Member.

INCOME-TAX DEPARTMENT, BENGAL.

168. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Will the Government of India be pleased to give the following information with regard to the Income-tax Department, Bengal :

(1) The numerical strength in each cadre after the last retrenchment in July last ?

(2) The number of Muslim officers in each cadre after the above retrenchment and the respective proportions to the total strengths in each cadre ?

(3) Whether it is a fact that the Commissioner of Income-tax contemplates making further retrenchments ?

(4) If so, whether he proposes bringing the proportion of the Muslim officers to 45 per cent. in each cadre, as per orders passed by the Government of Bengal ?

(5) If not, why ?

(6) What is the proportion the Commissioner proposes to maintain in each cadre and the reasons therefor ?

THE HONOURABLE MR. J. B. TAYLOR : I have called for information and will lay it on the table in due course.

TRANSFER OF SRI BADRI NATH TEMPLE.

169. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra) : Will Government be pleased to make a full statement on the transfer of Sri Badri Nath Temple in regard to the following points :

(a) How has this question arisen and who moved it ?

(b) Whether any representations were received from local and all-India Hindu Sabhas ?

(c) How are the present resources of the temple utilised ?

THE HONOURABLE MAJOR W. K. FRASER-TYTLER : The information asked for is being collected and will be supplied to the Honourable Member in due course.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member lay it on the table ? It is of general interest to all of us.

THE HONOURABLE THE PRESIDENT : When the information is collected it will certainly be laid on the table because there would be no other opportunity of replying here.

**NUMBER OF WAGONS WITH LAVATORIES ON THE EAST INDIAN RAILWAY.**

170. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra) :  
 (a) Will Government be pleased to state how many wagons—I, II and Inter class composite—are being used by the East Indian Railway which have no lavatories ?

(b) Why have they been allowed so far without any consideration for the convenience of the public ?

(c) Is Government aware that there is one such composite bogie No. F. 1392, which is being used on the Shahjahanpur-Sitapur section ?

(d) If the answer to part (a) is in the affirmative, do Government propose to put a stop to its further use on the line ?

THE HONOURABLE MR. M. W. BRAYSHAY : (a) and (b). Government have no information but they are making enquiries from the East Indian Railway Administration, and, if the information is readily available, will place a statement on the table in due course.

(c) and (d). No. But the section is only 57 miles in length.

**ASSISTANT COMMISSIONERS OF INCOME-TAX IN BENGAL.**

171. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
 (a) Will Government be pleased to lay on the table a statement showing the period for which the present Assistant Commissioners of Income-tax in Bengal served as Income-tax Officers in charge of general districts ?

(b) In view of the fact that Marwari is one of the principal mercantile languages in Bengal, do Government contemplate the making of a rule that Assistant Commissioners should have a thorough knowledge of the Marwari language and scripts in that language ?

(c) Will Government also lay on the table a statement showing the names of the Assistant Commissioners who have ever been in charge of a Marwari district in the capacity of an Income-tax Officer and the period for which they served in that capacity ?

THE HONOURABLE MR. J. B. TAYLOR : I have called for information and will lay it on the table in due course.

**APPEALS HEARD BY ASSISTANT COMMISSIONERS OF INCOME-TAX IN INDIA, ETC.**

172. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :  
 (a) Will Government be pleased to lay on the table a comparative statement of the appeals heard by the Assistant Commissioners in India, range by range, during 1929-30, 1930-31 and 1932-33, year by year, showing those appeals in which orders were actually passed under section 31 of the Indian Income-tax Act and showing the number of salary and general cases separately ?

(b) Is it a fact that the Assistant Commissioners in Calcutta are insufficiently employed ?

(c) (i) Has Government considered the desirability of investing the Assistant Commissioners of Bengal, particularly in Calcutta district with powers of Special Income-tax Officers ?

(ii) Will Government be pleased to state whether the investing of Assistant Commissioners with powers of Income-tax Officers has been tried in any province in British India since 1922? If so, where, and has this practice worked successfully? If so, do Government propose to extend this practice gradually throughout British India?

(d) Will Government also lay on the table a statement showing the Calcutta district, range by range, and the dates on which inspections were made by the Assistant Commissioners, during 1929-30, 1930-31, 1931-32 and 1932-33, and the dates on which inspection notes were received in the Income-tax Offices, with the number of general files inspected and the percentage they bear to the total number of general cases in each district?

THE HONOURABLE MR. J. B. TAYLOR: (a) and (d). The compilation of the information asked for would involve an amount of work which would be incommensurate with the value of the results secured and I am not therefore prepared to undertake its compilation.

(b) The reply is in the negative.

(c) The information is being obtained and will be laid on the table in due course.

#### INCOME-TAX OFFICERS IN BENGAL.

173. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (a) Will Government be pleased to lay on the table a statement showing the names of Income-tax Officers and Additional Income-tax Officers, noting against each the total period of service in the department, the period served in Calcutta and the period outside Calcutta districts, the 24-Parganas and Howrah?

(b) Is it a fact that some officers were never sent out of Calcutta from the beginning of their service till now except for a brief period of a month or two?

(c) Will Government be pleased to state the reasons why Messrs. Philippe, Martin and Robertson were never sent out of Calcutta?

(d) Will Government be pleased to state the reasons why the following officers who have been serving in Calcutta are not sent out of Calcutta:

- (1) Mr. Shamsuzzuha Ahmed,
- (2) Mr. S. K. Ghosh,
- (3) Mr. Ahsanullah,
- (4) Mr. M. R. Roy Mitter,
- (5) Mr. P. C. Datta,
- (6) Mr. S. P. Roy,
- (7) Mr. Sushil Chaudhury?

THE HONOURABLE MR. J. B. TAYLOR: I have called for information and will lay it on the table in due course.

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
Within how many months will the information be laid on the table ?

**THE HONOURABLE MR. J. B. TAYLOR :** I said that it will be laid on the table in due course.

**INCOME-TAX OFFICERS, ETC., IN THE INCOME-TAX DEPARTMENT IN BENGAL.**

**174. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
(a) Will Government be pleased to lay on the table a statement showing the number of :

- (1) Income-tax Officers,
- (2) Additional Income-tax Officers,
- (3) Examiners of Accounts,
- (4) Assessors,
- (5) Ministerial officers,
- (6) Menials,

in the Income-tax Department, Bengal, and the number of Hindus, Muhammadans and Christians on 1st April, 1922, 1st April, 1931, and 1st April, 1933 ?

(b) Will Government be pleased to state the number of Muhammadan ministerial officers and menials in the offices of the Commissioner and Assistant Commissioners of Income-tax, Bengal, range by range ?

(c) Will Government be pleased to state why a sufficient number of Muhammadan ministerial officers were not taken in the offices of the Commissioner and Assistant Commissioners of Income-tax in Bengal ?

**THE HONOURABLE MR. J. B. TAYLOR :** I have called for information and will lay it on the table in due course.

**THE HONOURABLE MR. BIJAY KUMAR BASU :** I think, Sir, we ought to have some explanation about "due course".

**THE HONOURABLE THE PRESIDENT :** If you want a definition of "due course" it means "in course of business".

**INCOME-TAX OFFICERS IN CHARGE OF GENERAL DISTRICTS IN CALCUTTA AND THE MOFUSSIL.**

**175. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :**  
Will Government be pleased to lay on the table a statement showing the names of all the Income-tax Officers, who were in charge of General districts in Calcutta or Mofussil and the number of assessment of cases disposed of by them unaided by Examiners or Additional or Assistant Officers in the course of 1930-31, 1931-32 and 1932-33 ?

**THE HONOURABLE MR. J. B. TAYLOR :** With your permission I shall answer this and the next question together. The information could not be obtained without an expenditure of time and labour disproportionate to the value of the results secured.

**NUMBER OF APPEALS EXAMINED BY ASSISTANT COMMISSIONERS OF INCOME-TAX IN BENGAL.**

176. **THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:** Will Government be pleased to state the number of appeals in which accounts were examined by Assistant Commissioners of Income-tax in Bengal and the number of appeals which were remanded for re-examination in the years 1930-31, 1931-32 and 1932-33 ?

(For reply see under No. 175.)

**RESOLUTION RE INDIAN CIVIL SERVICE.**

**THE HONOURABLE THE PRESIDENT** (addressing the Honourable Mr. Hossain Imam): You will proceed to discuss your Resolution.\* You have already read the Resolution. It is not necessary to read it again.

**THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan): Sir, before dealing with the positive effects of my Resolution I should like to say a few words about its negative aspect. I am afraid, Sir, that my Honourable friends on the Treasury Benches have a suspicion that I have brought forward this Resolution in a spirit of animosity towards the Civil Service—(An Honourable Member: "No").—I have not been actuated by anything of that sort. I really wish to make all the incumbents of this service happy and contented. I have got great regard and admiration for the Service and I can truly say that India has every reason to be thankful to the Service which at a time, when there was no one to safeguard our interests, when there was neither a Legislature nor a nationalist Press, safeguarded our interests to the best of their abilities. There might be differences of opinion; but that has nothing to do with dishonesty; they did things to the best of their lights. Opinions may differ as to what is best for India and what is not. Sir, this Service is unique in several respects. The emoluments which it gets is more than that of any other Service. The opportunities which it offers is greater than that of any other Service. The amount of leave which the members of this Service enjoy is more than that of any other Service under the Government of India or under the Government of England. The pension which it gets is more than that of any other Service under the Crown of Great Britain. With all this, Sir, we have nothing to say, except that in the changed circumstances I wish to draw the attention of the Government to the advisability of making some changes in the present constitution of the Service. As will be seen from my Resolution, it can be conveniently divided into three parts. The first part deals with the reduction of the cadre from 202.79 per cent. of the superior posts. The second part asks for the removal of the discrimination between the Indian members of the Service, and the third asks for an increase in the listed posts to 25 per cent. I would like to say that I do not wish and could never wish that

\* "This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202.79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts."

[Mr. Hossain Imam.]

immediate effect should be given to the recommendations in this Resolution. So long as we find the Government willing to give effect, the time factor need not worry us.

The position at the moment is that there are 604 superior posts for direct recruitment to the Indian Civil Service in the whole of India. Out of those 604 superior posts there are some posts the counterpart of which is not found in other provinces. I would especially draw the attention of the Government to two or three anomalies. In Madras we find a special provision for 15 sub-collectors in the list of superior posts, an item which is not found in any other province in India. Then there is another glaring example of the same sort. We find 13 additional district and sessions judgships on the time-scale in Bengal. It is a well known fact that European members of the Indian Civil Service are not very keen on going to the judicial side, so these additional posts are mostly utilised for finding jobs for Indians in the Indian Civil Service. In all there are more than 40 posts which could easily be reduced from the 604 superior posts. But, Sir, I gave notice of this Resolution from my home town, and there I did not have all the papers which I find up here and therefore this Resolution does not deal with these inequalities. But while I am on the subject I wish to draw the attention of the Government to these anomalies, which ought to be removed when the matter is being considered in detail.

Now, Sir, according to the official figure of 202·79 per cent. of the 604 superior posts, there ought to be 1,225 men in the cadre. But according to the reply which the Honourable Mr. Hallett gave to my question No. 107 I find that there are 1,173 men in the cadre, a percentage of 192, which is already a reduction of about 10 per cent. effected by the Government without anybody asking them to do so. This I regard as an earnest for the future. But according to the latest issues of the civil lists of the different provinces we get the figure, which has been given me, of 1,158 on the 1st July, 1933. I cannot vouch for its correctness and I wish Government had given me these figures, because they are available in the Library and the Government would not have been put to great difficulty in getting them. Now, Sir, if my Resolution is accepted what would be the effect? I suggest that the cadre should be reduced to 160 per cent. That means that instead of the present number the number would be reduced to 967. This will happen if only the first part of my Resolution is given effect to. But if the third part of my Resolution about the percentage of listed posts is also accepted, that will mean that there will be 906 people in the cadre. I should like to say that I do not mean that with a stroke of the pen 250 people now in service should be discharged. That would be an ill-reward for the valuable services they have rendered. What I would ask the Government to do is that as the men from the top retire they should not be replaced by an equal number, but half the number of new entrants. Then in about ten years' time we would reduce the cadre to the limit which I have suggested, without depriving the future candidates altogether of a chance of entering the service, which would happen if recruitment was altogether suspended.

Now, Sir, coming to the details of this 202·79 per cent., I will first of all take up the deputation reserve, which is the smallest of all items. The deputation

tion reserve is 7 per cent. I have looked into some of the civil lists and especially that of my own province and I am unable to find what is the exact implication of this deputation reserve, because there is a special reserve of 10 or 11 per cent. for the Government of India in every province. For instance, in Bihar and Orissa we have five Government of India posts on our cadre, and in addition to that 7 per cent. is kept as deputation reserve. We think, Sir, that this reserve is primarily meant for officers to be deputed to Indian States. If this is so they ought to be included in the Political Department cadre. There are in the superior posts in the Government of India, 29 posts, for appointments in the Political Department. Now, Sir, I wish to enter an emphatic protest against saddling the provinces with the charge for equipment and training these civil servants who after spending a part of their lives in the districts are sent away. There is no doubt the States make a contribution towards pension. But what about all these years which an Indian Civil Service man spends in learning his job? When he has learned it and when he has become really useful, he is taken away from us. We ought to be compensated for this or else this deputation reserve should be taken out, because we, in the provinces, Sir, do not, I think, owe anything to the Indian States, for which we have got to incur this expenditure. In most of the provinces I find that the 7 per cent. which is set for deputation reserve is not utilised. No doubt there are provinces in which more than 7 per cent. has been sent on deputation, but there are provinces like my own in which 7 per cent. is not sent out on deputation. I would therefore advocate that it should either be abolished altogether or reduced.

Now, Sir, there is 15 per cent. known as training reserve and 38·70 per cent. inferior posts. This gives us 53·70 per cent. of the superior posts or 324 men, who are regarded as neither good enough to hold superior posts nor bad enough to be relegated to the provincial service. They stand in between the two. It is difficult to find exactly what is meant by training reserve and what is meant by these inferior posts, because incumbents of both do the same kind of work. They are joint magistrates, assistant magistrates and so forth. Now, Sir, a glance through the civil list discloses the fact that from the seventh year Indian Civil Service men start acting in the superior posts and it is rare to find any Indian Civil Service man who has not officiated in the superior posts in his eighth year. The usual period of service in the Indian Civil Service is 35 years. According to this formula, Sir, 8/35 ought to have been the reserve for the inferior posts. This gives us something like 23 per cent. Even if the reserve with a margin is kept at 30 per cent. for these two items, training reserve and inferior posts, we should find that the work would not suffer. Thirty per cent. means that up to 11 years of his service, a man will be serving in inferior posts, which is very rare to find in our civil list today.

Now, I would like to draw the attention of the Government to an important factor, the changed circumstances which require that the Government should change its policy. I think there are civilians in this House who have had experience as district officers, who have performed a lot of work which the present-day officers are not discharging. The district officer previously used to be the head of the municipality. Now it is the whole-time job of a non-official. He used to be the head of the district board. This also has now been transferred to non-officials. He was the be-all and end-all of the Income-tax

[Mr. Hossain Imam.]

Department of the Government of India. The Finance Department did not find them quite suitable to do this work and has created its own cadre of Income-tax Officers. There was the Excise Department which too has been taken over by the Local Self-Government Department under themselves. In former times the district officer did require a man of a superior type to assist him in the discharge of his work, but that is not necessary now in almost all the provinces. Now the work of the district officer has been immensely lightened, and therefore the number of inferior posts which are mostly executive—about 80 per cent.—could very well be curtailed. If I therefore place the training reserve and the inferior posts at 30 per cent. the Government can not regard it as insufficient.

Now, Sir, I come to the biggest part of the reserve, namely, the leave reserve, which stands at 41·96 per cent. It is unheard of in any service in the world. I shall be very glad if the Government benches could point out to me any service either under the British Crown or elsewhere in which a leave reserve of such magnitude is kept. I shall presently lay on the table a statement\* which I have prepared for three provinces, Bihar and Orissa, the United Provinces and Bengal. In these three provinces there are a number of Indians and Europeans in the Indian Civil Service. The net result of my inquiry, the details of which I shall give later on, is that there are 151 Indians and 310 Europeans in the Indian Civil Service in these three provinces, and it will be surprising to hear that out of 151 Indians only nine are on combined privilege leave and furlough—long leave, etc., and out of 310 Europeans there are 70 on long leave. The number of superior posts for these three provinces is 240. It is very easy to calculate what is the proportion of the leave which the European members of the Indian Civil Service enjoy and what is the proportion which Indians enjoy. Nine out of 240 is a great difference from 42 per cent. which is kept as leave reserve. It is apparent from a perusal of the civil list that Indians who have been born and bred up in India do not require the same amount of leave which European members require, and the Government too has admitted this by its action. They have different kinds of rules. Indian members of the Indian Civil Service recruited or nominated in India are not subject to the same leave rules as the European members of the Service are. They are under the ordinary leave rules. For instance, they cannot take more than four months' leave on average pay if they stay in India, whereas English Indian Civil Service officers can stay either at home or in India for eight months on average pay. I just cite this instance, Sir, to show that when we are admitting larger and larger numbers of Indians in the Civil Service and, when we find from a perusal of the civil list that they do not require as much leave as Europeans, it is only just and reasonable—and that is exactly what a businessman would do—to curtail the leave reserve in accordance with the demand. Now, Sir, I should like to draw the attention of the Government to the fact that Indians who are in the Indian Civil Service are apt to take short leave more often than European members and short leave is taken in conjunction with holidays, so that working days are not much wasted and a very small amount of leave reserve would

\* Vide Appendix, pages 285-86.

do for them. My point is, that if we take the average number of Europeans who usually enjoy leave and the number of Indians who go on leave, we shall find that 20 per cent., or at the most 25 per cent., would be more than sufficient. I seem to have an idea, Sir,—perhaps the Honourable the Finance Member will enlighten us,—that ordinarily the leave reserve is kept at 10 or 11 per cent. in all the other services.

Now, Sir, the net result, I should like to point out of my Resolution is that I wish that in the near future the deputation reserve should be kept at 5 per cent., the training reserve and inferior posts should be placed at 30 per cent. of the superior posts, and the leave reserve at 25 per cent. of the superior posts. This will give us 160 per cent., instead of the present 192 per cent. which is prevalent.

Now, Sir, the next part of my Resolution deals with discrimination between Indians recruited in India and in England. This, Sir, is a story which does not redound to the credit of the Government. If they had wanted to differentiate between the European members of the Civil Service and the Indian members, they would have had some justification. Europeans come from a long distance. They are bred in a different atmosphere and they have a higher standard of living and there seems to be some slight justification in giving them an additional amount of money as an inducement. But when it comes to differentiating between two Indians simply because of the fact that one was recruited in England and the other in India it seems to be highly unjustifiable. To my mind it is calculated to engender a certain amount of discontent in the Service. Now, Sir, the enormous amount of money which is involved in overseas training will be fully understood if I give some facts.

THE HONOURABLE THE PRESIDENT: The Honourable Member's time is up and I trust he will bring his remarks to a close as early as possible.

THE HONOURABLE MR. HOSSAIN IMAM: May I have seven minutes more, Sir?

THE HONOURABLE THE PRESIDENT: I said please bring your remarks to a close as early as possible.

THE HONOURABLE MR. HOSSAIN IMAM: The European Indian Civil Servant in 24 years get Rs. 94,400, which invested at 4 per cent. compound interest would give an annual income of Rs. 500 a month. The Indian Indian Civil Servant men in 24 years get Rs. 72,600 which is not given to Indians recruited in India. In 1919 this overseas pay was started and it was announced that it would be given to all Indians who had been trained in England up to 1925 but not to those trained in India. Since 1925 there has been no distinction. That is why I wish that either you give these things to Indians recruited in India or do away with them. It is open to you to do what you like. Now, Sir, the worst part of it all is that one injustice has been made the cause of another injustice. When it came to a matter of passage money, the Indians who were recruited in England were granted passage concessions by the Lee Commission but Indians employed in India were deprived of it. It is really very hard and is the height of folly.

Now, Sir, I will come to one more point and that is about listed posts. It is admitted, Sir, on all sides by every experienced administrator that the listing

[Mr. Hossain Imam.]

of posts to the Provincial Service has been a wise step. You have the possibility of picking and choosing from about 400 men for 15 posts. As far as I have been able to make out from my friends in the Service they all express approval of this. I therefore think, Sir, that they should try and give them more posts. And one word more, Sir. If you give them superior posts we ought to give them a little early. It is very rarely that we find that Provincial Service men can rise to higher posts above that of district magistrates and district judges. I will also ask the Government if they cannot reduce the training reserve in the inferior posts that they should take Provincial Service men in those posts.

With these few words, Sir, I should like to commend this Resolution to the consideration of Government and ask them to be more sympathetic than has been their usual attitude, and at least to accept the spirit of it.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I quite recognise that the Honourable Member, in moving this Resolution, was not inspired by any spirit of animosity towards the Service of which I have the honour to be a member. I recognise also that he has taken very considerable care in working out the case which he has put forward in his speech. But I submit that this question of the strength of the cadre of the Indian Civil Service is a very complicated technical question and one that is not really suitable for discussion on the floor of the House. General principles can no doubt be laid down but detailed points must be discussed in the quietness of an office-room. If the Honourable Member would care to come and discuss this question with me in my office I shall be very pleased to discuss it with him. I do not propose, therefore, to go into quite as full detail as he has done in his speech and I trust that I shall be able to satisfy him that Government are quite alive to many of the points that he has raised and are already taking action on some of the lines which he has suggested.

He referred in the first place—though this is rather a side issue—to certain anomalies, certain differences which existed between various provinces. That is inevitable. Madras has a different administration from Northern India and therefore they have these posts of sub-collectors. In Bengal he complained that there was an unduly large number of additional district and sessions judges. I presume that is due to the fact that the Bengalis are rather a litigious people.

He then went on to discuss the percentages, and suggested a reduction of the 202·79 per cent. on which the strength of the cadre of the Indian Civil Service in the various provinces is based. He referred to the deputation reserve of officers which he did not consider necessary, or at any rate he thought it might be reduced. I have experience of a province and I have found it frequently necessary to put officers on to special duty which does not go on continuously but which arises from time to time. I can quote two very obvious examples. It is necessary, for instance, when the census is conducted to put an officer on to that work. It is work which only goes on for one or two years and the post is not needed continuously. Another example is that at the present time most Local Governments have a special officer dealing with the various problems that are arising in connection with the reforms. In a short time I trust there will be officers on special duty in all the provinces making arrangements for the first elections under the new Constitution. That would be

an arduous and difficult work. The Honourable mover wanted the point to be considered whether the deputation reserve should not be somewhat lower than its present figure of 7 per cent. He then went on—perhaps again this was rather a side issue—to refer to the position and work of district magistrates. That challenges me at once, because I have been a district magistrate both before and after the reforms. I have been a district magistrate of the district from which the Honourable Member comes after the reforms, and I think he will admit that it was not a very light charge although I was not also chairman of the district board or the municipality. That work has been taken away now but work still falls to the lot of the district magistrate and from personal experience I can say that the work of a district magistrate is no lighter, and certainly no less important now after the reforms than it was 10 or 15 years ago.

**THE HONOURABLE MR. HOSSAIN IMAM :** One word, Sir. Was there any joint magistrate serving with the Honourable Member all the time that he was a district magistrate? Was there an Indian Civil Service joint magistrate all the time the Honourable Member was acting as a district magistrate in my home town?

**THE HONOURABLE MR. M. G. HALLETT :** I think in some portions of the year I had the assistance of an Indian Civil Service officer, but I am not sure whether he was serving with me all through. However, that is quite a minor point.

The Honourable Member then went on to the question of the leave reserve. We quite recognise that conditions have changed in recent years. Our calculations are based on certain data which were collected 10, 15 or 20 years ago, I am not quite certain how long ago. Conditions have changed. There are a greater number of Indians in the Service, and Indians certainly take less leave than Europeans. The position of the European too has changed and officers are now more inclined to take short leave and go to England and come back in three or four months than they were in the old days, for the simple reason that it is possible now to go and get back in a shorter time. We have therefore made enquiries into the very point which the Honourable Member has raised. We have asked all Local Governments to give us statistics of the amount of leave taken at various times of the year in all the provinces and we are now engaged on working out what reductions in the leave reserve can be made. What the figure will work out to I cannot say, and I do not propose to bore the House with giving any details of the information that we have collected. But I can assure the Honourable Member that we are carefully looking into the matter and that it is probable that the leave reserve of 41·96 will be reduced. I do not think it is a very high leave reserve having regard to the conditions of the Service and I have no doubt that in the Colonies the leave reserve is equally high, for there I understand officers of the Civil Service usually get leave every year, while here they only get leave once in three or four years.

The Honourable Member also referred to a matter which is really hardly relevant to this discussion, and that was that there should be different leave rules for Indians and Europeans. That is a reasonable suggestion and I understand that my Honourable friend Mr. Taylor is dealing with that question.

[Mr. M. G. Hallett.]

Then, Sir, there is the question of the inferior posts and training reserve. There again it is possible that we may be able to make some reduction. At present our calculation is based on the assumption that an officer can be promoted to a superior post in a certain period. By reducing that period we may be able to reduce the number of persons in the cadre representing these two percentages. I cannot say what the calculations will come to in the end, whether it will be possible to reduce the percentage to 160 as suggested by the Honourable Member but I will consider when dealing with the case the points which he has raised and will look into the matter.

The next point which is really quite a distinct issue is the question of the overseas pay to Indians. I thought at first that the Honourable Member had misunderstood the position but possibly he did not. I may however explain the position. The position is that in the old days, when Indians and British officers were all recruited in the same examination in London, they all got the same conditions of service. That was an equitable rule in those days. That carried on till, I think, about 1919. At that time it was recognised that there was no necessity to give Indians serving in their own country the same rates of pay as the British officers who were serving far away from their native land, and for that reason a differentiation was made between the basic and overseas pay. But it was felt that we could not equitably make a change in the conditions of service of those Indians who were already in the Service and who had been recruited to it on the same terms as British officers. It would be grossly unfair: it would cause a feeling of resentment, and it was in all respects undesirable. For that reason, all Indians recruited before this date—1919, I think it was—enjoy exactly the same conditions of service as the British members of the Service. Then there were the Indians recruited in the interim period, that is to say, in 1920 and the following years just after the differentiation between the pay of British and Indian officers was made. There were many Indians who had been working for the examination in England before the introduction of overseas pay had been notified. It was thought that it was not fair to alter their conditions of service. What the Secretary of State said at that time was as follows:

“As regards future entrants, I have come to the conclusion that in order to meet fully the claims of those who are already preparing for the examination, the overseas allowance shall be granted to those Indians who are selected at the next five open competitions, beginning with the examination of 1920. Thereafter the question of the continuance of this concession will be further considered”.

Ultimately it was decided to disallow overseas pay in future and the position now is that no Indian, whether recruited at the Delhi examination in India or at the London examination, gets overseas pay. It is quite impossible to contemplate suddenly taking away the overseas pay from those Indians who have had it from the beginning of their service. That would be manifestly unfair, and would cause discontent—and justifiable discontent—among many Indian members of our Service.

Then there is the final question about listed posts. I fully recognise the merits of the Provincial Civil Service in the provinces. I have seen much of their work in many spheres and I have the greatest admiration for it. But

the point to be noted is that the percentage of these posts was raised from 16 to 20 some five or six years ago and we have not yet worked up to the full percentage of 20. The reason for that is that we have to consider the interests of present members of the Indian Civil Service. It would be unfair to put in an officer from outside over their heads and thereby deprive them of their promotion to which they have a claim. It is for that reason that the Lee Commission when it made its recommendation recognised that it was not possible to work up to the full 20 per cent. immediately but recommended a term of years within which that percentage should be reached. I think that period expires about five or six years hence—in about 1939. As we have not yet worked up

12 Noon. to the 20 per cent. percentage, it is hardly useful to increase that percentage to 25 per cent. There is an even stronger reason which applies to this whole question. As Honourable Members are aware, the White Paper proposals contemplate no change in the present system of recruitment or in the present conditions of service of the Indian Civil Service in the early years of the Constitution. They do not want to make any radical change at a time when these reforms are being introduced. For five years therefore the existing system will continue. There will still be as far as practicable the recruitment of Europeans and Indians on the fifty-fifty ratio, and if a change is made in the percentage of listed posts it would be necessary also to make some change in that ratio. Let the matter then wait till the proposed Commission comes out five years after the inauguration of the reforms. They can go into all these questions and take them up in the light of the experience of the then Provincial Governments. I do not think it is necessary for me to say more on this very technical question. I trust the fact that Government are taking up the main question of examining how far the present percentages suit existing circumstances will satisfy the Honourable Member, and that he will be content with my assurance that Government will weigh the points he has raised. As I have said at the beginning, this is a technical question and if the Honourable Member cares to come and talk to me at any time I shall be very glad to discuss the whole question with him.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, I do not agree with the very plausible theory of my friend the Honourable mover of the Resolution. I do not think that his theory will work in practice. Suppose a dispute arises between different sections of the population of a certain province? Who is going to settle that dispute as an impartial judge not belonging to a particular community? Secondly, I do not think he has been very liberal in talking about the leave allowed to the Indian Civil Service and the large leave reserve kept for them. He knows, I believe, that we recruit Gurkhas for the Army, and he will find that Gurkhas even though they are Asiatics are always kept in some hill stations. Why? Because they are the inhabitants of a cold climate. Why, therefore, ask about the leave allowed to English officials? He will admit that they come from a cold climate, and after all people who come from a cold climate, whether they are Englishmen or men from Kabul or Samarkand, cannot spend all their time in the plains. So, if liberal leave is given to Englishmen I personally do not grudge it them, and I do not think any sensible Member in this House will object to that sort

[Major Nawab Sir Mahomed Akbar Khan.]

of leave. After all the Englishman comes to this country to serve, not to have his health broken down

As I am not well acquainted with internal conditions of other provinces I will just explain how the matter stands in my own province. I can boldly say without fear of contradiction from any quarter that the opinion of the majority of my people in the North-West Frontier Province is and will be that there should be a strong element of Englishmen in all the services there. Because we have very strong and acute forms of party feeling and until that party feeling becomes altogether extinct we cannot dispense with a strong element of Englishmen in the services there. The most important sections of the population in my province are the Pathan landlords, the Hindu and Sikh *sahukars* and landowners. All the taxes, land revenue, water rates, income and super-tax and all the municipal taxes, such as octroi, sanitation and *hasiyat* taxes, are realised from people of that kind. They are the backbone of the administration of that province, but it is regrettable that very few representatives of those classes have the good fortune to be taken on in the superior services in that province. The major part of the jobs are generally offered to certain party individuals irrespective of whether they are sufficiently educated for the posts or not. As Honourable Members may know, the Frontier Province is a place of strong party feeling, and it is because of that that we are quite satisfied to have a strong British element in the services until such time as party feelings come to an end. That applies more particularly to the judicial service. It is regrettable that the British element is very weak and, I may say, almost on the point of elimination in the Judicial Department of our province. To my mind there should be two Englishmen on the Bench of the Judicial Commissioner, instead of the present arrangement of one Englishman and one Indian. If that is not possible, then suitable men not belonging to any particular party should be raised to the Bench, because judges ought to be above party feeling. Alternatively, if judges are associated with a certain party they should not sit and adjudicate cases in which their opposite party is concerned, because the opposite party always feel suspicious of such a judge and generally their suspicions are not groundless. Similarly, there should be a strong element of disinterested Englishmen in the subordinate posts of sessions judges and sub-judges under this Bench of Judicial Commissioners. Also while there is an Indian towering personality sitting on that Bench, it is regrettable that his partisanship makes him recommend members of his own party for any new post in the Judicial Department and he uses his influence particularly with a view to succeed in election to the Legislature and in his other party machination. The circumstances of the North-West Frontier Province are very peculiar and that is why under the most painful and distressing circumstances I have to urge upon the Government of India that the judicial line in the province should be strengthened by disinterested Englishmen or Indians : but what I would further like to urge upon the Government of India is that extension in service should not be given to any Indian in that province, because no one in the North-West Frontier Province is indispensable, as there are many capable candidates to take up the job of any Indian retired official in that province.

Sir, with these remarks, I oppose the Resolution brought forward by my Honourable friend, Mr. Hossain Imam.

**THE HONOURABLE MR. HOSSAIN IMAM :** Sir, first of all I must admire my Honourable friend who has, by his adroit words, shown great sympathy although he has taken care to safeguard himself from saying anything definitely. In the first place, Sir, I did not like to say anything which would embitter the feelings between the two sections of this cadre, but we cannot hide from ourselves that instances are not wanting in which Indian members of the Indian Civil Service have been passed over by Europeans. As will be fresh in the minds of Honourable Members, a question on this subject about the Central Provinces was asked in this House. I have learned of two instances in the Punjab where a Muhammadan and a Hindu Indian Civil Service officer were repeatedly superseded by junior European officers. The Honourable the Home Secretary has been, I admit, sympathetic towards my demand for the reduction of the cadre, but his attitude towards the two other parts has been adamant. His words were that we ought to wait for five years after the introduction of the new reforms.

**THE HONOURABLE THE PRESIDENT :** Those were not his words; those were the words used in the recommendation made in the White Paper.

**THE HONOURABLE MR. HOSSAIN IMAM :** What has been promised in the White Paper is that five years after the introduction of the new reforms the millennium will come. I think we shall have to wait pretty long; no one knows how long as no definite assurance has yet been given by any responsible Member of the Government as to when the reforms are coming. I would like to refresh the memory of the Honourable the Home Secretary that in all the provinces 20 per cent. is not a dead letter. There are three provinces where 20 per cent. has been worked up to. In the Punjab this has been worked up to. Eighteen posts were listed and at the moment these 18 posts are held by Provincial Service men and from the Bar. In Bengal, Sir, there are 20 people in the service out of 22 posts listed and one or two—I am not sure—are serving in acting appointments, so that when others retire in a few months they will be made permanent so I hope that in Bengal too by the end of this year we will have the number of listed posts fully occupied. In the Central Provinces all the ten listed posts are filled up. I could not understand the logic of the Honourable Member by which he, after admitting that it has proved to be a success, thinks it advisable to wait, not to find whether it is a success or failure, but simply on account of the well known saying of Lord Asquith, "Wait and see". As far as the leave reserve is concerned, my Honourable friend said that they have the same proportion in the Colonies, but I would like to draw his attention to our own Indian Police Service, which is one of the two services which the White Paper has definitely decided to keep. In that the leave reserve is 26 per cent. of the superior posts. This Service is not manned by Indians alone. There are more Europeans in the Service than there are Indians, and still it is thought advisable to have only 26 per cent. leave reserve.

Now, for the unfortunate 25 or 30 people who were appointed between 1919 and 1925 in India, I am sorry to find that the Government are not sympathetic. I quite appreciate that the Secretary of State made the announcement in 1920 that people who appeared in the London examinations for five

[Mr. Hossain Imam.]

years would get overseas allowance and people who appeared in India would not get this allowance ; but all those people who were in service on the date when the overseas pay was given, irrespective of the fact whether they were Indians or Europeans, got the concession. The passage concessions were given in 1923 and people who were then in service were not given these concessions on the analogy of the 1919 principle. No announcement was made beforehand that Indians will be treated in two ways ; those recruited in England will get the passage and others will not get it. What is the difference between an Indian recruited in London and an Indian recruited in India ? I can cite instances and refresh the memory of my Honourable friend that in my own province people who have been selected for the Indian Civil Service in the London examination have not spent more time in England than those who have appeared in the Indian examination. There is another point. An officer who is appointed in England gets a lesser period of training than an officer who is appointed in India. The result is that of the people who appear simultaneously in two examinations one gets seniority and the other gets pushed back. All these things cannot wait for the indefinite period of five years after the inauguration of the reforms. These are urgent matters which brook no delay. This is not for the Government of India to decide : but for the Secretary of State to be our judge. If the Government of India took the stand of promising to do what it thought necessary we, on this side of the House, would have felt that the Government is not acting as a block in the way of Indianization, and of fulfilling the aspirations of India. I take the strongest exception, Sir, to this attitude of the Government by which instead of facilitating our business they take it upon themselves to save the Secretary of State from the bother of looking into these things, and they take all the odium upon themselves. I would have had very great pleasure in withdrawing the Resolution if the Government had promised to look sympathetically into all the parts of the Resolution and had promised to lay on the table in a year or two a statement of what the Secretary of State has decided on this matter, but on the vague promise that in God's own time everything will be under revision as they are bound to do, I cannot withdraw my Resolution.

Sir, I press the Resolution.

THE HONOURABLE THE PRESIDENT : Resolution moved :

“ This Council recommends to the Governor General in Council to move the Secretary of State in Council to reduce the strength of the provincial cadre of the Indian Civil Service from 202·79 per cent. to 160 per cent. of the total number of superior posts for direct recruitment in the provinces, and to remove the discrimination in the overseas pay of the Indians recruited in India and in London and to increase the posts to be ultimately listed to 25 per cent. of the superior posts.”

The question is :

“ That this Resolution be adopted.”

The Council divided :

AYES—7.

Banerjee, The Honourable Mr. Jagadish Chandra.  
Dutt, The Honourable Rai Bahadur Promode Chandra.  
Gounder, The Honourable Mr. V. C. Vellingiri.

Hossain Imam, The Honourable Mr. Kalikar, The Honourable Mr. Vinayak Vithal.  
Khaparde, The Honourable Mr. G. S.  
Naidu, The Honourable Mr. Y. Ranganayakalu.

NOES—32.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.  
Bartley, The Honourable Mr. J.  
Basu, The Honourable Mr. Bijay Kumar.  
Brayshay, The Honourable Mr. M. W.  
Charanjit Singh, The Honourable Raja.  
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.  
Commander-in-Chief, His Excellency the.  
Dain, The Honourable Mr. J. R.  
Devadoss, The Honourable Sir David.  
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.  
Fraser-Tyler, The Honourable Mr. W. K.  
Ghosal, The Honourable Mr. Jyotsananath.  
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.  
Graham, The Honourable Major-General J. D.  
Habibullah, The Honourable Nawab Khwaja.  
Hafeez, The Honourable Khan Bahadur Syed Abdul.  
Hallett, The Honourable Mr. M. G.

Henderson, The Honourable Mr. J. S.  
Jayaratnam, The Honourable Mr. T. C. S.  
Johnson, The Honourable Mr. J. N. G.  
Kameshwar Singh, The Honourable Maharajadhiraja Sir, of Darbhanga.  
Maqbul Husain, The Honourable Khan Bahadur Sheikh.  
Mehr Shah, The Honourable Nawab Sahibzada Sir Sayad Mohamad.  
Muhammad Din, The Honourable Khan Bahadur Chaudri.  
Noon, The Honourable Nawab Malik Mohammad Hayat Khan.  
Pandit, The Honourable Sardar Shri Jagannath Maharaj.  
Raghunandan Prasad Singh, The Honourable Raja.  
Ray, The Honourable Maharaja Jagadiah Nath, of Dinajpur.  
Shillidy, The Honourable Mr. J. A.  
Stewart, The Honourable Mr. T. A.  
Suhrawardy, The Honourable Mr. Mahmood.  
Taylor, The Honourable Mr. J. B.

The motion was negatived.

RESOLUTION *RE* TERRORIST PRISONERS IN THE ANDAMANS.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, I wish to move an amended Resolution in place of the original Resolution which stands in my name and have already placed a copy of it on the table. If you will permit me, I will now move the amended Resolution, which is in no way a new Resolution.

THE HONOURABLE THE PRESIDENT : Yes, the Chair allows it.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Sir, I beg to move :

“ That this Council recommends to the Governor General in Council that a committee consisting of official and non-official Members of both the Houses of the Indian Legislature be immediately appointed to enquire and report by the end of this year on the following points :

- (a) the deaths of the three political prisoners in the Andamans ;
- (b) the grievances of the Andamans political prisoners who recently went on hunger-strike ; and
- (c) the advisability of the re-transfer of the Andamans political prisoners to Indian jails.”

Sir, I submit at the beginning that my Resolution deals with three points and I do not want to pass any judgment on the problems raised in my Resolution in my speech. I keep an open mind on the question. I have intentionally mentioned in my Resolution that a committee should be appointed to enquire into and report on these three points, namely, the deaths of the three political prisoners, the grievances of the Andamans political prisoners and the advisability of the re-transfer of these Andamans political prisoners to Indian jails. Sir, I will state the policy of the Government of India as enunciated up till now by the highest authorities and also the consideration which they gave to the recommendations of the Jails Committee of 1920. I know, Sir, that in the various communiqués issued from time to time regarding the strike in the Andamans and the unfortunate deaths of the three political prisoners it has been stated by Government that the policy of the Government of India has not been to close the penal settlement. Also the answers given in the Lower House to the questions put by Members there clearly show that their policy is altogether different from the policy enunciated long ago by the highest authority—I mean the Home Member of that time, Sir William Vincent. Port Blair was opened in 1858. After that, there were several committees, which enquired into the question of jails, one in 1864, another in 1877, the third in 1888-89, and the last in 1920. The last Committee of 1920 and the Committee of 1889 have practically recommended the closing of the penal settlement of the Andamans on various grounds. I cannot do justice to my case without quoting an extract from the speech of the predecessor of the present Home Member in regard to this question. Sir, on 11th March, 1921, the Honourable Sir William Vincent made a speech in the Assembly on this subject and I will quote from it. He said :

“ I am extremely glad, Sir, that I have been afforded this opportunity of stating the policy of the Government in regard to the Andamans Settlement ”.

He said further on :

“ Before that date, however, we had already come to certain provisional conclusions regarding the Andamans, intending at first to reduce the settlement from its present numbers to a settlement where about 1,500 or 2,000 of the worst criminals only would be detained. We have now after consultation with the Secretary of State decided, subject of course to any advice from this Assembly, because this is a matter on which the influence of the Legislature may very properly be exercised, to abandon the penal settlement altogether. For some years we have had misgivings about this settlement. Although I think some of the statements in the report are over-coloured, at the same time we have

been under misgivings regarding conditions there. It is at a very great distance from the headquarters of Government, and it is impossible for us to control or supervise work effectively, and the settlement is also unamenable to outside influences ”.

Further on he says :

“ All the same, we viewed the information contained in this report with very grave concern, and I am sure this Assembly will support us entirely in the view we are taking, namely, the decision that the time has now come to end this penal settlement altogether ”.

About the political prisoners he says :

“ Further, I am glad to say that we have issued orders that all political prisoners shall be immediately returned from the Andamans, that female convicts not married locally shall be returned immediately, and we are taking steps to prevent further criminals being sent to the Andamans in so far as the Local Governments are able to find accommodation for them here ”.

And in the last sentence he says :

“ But I can assure this Assembly that this report has caused us the greatest concern, and we will do everything possible that we can to remedy the defects that have been pointed out, and I hope that in a few years, this blot on the administration may be removed altogether ”.

So, the layman and the public are perfectly entitled to consider that the policy of the Government of India, as declared by Sir William Vincent in his famous speech, was to close the penal settlement altogether. But what do we find? Political prisoners are sent in large numbers to the Andamans in spite of the agitation against it by the public, and the Government do not take at all into consideration the agitation raised by the public throughout India on this question. As stated by Sir William Vincent, and as stated in the report of the Jails Committee, the reasons for closing the penal settlement altogether and not sending any political prisoners there, are these. The Committee says that transportation no longer produces the terror which it was once supposed to inspire; it is more expensive to maintain a convict in the Andamans than in an Indian prison; the removal of the person far from his home and the almost complete severance of all ties with friends and relations is demoralising and undesirable; difficulty to supply reformatory influence, such as attendance of religious teachers, the provision of education, and the attempts in other ways to fit the prisoner for eventual release; in the absence of any large free population, there will be no educated public opinion to restrain the prison authorities or to see that the reforms so undoubtedly necessary are properly carried out; the climatic conditions will always be unfavourable to the health of the convicts drawn as they are from the various parts of India. These are the grounds on which the Committee recommended that the penal settlement ought to be closed altogether, and these grounds found favour with Sir William Vincent and in his speech he practically accepted those grounds.

Now, Sir, I come to the recommendations of the last Committee but one and I find that in 1889, that Committee also had certain misgivings about the Andamans and indirectly they decided that no more prisoners should be sent to the Andamans. The Committee of 1889—

**THE HONOURABLE THE PRESIDENT:** Is it necessary to go into ancient history?

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** It is only an argument to show that the action of Government is not only wrong but is against the declared policy of Government. The Committee of 1889 held that the punishment of transportation was not deterrent and prophesied that before long this form of punishment would cease to exist. They said this punishment was decidedly retributive and as such opposed to the fundamental principles of modern penology. So my submission is that in spite of the direct recommendations of the Committee of 1920, and the indirect recommendations of the Committee of 1889 and the policy declared by Sir William Vincent in 1921, the Government of India again opened the question and sent prisoners to the Andamans. We find that the prisoners sent there do not find the climate suitable ; some of them fell ill and others on account of certain grievances went on hunger strike, the result of which was that one prisoner died, admittedly, according to the communiqué, by the shock of forcible feeding and according to the communiqué two other prisoners died from natural causes on account of pneumonia. One thing is very curious, Sir. I have read and re-read the communiqués issued from time to time and also I have considered the answers to the questions put in this House and also in the other Chamber, but I do not understand why the Government of India is reluctant to publish the names of the prisoners who went on hunger strike ? If they had done so the relatives of those who had not gone on hunger strike would have been freed from anxiety, while the relatives of those who had actually gone on hunger strike and other public men would have brought pressure on them to give up the hunger strike. But no, the policy as enunciated in the communiqué and in the answers is not to publish the names. No reason is given. Well, I submit it would be in the interests of Government to give the names, because some names have already appeared in the press and Government have not said that they are not correct. In the *Free Press Journal* of June 16th certain names were published, and if it is not objectionable for me to state those names——

**THE HONOURABLE THE PRESIDENT :** I may inform the Honourable Member that it is not Parliamentary practice to depend on newspaper reports.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I am not depending on it, Sir. I want your ruling. Should I give out the names ? Some names have already appeared. I have definitely asked Government to give me the names but Government have not done so. As some names have appeared in the press should I give out those names ?

**THE HONOURABLE THE PRESIDENT :** I have given the Honourable Member my view. He can exercise his discretion.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** I do not say that the names which have appeared in the press are correct. But it was the duty of the Government either to contradict the report and say that those were not the names of the men who went on hunger strike or to give out the names themselves. The names which have appeared in the press are the

following: Niranjan Sen Gupta, Satish Prakash, Sudhashu Das Gupta, Nishi Kanth Chowdhury, Narayan Roy, Bhupal Bose, Batukeshwal Datta and Sushil Das Gupta.

It was further stated—I do not believe these statements, but these are statements which have appeared in the press and Government have not contradicted them—that the prisoners were forcibly fed by Pathan coolies and the result was that they vomited blood.

**THE HONOURABLE SIR HARRY HAIG:** The Honourable Member says that he does not believe this allegation but that it has appeared in the press and Government have not contradicted it and he feels it is necessary to draw the attention of this Council to it. That statement, Sir, has been very emphatically contradicted by the Government.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR:** The statement about the names has not been.

**THE HONOURABLE SIR HARRY HAIG:** The question of names appears to me to be of very doubtful relevance to this Resolution, which is about the appointment of a committee to deal with particular points. But the allegations about the ill-treatment of these prisoners have been raised in another place and have been very definitely contradicted by me.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR:** I thank the Honourable the Home Member for having given me the information about the ill-treatment. Now, Sir, it is said in the Government communiqué that proper medical treatment was given to these men and that two of the men died from natural causes. My submission is that admittedly according to the Government communiqué there was a hunger strike and officials were busy with that hunger strike and they wanted to put a stop to it. And it is just possible that proper medical treatment could not have been given to those two prisoners who died of pneumonia. One man, Mahabir Singh, who was convicted and sentenced for transportation for life in the Lahore Conspiracy Case died on the 17th May. He started hunger strike on the 12th May. It is admitted that he was a strong man. It is also admitted that at the time of admission and at the time he started the hunger strike when weight was taken he weighed more and still up to the 16th his condition was quite satisfactory and on the 17th when the medical officer decided to give forcible feeding he resisted and he died on account of shock. I submit, Sir, that a strong and healthy man goes on hunger strike for four days and after resisting against forcible feeding he collapses. These things, Sir, do not clearly show that proper medical treatment was given. We have seen people who go on hunger strike surviving for many days, and here what do we find? That a healthy and strong man goes on strike only for four days and he collapses.

**THE HONOURABLE THE PRESIDENT:** I presume that the Honourable Member is basing his statement on newspaper reports?

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR:** I am basing my statement on the communiqué, Sir, and not on the newspaper. Then, Sir, another prisoner, Mani Krishan, died of pneumonia on May 26th. He started hunger strike on the 16th; food was administered to him through the mouth without resistance on the 17th and on the 19th he was admitted to the hospital

[Mr. Vinayak Vithal Kalikar.]

with double pneumonia. This is the statement issued. It is stated that he took whatever was given to him, he gave no trouble and ultimately he died on the 26th. The statement regarding the condition of the prisoners as contained in the communiqué shows that there is some link which we do not find in the communiqué and which cannot explain away the circumstances. Then, Sir, the third man, another prisoner, Mohinder Mohan Mitra, of Bengal dies of double pneumonia on the 20th May. He started hunger strike on the 12th May; on the 19th he developed pneumonia and died on the 20th May. It is possible, Sir, that medical help might have been given. I do not say that no medical help was given and that prisoners were treated brutally, but I submit that the authorities might not have found sufficient time to attend to these patients as carefully owing to hunger strike as they would have attended to them in normal times. Moreover as recommended by the Jail Committee the climatic conditions might not have suited their health and they might have developed the disease. So, my point is that if this committee is appointed they can see all these details with regard to these prisoners and remove natural suspicions about the move of the Government for sending these prisoners to the Andamans. It will enable us to know if the Government was right; if the Government had treated the political prisoners with due care they would be exonerated; if not, at least the Government will be in a position if they want to continue this policy of sending political prisoners to the Andamans to issue instructions to their agents in the Andamans about taking proper care of these political prisoners.

Now, Sir, about the hunger strike. So far as the hunger strike is concerned, Sir, it is admitted that they had certain grievances. It was stated, Sir, in the communiqué as well as in the Lower House in reply to certain questions that their grievances were not taken into consideration because they threatened to strike. My submission is that if their grievances were genuine—and it seems that some of their grievances were genuine because some of the grievances were redressed afterwards by the Government—Government could have taken their grievances into account from the beginning and avoided this difficult hunger strike which caused the death of these three unfortunate prisoners. The grievances of these political prisoners were about proper diet, supply of light, newspapers like the *Statesman*, proper and timely medical aid and correspondence with their relatives and Government. Some of the grievances have been remedied and I therefore submit that Government committed a blunder in not paying attention to the grievances of these political prisoners in the beginning so that this catastrophe could have been easily avoided. Throughout the country, Sir, sympathy is felt for these Andamans prisoners. Public opinion throughout India has condemned the move of the Government in this matter, and mass meetings have been held everywhere and they have passed resolutions of protest and have requested in the resolution to remove these political prisoners from the Andamans to the various jails in India. Recently, Sir, a statement has been issued from Calcutta under the signature of Poet Rabindra Nath Tagore, Acharya Ray, Mrs. Sarojini Naidu, Mrs. C. R. Das, Rev. C. F. Andrews, and others, requesting the Government to have an inquiry into this tragic affair and at the same time requesting them to transfer these political prisoners to jails in India.

My proposition is a very innocent one. As there is a demand for a public inquiry throughout India, as the public has grown suspicious about the action of the Government in this connection, I therefore submit—

**THE HONOURABLE THE PRESIDENT :** The Honourable Member has already exceeded his time.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** It will take me only three minutes to finish. I therefore submit, Sir, that if a committee of both Houses of the Indian Legislature consisting of officials and non-officials is appointed—

**THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** The official report is there already.

**THE HONOURABLE THE PRESIDENT :** Order, order.

**THE HONOURABLE MR. VINAYAK VITHAL KALIKAR :** If you like I will answer that question? If a committee is appointed and if they go in detail into all these matters they will be in a position to satisfy public opinion. If the report is in favour of Government the public will be satisfied and the Government will be cleared from any suspicion. I therefore move for the acceptance by the House and the Government of my Resolution. So far as my answer to my friend is concerned, it is a one-sided report. The public want information from their point of view. If the officials are there they will also help the non-officials and therefore the inquiry will be a thorough inquiry.

**THE HONOURABLE THE PRESIDENT :** We will first get rid of the amendment of the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra.

**THE HONOURABLE MR. HOSSAIN IMAM :** He is not coming, Sir.

**THE HONOURABLE THE PRESIDENT :** Sir Harry Haig.

**THE HONOURABLE SIR HARRY HAIG (Home Member) :** Sir, it is a great pleasure to me after a little interval to find myself again in this Honourable Council and to have the opportunity of addressing it, remembering as I do that I had the privilege to be a Member of this Council for four years. It is also a great pleasure to me, Sir, to find myself sitting under the presidency of one who in those days I might claim as my colleague and who is, I think, if not the oldest at any rate one of the oldest Members of this House. I am also glad, Sir, to have had this opportunity of meeting the criticisms that have been made on our policy in regard to the sending of these prisoners to the Andamans, and to meet that criticism in a fuller and more consecutive manner than is possible by means of answers to questions. I am, therefore, to that extent grateful to the Honourable mover of this Resolution. Though it appeared to me that his mind was compounded of sympathy for the prisoners and suspicion of Government, I trust, Sir, that I shall be able to disarm some of his suspicions and perhaps remove some of his sympathy.

Now, Sir, I propose in the first place to deal with the general policy of Government which has resulted in sending these prisoners to the Andamans, and in the first place I notice that in this Resolution the prisoners are described as political prisoners. Now, Sir, I think as a rule in these days when we talk of political prisoners we have in mind mainly those men who following a misguided policy feel that they are in some way advancing the interests of their

[Sir Harry Haig.]

country by disobeying its laws in accordance with the civil disobedience programme, or possibly those who may have utilised the press in order to stir up hatred and contempt of the Government. Well, Sir, no prisoners of this type are in the Andamans nor have the Government the slightest intention of sending prisoners of that type to the Andamans. Let us be quite clear who these prisoners are who are described by my Honourable friend as political prisoners. They are terrorists. They are men who have been found guilty of crimes of violence or intended violence in connection with the terrorist movement. And why were they sent there? A year ago, the Government of Bengal took counsel with the Government of India as to the measures required to deal more effectively with this terrible menace in Bengal. And, Sir, the Government of Bengal regarded it as an essential part of their campaign against terrorism that terrorist prisoners should be removed from Bengal to a place where they could no longer influence the terrorist movement. There is no doubt that as long as those men remained in the jails in Bengal there was not only a serious danger of communication with their fellow conspirators outside but there was undoubted communication. As long as they remained in Bengal the local conditions made them a focus for the encouragement of terrorism. You may say, Sir, that that is a very unfortunate state of affairs. It certainly is. But we have got to face the facts and those facts are to be found not only in Bengal but elsewhere. Only recently in the peaceful Presidency of Madras, a dangerous revolutionary conspiracy has appeared. And that conspiracy, Sir, has been traced in its origin to the Bengal terrorist prisoners who were confined in the jails of Madras. It was absolutely necessary, Sir, that these terrorist prisoners should be isolated. There was also the danger of escape, not negligible, and their presence in the jails in Bengal had a very deplorable effect on discipline. That explains, Sir, who these prisoners are and why they were sent to the Andamans.

But I wish to deal now with the general policy of the Andamans Settlement for it is a point on which the Honourable mover dwelt and I have noticed that it has been raised in the public press a good deal lately. A respected newspaper of Upper India has been, I think I may say, exciting itself a good deal lately on this subject and only recently it wrote an article which ended up by accusing Government of committing a flagrant breach of a solemn assurance in maintaining the penal settlement at the Andamans, and in that article I found what I do not ordinarily expect to find in that newspaper, a plain misstatement of fact, for it started by saying that I had denied that the Government had ever decided to close the penal settlement in the Andamans. I never made any such assertion, Sir. What I said was that the penal settlement had not been closed and the cellular jail had never been closed, and these statements are perfectly accurate. But let me remind the House of what in fact did happen. In March, 1921, after the report of the Indian Jails Committee, the Government announced their decision to abandon the Andamans as a penal settlement. Having announced their decision, Sir, they set about seeing how they could give effect to it and within a year they discovered that in fact it was not possible to give effect to it within any time that could reasonably be foreseen. In January, 1922, less than a year after the original announcement, it was found that not only was it not practicable to repatriate those prisoners who were already in the Andamans, but that it was necessary to

re-open the transportation of new prisoners. The reason was that the jails in India were seriously over-crowded and that it was quite impossible to accommodate the prisoners without keeping a suitable number in the Andamans. Some years later, Sir, the system of transporting prisoners from certain provinces was changed and transportation was placed on a voluntary basis, and on that basis has continued since. In that connection, Sir, it seems to me strange that a sufficient number of prisoners for a good many years past have been found to volunteer from the ordinary jails to go to a place which I have noticed in this recent agitation described as a "hell upon earth". I think, Sir, sometimes facts contradict phrases and I would ask the House to remember whenever they hear that description of "hell upon earth" that a number of prisoners from the Indian jails continually volunteer to go to the Andamans. Another point, Sir, which I would ask the House to appreciate is that the total number of prisoners in the Andamans at the present moment is 6,537. The number of terrorist prisoners is 112, at least it was until recently, when another batch has just been sent. Well, Sir, this agitation, I understand, is about those 112. Why have we heard for so many years nothing about the six or seven thousand ordinary prisoners? I hope it is not, Sir, because they are not terrorists. When it became apparent that in fact it was impossible to give up the Andamans penal settlement, vigorous efforts were made to remedy the conditions described in the Jails Committee Report. An active policy of improvement and development was initiated. My former Chief, the late Sir Alexander Muddiman, who was at one time President of this Council—in fact I think he was the first President—himself as Home Member visited the Andamans in 1925, and as a result of his visit he became an enthusiastic advocate of this policy of improving and developing the Andamans. Since that time conditions have been transformed, particularly health conditions. At the time of the Indian Jails Committee the main trouble was that malaria was very prevalent. Now, Sir, since that time, we have reclaimed the malaria swamps at a total cost of Rs. 23 lakhs, and the result on the health of the Andamans has been very remarkable. I do not think it is necessary to go into the other conditions of the convict settlers in the Andamans though these also have been very largely changed since the time of the Indian Jails Committee Report, because the prisoners with whom we are dealing now are not sent out into the settlement after a certain period as other prisoners are. They are quite definitely kept in the cellular jail just as if they were in a jail in India. Now, when it was decided that steps must be taken to remove these prisoners to a place where their activities could no longer encourage terrorism, the place obviously suitable for this purpose was the Andamans. We had to have a place that was sufficiently remote to prevent communications, and there was in existence in the Andamans a particularly suitable jail. We have heard in some of these meetings of agitation a great deal about the cellular jail. In a meeting in Bombay it was, I think, described as unfit for human habitation. Well, Sir, I only wish that the Honourable Members of this Council had been able, as I have, to see photographs of that cellular jail. It is a well-built and scientifically planned jail, which was completed only in the year 1910, a fine three-storied building standing on a bold promontory close to the sea, about 100 feet above it, the kind of site which in Bombay, I imagine would be monopolised by merchant princes. And yet, some imaginative gentlemen in Bombay declared that this jail is unfit

[Sir Harry Haig.]

for human habitation. The sanitary conditions, I am assured, are fully up to the standard of those of the ordinary Indian jail.

I come now, Sir, to the hunger-strike and the deaths of the prisoners which we greatly regret. I do not think that there is anything more on the facts to be added to what has already appeared in the communiqués except this point, on which the Honourable Member threw some suspicion, that in fact these prisoners did receive every kind of attention from the medical staff. As the House is aware, after these deaths had occurred we asked the Punjab Government if they would lend us the services of Lieutenant-Colonel Barker, their Inspector General of Prisons, an officer who, not only from the position he occupied was eminently fitted for this mission, but who had in the course of his administration in the Punjab had to deal not infrequently with hunger-strikes and had the further advantage of having himself been Senior Medical Officer of the Andamans for several years. Well, Sir, I should like to say how much the Government of India appreciated the readiness with which the Punjab Government surrendered at once their Inspector General of Prisons and how Colonel Barker at about two days' notice readily undertook this troublesome and long journey through the monsoon to the Andamans. He went there, Sir, to consult with the Chief Commissioner regarding the medical arrangements, and his report of the conditions and the medical arrangements there was eminently satisfactory. He informed the Government of India on his return that there had been humane treatment of the hunger-strikers as offenders and sympathetic and skilful treatment of them as sick patients. That was the considered opinion, Sir, of Lieutenant-Colonel Barker and I would like to pay a tribute to the work of the staff and the medical staff in particular at this time, remembering that at one time there were no less than 58 terrorist prisoners on strike. The feeding of them, and the treatment, put a great strain on the staff, but they responded to that strain in a marvellous way and Colonel Barker was fully satisfied that the treatment was admirable.

Now, Sir, there is one other point which I noticed mentioned in that manifesto referred to by my Honourable friend which was put out recently in Calcutta. They said that an impression prevailed that the hunger-strike had been given up on terms. There is absolutely no foundation for that story, Sir. The hunger-strike was given up unconditionally, and I may inform the House that those who took part in it were as a punishment for this breach of discipline deprived of certain privileges for a period of two months. The privileges were restored at the end of August after the two months had expired. So I hope we shall hear nothing more about the hunger-strike having been given up on conditions.

About the grievances there was nothing in the grievances alleged that would justify a hunger-strike. Nevertheless, those grievances were originally put forward under threat of hunger-strike. No jail administration, Sir, could be expected to concede demands put forward under such a threat unless they were prepared to surrender their control over the prisoners. But once discipline was restored, at the end of the hunger-strike, and the prisoners fully understood that they could not impose their will on their jailors, the Chief Commissioner looked into the complaints in a sympathetic spirit and agreed to

certain changes. The prisoners get I think a few more newspapers, some more interviews and arrangements are made for the C class prisoners to be able to read at night. I hope, Sir, that that sympathetic treatment of these prisoners will not be made a ground for complaint against us.

Now, Sir, I hope I have made my points plain. The hunger-strike was humanely and skilfully handled. The conditions in the Andamans Settlement as a whole and in the cellular jail in particular are healthy, as healthy as one expects in an ordinary province in India (I am told that the climate of the Andamans is very similar to the climate of Bengal), and there are no reasonable grievances. I have also explained that the policy of sending these terrorist prisoners to the Andamans is an essential part of our campaign against terrorism. I should like to make it plain that Government have no intention of being deflected from their policy in regard to this terrorist menace either by hunger-strikes of prisoners or by resolutions and manifestos based on misunderstandings and misrepresentations. We have recently, Sir, had a tragic reminder that terrorism is still active, continually plotting in secret and watching its opportunity to deal the stealthy blow of the assassin. This Council and the other Chamber of the Indian Legislature have given expression to their horror at the murder of Mr. Burge and have thus faithfully interpreted what I believe to be the general conscience of India. Nevertheless these assassinations go on and in spite of the resolute and unremitting action of Government we cannot expect altogether to eliminate them until there is a continuous and active public opinion working against terrorism. The task of building up such a public opinion must I admit be a slow one, but it will inevitably be retarded if contrary influences are at work. In the past there has been not only to a large extent public apathy, but there has been public sympathy, and it is on that sympathy that the terrorist movement has flourished. It was only two-and-a-half years ago that the Indian National Congress passed a resolution which, while professing to disapprove of political violence, recorded its admiration of the bravery and sacrifice of three political murderers who had carried out the assassination of a young police officer in circumstances not unlike those of the recent assassination of Mr. Burge, and expressed its indignation at these three murderers being made to pay the penalty of their crime. That resolution was the signal for an outburst of sympathy with and eulogy of assassins, while the tale of terrorist murders steadily mounted. Conditions now are happily far different to those of the dark days of 1931, but I cannot forget that that resolution about Bhagat Singh and his companions, which acted as such a powerful encouragement to the spirit of terrorism, was drafted by Mr. Gandhi and sponsored by Pandit Jawahir Lal Nehru. I hope the spirit of that resolution is now dead and I should not have thought it necessary to refer to it at the present time had it not been for two recent facts. The first is that Mr. Gandhi alone as far as I have observed among Indian public men thought fit, while deploring the murder of Mr. Burge, to explain that what he called the wrongs committed by the Government led to the commission of these crimes, and it is a short step, as bitter experience has shown us in the past, from such explanations of the causes of murder to sympathy with the murderers. The other fact is that one of the first public acts of Pandit Jawahir Lal Nehru after his recent release from prison was to include his name among a list of miscellaneous signatures to a manifesto

[Sir Harry Haig.]

which, whatever may have been its primary object, must have the effect of keeping alive the feeling of sympathy for the terrorist prisoners in the Andamans. I hope that what I have said today will show the House clearly that there is no occasion for sympathy with these men merely as prisoners, and if that is so, let there be no sympathy for them as terrorists, or any attempt to cloak their real character by describing them under the respectable euphemism of political prisoners. I trust, Sir, that in view of my full explanation of the real facts the Honourable mover will not feel it necessary to proceed with his Resolution and will agree to withdraw it. (Applause.)

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

The Council reassembled after Lunch at a Quarter to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, first of all I wish to congratulate the Honourable the Home Member on his excellent speech which he has delivered today on the floor of this House. I think he has spoken very eloquently on all the points and his speech was very convincing and I congratulate him.

Now, Sir, I wish to say a few words on the Resolution of my Honourable friend Mr. Kalikar. This question, with its attendant incidence and implications, is one which should better be viewed from a different angle of vision, that is to say, the Honourable mover should have placed himself in the position of the Government before tabling the Resolution. To put it in a more denuded form. Can any of my Honourable friends deny the tremendous amount of destruction and ruination that the civil disobedience movement has brought to the country? Is it not a universally admitted fact that the "terrorist movement" has been responsible for the irreparable losses of many precious lives of British administrators? Can any one of you with one iota of justice deny the lenity of the British rule? Have you grown oblivious of the methods of administration of the Moghuls in India? And don't you today see with what an iron hand rulers in all the countries are reigning? The ruthless suppression of Communists in Germany, Persia and Turkey; the general hunt of the Blue Shirts in Ireland, the indiscriminate massacres of the Chinese by Japan, all serve as a striking contrast with the administration of the British in India. The British Government in India have meted out the mildest possible treatment to these political prisoners. Did not the Indian police display the highest acme of patience and tolerance during the most critical junctures? Any other country with the same treasonable movements would have by now been converted into a shambles.

Then, Sir, not by any stretch of imagination can I seek even a remote possibility of creating a *casus belli* to support the motion of my Honourable friend. On the contrary, I record my opposition to the motion under discussion.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, I wish to say a few words about the medical aspects of the question of hunger strike and pneumonia alleged to follow upon forced feeding among the prisoners in the Andamans.

It is however hazardous for the lay press and laymen to criticise the method of treatment adopted in such cases. If that is once tolerated there would be no finality. What is the mentality of a man who has been committed for a terrorist crime? What thoughts come to him after he goes to the Andamans? I believe the original depravity passes away. If he comes of a good family, is educated and well nurtured, he deplors his position. He does not know how to get out of it. He should have read a good deal, I presume, of hunger strike and neglected serious disease. He thus considers that the easiest way of escape from his deplorable position would be to go on hunger strike and die so that he would be extolled as a martyr! That is, Sir, the mentality of such persons. Now, there is no crime in saving the life of a man who desires to sacrifice his life, whatever his motives may be, and artificial feeding, mis-called forced feeding, is the only remedy. This method is in no way injurious to a person. It is applied even in the most serious cases of illness and does not inflict pain or much inconvenience on the patient, so long as he does not resist or struggle. He is simply held down. If he struggles violently and for a long time he may die of heart failure if his heart is diseased. That however depends upon his constitution and is not the consequence of the treatment adopted to save life.

THE HONOURABLE THE PRESIDENT: Order, order. I would like the Honourable Member to confine himself to the Resolution before us. We are not concerned with the medical aspects of the subject.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY: Sir, with regard to pneumonia I know from my experience as a non-official visitor of prisons that very often it is the practice of prisoners not to complain and ask for medical help in order that they thus end their life. However, it is quite possible that in some of the cases of pneumonia this may have happened inasmuch as often pneumonia begins very insidiously and the patient may or may not look seriously ill.

That, Sir, is all I have to say on this Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I had no intention of discussing the subject-matter in the Resolution so very ably moved by my Honourable friend, Mr. Kalikar, at this stage when some important pronouncement was made by my friend the Home Member this morning, and besides several questions were asked by non-official Members of this side of the House. But one point which is hovering in my mind is that in view of the representation submitted very lately by eminent people of India like Dr. Rabindranath Tagore, Sir P. C. Roy, Ramananda Chatterji, Mrs. Sarojini Naidu and others and which appeared in the *Hindustan Times* it will be very graceful indeed on the part of Government to make a sifting inquiry into the actual state of affairs and satisfy the curiosity of the public. Another point about the causes or otherwise of the death of those unfortunate prisoners in the Andamans cellular jail under tragic circumstances, I venture to submit that could anybody in this world have ever ascertained the cause of death? They died because they did not care to live; they are now free.

Sir, even if a committee be appointed as proposed by my friend what will they say? They will submit their stereotyped statement. Some will say

[Mr. Jagadish Chandra Banerjee.]

they died of pneumonia and others will say of various other causes. To many questions, Sir, asked by me the other day, my friend the Honourable Mr. Hallett, the Home Secretary, has given clear-cut replies that Government are not prepared to make any inquiries nor to publish the medical report even. Under the circumstances, what can we do? Let us submit to the Divine Will. Let us forgive and forget. Sir, I do not venture to give any advice to my friend the mover of the Resolution nor the Government but I should like to ask my friend to remember the well-known passage in "The Psalm of Life", which we have read in our early days "Let the dead past bury its dead". Sir, my Honourable friend has also forgotten the well-known adage in the *Gita* when Arjuna was fighting shy of a religious war seeing so many of his kith and kin who were destined to be slain Lord Krishna advised Arjuna, "It is not you who is fighting; it is I, and you are only a means to an end—

**THE HONOURABLE MR. BIJAY KUMAR BASU:** We are having a discourse on Vedanta!

**THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE**—"when religion is at stake and when society is in a state of disruption it is I, the saviour of the good and the destructor of the evil who will stand supreme as an incarnation for ever".

Sir, one word about hunger strike and I have done. I am at my wit's end to know what benefit this process will bring about in the country. It seems to me like child's play. Give the child a doll and the child will not cry. Make me the ruler of the universe; otherwise I shall fast unto death. An absurd proposition.

That is all, Sir, I have to say with regard to this Resolution.

\* **THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa: Muhammadan): Sir, the Honourable the Home Member must have found the atmosphere of this House better than that of the other place where he does not have such an easy time. I for my part do not see anything incompatible between the feeling as voiced in the Resolution and the duty as constitutional advisers of His Majesty on matters affecting India. The Honourable the Home Member has told us in so many words that the prisoners who are interned in the Andamans are not concerned with the civil disobedience movement. Nevertheless, some of the supporters of Government in this House have given a good lecture on the civil disobedience movement. Be that as it may, the Honourable the Home Member ought to have enlightened us about these 112 terrorist prisoners who have been sent there, as to what was their crime, for what term of imprisonment they have been sentenced, whether they were sentenced under the ordinary laws of the land or under the Ordinances that have been passed in Bengal and in the Centre. Had the Honourable Member given us all this information we would have been in a better position to judge whether we should have any sympathy for these people and whether they have been definitely held by a judicial tribunal to be guilty or whether they are merely suspects. English law, Sir, makes a great distinction between a man

\* Speech not corrected by the Honourable Member.

who is accused of an offence and a man who is convicted of an offence under the ordinary law. The Honourable the Home Member cited to us the example of the criminals who voluntarily choose to go to the Andamans and he stated that nearly 6,000 people were in the Andamans and no one had raised a hue and cry, and asked why people are making this hue and cry over these 112 prisoners. The reason is that those are criminals and there is absolutely no sympathy for them. But as far as these people are concerned, it was not generally known what sort of prisoners they were. It was thought they might be of the same type as the detenus of Bengal or they might be civil disobedience prisoners. I may say that the information which Government has given us will materially allay the suspicions that were in our mind. There is one thing which I cannot understand. Government say that whatever they have done has been done rightly. There is a saying amongst us : " When you have got a good account, you do not fear ". The Resolution purposely does not lay down any specific procedure for the enquiry by this committee. Government has got in both the Houses a sufficient number of educated people in whom they have got full confidence, and who enjoy their confidence better than even the officials. Even if a committee of three persons is appointed to go into the matter, it would not so much put the Government out of its usual course. Then we would have understood the Government's assurance that they are not afraid of an exposure of their actions. The only charge that can be made is that the committee will be expensive, and that it will be a waste of money. Sir, you must take note of the fact that if a committee is appointed and if it goes over there and makes an enquiry it may bring forward proposals which may have the effect of curtailing expenses.

As regards the jail, the Honourable the Home Member said that it was built only so recently as 1910, that it is located at a very good elevation just overlooking the sea. But it was not only about the location of the jail that people complained. They complained about the insanitary condition of the jail also about which the Honourable Member said only a few words, that they were not worse than those of the Indian jails. The rumour is that these prisoners first wanted to send their grievances to the Government, and because of the fact that those grievances were not forwarded to the highest authorities they resorted to hunger strike. They did not start the hunger strike ; rather it was resorted to as a means of forcing the hands of the local officials to bring the matter to the notice of the Government, because they relied on the Honourable the Home Member not to be as unreasonable as the local officials.

Sir, if the Government are not prepared to accept the Resolution in the form in which it has been moved, we would at least like them to tell us whether they are prepared to do anything to prevent occurrences of this nature taking place in future ? That will be some assurance on which we might think of withdrawing the Resolution.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Sir, at the outset let me thank the Honourable the Home Member for coming  
 3 P.M. to this House and explaining the position of the Government with regard to this important question. The purport of the statement that he made on behalf of Government regarding these terrorist prisoners is that the Government of Bengal wanted these prisoners to be removed to a far-off place with a view to minimise the chances of escape as also

[Mr. Vinayak Vithal Kalikar.]

communication from these prisoners to other prisoners and therefore they were removed to the Andamans. To this my answer is that if the Government were to take into consideration specially the recommendations made by one member of the Jails Committee, the Dorai Raja of Pudukottah, the Government of Bengal and the Government of India should find no difficulty in dealing with these prisoners in Indian jails. He said :

“ The first argument assumes that in India it is not possible to prevent escapes of some of these prisoners and displays want of trust in the jail staffs. If, however, our recommendations as to improvement in the jail staff are acted upon I feel confident that the Government will be able to secure so trustworthy, efficient and competent a staff that an Indian prison will be as secure as the Andaman Islands ”.

Now, Sir, a word about terrorist activity. I fully agree with the Honourable the Home Member that this terrorism must be stamped out of this unfortunate country. I know that it is a canker which is eating into the very vitals of the body politic of India. I at the same time submit that it is the duty of the Government as well as of the public to impress upon the minds of these young men who have gone astray not to commit these dastardly attacks. But the question is one of giving them humane treatment as they have not received capital punishment for their offence. I have listened with great attention to the statement made on behalf of Government that the unhealthy swamps have been reclaimed at the cost of some lakhs of rupees, and that, as stated in a newspaper, a hell on earth has been transformed into a paradise by the expenditure of a few lakhs on it. I am glad to know it. I am also glad to know that there are certain prisoners who willingly go to the Andamans and who are willing to stay there permanently. Well, public opinion doubts this statement. Public opinion in India assumes that Government compels certain prisoners to go there and they do not go voluntarily. I do not attach much importance to that opinion and accept the statement made by the Honourable the Home Member as correct. But if these people go there willingly and if terrorist prisoners are required to be sent there for administrative purposes, I only request Government that in order to exonerate themselves from the charges levelled against them they should agree to appoint a committee as I have suggested, so that their case and the case of the prisoners, if really they have any grievances, will be before that committee, who will examine the charges and grievances and record their judgment, and that will to a great extent allay the suspicion in the public mind. I do not at all applaud the action of the terrorist prisoners in starting a hunger strike. But as my friend Mr. Hossain Imam just said representations about their grievances were made by them and they were not allowed to be forwarded to the Chief Commissioner or to the Government of India. That is the suggestion. If that is true, then the worst course for them to adopt was to go on hunger strike. I admit that. I know my word will not reach those terrorist prisoners, but I do not want them to go on hunger strike. I want them to represent their grievances through the proper channel. But there is the question as to why they became so desperate. Was it due to their representation not being forwarded? I therefore submit that the conduct of the officers connected with the management of the Andamans also will come under that inquiry. I therefore move for the acceptance of my Resolution by Government.

THE HONOURABLE SIR HARRY HAIG : Sir, I hope I shall not detain the Council long on this occasion. My Honourable friend Mr. Hossain Imam inquired who these criminals were and for what offences they had been sentenced. I am afraid I cannot give him full details but I can assure him that they have all been sentenced by duly constituted courts for offences in connection with the terrorist movement. As my Honourable friend is probably aware, many of these men charged with serious offences are tried in Bengal under a special procedure by Commissioners appointed under the Bengal Criminal Law Amendment Act. But these Tribunals are most essentially judicial tribunals and their sentences are, I think, I am correct in saying, subject to appeal to the High Court. I do not think my Honourable friend need be afraid that any of these people have been unjustly convicted or have not had a fair and full trial, and I need hardly say that there are no detenus in the Andamans.

Now, Sir, my Honourable friend the mover I was very glad to find agrees entirely with me that terrorism is a canker which is a very serious danger to the future of the country and that we should all do what we can to try and eradicate it. I am glad also to find myself in agreement with the Honourable Mr. Kalikar when he says that these men having committed their crimes, having been convicted, should receive in jail humane treatment. We wish that they should receive humane treatment and that is why after the conclusion of the hunger strike we did go into the question of the treatment very carefully with the Chief Commissioner and we did not fail to recognise that these are educated men and that therefore they may require certain special treatment which is not extended to the ordinary prisoner.

That is why we have given them rather exceptional facilities in regard to the supply of newspapers, and that we have allowed even C class prisoners facilities for reading at night. I think my Honourable friend may rest assured that we desire to treat these people in a humane way and as human beings and the last thing we wish is that they should go on hunger strike again. I would emphasise this point that nothing is more calculated to induce them to go on hungerstrike than if they think that their last hunger strike has aroused the sympathy of the country, and those who wish this hunger strike not to recur will I am sure make their attitude in that respect perfectly clear. I would again invite my Honourable friend in view of what I have said not to press this Resolution.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : In view of the statement of the Honourable the Home Member, I withdraw the Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### RESOLUTION *RE* NEED FOR A FURTHER ENQUIRY INTO THE PHARMACEUTICAL ACTION AND PRODUCTION OF THE STANDARDISED ALKALOIDS OF CINCHONA, *i.e.*, TOTAQUINA.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, the Resolution that I have the honour to move reads thus :

"This Council recommends to the Governor General in Council to institute an enquiry into the feasibility of the cultivation of that particular species of the cinchona

\* Vide page 244, *ante*.

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

tree that yields alkaloids of a stable composition—called *tofaquina*—for the treatment of malaria, as introduced by the Hygiene Commission of the League of Nations and included in the British Pharmacopœia”.

Sir, the Resolution that I have the honour to move embraces a triple tragedy: firstly, the tragedy of the masses who suffer and succumb to the ravages of malaria; secondly, the tragedy of the large stocks of quinine that Government cannot dispose of; and, thirdly, the tragedy of the quinine policy of Government.

As regards the masses, malaria is almost universally prevalent throughout the greater part of India. The exact morbidity or sick rate cannot be estimated inasmuch as barely 16 per cent. of sufferers seek medical aid at hospitals and dispensaries. Their rate of admission varies from 6·8 per cent. in Madras to 26·5 per cent. in Bengal. It has been equally difficult to find out the total mortality. A recent Report of the Public Health Commissioner with the Government of India states that 58 out of every 100 deaths are ascribed to “fevers”. The probability is, says Colonel Chopra, that about half that number is due to malaria. Thus one out of every 3·5 deaths in India may fairly be assigned to this cause alone.

The Health Organisation of the League of Nations obtained statistics from several countries comprising a population of 1,590 millions. The rate of malarial infection varied from 10 to 58·9 per cent. in those under hospital treatment. The annual number of cases was estimated at 17 millions, to which India and Ceylon contributed 10 millions. The Organisation, however, is of the opinion that the number of sufferers in India is almost ten times as many (i.e., 100,000,000). This may be an arbitrary estimate but not in certain districts, says the Public Health Commissioner. Malaria, it has to be noted, is an affection that does not kill at the first attack, except in the most malignant type. It is, however, the recurrent attacks in untreated or partially treated cases, that sap the vitality of the masses, undermine their constitution, reduce their physical stamina and create in them a state of chronic debility that prevents the full economic value of the peasantry and industrial workers. Productivity of the soil thus becomes greatly reduced, and economic distress, poverty, disease and death follow in its wake. Apart from that, they fall an easy prey to other diseases and die. As the cause of death is registered for the final illness alone, the underlying cause—malaria—becomes entirely masked. They also produce a debilitated progeny that increases the infantile mortality rate. Colonel Chopra has estimated the annual economic loss to the country at about Rs. 33 crores. Is it difficult to conceive how greatly India would benefit, if even half of this stupendous loss were to be saved by providing free distribution of quinine, or sold at least at a lower price, or of a suitable and cheaper remedy than quinine? The masses cannot afford to buy it at the rate of Rs. 18 per pound. And, therefore, the greatest tragedy is that the consumption of quinine in the most highly infected districts is the lowest owing to their poverty. This, indeed, is a most unsatisfactory position. As Mr. Calder very aptly says in this regard, “Quinine is a rich man’s remedy, while malaria is a poor man’s heritage”. A sad and deplorable heritage indeed! It behoves the Legislature, therefore, to take immediate action in

order to save the millions whose premature debility and death entail this enormous loss to the country.

In spite, however, of the gravity of this problem, the tragedy of the accumulation of stocks of Government quinine is distressing. The stocks cannot be released as the masses cannot buy them, nor can they be distributed free on account of the loss to Government. Over 400,000 of pounds were reported to be in stock in 1930. This stock has probably increased by now.

Let us now glance at what occurs in other civilised countries. The average consumption of quinine per head in Greece is 24 grains ; in Italy, 16 grains ; and in India but  $3\frac{1}{2}$  grains ! As only half of Italy is infected, about 200,000 cases are treated annually. Government, however, distributes free about 20 tons of quinine and seven tons are sold at reduced rates. Italian peasantry also, it appears, are too poor to buy quinine. Italy has to import quinine as well, but has taken timely measures to make itself self-supporting in this regard. It will have 860 tons of quinine by 1936, a quantity more than sufficient for the national quinine requirements, says the *British Medical Journal*. On the other hand, while the approximate requirements of India are about 600 tons, it consumes only 96 tons, and the quantity of quinine and cinchona febrifuge distributed free is about 16 tons ! Such indeed is the humiliating and glaring contrast between Italy and India, both largely agricultural countries.

India cannot compete with Java as it produces nine-tenths of the world supply and fixes the rate. India could also be made self-supporting, if not in producing quinine, at least in supplying a cheaper and equally efficacious remedy for all its needs.

Coming now to the third tragedy of the Government's quinine policy, it is immaterial at this date to enquire whether the cultivation of the cinchona plant was originally inspired on humanitarian grounds or for revenue purposes. The policy, is, however, not benefiting the country in any way as large stocks of the bark and quinine, of the estimated value of about Rs. 50 lakhs, have been accumulating.

The situation may be summed up as under when contrasted with Italy :

	Italy.	India.
Malaria infected persons .. .. .	200,000	50,000,000
	Tons.	Tons.
Free distribution of quinine .. .. .	20	16
Distribution at reduced rates .. .. .	7	?

Sir, Honourable Members will thus see that the above figures are all the more tragic, having regard to the fact that Government possess and are hoarding an enormous quantity of quinine that entails loss through deterioration and cost of storage. It does good to none. There is not the slightest doubt that people would eagerly buy quinine if they could afford it, rather than go on suffering and succumbing to the ravages of malaria. What then should be the remedy ?

(1) I beg to submit that a larger quantity should be released for free distribution through a proper agency.

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

(2) The scheme for popularising the use of quinine, and at the same time combining sound business with philanthropy, devised over two years ago by the able and energetic Director General of the Indian Medical Service, whose great interest relating to Public Health matters is but too well known, should be immediately adopted. It consists in the wide sale of glass tubes containing 20 and 12, four-grain tablets, put up with attractive labels at annas four and two, respectively. He has further suggested extensive propaganda by posters and leaflets distributed throughout the country. Government would not have to bear any loss, as they would recover at least Rs. 12 per pound. Apart, however, from business agencies necessary for the sale of the tablets, I am of the opinion that the best distributors would be the village headmen, if a small commission were offered to them. It would thus be to their interest to popularise the sale.

(3) The scope of the inquiry that I have submitted should be widened, and in addition to the feasibility of the manufacture of totaquina from certain species of the cinchona plant, it should embrace investigation into the cost of its production and relative efficacy in treatment as compared with quinine. Government would thus have full data in their possession, and could formulate a policy for a standard treatment of malaria throughout India. Pending the completion of this enquiry, however, Government should release enough quinine to the extent of at least Rs. 5 to Rs. 10 lakhs for free distribution. This is not likely to entail any further loss, as it would be recouped from the greatly increased productivity of the people, adding to the resources of Government. A definite policy would thus be evolved, instead of the haphazard methods hitherto adopted that have benefited nobody.

It would be interesting to note in this connection that the Royal Commission on Agriculture has recommended the creation of a Cinchona Department under the Government of India in order to promote the increased production of quinine at a cheap rate.

Sir, India is on the eve of vast constitutional changes. Those changes will require greater resources. We have been told, for instance, that Rs. 10 crores will be necessary before responsibility at the Centre can be implemented; that the Princes will not federate unless equilibrium has been established in the Central Government; that the 11 autonomous States will remain in deficit for a considerable time; and that the Central Government will not be in a position to help them, nor would retrenchment go far to remedy this defect. How are these huge deficits then to be met? The one and only way is to increase the productive capacity of the masses, by freeing them from ill-health, disease and death from malaria. India has budgetted this year for Rs. 46.20 crores for its Defence Services. It has, however, been undergoing a preventible economic loss through ill-health and poverty of its masses to the extent of Rs. 33 crores annually. The Defence Services are equipped with necessary armaments and appliances to fight the enemy. Why then the sanitarian—the life saver—should be denied his armament of a suitable remedy to protect and preserve the people against malaria that is not an occasional but an ever present foe in our midst?

Sir, naught will avail, no constitutional advance will avail, so long as the masses are unable to put forth their full energies in order to furnish their quota of the requisite resources. Let Government spend even Rs. 10 or Rs. 20 lakhs a year to rehabilitate and recondition them and save them by the free or cheap distribution of a remedy against malaria. It will not be too high a price to pay. The immediate results will not take long to show in the ultimate prosperity and contentment of the people and immense benefit to Government revenues.

Sir, I move.

THE HONOURABLE MAJOR-GENERAL J. D. GRAHAM (Government of India : Nominated Official) : Sir, I think we have to thank the Honourable mover of this Resolution for having given this very important matter all the publicity which it deserves. The subject is one which has very great ramifications and it has not had perhaps the publicity which it ought to have, so that I thank the Honourable mover for having brought it forward in the way he has. He has, however, departed from the substance of the Resolution very materially in the address which he has given us and he has widened the issues for consideration very materially. I propose, however, to limit my remarks to the question which he has raised in the Resolution, namely, the question of the need for a further inquiry into the pharmaceutical action and production of the standardised alkaloids of cinchona, *i.e.*, *totaquina*. Now, this is a highly technical subject and I ask the House to bear with me in one or two technical details which are necessary before a proper appreciation of this question can be arrived at.

The League of Nations established a Malarial Commission in 1924 and this Malarial Commission of which I have the honour to be a member, as also has the Director of the Malarial Survey of India,—this Malarial Commission has been studying the question of the action of these alkaloids of cinchona since 1925. As a result of this prolonged study on the part of experts from all over the world, in 1931 they came to the conclusion that certain of the by-products which in certain countries were being sold as febrifuges and were by-products in the manufacture of quinine should be graded up to form a standardised product. These by-products were called in India *cinchona febrifuge*. In the manufacture of quinine from the bark, the alkaloid quinine which is one of the four chief alkaloids is taken out. The other three alkaloids are in the remainder which is sold as “*cinchona febrifuge*” at a very small cost, and at probably one-fourth the cost of quinine. Now we use up a large proportion of this febrifuge in India in the same way as some other countries do. All the Malarial Commission of the League has done in this matter is to grade up this by-product by adding additional proportions of the alkaloids so as to make the product of a fixed standardised composition. This they call *totaquina*, because it contains the total alkaloids of *quinetum* or cinchona. Now, it is fairly obvious that this *totaquina* does not come from one particular tree though we know that certain of our barks produce more of these alkaloids than others. In the past, it has been our policy in India to concentrate on the production of quinine and for that particular purpose we require to cultivate the particular tree which gives the largest quantity of the alkaloid quinine. Now, any proposal which is calculated to alter this policy by

[Major-General J. D. Graham.]

substituting another species of cinchona than that which is now cultivated would obviously require very careful consideration because the bark takes a long time to mature—it takes seven years. So that naturally the League Malarial Commission in putting this substance—*totaquina*—forward expected that the matter would receive the careful consideration of Governments and that no changes of any consequence could occur for a considerable time. Now what has the Malaria Commission of the League done in regard to this ? After it published the facts connected with this *totaquina*, the League then circularised all Governments in regard to its composition and one or two other matters. They gave its composition. They asked that this new standard preparation should be brought to the notice of the interested Governments. They asked that in those Governments where cinchona febrifuge was manufactured or used, the competent authority should bring this product as now manufactured up to the *totaquina* standard. They also asked that in malarial tropical countries where the cost of imported drugs might prohibit their use, Government might examine the expediency of cultivating cinchona species for local use as total alkaloids of cinchona (*totaquina*), or for chemical or galenical preparations of the bark. Now this statement was circulated to our Provincial Governments who were concerned with the production of quinine, namely, Madras and Bengal, and at the present moment we have on record statements from the Directors of cinchona production, both in Bengal and Madras. Madras has got into its stride ; it has already produced this substance *totaquina* and has provided samples which have gone to Geneva for trials or tests in Europe. It is proposed that it should give samples to the Director of the Malarial Survey in India to enable similar tests to be carried out in India. The Bengal Government factory has not yet produced this *totaquina* so far as I know ; but the whole of the details are with them and I understand they are prepared to do so. This, you see, at once opens a way of production of *totaquina* quite independent of altering the policy in regard to the bark. In other words, we can keep our cinchona policy as it stands at the present moment. We can grade up our febrifuge to the *totaquina* standard without necessarily altering our policy with regard to the growing of a particular kind of bark as has been advocated by the Honourable the mover.

That, Sir, is a very great point in regard to this question because the little delay which may ensue before we reach certain conclusions will enable us to await those conclusions with a greater degree of certainty. We should then hope to be on sound ground when we make our final recommendations. Certain tests have been done in Europe with this substance on bird malaria, and on human malaria ; but the tests are few in number. So far they have been very satisfactory ; in other words, they are showing that we have in *totaquina* a product which in therapeutic value is almost the equivalent to quinine. If that is so, and if we in India can produce this *totaquina* at a much smaller cost than quinine, then of course it opens the way to a very much larger exhibition of the drug all over the country for the same amount of money. But that stage has not been arrived at yet in regard to India. We are arranging for experiments now and in due course we shall be in a position to say whether it is advisable for the Government of India to go forward on this *totaquina* line, that is, to advertise *totaquina* in contradistinction to quinine.

for ordinary prophylactic and therapeutic purposes. I think, Sir, I have now made this clear. It is rather technical ; but it is important.

Now, you can see the bearing this has on the Resolution as it stands. There is no such thing, of course, as a tree that yields alkaloids of a " stable composition ." The tree yields the alkaloids ; but by mixing these alkaloids synthetically the result is that we are able to produce this product, *totaquina*.

I would just like to say a word or two about what Government has been doing in regard to these enquiries connected with quinine. We have been helping the Malaria Commission in every possible way. As a member, of course, I have been in close touch with what has been happening in Europe. We have given information on cost, on consumption of quinine, and other alkaloids and on the question of treatment and these have all been embodied in the publications of the League. We have in the Malaria Survey of India a Director who has produced the most erudite publications on the subject of the action of the alkaloids ; he has published a bibliography of work done on all the alkaloids and a summary of Indian experiences of different alkaloidal values and the relative values in treatment. We have not had experiments with *totaquina* ; but, as I have told you, we have the two cinchona Directors working on it and we have samples coming from Madras now. I believe this Madras *totaquina* is on sale, or is about to be on sale soon for the price of Rs. 13 per pound, which brings it in cost midway between the cinchona febrifuge which we have been putting out and quinine.

Now, the Director of Malaria Survey has also produced a very excellent paper within the last three months on the " Standardisation of mixed proportions of cinchona alkaloids in relation to Indian conditions ", and his conclusions which are very definite indicate that we must go forward in regard to manufacturing and experimental work and he is prepared to do the latter.

The Malaria Commission of the League having had his paper, know all this. They proposed to convene a large international conference at an early date to study the whole of the questions connected with the prophylactic treatment of malaria ; but before doing so they invited and have received comments from various countries and as a result of these they have agreed to postpone the conference pending the further results of the experimental observations which are being made in the different countries. The actual Resolution of the League, which is dated July 17th, 1933, is as follows :

" Inasmuch as further research is in progress into the various anti-malarial remedies the Commission are of opinion that the projected Conference should be postponed. It hopes that the enquiry into the quinine requirements by malarial countries will be kept up to date and that the Health Departments of malarial countries and the members of the Malaria Commission will continue to give it their cooperation " .

That represents, Sir, the attitude of the international experts.

I think I have explained to the Honourable mover the exact position, and I hope I have shown that India has not fallen behind in regard to keeping a very careful watch on what is going on everywhere in connection with this very important subject. I think it is excellent that he has brought up this Resolution in the way he has ; but I would ask him not to press for the institution of an enquiry of this kind at once. I think the enquiry will probably have to come in the near future and then it will not be an enquiry on the policy

[Major-General J. D. Graham.]

of the cultivation of a particular kind of cinchona alone but it will embrace a large number of aspects of this question and several of those which the Honourable mover has raised in his address.

We must know the value of this substance actually before we can press for it as a remedy in contradistinction to quinine and also to the exclusion of quinine if necessary. I think that is the main point in connection with this standardised cinchona alkaloid *totaquina*.

Sir, I am leaving to one side the other portions of the Honourable mover's speech because they do not concern the Resolution. (Applause.)

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY : Sir, my sole object in bringing forward this Resolution was to attract the notice of the Legislatures with regard to the improvement of the economic condition of the masses and at the same time benefiting the revenues of the country. Should investigations be made, as suggested; I would be only too grateful. I cordially thank the Honourable Major-General Graham for the way in which he has taken the trouble to go through my speech and the arguments I have put forth. I think my purpose has been amply served thereby. Under these circumstances, and in view of his exhaustive reply, I beg leave of the House to withdraw my Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### RESOLUTION *RE* REDUCTION OF LAND TAX.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan) : Mr. President, I beg to move my Resolution which runs as follows :

"This Council is of opinion that the land tax in the ryotwari areas, generally and especially in the Madras Presidency is unduly heavy and has reduced the ryots during these days of economic depression to very straitened and miserable circumstances and recommends to the Governor General in Council that a general reduction of the tax be made according to the needs and conditions in each province and in Madras by 50 per cent."

I beg to ask your permission, Sir, to omit the last few words "and in Madras by 50 per cent."

THE HONOURABLE THE PRESIDENT : Has the Government Member any objection ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : No objection, Sir.

THE HONOURABLE THE PRESIDENT : You can proceed, now.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Another small alteration, Sir. If I may be permitted to add "and cesses"—"a general reduction of tax and cesses"—if you have no objection, Sir ?

THE HONOURABLE THE PRESIDENT : I cannot allow the Honourable Member to insert new words in the Resolution. The Government Member has had no notice.

---

\*Vide pages 259—60, ante.

**THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER :** I must thank the Honourable the President for permitting me to omit the last few words.

The ryotwari system of land revenue, except in the permanently settled province of Bengal and the proprietary and zemindari estates in all provinces is the same all over India. But I have no knowledge of the periods of re-settlement which makes for the enhancement of land tax every time in all provinces. So far as the Madras Presidency is concerned the land tax becomes liable to enhancement every 30 years which is the period of re-settlement adopted. This enhancement which is generally about 20 per cent. is based upon the value of agricultural produce and is calculated by the officials of the Revenue and Settlement Departments by taking an average price for the past several years preceding that period. These calculations are an elaborate process, beginning with enquiries by the lowest subordinates and ending with the final orders of the Board of Revenue or the Commissioner of Revenue as the case may be. The approval of Government, as Honourable Members will know, is a formal affair. It will be said that in arriving at its conclusions the Government takes into consideration the cost of cultivation of various crops, seasonal factors, the ryot's own labour, average price for the past several years, rental values of the lands, classification of soils, and, in the case of lands irrigated by channels and tanks, the classification of the irrigation sources, whether it is first, second or third class and whether there have been remissions in the past due to failure of water supply and so on. As the collection of this information, the calculations and the conclusions are arrived at officially, it is hardly possible for the ordinary ryot to know how the calculations are made, the figures on which they are based and how the conclusions have been arrived at. They may be quite right as the figures are worked, but what I would bring to the notice of the House is that these elaborate enquiries for re-settlement are preceded by a survey which puts Government to enormous expense and causes much trouble and expense to the ryot. Further it is an indication that Government proposes to make an enhancement of the land tax in a particular district before the elaborate settlement enquiries begin.

As the price of agricultural produce was fair during the pre-war years and to some extent even abnormally high for a short time during and for some time after the war, the agriculturist did not at all feel any difficulty in meeting the demands of land tax. Now for the past four years the prices have begun to fall from year to year. As the Honourable Members are aware, the prices of some important products have gone down abnormally low and it is hardly possible for the ryot to make any profit from the land and in many cases he is actually losing his capital. In spite of his difficulties he makes it a point of duty to pay the land tax by raising money in whatever way he can, pledging his goods, selling his food crops even or taking advances from traders under unfavourable conditions. It may be asked why the ryot did not save and keep a reserve from the bumper period when prices were high to meet the difficult times of today? From a business point of view it is a right question to ask. But the ryot's position is different from that of an ordinary business man. He is a man of nature, and put in a nutshell, he is generous and sympathetic to all, content with what he gets and living for the day. The Honourable the Leader of the House expressed it very well the other day when he said that Government has nothing but admiration for the way in which the agriculturist

[Mr. V. C. Vellingiri Gounder.]

had been bearing his troubles in these hard times. Those hard times however do not promise to pass away in the near future, and on the other hand the position of the masses is becoming worse through the multiplication of adverse factors, such as the Japanese boycott, protective duties, increase in taxation and increasing expenditure on administration—all of which either directly or indirectly affect the position of the agriculturist. It is because the ryot is attached to the land and does not want his land to be brought to market and sold that he has so far borne these very hard times. But what is his position going to be in the future? As I have said, in order to pay his land tax in these difficult times he has strained every nerve; his capital stock, his precious possessions have been sold and he has borrowed up to the limit of his capacity, and he has now come to the end of all his resources. I leave it to Honourable Members to judge whether I have made any exaggeration in stating these facts. Nobody also will deny that in such times as these the agriculturist and his dependants must look to the Government, the big zemindars and proprietary estate owners for help. And it is not unreasonable to ask that Government, who is the biggest land owner, and who takes half the net profit of the ryots in proportion to the money value of his crop should come to his rescue when the money value of his crop has gone down below the rates calculated for fixing the assessment. In no way is it possible for him to reduce his expenditure on cultivation. Already his standard of living has come down in these years to the lowest level. It is a wonder to the ryot that in spite of these abnormal conditions Government does not wish to reduce the standard of living of its servants by even one per cent. The position of the big landholders and zemindars is also getting worse for they cannot collect their dues from tenants. They had to forego a very large portion of it. In ryotwari areas renewals of leases are done at 50 per cent. of the usual rent and even that is not very easy to collect. I believe the same condition prevails in other provinces also.

I may be permitted to say a few words about the presidency from which I come. Taking all provinces, Madras is the only province where the incidence of land tax is the heaviest. Besides water rates, cattle grazing fees, tree taxes are very high owing to recent increases by executive orders, in some cases more than 100 per cent. without a corresponding increase of income. Being a loyal and law-abiding people, district collectors find no difficulty of land revenue collection and they take no interest to enquire into the actual condition of the ryots and report it to Government, nor is any sympathetic report made by one collector given due consideration by Government. The Government would naturally boast of the easy collection of land revenue. The stereotyped season reports will be found all right. So for all official purposes everything would be found quite satisfactory. It was mainly due to a cut motion passed in the last session of the Legislative Council of Madras by a large majority that Government was pleased to open their eyes and show a small concession by ordering a suspension of land revenue of two annas in the rupee in only nine districts. My Honourable colleague says in only five districts. This was in spite of a large surplus budget. I would like to point out in connection with certain concessions given to other provinces, so far as I understand from the papers and other speeches of Honourable Members, that the reason which led

other provinces which were fortunate enough to get remissions of land tax for the past year and this year would be found to be not in full justification of its official report concerning them, but due to other causes and the will and generous heart of the Government Member in charge and the head of the province, when they come to know the state of things in the rural parts personally and unofficially. The people look to Government for justice. But Government are not acting in that spirit. There is discontent and despair now among the ryots of the country. I do not think it is good to Government themselves that they should allow this state of affairs to continue. It is the proper time that the Government of India should move in the matter when the whole agricultural population of the country is in real distress in order that all Provincial Governments may take a bold and immediate step to give suitable remission in the areas and thereby make agriculturists feel that Government have shown consideration and justice in their present unusual plight. Sir, let me quote a few figures to show the incidence of land tax prevailing in some of the important provinces :

Madras pays Rs. 2-5-0 per acre.

Burma pays Rs. 2-3-6 per acre.

United Provinces pays Ra. 2-0-11 per acre.

Bombay pays Rs. 1-11-0 per acre.

Punjab pays Rs. 1-11-9 per acre.

Bengal pays Re. 0-15-3 per acre.

And yet I have been told that the Punjab, the United Provinces and Burma have already been fortunate enough to get sufficient and satisfactory remissions in their assessment. Sir, Madras heads the list in the matter of heaviest taxation per acre. Apart from that, Madras is the province which had paid very heavily to the Government of India on account of the Meston Award ; Madras paid the heaviest contribution for several years which meant that that province suffered very much at the time of coming of the new reforms. After all, at the present time we are not going to have any changes which will improve our economic condition. I have placed before the Council the conditions that I have found myself in the rural parts and my own experience ; and persons who own a few more acres also feel and suffer the same consequences. Fortunately, Sir, we have in the Honourable Sir Fazl-i-Husain, the Leader of the House, one who has well understood the difficulties of the rural people and who has done much in the Punjab also for the ryots as the Revenue Member. It is not too much to ask him to extend his sympathy to other provinces as well. I have placed this Resolution before the Council to bring to the notice of the Government the sufferings in the country, especially of the masses who are mostly dependent upon land.

Sir, with these few words, I move my Resolution.

**THE HONOURABLE THE PRESIDENT:** I may inform the House that I propose to sit here this afternoon till the entire business on the list is disposed of.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh) : Sir I must confess I have little knowledge of the system of land tax prevailing in ryotwari areas of Madras ; but I know that unless prices improve reduction in all money demands in direct ratio to the fall in the money value of commodities is inevitable.

The Honourable the Leader of the House admitted the other day that the income of the agriculturists had reached the vanishing point, and this is a fact. Government having admitted the gravity of the situation cannot remain idle, but must seek remedies to secure contentment of the people. I have therefore great pleasure in supporting this Resolution.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir,

I wish to give my support to this Resolution for practical reasons.  
 4 P.M. In India formerly both in Hindu India and Muhammadan India the agriculturists used to pay a proportion of the produce of his land as rent. In Hindu times it used to be one-sixth of the whole produce. During Muhammadan times it was one-sixth of the whole produce. After the Ain-i-Akbari the rates were reduced and altered in some places. But still the thing went on. At the end of the year officers of Government went to the fields, assessed it at so much, and from the produce they took the Government's share. That had this advantage, that in lean years or fat years Government always profited or lost. It was a sliding scale and nobody could complain and therefore in these large agricultural tracts in the whole agricultural Empire there was no serious complaint.

Now what has happened ?—and this has happened practically within my lifetime and therefore I know something about it. In my province they disliked the old way of getting produce. It was then pointed out that because Government have to support an army and they must purchase grain, etc., why not take it as a share from the agriculturist and make it over to the military ? Well, there was a long argument and ultimately it was decided that rent should be fixed in money. That was brought into practice. But in those days the gold mines had not come into operation nor were there silver mines putting every week so much more metal on the market, so money was practically steady and one rupee meant one rupee. Not as it is now, when a rupee means 12 annas in the morning, and 13 annas in the evening and next day perhaps 18 annas. All this is very disturbing to the agriculturist. The agriculturist depends entirely on the land and he expects to pay the Government, pay his village dues, and feed himself and his family and leave something over. Well then the poor man cannot do it now and do what you like, complaints on this ground are there and will remain so long as we do not return to some kind of sliding scale by which the rent will be determined by the actual produce. At present as it is rent is not settled by the actual produce. Settlement officers have settled it once for all for 30 years. In 20 years how many changes have taken place. It was only a few years ago that we altered the value of the rupee from 16d. to something else. And here we talked about it but probably not much notice was taken. But the fact of it was that on going home the rates had to be paid in rupees and the value of the rupee was changed, and it came to be that Government officers got 12 per cent.

promotion without any effort, and the rent had to be 12 per cent. more and there was a great deal of trouble and we had to make representations and go and appeal to the Viceroy. It may be said and it is considerably true to say that this has happened because the economics of agriculture have not been so much studied as the economics of commerce has been studied lately. In commerce they understand everything and every bit of it but in agriculture even in England agriculture has gone done and squires have disappeared and castles have been pulled down. So it comes about that the present civilisation is more commercial than agricultural,—if I may be permitted to make use of these words. In India agriculture has to be studied and I therefore support every resolution which proposes an inquiry into this matter. The only way to get out of the difficulty is to have an inquiry or to give a sliding scale or to have some arrangement by which the incidence of taxation will not be altered from year to year if not from day to day. This inquiry I certainly recommend and I hope the Honourable Members of this Council will take this into consideration that this is causing a great deal of inconvenience to the poor agriculturist and breeding a great deal of discontent and when discontent has once been established it always becomes a favourable ground for all kinds of agitation. I therefore recommend that as it happened in my part of the country, the Government officers came and they made certain remissions, remissions have been given this year but the remissions in one province do not amount to the remissions in another and what is given in one province is not good enough for another province and so discontent goes on from year to year. And I wish there was some comprehensive mode of going into this matter and settling some sliding scale by which the rents of agricultural land will be altered or increased according as the produce increases or is reduced and the prices of them become different. It involves so to say the functioning of three variables. First your prices vary from day to day. Another function that varies is produce which varies from day to day. And there is the function which has now been introduced which makes it still more difficult, that is money itself losing and gaining in value. Money has become an article of commerce rather than a standard of value. As it is in India now, silver is not so much a standard of value as an object of commerce and like objects of commerce it becomes cheaper here and dearer there and it becomes part of capital and I believe that all people who deal in stocks and shares have the same kind of trouble. I would like that agriculturists, wherever they may be, whether in Europe or India, should have some fixed standard by which they can be assessed. Otherwise that great yeomanry which fought battles and was the strength of the people will disappear. You may get mercenary soldiers and strong soldiers but not patriots. So in order to bring this state of things back into India and elsewhere, I support this Resolution heartily wishing that, though nothing can be done in one day or by one resolution or one inquiry, a steady endeavour should be made to bring back the agriculturist to where he stood before.

I support this Resolution, Sir.

**THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN** (Education, Health and Lands Member): Sir, I want in the first place to appeal to the House first to understand the purport of the Resolution and then to address itself seriously to the consideration of the recommendation contained in the

[Khan Bahadur Mian Sir Fazl-i-Husain.]

Resolution, and, thirdly, to remember that they are the Central Legislature and the Upper Chamber of the Central Legislature and have passed no end of Resolutions in support of provincial autonomy,—that this House has times out of number said that what we want is not imperialism, not centralised government but what we want is provincial autonomy, liberty to the provinces to act in the way local conditions demand and that the system of government at the centre should be federal and not centralised or unitary. Fourthly, they should remember the Indian proverb that when you want to offer some charity for the benefit of the soul of your grandfather it is not right that you should go to a sweetmeat-seller's shop and do it at his expense.

One Honourable Member, Sir, today spoke of the Madras ryotwari peasant being ground down under the heavy taxation of Rs. 2-5-0 as against the poor man who paid less in other provinces. Does not the Honourable Member know that Madras is probably the most solvent province in India, which means the richest? (*An Honourable Member*: "No, no".)

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU: Of course it pays a very high rate of taxation. It is not rich in other respects.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Is it really the modesty of the Honourable Member which makes him contradict that the Madras Presidency's financial position is better than that of other provinces, that in education and other matters it is far ahead of the other provinces? And why? Because Madras people are good, sensible, clever people, who, if they collect money, spend it profitably on themselves. What is wanted in India? Development of the country. How can you develop your country if you have not got the means to develop it? In Madras the Administration is far ahead of many other provinces. I remember 20 years or more ago when I met some Madras friends and some friends from Bengal and other provinces. This conference was called with the object of deciding whether the matriculation examination should be conducted in the vernacular or in English. The Madras representative said that they would like to introduce the teaching of English, if not in the 1st primary standard at all events in the 2nd, while we thought that it was high time it was introduced in the middle form. You cannot have all the good things of this world without spending some money for them. Who else has got to find the money? You cannot expect it to come from England. However, that is by the way. The fourth point was that this House should remember that there is such a thing as a Provincial Legislature functioning in each province, that those Provincial Legislatures have a stronger elected element on them than this House possesses and that it cannot be said that the Provincial Legislatures are less representative of the people than this House, nor can it be said that the Provincial Legislatures are less cognisant of the needs of the agriculturist, remembering that the representation of the agriculturists on Local Legislatures is stronger than it is on this House.

Having drawn the attention of the House to these four or five points, Sir, I venture now to ask the House to closely examine the wording of this Resolution. The Resolution amounts to saying this, that in India, excepting such portions as are under a permanent settlement, the incidence of taxation is

unduly heavy, although the Resolution does not state whether it is unduly heavy today or it has been unduly heavy all along, whether it is unduly heavy since the fall of prices or whether it was unduly heavy even before the fall of prices. But I understood the Honourable mover's speech to mean that his complaint was due to the fact that prices have during the last four years fallen, and fallen heavily. Am I right?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Yes.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Then this is his first assertion, his first allegation. I am not prepared to quarrel with him over that allegation, although presently I will be able to show that his statement could not apply to all parts of any province, although it would apply to several parts of each province. Now, take the case of the Punjab. There are districts which were settled before the rise of prices. In the matter of production and in particular in the matter of prices you cannot find fault with those settlements which took place before the rise. There are other districts which were settled during the time of these high prices, and here undoubtedly the tendency was for the settlement to be heavier than would have been the case had there been no high prices prevailing at that time. Therefore, in each province you cannot but categorise those cases with which you cannot find fault and those with which you can find fault. If so, then apparently the general allegation that the assessment is unduly heavy as applied to a whole province cannot be made. If you say, "Oh, well, the assessment is unduly heavy; let us reduce it by so much throughout the province", you will be doing an injustice. You will be giving remissions to those who are not entitled to them,—to those who were assessed before the prices soared up,—and you will be doing very little for those who really deserve help. I am, Sir, trying to emphasise the difficulty in generalising from particular facts in the sort of House that ours is. If Honourable Members remember what I have told them, if they have in mind what the Honourable mover himself has stated, what the Local Governments do in these hard times, and remembering that these hard times are not peculiar to India only—these are hard times which India shares with the rest of the world, and if you remember *marg-i-ambok jashn darad* When there is a calamity, a calamity which we share with a very large number of people, that is not altogether a matter for very keen regret because we have not been singled out by Providence for being visited with the calamity; so the natural thing for Local Governments to do is to deal with the case of each district on its merits. What my Honourable friend Mr. Khaparde has said is an idea which has been taken up very seriously by several provinces. A sliding scale has been devised, so far as I know, in the Punjab, for those districts where assessments have taken place during the time of high prices. They treat the price fixed by the Settlement Officer as the price for the purpose of assessment as due, and see whether the present prices have fallen below, and to the extent to which they have fallen below it, Local Governments give relief in that particular area. My Honourable friend, however, I am afraid, has not quite realised that any attempt at uniformity amongst the provinces is impracticable. Conditions vary so enormously. I however agree with him that when it is heard that in the United Provinces a remission of four annas or two annas is given, people in the Central Provinces say, "Look, our Government is a rotten one; they are very unsympathetic! Look at the United Provinces Governor; he

[Khan Bahadur Mian Sir Fazl-i-Husain.]

has given a remission whereas we have got none". They have naturally heard that there has been a remission in the United Provinces. They have seen the newspapers. But they have not got information in what particular area that remission has been given, what were the peculiar circumstances of those areas and all the attendant circumstances. They know of only one thing, that a remission has been given, and that they have not been given any, and therefore conclude that they have been unjustly treated. That is a very dangerous thing, Sir. When ideas like these are spread amongst the ignorant people, naturally the harm done is incalculable. The reason why I am talking very frankly is this. I have had experience since the reforms of spending money on beneficent activities as a Minister for five years. So I know perfectly well how those who want to help the beneficent departments of their province feel. They want money and at times they are not very scrupulous as to where that money comes from because they really cannot do much unless money is forthcoming. After that term of five years I had experience as a Revenue Member, when I came in very close contact with the vast agricultural population of the Punjab. The Punjab has the benefit of having excellent Colonies wherein the condition of the agriculturist during the time of high prices was excellent. The standard of comfort rose and they began to think of themselves as quite civilized, later on developing a taste for Ford motor cars and so forth. Then I saw the time when year after year I had, much to my regret, to recommend remissions, suspensions and the rest. But I realised that as long as one treats the people equitably they do not complain. They realise that all that can be done is being done for them and that there are calamities over which the Government has no control and therefore they cannot expect things which are not within the power of any Government to vouchsafe to them. But it must be remembered that unless Legislatures act in a reasonable manner it is extremely difficult for Local Governments to respond to their recommendations either for relief or improvement. I think in the Punjab we were the first to pass the Land Revenue Amendment Act, under which assessments were regulated, increases on past assessments were regulated and the whole method was brought under statutory sanction instead of the procedure which had been previously followed. The United Provinces followed suit and the Central Provinces also passed similar legislation. I remember very well that Bombay also tried to fall into line. But our friends the Madras people wanted to be too clever. At times they want too much. They think that either they must have the whole loaf or none at all; they will not have half or even three-quarters, with the result that although Madras more than once tried to legislate, it did not come off. But after all none of us here is as competent to pronounce on the rights and wrongs of remission of land revenue of any particular crop as the Madras Legislature itself and the Madras Government. My advice, Sir, to the House is not to condemn any Local Government unheard. I have been a member of a Local Government myself and I know how keenly Local Governments resent being sat upon either by the Central Government or by the Central Legislature. They have a feeling that they are being judged without being heard in their own defence, and I am sure the sense of justice of this House will prevail and will not allow this House to pass a general Resolution condemning a Local Government for having failed to take suitable action when there was need for that action to be

taken. I have here a summary of the various actions taken by various Local Governments. I have mentioned the case of the Punjab which is moving in the direction of a sliding scale. In the United Provinces I understand a committee actually sat and a sliding scale was devised. How many United Provinces landowners would be prepared to subscribe to this Resolution saying that land revenue be reduced by a half or one-third or one-quarter. The rent of the landlords also goes with it. Will they be prepared to agree to that? And is it for this House to say that Local Governments should do this or that, when they know perfectly well that every Local Legislature has discussed this subject in its own province. After all, the Central Legislature has certain rights, and so also have Local Legislatures. And if we have certain privileges we have also to respect the privileges of others. If we have any regard for the constitution we should honour it by not trespassing upon the privileges to which Provincial Legislatures and Governments are entitled.

One point more, Sir, and that was the point which Mr. Khaparde gave as a reason for his support to the Resolution. He said, "I am all for enquiry". Well, the spirit of enquiry in me is no less acute than in him; but where is the enquiry? The Resolution simply says—and it is in terms which you cannot possibly misunderstand—it recommends to the Governor General in Council that a general reduction of tax be made according to the needs and conditions of each province. If, Sir, the Government of India were to accept this Resolution what would it mean? It would mean that the Revenue Member, that is my humble self, would call a committee of certain people, probably officials, and visit each province, sitting in judgment on the Legislature as well as the Government of that province. It would take me some time, Sir, to complete that tour of inspection. And would the Local Governments tolerate such a course on the part of any one? I am sure that neither the Honourable Members sitting opposite would like me to do it, nor would Local Governments submit to a thing like that. It could not be done. That is what I meant when I said I wanted Honourable Members to realise the implications of the recommendation contained in this Resolution. The question then is, to what extent can I accord my support to this Resolution? There is a great deal, Sir, of the speech of the Honourable mover to which I can accord my support, and to the spirit which actuates his speech I can accord my sympathy; but as for the wording of the Resolution, it is such that it precludes me absolutely from agreeing to the recommendation embodied in it. I trust that my sympathy with the object of the Resolution, my support to many parts of the speech of the Honourable Member, will go far to satisfy the House that this House is in sympathy with these two things, but as to the actual recommendation contained in the Resolution, neither I nor this House can possibly accept it.

**THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN** (North-West Frontier Province: Nominated Non-Official): Sir, I have full sympathy with the Honourable the mover of the Resolution, but my Honourable friend Mr. Khaparde made a remark that in the time of the Hindu administration the land tax was one-sixth of the whole produce. I have been a student of history and I read history very minutely. I think no ruler, whether Hindu or Muslim, has ever taken more than the tithe as land tax. The Mahrattas were called robbers on account of their high exactions but they

[Major Nawab Sir Mahomed Akbar Khan.]

never took more than tithe from their own subjects which was called *surdesh-mukhi*. When they invaded hostile country, they used to demand *chauth*. From the Honourable Member's speech it was understood that it was one-tenth of the whole produce. That was not so, but it was *chauth*. Muhammadans had always taxed according to the *Ain-i-Akbari*. Nobody, according to that book *Ain-i-Akbari* was taxed more than one-tenth. Tithe has always been the amount of tax taken during the Muhammadan period, and that has been the case with Hindus and Muhammadans from time immemorial. It was not so only during the Muhammadan period ; but the Muhammadans took this form of land tax from the Greeks. A tithe has been the biggest share that the Government could ever ask the people in the way of tax. It has been said that it is for Local Councils to decide the reduction in land tax. Resolution after Resolution has been passed for the reduction of land revenue. I can point out to my revered Leader, the Leader of the House, that in the North-West Frontier Province two Resolutions were successively passed for reduction of land revenue, but no action has been taken by the Government on those Resolutions. This question has been in the forefront both in the Local Councils as well as in the Imperial Council. Calamity is talked about. May I ask if there is no calamity every year ? Some sort of thing does happen every year. What are we to do ? Where are we to go ? There must be some central authority to find out some means to remove the calamities and where is that place ? We must go to some place to get our grievances redressed. In the Local Council with a vast majority a Resolution to reduce the rates was passed. No action is taken there. No action has been taken by a great many of the Local Councils. When we put forward this Resolution, you tell us—

THE HONOURABLE THE PRESIDENT: Will the Honourable Member please address the Chair ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, that is the state of affairs prevailing in the country. I have full sympathy with the mover of the Resolution, because, Sir, in some of the districts remission was made when the price of wheat, barley, *macca* and rice was something like Rs. 5 to Rs. 7 in the case of wheat, Rs. 4 to Rs. 5 in the case of barley and Rs. 3 and Rs. 4 for *macca*. Assessment was made on the basis of those rates. Now the prices have fallen considerably. Has there been any reduction in land revenue corresponding to the fall in prices, and has there been reduction in the water rate ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: There was last year in the Frontier Province.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: There was a very slight remission which did not correspond to the depression and the fall in market prices. An anna or two does not make any difference. Wheat was sold at Rs. 8 a maund ; today it is less than Rs. 3. Assessment was made when the price was Rs. 8 a maund. Sir, when *abiana* and land revenue is paid to Government, there is no margin to the cultivator to clothe and feed himself and his family. There is some margin I admit in the sugarcane crop, but on account of excessive rains the output of juice called *gur*

gets rotten and no lumps can be made properly out of it and the poor cultivator is put to great trouble, because he has to pay a very high rate of *abiana* without getting any remuneration in the way of selling his *ghur*. What is the result? The poor cultivator then has either to sell his bullocks or ask for a loan with a high rate of interest from the local *sahukar*, or to fall back on his landlord if the landlord has anything to offer him in the way of a loan without interest. The result is that he cannot pay the Government taxation and clothe and maintain his family. If the landlord has money, he finances the cultivator and advances enough money to pay his land revenue. If the landlord has no money, then the cultivator has to sell his bullocks and ploughs and be deprived of the necessaries for agriculture.

Sir, as I said, prices have fallen considerably and nothing has been done in the way of reduction of land revenue or *abiana*. The rates of corn are the stabiliser of the other commodities in India and if there is depression in the corn market there is depression also in all other branches of trade. Now, Sir, when there is depression in trade there must be a lowering of fees of the pleader, doctor, attorney and school fees as well as of the wages of all craftsmen of skilled and unskilled labour throughout the length and breadth of this country. As it has come into practice, I should say that there should be corresponding retrenchment and reduction in the scales of pay of all the Indians in service so as to provide relief to the poor cultivator by reducing his land revenue and water rate to such a level that he should be able to work contentedly without incurring heavy debts in order to pay up the Government demands of land revenue and water rate.

Sir, the condition of the cultivator of today is most deplorable, miserable and pitiable. The most urgent business before the Government, therefore, is to devise some means in order to ameliorate the condition of these wretched people to at least the level of the common labourer.

THE HONOURABLE THE PRESIDENT: The Honourable Member has already exceeded his time.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, I will finish with your permission in five minutes.

THE HONOURABLE THE PRESIDENT: The Honourable Member will bring his remarks to a close.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Well, Sir, if that is your order, then I have nothing more to say but I wholeheartedly support the Resolution and I must say that if it is ordained that prices should be low, the Government must see its way to reducing the taxation on land. Sir, it is the duty of the Research Department to find out some valuable articles, the cultivation of which might relieve the present depression and make the peasantry contented.

THE HONOURABLE MR. Y. RANGANAYAKALU NAIDU (Madras: Non-Muhammadian): Sir, although I am not a good speaker, being only a cultivator, I want to say a few words in support of the Resolution. For these four years we have had great depression. The Honourable the Leader of the House said that it might continue for one year or for two years. It is not so.

[Mr. Y. Ranganayakalu Naidu.]

It has been so for some time, without any improvement in the prices of commodities. For these four years the agriculturists were not able to pay their land taxes and they are driven to the plight of their cattle being attached and sold. It is the result of this depression that we are exporting large quantities of gold from India to England. They are not selling gold for the high price it fetches, but they are forced to sell it to meet the *qist* demand. Sir, cultivation is not paying and so land is neglected and not cultivated, and landholders are not able to pay their debts and their dues. They are therefore forced to sell all their lands to the creditors. If this depression continues for another two years these lands will come to the Government automatically. There is no doubt, as the Honourable the Leader of the House said the Madras Government gave a remission in land tax to the extent of Rs. 31 lakhs. That was not a real remission for all the districts but only an increment remission in Malabar, Tanjore, Godavari and Krishna districts. That was done only after two Resolutions were passed with a large majority in the Madras Council. Of course that was hardly sufficient to meet the situation. It is rather difficult to cultivate the lands in future unless some further remission is made. What can the poor ryot do otherwise? So I request the Honourable Members of the House to support the Resolution and especially the Leader of the House.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, in Bengal there are so many permanently settled estates that I fail to understand how this proposition will apply there? That being so, the whole scheme of permanent settlement with regard to Bengal will undergo a transformation to a large extent. I should like to be enlightened in this matter.

\* THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, as I do not wish to waste the time of the House, I will only touch on two points: The Honourable the Leader of the House asked that this Resolution be moved in the Local Council. Perhaps he lost sight of the fact that this is a reserved subject. It has not been transferred to the Local Legislature to decide and on the reserved subjects the Government of India has still a good deal of say—they have a controlling interest and they can do a lot. As regards the various reasons of the Honourable the Leader of the House, I would remind him that he left the Punjab just when this depression had started. Perhaps the Finance Secretary will bear me out when I say that it started in November, 1929, and from that time we trace the fall in prices. The Leader of the House left a few months afterwards; so he did not have thorough experience of the condition of the local people in the Punjab. These people no doubt moved the Local Council, but the Local Government has got its own problems. It is for this reason, Sir, that we have brought the matter to the notice of the Government of India so that they may press their view on the Local Governments.

For these reasons, Sir, I support the Resolution.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Sir, I must at the outset thank the Honourable the Leader of the House for giving great

\* Speech not corrected by the Honourable Member.

credit to the Madras Presidency for several advancements in the way of education, civilisation and cleverness. No doubt Government will find such cleverness that they will get their work done by the Madras people. Apart from that, our position economically is not in any way different from the rest of India. The Honourable the Leader said that our province is solvent. I do not know on what basis he has given out that opinion. If what he said on previous occasions is true that the whole of the country areas are suffering, I ask if that statement is not to be applied to Madras? Compared to other provinces Madras may have advanced to some extent educationally. But it should be considered whether the prevailing methods of education has brought any good to the country. On the other hand, it has been said by all experts on education that the present form of education is causing the country a tremendous waste. Only the other day I tabled a question to find out the numbers of unemployed graduates. No doubt in that list Madras might head the list. I have no figures to compare with the position of the graduates in other presidencies. We are suffering as a result of certain wrong principles—wrong methods. We are wasting our money and Government praise us for the way in which we are wasting that money, and when we approach Government for a solution to arrest that waste, we are made to understand that Government are investigating.

Sir, the Honourable the Leader of the House said that this is a provincial question, and that this should come up when provincial autonomy comes. We ryots are not very much interested when autonomy comes. Until that time, the ryots have to keep body and soul together. We have, as pointed out by my Honourable friend, watched the effects of any number of Resolutions passed by the Legislatures in the provinces. They share the same fate. Several Resolutions were passed to the effect that the land tax should be reduced. I remember also that several Resolutions have been passed to the effect that every re-settlement arrangement should first come up before the Legislature for consideration and approval. All these enhancements of land-revenue are made arbitrarily by executive action. The whole thing has been done, as I said in my original speech, by working out certain figures. If you thoroughly examine it, you will find that in many cases it has no bearing at all to the income which the ryot gets. We have come here to represent the grievances of the masses. Government have already given remissions of land tax in crores in several provinces such as the United Provinces, the Punjab, and to some extent in Burma too; I am told. If such remissions are being granted, I must ask the Honourable the Leader of the House whether there is any basis for those remissions. If their calculations are correct, these rates, once fixed, should be found to be workable until the period of re-survey and re-settlement. The general idea of the people is to pay whatever the Government asks. They think that the rate of taxation would be right and that Government will always come to their rescue if people are found to be suffering and feel distressed. It is more or less the general idea of the mass of agriculturists. They are dependent upon the support of the Government, and they are paying these taxes as a duty, whether they have facilities to pay or not, from their own earnings up to their capacity. A comparison was made with the permanent settlement and it was said that the permanent settlement rates are very heavy compared with the ordinary ryotwari rates. I have no direct knowledge of the permanent

[Mr. V. C. Vellingiri Gounder.]

settlement rates and its relation with tenants, but I have heard in conversations with my friends who own permanently settled tenures that their position is quite different. Tenants in many places find a very sympathetic landlord in the zemindar or in the owner of a big estate.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : They do find in many cases.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I have heard that if a zemindar is entitled to get a rupee from the present, on account of the present economic distress he will not press for more than eight annas in the rupee, or even less. But I have heard zemindars say that they have to pay more than what they get to Government as they have permanently agreed to pay this amount to the Government.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : But that is with regard to cess that they pay more, not in land revenue.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Further they are prepared to show any amount of leniency in the collection, and they are doing it as a sort of help so as to keep their mutual good relationship. If there has been

5 P. M.

any troubles in a zemindari, it is due not to any political reasons, as some people attribute, but merely to economic conditions, and if a zemindar is a sympathetic gentleman, he is always willing to forego a large portion of his income and make the ryot live as comfortably as possible. Sir, in ryotwari tracts, the settlement rates, which looked at the beginning to be very small when compared to the income which the ryots were getting several years back, when prices were high, the settlement rates have been raised gradually every 30 years. Now the ryot hardly finds money from the resources of his land due to very low prices. No doubt, as my Honourable friend Mr. Khaparde has observed, if there is a sliding scale it will be an immense benefit to the ryot. He will be prepared to pay a higher rate when prices go up and he will expect in return a benefit from Government by way of the acceptance of a lesser share of the income when prices go down.

Sir, this Resolution only records the opinion of the Central Legislature. It does not amount, as the Honourable the Leader of the House said, to any censure on any particular Government. We merely express the opinion that the position of the ryot is very difficult, and since the settlement rates are based upon the past value of his crops, which value has gone down very low during the last four years, we advise Local Governments to consider their condition sympathetically. After all the Government of India have got a final say in the matter as land revenue being a reserved subject it is proper that the Central Legislature should discuss this matter, and its opinion will have great weight, and thus the ryots will have a better chance of having their appeals considered more favourably. It has been said by several Honourable Members of the House that Resolutions in Local Councils which have been passed unanimously or by overwhelming majorities do not receive proper consideration at the hands of Local Governments. All this supports my plea. The suffering has been widespread throughout India and it is in the fitness of things that the Central Legislature should express its opinion in the form in which it is here expressed.

Sir, I therefore move my Resolution for the acceptance of this House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Just one word, Sir, as to Madras. The Honourable mover takes exception to the policy pursued by the Ministry of Education in his province. I am not here to defend that Ministry. If the majority of the Local Legislatures are of that view they can no doubt throw out the Ministry tomorrow. All I know is that the Madras system of education has enabled young men from Madras to obtain the greatest possible benefit out of the Indianization of the Indian Civil Service, and every province of India has the benefit of young Madrasis as civil officers in it. The second point which strikes one, and it has often been noticed by people belonging to other provinces, is that the Government of India Secretariat is mostly monopolised by brilliant young graduates of Madras.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: It is absolutely true.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Well, there you are! No better proof could be given than the testimony of a Bengali who was the predecessor of the Madrasi! (Laughter.) However, let that pass. Turning to the business before the House, I do not know what the Leader of the Party to which the Honourable mover belongs intends in this matter. I understood him to say that what he wants is not a recommendation to the Governor General in Council to effect a general reduction of taxation but to invite the attention of Local Governments to the expressions of opinion in this House. If that is what is wanted I am prepared to undertake to communicate the debate to Local Governments and they can take such action as they feel inclined to do. If he wants anything more to be done then I must plead my inability. I would like to know if the Honourable mover will withdraw his Resolution on that basis or whether he wishes that the House should proceed to a division?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: In view of the fact that the Honourable the Leader of the House has given sympathetic consideration to it and has promised to do what he can by communicating the views of this House to Provincial Governments, I beg leave to withdraw the Resolution.

The Resolution\* was, by leave of the Council, withdrawn.

#### LEGAL PRACTITIONERS AMENDMENT BILL.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Sir, I have to make a motion at the fag end of the day and I do not want to detain this House so I shall finish as soon as possible. The proposition that stands in my name is:

“That the Bill to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.”

As I said on the last occasion, there have been cases decided by the various High Courts in India in which we do not find unanimity of decision. Some High Courts have assumed jurisdiction under section 13, clause (f), and by assuming jurisdiction they have begun to interfere in the private activities of a

\* Vide page 206, ante.

[Mr. Vinayak Vithal Kalikar.]

pleader. Other High Courts have decided that they cannot under the two sections, sections 12 and 13, interfere in the private activities of a pleader. Our Acts, Sir, are more or less based on English law. I cannot do justice to my case without quoting a famous English case on this subject. It is the famous English case decided by the Privy Council about Wallace. It is reported at page 140 in 4 Moore New Series and the remarks will be found at page 157. In that case Lord Westbury observed as follows :

“ When an offence was committed which might have been adequately corrected by that punishment and the offence was not one which subjected the individual committing it to anything like general infamy or an imputation of bad characters so as to render his remaining in the Court as a practitioner improper we think it was not competent to the Court to inflict upon him a professional punishment for an act which was not done professionally and which act *per se* did not render him improper to remain as a practitioner of the Court ”.

After that, Sir, recently a case has been decided by the Punjab High Court. I am sorry I cannot quote the case, because it has not yet been reported in any law report. But in that case it has been decided, Sir, that pleaders taking part in political activities have not committed any offence under sections 12 or 13 of the Legal Practitioners Act. So my submission is that the law on this subject is practically in a nebulous position and an amendment of the present section as suggested by me is necessary in order to reconcile conflicting judgments in the various High Courts on these two sections. I therefore submit, Sir, that the Bill to amend the Act be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.

THE HONOURABLE MR. J. BARTLEY (Government of India : Nominated Official) : Sir, at this late hour, I propose to say very little on this motion. It is not necessary to oppose this motion for circulation, because it is a recognised convention of the legislative processes to which a Bill is subjected in its passage through the Indian Legislature that acceptance by the House of a motion to circulate a Bill for eliciting opinions thereon does not involve acceptance by the House of the principle of the Bill. Therefore acceptance of this motion of the Honourable Mr. Kalikar does not imply that Government in any way accept the principle of this Bill. As a matter of fact Government are strongly opposed to the principle of this Bill. Mr. Kalikar may have made out a case for amending the Legal Practitioners Act, though this section of it has survived since 1879 with one small amendment in 1896. But even if the Honourable mover has made out a case for removing some doubts as to the interpretation of this section, he has not made out a case for removing those doubts by an amendment in the direction which he himself proposes. It would be just as logical and indeed it would be more defensible to amend the section to make it perfectly clear that it is within the competence of High Courts to take disciplinary action against a legal practitioner for an offence other than an offence committed in connection with his professional activities. In 1920 an Act was passed in Bombay, the Bombay Pleaders Act. The corresponding section of that Act conveys very clearly the intention then entertained by the Bombay Legislative Council that there should be no doubt that reprehensible activities on the part of legal practitioners were not confined

to activities of a professional nature. The wording of the section is very brief and very simple. It runs thus :

“ The High Court may suspend or remove from practice or may fine or reprimand a pleader on reasonable cause ”.

In 1926 the Indian Bar Councils Act came before the Indian Legislature. Section 10 of the Bill as originally drafted omitted to make it clear that conduct other than professional conduct was aimed at by the section. It was in the following terms :

“ The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate of the High Court whom it finds guilty of professional misconduct ”.

The Select Committee inserted the words “ or other ” after the word “ professional ” and before the word “ misconduct ”, because they were of opinion that the expression did not cover the whole range of cases in which it might be necessary to take disciplinary action against a legal practitioner. Had this Bill of the Honourable Mr. Kalikar proposed to amend the Act in that direction we should probably have found ourselves in agreement with him, but in view of the direction which his Bill takes, although as I say it is not necessary to oppose this motion for circulation because it commits the House to nothing, Government are completely opposed to the principle of this Bill.

**THE HONOURABLE THE PRESIDENT :** Motion made :

“ That the Bill to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.”

The motion was adopted.

---

#### ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

**THE HONOURABLE THE PRESIDENT :** Honourable Members will proceed to elect two Members to serve on the Standing Committee to advise on subjects other than “ Roads ” and “ Broadcasting ” dealt with in the Department of Industries and Labour. There are three candidates for two vacancies. Voting papers will be handed round and I ask Honourable Members to vote by striking out the name of one Member for whom they do not wish to vote.

(The ballot was then taken.)

---

#### ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

**THE HONOURABLE THE PRESIDENT :** Honourable Members will also proceed to elect two Members to serve on the Standing Committee to advise on subjects in the Department of Commerce. There are three candidates for two

[The President.]

vacancies. Voting papers will again be handed round and I ask Honourable Members to vote by striking out the name of one Member for whom they do not wish to vote.

(The ballot was then taken.)

THE HONOURABLE THE PRESIDENT : The result of both these elections will be announced later.

---

The Council then adjourned till Eleven of the Clock on Wednesday, the 13th September, 1933.

**\*APPENDIX.**  
**BIHAR AND ORISSA.**

General List No.	No. of Indians.	No. of Indians on leave.	No. of Europeans on leave.
1—42	1	..	10
43—66	7	..	6
67—106	20	3	7

28 Indians—3 on leave (1) or 10·7 per cent.; 77 Europeans—20 on leave (1) or 26 per cent.

**BENGAL.**

1—40	7	..	10
41—80	7	..	5
81—120	23	1	3
121—160	24	..	1
161—167	4	..	..

63 Indians—1 on long leave or 1·5 per cent.; 104 Europeans—19 on long leave or 18 per cent.

**UNITED PROVINCES.**

1—50	6	2	11
51—100	8	2	14
101—189	46	1	6

60 Indians—5 on long leave or 8·3 per cent.; 129 Europeans—31 on long leave or 24 per cent. Grand Total .. { Indians—151, 9 on long leave.  
Europeans—310, 70 on long leave.

	Madras.	Bombay.	Bengal.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
No. post S. ..	97	80	101	115	83	91	63	45	23	698
Add—G. of I. +	8	7	8	9	7	8	5	4	2	+ 58
Deduct—Listed—	21	17	22	25	18	20	14	10	5	= 750
Total S. posts ..	84	70	87	99	72	79	54	39	20	= 152
Total men on 1st July, 1933.	170	136	167	189	135	137	106	79	39	= 604
Theoretical strength.	170	142	176	201	146	160	110	79	41	= 1,158
										= 1,225

\* Vide page 234, ante.

LISTED.

**Assam.**

**Bengal**—16 from Provincial Civil Service and 4 from Bar out of 22.

**Bihar and Orissa**—9 from Provincial Civil Service and 2 from Bar out of 14.

**Bombay.**

**United Provinces**—16 from Provincial Civil Service and 2 from Bar out of 25

**Punjab**—18 out of 18.

**Central Provinces**—10 out of 10.

**Burma.**

**Madras.**