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THE  
LEGISLATIVE ASSEMBLY DEBATES

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(17th September to 26th September, 1935)

SECOND SESSION  
OF THE  
FIFTH LEGISLATIVE ASSEMBLY,  
1935



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1936

# Legislative Assembly.

## *President :*

**THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.**

## *Deputy President :*

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**MR. G. MORGAN, C.I.E., M.L.A.**

**MR. M. S. ANEY, M.L.A.**

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**MIAN MUHAMMAD RAFI, BAR.-AT-LAW.**

## *Assistant of the Secretary :*

**RAI BAHADUR D. DUTT.**

## *Marshal :*

**CAPTAIN HAJI SARDAR NUB AHMAD KHAN, M.C., I.O.M., I.A.**

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**SYED GHULAM BHIK NAIRANG, M.L.A.**

**DR. F. X. DESOUZA, M.L.A.**

**MR. LALCHAND NAVALRAI, M.L.A.**

# CONTENTS.

VOLUME VI.—17th September to 26th September 1935.

PAGE.	PAGE.
<b>TUESDAY, 17TH SEPTEMBER, 1935—</b>	
Questions and Answer . . . . .	1077—1112
Election of Members to the Select Committee on the Amendment of Standing Orders . . . . .	1112
The Indian Criminal Law Amendment (Repeal) Bill—Discussion on the motion to consider not concluded . . . . .	1113—56
<b>WEDNESDAY, 18TH SEPTEMBER, 1935—</b>	
Questions and Answers . . . . .	1157—92
Short Notice Question and Answer . . . . .	1192—93
Motion for Adjournment <i>re</i> Allocation of certain resources between the Central and Provincial Governments—Not moved . . . . .	1194—97, 1221
The Code of Civil Procedure (Second Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	1197
The Indian Coffee Cess Bill—Introduced . . . . .	1197
The Indian Motor Vehicles (Amendment) Bill—Referred to Select Committee . . . . .	1198—1208
The Repealing and Amending Bill—Passed . . . . .	1208—10
The Factories (Amendment) Bill—Passed . . . . .	1210—11
Resolution <i>re</i> Position of Indian Nationals settled in Zanzibar—Adopted . . . . .	1211—40
<b>THURSDAY, 19TH SEPTEMBER, 1935—</b>	
Members Sworn . . . . .	1241
Questions and Answers . . . . .	1241—1308
Statements laid on the table . . . . .	1308—10
Motions for Adjournment <i>re</i> Allocation of certain resources between the Central and Provincial Governments—Disallowed by the Honourable the President . . . . .	1310—13
Resolution <i>re</i> Quetta Earthquake—Negatived . . . . .	1313—78
<b>FRIDAY, 20TH SEPTEMBER, 1935—</b>	
Members Sworn . . . . .	1379
Questions and Answers . . . . .	1379—1412
Statement of Business . . . . .	1412
Short Notice Questions and Answers . . . . .	1412—14
Cancellation of certain gallery passes . . . . .	1414
Presentation of the Report of the Public Accounts Committee . . . . .	1415—1547
Report of the Tribunal on Financial Settlement between India and Burma after the separation . . . . .	1548—86
<b>MONDAY, 23RD SEPTEMBER, 1935—</b>	
Questions and Answers . . . . .	1587—1633
Statements laid on the table . . . . .	1633—38
Message from the Council of State . . . . .	1638
The Indian Coffee Cess Bill—Passed . . . . .	1638—78
The Jubbulpore and Chhatisgarh Divisions (Divorce Proceedings Validation) Bill—Motion to consider adopted . . . . .	1678—83
Statement of Business . . . . .	1684
<b>TUESDAY, 24TH SEPTEMBER, 1935—</b>	
Questions and Answers . . . . .	1685—1714
Short Notice Questions and Answers . . . . .	1714—20
The Cantonments (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	1720
The Indian Criminal Law amendment (Repeal) Bill—Discussion on the consideration of clauses not concluded . . . . .	1720—66
<b>WEDNESDAY, 25TH SEPTEMBER, 1935—</b>	
Questions and Answers . . . . .	1767—1803
Short Notice Questions and Answers . . . . .	1803—06
Message from the Council of State . . . . .	1806

	PAGES.		P.
<b>WEDNESDAY, 25TH SEPTEMBER, 1935—contd.</b>		<b>WEDNESDAY, 25TH SEPTEMBER, 1935—contd.</b>	
Report on the working of the scheme of preferences resulting from the Ottawa Trade Agreement—Laid on the table . . . . .	1807	Report of the Tribunal on Financial Settlement between India and Burma after separation . . . . .	1942—67
The Jubbulpore and Chhatisgarh Divisions (Divorce Proceedings Validation) Bill—Passed, as amended . . . . .	1807—08	The Removal of Civic Disabilities Bill—I introduced . . . . .	1967
The Cantonments (Amendment) Bill—Circulated . . . . .	1809—11	The Hindu Women's Rights to Property Bill—Introduced . . . . .	1967
Demands for Supplementary Grants . . . . .	1811—57	The Arya Marriage Validation Bill—Introduced . . . . .	1967—6
<b>THURSDAY, 26TH SEPTEMBER, 1935—</b>		The Hindu Marriage Validity Bill—Introduced . . . . .	19
Questions and Answers . . . . .	1859—1905	The Child Marriage Restraint (Amendment) Bill—Introduced . . . . .	19
Short Notice Question and Answer . . . . .	1905—06	The Moslem Personal Law (Shariat) Application Bill—Introduced . . . . .	1968—
Statements laid on the table . . . . .	1907—24	Report of the Public Accounts Committee . . . . .	1969—
Demands for Supplementary Grants . . . . .	1924—38	Message from the Council of State . . . . .	19
Demands for Excess Grants for 1933-34 . . . . .	1939—42		

**CORRIGENDUM.**

In the Legislative Assembly Debates, Vol. V,  
No. 7, dated the 10th September, 1935, page 724,  
last line, *for* "weakers" *read* "weakness".

# LEGISLATIVE ASSEMBLY.

Thursday, 26th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## QUESTIONS AND ANSWERS.

### ACCOMMODATION IN "B" TYPE QUARTERS IN SIMLA.

702. \***Babu Baijnath Bajoria** : (a) With reference to the reply to starred question No. 419, dated the 7th August, 1934, in the Legislative Assembly, will Government be pleased to state the reasons for holding the view that unorthodox accommodation is on the whole better than orthodox accommodation in the face of the comparative statement below :

#### B Class—Orthodox.

3 living rooms, 1 servant's room, 1 store, 1 kitchen, 1 W. C., 1 bath and 2 verandahs.

#### B Class—Unorthodox.

3 living rooms, 1 servant's godown, 1 kitchen, *no store room, no verandahs and one W. C. and bath combined!*

(b) Is the above comparative statement correct, and if so, do Government propose to give the same accommodation to the men drawing the same salary, irrespective as to whether they belong to orthodox group or to the unorthodox group? If not, why not?

**Mr. A. G. Clow** : (a) and (b). The statement made by the Honourable Member is not quite correct. The 'B' class unorthodox quarters at Summer Hill have a store room; and the living rooms are more spacious than those in the orthodox quarters of the same class.

### FREE CONVEYANCE BY RAIL BETWEEN SUMMER HILL AND SIMLA AND ALLOWANCES OF ARMY HEADQUARTERS STAFF.

703. \***Babu Baijnath Bajoria** : (a) Is it a fact that men living in Summer Hill unorthodox quarters and belonging to the civil offices are to pay railway fare from their own pockets and also for their school going children, whereas the men belonging to the Army Headquarters and their school going children are given free conveyance by rail from Summer Hill to Simla? If so, what are the reasons for this differential treatment between the two classes of Government servants?

(b) Is it a fact that Government in the past justified this differential treatment on the ground that men belonging to civil

( 1859 )

departments are entitled to house rent allowance from Government, whereas men of the Army Headquarters do not get it? If so, will Government be pleased to state whether the Army Headquarters staff, when moving down to Delhi, receive a local allowance during their stay in Delhi? Is it a fact that this allowance on an average comes to about Rs. 400 every year, and is not received by men of the Secretariat and other civil offices?

(c) Will Government be pleased to state the rates at which this local allowance is allowed to the men of the Army Headquarters and other attached offices?

(d) Is it a fact that the staff of the Army Headquarters remaining in Simla during winter also draw a coal allowance? If so, will Government be pleased to state the average coal allowance drawn by the clerical staff of the Army Headquarters during the year 1934-35?

**Mr. G. R. F. Tottenham:** (a) Army Headquarters personnel have received free conveyance from Summer Hill for many years because their conditions of service are different from those of the personnel of Civil Departments.

(b) The answer to the first part is in the negative, to the second part in the affirmative and to the last part in the negative.

(c) A statement is laid on the table.

(d) The coal, or winter allowance as it is technically called, is admissible on a sliding scale to certain clerks employed in civil as well as military offices during the winter season, if they are stationed in Simla. The collection of the information asked for in the concluding part of the question would involve an expenditure of labour incommensurate with the result to be achieved.

*Statement.*

**ARMY AND ROYAL AIR FORCE HEADQUARTERS.**

For assistance and clerks drawing salary—

	Delhi moving allowance.	
	Rs.	Rs. a. p.
Up to Rs. 50 per mensem	.. ..	16 10 8
Above Rs. 50 but not exceeding	80	20 0 0
"   "   80   "   "   "	120	33 5 4
"   "   120   "   "   "	180	40 0 0
"   "   180   "   "   "	200	50 0 0
"   "   200   "   "   "	300	60 0 0
"   "   300   "   "   "	350	66 10 8
"   "   350   "   "   "	500	83 5 4
"   "   500   "   "   "	500	100 0 0

*Attached Offices.*

For assistants and clerks drawing salary—

†Delhi Camp allowance.

					Rs.	Rs. a. p.
Up to Rs. 50	Per mensem ..	..	..	..	..	16 10 8
Above Rs. 50	but not exceeding	..	..	..	75	20 0 0
" "	75	" "	" "	..	100	26 10 8
" "	100	" "	" "	..	150	40 0 0
" "	150	" "	" "	..	200	50 0 0
" "	200	" "	" "	..	250	53 5 4
" "	250	" "	" "	..		56 10 8

ALLOTMENT OF SUMMER HILL QUARTERS, SIMLA.

704. \***Babu Baijnath Bajoria** : (a) Is it a fact that there are 45 ' A ' class quarters in Summer Hill ? If so, will Government be pleased to state how many of such quarters have been allotted to Members of the Indian Legislature in each of the years since 1932 and what is the total rent derived for such quarters during each of those years ?

(b) Will Government be pleased to state the total amount of rent derived during each of those years from the rent of the rest of the ' A ' class quarters ?

(c) Is it a fact that for 1936-37 ' A ' class quarters are being allotted to juniormost men of the attached offices in preference to senior men of the Secretariat, though the latter are foregoing a very heavy house rent allowance of Rs. 450 ?

(d) Will Government be pleased to state the total amount of rent to be realised from the tenants of ' A ' class Summer Hill quarters which have been allotted to the Government of India employees in 1936-37 ?

(e) Is it a fact that if all these ' A ' class quarters would have been allotted to men drawing a salary of Rs. 300 and above, according to seniority, Government would have realised at least about Rs. 16,000 for 40 quarters ?

**Mr. A. G. Clow** : (a) Yes. Seven quarters were reserved for Members of the Indian Legislature in each of the years 1932, 1933 and 1934. The numbers of these quarters actually occupied in these years were 7, 6, and 5, respectively, and the rents recovered were Rs. 578-11-0, Rs. 585-1-0 and Rs. 670-1-0, respectively.

(b) The information is not readily available and is being collected. It will be laid on the table in due course.

(c) The surplus ' A ' class quarters have been allotted to applicants in ' B ' and ' C ' classes for whom no quarters of these two classes are available, in accordance with the allotment rules.

†NOTE.—New entrants are not entitled to this allowance. They are, however, given house rent allowance in Simla and Delhi if not provided with Government quarters and in addition they receive a compensatory allowance during the Simla season.

(d) Rs. 3,000 approximately will be realised from the rent paying tenants and Rs. 5,500 will be withheld as house rent allowance from others who will be occupying the quarters rent free.

(e) I regret that I cannot express an opinion on the amount of the rent which might have been realised in the circumstances stated. Realisations depend on the actual pay of the tenants.

#### ALLOTMENT OF SUMMER HILL QUARTERS, SIMLA.

705. \***Babu Baijnath Bajoria** : (a) Is it a fact that junior men getting Rs. 50 or 60 a month, are being allotted 'A' class quarters with two servants' godowns, whereas men drawing Rs. 300 to 449 are being allotted 'B' class quarters with less accommodation and with one servant's godown? If so, do Government propose to remove this anomaly in the present allotment rules? If not, why not?

(b) Are Government aware that junior men, allotted 'A' class accommodation, are making such allotments a source of income by subletting the houses and the godowns, whereas senior men with larger families are being refused this accommodation, though they are paying higher rent? If not, do they propose to enquire into the matter? If not, why not?

(c) Will Government be pleased to state the reasons which prevent them from allotting 'A' class quarters to men drawing Rs. 300 and above and allotting the 'B' class and 'C' class quarters which will fall vacant by this process to juniormost men, at present occupying 'A' class quarters, thereby removing such anomalies?

**Mr. A. G. Clow** : (a) and (c). I presume that the Honourable Member refers to the "A" class unorthodox quarters at Summer Hill. Some of these quarters are usually surplus to the demand of the officials entitled to them, and the surplus quarters are allotted first to "B" class officers who have failed to obtain "B" class accommodation and secondly to "C" class officers who have failed to obtain "C" class accommodation. If the number of "B" class officers who have failed to obtain accommodation in their own class is small an unduly large number of "A" class quarters goes to "C" class officers. The remedy is probably a reclassification of quarters and the possibility of this is being examined.

(b) No. Cases of unauthorised subletting when they are detected are visited with severe penalties. I do not consider that any special enquiry is necessary.

#### HOUSE RENT CHARGED FROM THE OFFICERS AND STAFF OF THE GOVERNMENT OF INDIA IN DELHI.

706. \***Babu Baijnath Bajoria** : (a) Is it a fact that 10 per cent. of pay is charged from the staff of the Government of India as house rent in Delhi? If so, will Government be pleased to state the percentage rate at which the rents are charged from the superior officers occupying Government quarters?

(b) Will Government be pleased to state when this 10 per cent. of pay basis was fixed?

(c) Will Government be pleased to state whether any depreciation is allowed on the building every year in fixing the assessed rent of such houses? If not, why not?

**Mr. A. G. Clow :** (a) All Government servants in Delhi who are allotted Government accommodation pay the standard rent under Fundamental Rule 45A, or ten per cent. of their emoluments, whichever is less.

(b) The "10 per cent. rule" has been in force for well over 40 years. I regret that I cannot give the precise date on which the rule was made.

(c) No. The assessed rent includes elements for interest on capital cost, municipal and other taxes, and ordinary and special repairs. It is a fair assumption that if ordinary and special repairs are regularly carried out the depreciation is negligible, and the inclusion of an element for depreciation would lead to constant changes in rent and, therefore, to administrative difficulties.

**Mr. Lalchand Navalrai :** Does this ten per cent. apply to superior officials as well as the subordinates?

**Mr. A. G. Clow :** Yes; it applies to both.

**Mr. Lalchand Navalrai :** Equally?

**Mr. A. G. Clow :** I think so.

#### RENT COLLECTED FROM THE OFFICERS AND STAFF OF THE GOVERNMENT OF INDIA IN DELHI AND COST OF MAINTENANCE, ETC., OF QUARTERS.

707. **\*Babu Baijnath Bajoria :** Will Government be pleased to state the total amount collected by way of rent from all the Government buildings rented to officers and staff of the Government of India both in Delhi and Simla during the last five years and the total cost of maintenance and repairs, including over-head charges during those years?

**Mr. A. G. Clow :** The exact information asked for by the Honourable Member is not readily available, and Government do not propose to collect it as the result would not justify the labour involved. The Accountant General, Central Revenues, has, however, included a review of the position in his reports on the Appropriation Accounts for the year 1931-32 and subsequent years. The particulars for New Delhi are given for 1929-30, 1932-33 and 1933-34 and the particulars for Simla for 1931-32 and 1933-34. Copies of the reports will be found in the Library of the House.

#### BRINGING OF IDLE SENTINEL COACHES FROM CERTAIN RAILWAYS TO THE KALKA SIMLA RAILWAY.

708. **\*Babu Baijnath Bajoria :** (a) Is it a fact that there are a few sentinel camel coaches of the same gauge as the Kalka-Simla Railway, lying idle on the Great Indian Peninsula Railway and the Kangra Valley Railway? If so, will Government be pleased to state the capacity of these coaches?

(b) Is it a fact that these coaches are run by diesel oil engines? If so, will Government be pleased to state the cost of running such coaches per mile per passenger?

(c) Do Government propose to bring those idle coaches on the Kalka Simla Railway and run them as a shuttle train between Summer Hill and Simla and *vice versa* ? If not, why not ?

(d) Will Government be pleased to state whether it is a fact that, if such coaches are not brought up on the Kalka-Simla Railway for running purposes, there is a proposal for treating these coaches as scrap iron ?

**Mr. P. E. Rau :** (a) No.

(b) No.

(c) No. There are no idle coaches : even if there were, they could not be used on the Kalka-Simla Railway as they would infringe the running dimensions permissible on that Railway.

(d) Does not arise.

**Mr. Lalchand Navalrai :** May I know what are these camel coaches ?

**Mr. P. E. Rau :** They are self-propelled vehicles containing small steam engines.

**Babu Baijnath Bajoria :** Is the Kalka Simla Railway being run at a loss owing to motor competition ?

**Mr. P. E. Rau :** Certainly.

**Babu Baijnath Bajoria :** Do Government intend to reduce fares on the Kalka Simla Railway to attract more traffic ?

**Mr. P. E. Rau :** Fares were reduced some time ago, but it was found that the reduction of fares was of no use.

**Mr. S. Satyamurti :** Why do Government send their postal mails by road motors, while the trains are running at a loss ?

**Mr. G. V. Bewoor :** The mail is sent by rail as well as by road.

**Mr. S. Satyamurti :** Why should they not send it all by rail ? Why are they sending a portion by road at all, when they are running this Kalka Simla Railway at a loss ?

**Mr. G. V. Bewoor :** Because the timings of the trains do not suit.

#### PROMOTIONS TO ADMINISTRATIVE GRADES ON THE EAST INDIAN RAILWAY.

709. \***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government prepared to make a sifting enquiry into the cases of promotion to administrative grades, made since September, 1934, from officers of the Engineering Department on the East Indian Railway ?

(b) How many cases of supersession occurred, and why ?

**Mr. P. E. Rau :** I propose, Sir, with your permission, to reply to question No. 709 and question No. 738 which is in identical terms.

There were three cases in which officers of less seniority were preferred to certain officers senior to them for administrative posts, appointments to which are made by selection and not by seniority.

Government do not consider an enquiry necessary. The arrangements were made with their prior approval.

**PROPOSED DIVERSION BY THE MADRAS GOVERNMENT OF THE GRANT FROM THE PETROL FUND TOWARDS RURAL RECONSTRUCTION.**

710. \***Mr. M. Ananthasayanam Ayyangar** : (a) Is not the petrol tax entirely earmarked for road development ?

(b) Is there a proposal by the Madras Government to divert the grant from the Petrol Fund towards rural reconstruction ?

(c) If so, what action do Government of India propose to take thereon ?

**Mr. A. G. Clow** : (a) No. Only 25 per cent. of the net receipts from customs and excise duties on motor spirit is allocated to the Road Account.

(b) The Government of India have seen no such proposal. All expenditure in British India from the Road Account is subject to their approval.

(c) Does not arise.

**Mr. S. Satyamurti** : Is there any part of this fund available for anything except road development ?

**Mr. A. G. Clow** : A certain part of the fund is allocated for work in connection with the development of aviation.

**Mr. S. Satyamurti** : Apart from that, I take it, there is no part of this fund available for rural reconstruction ?

**Mr. A. G. Clow** : No, Sir.

**Mr. Lalchand Navalrai** : Was it not the original intention that the petrol tax should be applied to the development of roads only ?

**Mr. A. G. Clow** : I cannot remember the original intention. It is obviously equitable that that part of it, which is derived from the development of aviation, should be applied by analogy to improving facilities for aviation.

**Mr. Lalchand Navalrai** : Is it when the roads are bad, that it should be applied to other purposes ?

**Mr. A. G. Clow** : No, Sir ; where the roads are bad, it is obviously necessary to apply it to roads, but it is intended for new development.

**Mr. Lalchand Navalrai** : Does the Honourable Member know that, in the Bombay Presidency, so far as Sind is concerned, they have not been using this fund for roads ?

**Mr. A. G. Clow** : Does the Honourable Member mean to suggest that it has been misapplied to other purposes ?

**Mr. Lalchand Navalrai** : Not misapplied. What I mean to say is that the original intention was that this fund should be used for road development, and that it should not be diverted to other purposes.

**Mr. A. G. Clow** : As far as I am aware, Sir, it is not being diverted to other purposes.

**Mr. Lalchand Navalrai** : Will the Honourable Member make inquiries ?

**Mr. A. G. Clow** : Not unless the Honourable Member gives particulars that it is being misapplied.

### UTILISATION OF THE PETROL FUND FOR THE DEVELOPMENT OF ROADS.

711. \*Mr. M. Ananthasayanam Ayyangar : (a) Is it a fact that the contributions from the Petrol Fund to the provinces are utilised only for schemes of road development costing Rs. 15,000 and above ?

(b) Are Government prepared to consider the advisability of insisting upon the road schemes undertaken from out of the petrol tax, being scrutinised by the Government, Public Works Department Engineers, with respect to the plans and estimates, as well as during the execution and the final check-measurement ?

Mr. A. G. Clow : (a) The Government of India have imposed no such condition.

(b) No. The Government of India are concerned only to approve projects as suitable to be financed from the Road Account and it is for Local Governments to see that works are executed efficiently.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that till recently there was a rule framed by the Madras Government that in cases where the Local Board Engineer and the District Board President did not agree in regard to the execution of a work from this fund, the matter should be referred to the Government, and recently it has been abrogated and made the President's opinion final leading to a lot of corruption in India ?

propaganda. Mr. A. G. Clow : No, Sir ; I am not aware of it.

Mr. M. Ananthasayanam Ayyangar : Will Government make inquiry into the cause, Sir, it is within my knowledge that a work costing nearly a lakh of rupees in which the Local Board Engineer and the District Board President had disagreed, and the District Board President had his own way and had the work done, in the name of, I cannot say contractors, but in his own relative's name which was soon found out ?

Mr. A. G. Clow : No, Sir ; the execution of these works is a matter for the Local Government. The Government of India cannot supervise the actual execution of the projects.

Mr. M. Ananthasayanam Ayyangar : With respect to the Local Government, why should it not be made a condition that the P. W. D. Engineer in the P. W. D. should exercise some control over it as in the case of all works over Rs. 10,000 undertaken by Local Boards and finally approved by the Executive Engineer in the P. W. D. ?

Mr. A. G. Clow : The Local Government obviously must exercise its own discretion as to the manner in which it should supervise the execution of the works. I am not aware that the ordinary methods in respect of expenditure on the road schemes differ from the methods that they use for the supervision of other engineering projects.

Mr. M. Ananthasayanam Ayyangar : When this matter is brought to the Honourable Member's notice, and, inasmuch as the fund is raised centrally and distributed to the provinces, will he consider the advisability of sending on this suggestion to the provinces so that much of this fund might not be diverted to other purposes or misapplied ?

Mr. A. G. Clow : I suggest that the Honourable Member should bring this matter to the notice of the Madras Government.

**Mr. M. Ananthasayanam Ayyangar :** I am sorry I am not a Member of the Madras Council.

**PROGRAMME FOR RURAL UPLIFT IN MADRAS.**

712. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the Government of Madras propose to constitute an Economic Council with a ten-year programme of work for rural uplift ?

(b) Is there a proposal to use the contribution for the Rural Development Fund for the purposes of the aforesaid Economic Council ?

(c) Is there a proposal to grant a loan of five crores to the Madras Government for purposes of the Economic Council ? If so, on what terms and conditions and on what security ?

**The Honourable Sir James Grigg :** (a), (b) and (c). No.

**Mr. S. Satyamurti :** May I ask if this categorical answer of one word to all the three questions means that the Madras Government have not sent in any proposal to them, or the Government of India are not aware of any such proposal ?

**The Honourable Sir James Grigg :** Both, Sir.

**Mr. S. Satyamurti :** May I know if the Government of India are now contemplating financing any such schemes spread over many years, considering the very doubtful state of their finances ?

**The Honourable Sir James Grigg :** If they are, I have not to require it.

**Mr. M. Ananthasayanam Ayyangar :** I want information, Sir ; it is a long time ago that I sent in these questions. What does the Honourable Member mean by saying that he is not aware of any such schemes contemplated by the Madras Government ? Does he mean he has no information or even when he has made inquiry he has found no answer forthcoming, or no inquiry has been made, if so, why has it not been made, otherwise what is the good of giving the answer to part (a) of the question as " No " ? Does the answer mean there is no such proposal ?

**The Honourable Sir James Grigg :** " No " means that the answer to the Honourable Member's question is " No ".

**Mr. M. Ananthasayanam Ayyangar :** I am not able to follow the Honourable Member's reply, Sir ?

**Mr. President (The Honourable Sir Abdur Rahim) :** The answer is " No ", the Government are not aware.

**Mr. M. Ananthasayanam Ayyangar :** Very well, then what is the purpose of giving notice of a question before ten days ? Did the Honourable Member make inquiries of my question from the Madras Government ?

**The Honourable Sir James Grigg :** No, Sir.

**Mr. M. Ananthasayanam Ayyangar :** Why not, Sir ?

**The Honourable Sir James Grigg :** Because it is their business, and not mine.

**Mr. M. Ananthasayanam Ayyangar** : Is there no proposal to finance the Local Government's proposal ?

**The Honourable Sir James Grigg** : I have answered that.

#### BIRTH CONTROL PROPAGANDA IN INDIA.

713. **\*Mr. M. Ananthasayanam Ayyangar** : (a) Has the attention of Government been drawn to an article, styled " a letter from Berlin and Economicrigour in Germany ", appearing in the *Hindu* of the 12th August, 1935, setting out the measures proposed to be taken by the German authorities for increasing the population by offering inducements to peasants, handicraftsmen and middle class tradesmen by granting loans on condition that they should be repaid at the end of a term only, if sufficient growth in the family is not shown ?

(b) Are Government aware that a plan ' for more babies campaign ' for encouraging bigger families and for impressing upon the public, the national importance of a high birth rate, has been evolved by the Government of Britain through its war office and other departments ?

(c) Is there a proposal to start birth control clinics in India ? If so, why ?

(d) Do Government propose to penalise birth control propaganda in India and direct that pensioned officers ought not to take part in such propaganda ?

**The Honourable Sir Girja Shankar Bajpai** : (a) Yes.

(b) No.

(c) No such proposal is under the consideration of Government.

(d) No.

**Mr. M. Ananthasayanam Ayyangar** : Was there no proposal with reference to the answer to part (c) of the question that birth control clinics should be established all over India in the district headquarters ?

**The Honourable Sir Girja Shankar Bajpai** : I have answered in the negative.

#### PROHIBITION IN ITALY OF THE IMPORT OF GOODS FROM INDIA AND OF INDIAN INSURANCE COMPANIES FROM CARRYING ON BUSINESS.

714. **\*Mr. M. Ananthasayanam Ayyangar** : Have any, and if so what, retaliatory measures been taken against the Italian Government for its action in prohibiting the import of goods from India and in prohibiting only Indian insurance companies from carrying on business there ?

**The Honourable Sir Muhammad Zafrullah Khan** : Government are not aware that the Italian Government have prohibited the import of goods from India or that they have exercised any discrimination against Indian insurance companies.

**Mr. M. Ananthasayanam Ayyangar** : Is it not a fact, Sir, that the only Indian Insurance Company which was carrying on business in Italy has been banned or prohibited from doing its business there ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that his predecessor in office.....

**Mr. President (The Honourable Sir Abdur Rahim) :** This question has been discussed very often.

**Mr. M. Ananthasayanam Ayyangar :** The information placed before the House by the Honourable Member's predecessor was that such restrictions.....

**Mr. President (The Honourable Sir Abdur Rahim) :** All right, the Honourable Member may put the question.

**Mr. M. Ananthasayanam Ayyangar :** Is the Honourable Member aware that his predecessor admitted that there were such restrictions imposed on Indian companies doing business in Italy and that he was negotiating with the Italian Government ?

**The Honourable Sir Muhammad Zafrullah Khan :** What I have replied to is not that there are no restrictions, but that there is no discrimination.

**Mr. T. S. Avinashilingam Chettiar :** Between Italian and Indian Companies ?

**The Honourable Sir Muhammad Zafrullah Khan :** Between Indian companies and any other non-Italian companies carrying on business.

**Mr. S. Satyamurti :** Are there any Italian companies doing business in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** I would require notice of that, Sir.

**Mr. S. Satyamurti :** Will the Honourable Member inquire and find out if there are any such and discriminate against them in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** As I have said, I have discovered no discrimination against Indian companies in Italy. As a matter of fact, after notice of this question was received, this matter was brought to the notice of the Indian Trade Commissioner in Milan, and he has investigated the question, and he informs us that he has not been able to discover any discrimination.

**Mr. M. Ananthasayanam Ayyangar :** If such restrictions have been imposed upon the carrying on of business by Indian companies in Italy, why should not similar restrictions be imposed on such of the Italian companies as are doing business in India ?

**The Honourable Sir Muhammad Zafrullah Khan :** Restrictions have been imposed on all insurance companies generally in Italy. They are not encouraging at the moment new insurance companies in Italy.

#### DEMOLITION OF A HINDU TEMPLE BY THE RANGOON DEVELOPMENT TRUST.

715. **\*Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the Rangoon Development Trust recently demolished a Hindu temple of Sri Padmavati Awman, built about 60 years ago by, and for the worship by, Indian sepoys in the Rangoon cantonment area ?

(b) Is it true that the demolition was made so as to obtain more land for the extension of golf links ?

(c) Are Government aware that the image of the Goddess was unceremoniously carried away and is locked up in the Trusts' store room, in spite of the remonstrances by the sepoys and other worshipping public ?

(d) Has a copy of the resolutions, passed at a public meeting held by the ex-Indian sepoys on 5th August, 1935, at Myenigon, been received by His Excellency the Commander-in-Chief, and if so, what action has been taken thereon ?

**The Honourable Sir Henry Craik :** (a) The temple to which the Honourable Member refers has been removed by order of the Rangoon Development Trust in view of a scheme for the development of this part of Rangoon. I lay on the table a copy of the Press Communiqué issued by the Government of Burma on the 23rd July last, which explains the facts and from which it will be seen that the worshippers were consulted in the matter though they have no right to the site in question.

(b) No. The Rangoon Golf Club has applied for a lease of an area including the site of the temple but no orders have been passed on the application and the decision to develop the area was made on grounds wholly independent of the application.

(c) I understand that the Rangoon Development Trust was obliged to take charge of the image owing to the fact that the two parties interested in the temple were unable to agree as to which should take charge of it. It is still in the possession of the Trust but is treated with due respect to religious feeling and arrangements have been made for daily worship to be performed by a Brahmin. The parties concerned have been informed that the image will be handed over on a joint representation being made, but they are unable to compose their differences.

(d) Yes. The resolutions have been forwarded to the Government of Burma.

*Press Communiqué.*

Some dissatisfaction has been expressed at the action of the Rangoon Development Trust in removing the Hindu Temple on Upper Voyle Road to another site, and the Local Government thinks it desirable to explain the reasons for the removal. The land on which it stands was formerly part of Rangoon Cantonment, and the military authorities apparently permitted it to be used by the troops in the old Lascar Lines for a temple. Since the transfer of the troops to Mingaladon the temple which is built of temporary materials, has been mainly used by the inhabitants of Myenigon. The managers have no title of any kind to the site, which is vested in the Rangoon Development Trust, and during the present year, in view of the Trust's intention to develop and lay out the surrounding area, they were required to quit. The Trust entered into negotiations with two parties of the regular worshippers, both of whom held meetings and both of whom at first agreed to accept the Trust's offer of cash compensation and a free grant of a new site in Myenigon. The signatures of over 40 worshippers were appended to the letter in which one party signified their agreement. This letter expressed gratification that the new site was to be in East Myenigon. In May, however, after further meetings at which resolutions were passed, protesting against the action of the Trust, the temple representatives withdrew their agreement; and they joined the Burma Provincial Hindu Sabha in an appeal to the Chairman against the Land Officer's order for the evacuation of the site, on the ground that the temple had existed for many years and that its removal to another place would be contrary to the Hindu religion. The Chairman's order dismissing the appeal pointed out that the Development Trust had removed a number of Hindu

temples to new sites from time to time by agreement with their managers, and that no religious objection had been raised. Moreover, if there had been any strength in the argument based on religious objection, the two bodies of worshippers would not have agreed to the exchange of sites in the first instance. The land is required for the improvement of the neighbourhood, and the new site, which it is proposed to allot free in Myenigon, will be more convenient for the worshippers and should thus help to benefit the temple funds.

23rd July, 1955.

**Mr. M. Ananthasayanam Ayyangar :** With reference to the answer to clause (b), is not a fact that the extension is used for the purposes of having golf links? Otherwise, what is the other purpose?

**The Honourable Sir Henry Craik :** No, the Rangoon Golf Club has applied for a lease of an area including the site of the temple, but no orders have been passed on the application, and the decision to develop the area was made on grounds wholly independent of the application.

**Mr. M. Ananthasayanam Ayyangar :** For what purpose is the development intended?

**The Honourable Sir Henry Craik :** I require notice of that.

RE-IMPOSITION OF EXCISE DUTY ON COTTON.

716. **\*Dr. T. S. S. Rajan :** (a) Have Government received any representation from Lancashire Cotton Committee, or other similar bodies in the United Kingdom, requesting them to levy a cotton excise duty in India? If so, will Government be pleased to lay on the table of this House a copy of the correspondence relating to this subject?

(b) Are Government contemplating the reimposition of the cotton excise duty on financial consideration, apart from the requisition from interested quarters?

**The Honourable Sir James Grigg :** (a) No.

(b) In matters of taxation Government do not announce their intentions in advance—whether those intentions are positive or negative.

**Mr. S. Satyamurti :** May I know if the Honourable the Finance Member is aware of the strong feeling against this excise duty when it was in existence, and that it should not be revived in any form or to any degree in this country?

**The Honourable Sir James Grigg :** The answer to the first part is "Yes". I did not hear the second part.

**Mr. S. Satyamurti :** Is the Honourable Member aware of the strong feeling that it should not be revived?

**The Honourable Sir James Grigg :** I am aware of that opinion.

**Prof. N. G. Ranga :** Is it not a fact that the handloom weavers did protest when this cotton excise duty was abolished, without showing them any compensatory benefit and that the handloom weavers even today are not so very much averse to the re-imposition of the excise duty provided of course that the interests of the Indian mill industry are not damaged?

**The Honourable Sir James Grigg :** I gather that opinion on this subject is not unanimous in the Party opposite.

**Mr. S. Satyamurti** : Are Government aware, quite apart from any communication, of any move on the part of the Lancashire Cotton Committee on the lines indicated in the first part of the question ?

**The Honourable Sir James Grigg** : I personally am not aware of any such thing.

#### BOMBAY-LANCASHIRE PACT.

717. \***Dr. T. S. S. Rajan** : (a) Have Government given effect to the Bombay-Lancashire pact and if not, why not ?

(b) Are Government aware that Indian mercantile opinion is opposed to the Bombay-Lancashire pact ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) and (b). The Honourable Member's attention is directed to the Debates on the Indian Tariff (Textile Protection) Amendment Act, 1934.

**Mr. S. Satyamurti** : Are Government aware that the Indian mercantile community is opposed to this pact ?

**The Honourable Sir Muhammad Zafrullah Khan** : May I draw the Honourable Member's attention to the previous question and the supplementary questions on this subject answered on the 13th February, 1935 ?

**Mr. S. Satyamurti** : What is the position of Government ?

**The Honourable Sir Muhammad Zafrullah Khan** : The position of Government has not changed. Exactly the same questions were put on that occasion.

#### INDO-BRITISH TRADE AGREEMENT.

718. \***Dr. T. S. S. Rajan** : (a) Are Government aware of the decision of this House with regard to the Indo-British trade agreement which was supplementary to the Mody-Lees pact ?

(b) What action do Government propose to take on the decision of this House with regard to this question ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) Yes.

(b) The Honourable Member's attention is invited to the replies given by Sir Joseph Bhore to the supplementary questions to question No. 206 by Mr. S. Satyamurti on the 13th February, 1935, to which I have just drawn attention.

**Mr. S. Satyamurti** : Have Government considered this question, at any time after the answer was given ?

**The Honourable Sir Muhammad Zafrullah Khan** : As a matter of fact all the relevant considerations and every question that could possibly be put on that occasion were fully discussed and Government gave full replies, even to the extent of answering a question as to whether the matter had been receiving the attention of the Executive Council or not.

**Mr. S. Satyamurti** : That question was answered six months ago. I am now asking whether Government have considered this matter any time after that date ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question was then directed to finding out whether Government had changed their mind and the Government gave their replies after considering the decision of the House. Government do not reconsider every question on every day of the year, with a view to coming to a different decision.

**Mr. S. Satyamurti :** I am glad that the Government are consistent. Did Government consider this matter before they appointed a Textile Tariff Board and invite British interests to give evidence ?

**The Honourable Sir Muhammad Zafrullah Khan :** Government naturally considered the matter at the time of the appointment of the Board.

**Babu Baijnath Bajoria :** Have Government given six months notice for the termination of the Ottawa Agreement ?

**The Honourable Sir Muhammad Zafrullah Khan :** The question does not relate to the Ottawa Agreement.

#### RECOGNITION OF HOMŒOPATHY AS A STATE MEDICAL SCIENCE.

719. **\*Pandit Sri Krishna Dutta Paliwal :** Will Government please state whether they intend to recognise Homœopathy as a state medical science ? If so, when ? If not, why not ?

**The Honourable Sir Girja Shankar Bajpai :** The practice of no species of medical " science " is prohibited and the question of recognition does not, therefore, arise.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if these homœopathic physicians are recognised by Government ?

**The Honourable Sir Girja Shankar Bajpai :** I have already informed the House that, inasmuch as the practice of no kind of medicine is prohibited, the question of recognition does not arise.

**Mr. Lalchand Navalrai :** In the case of allopathy, the sub-assistant surgeons are registered. Therefore, I want to know whether these men are also registered.

**The Honourable Sir Girja Shankar Bajpai :** My Honourable friend will be aware that registration is under Provincial Acts and not under Central Acts.

**Mr. Lalchand Navalrai :** Has the Honourable Member no information whether the homœopathic sub-assistants are registered or not ?

**The Honourable Sir Girja Shankar Bajpai :** I have not yet known a homœopathic sub-assistant !

**Mr. Lalchand Navalrai :** I am asking whether these homœopathic practitioners are registered ?

**The Honourable Sir Girja Shankar Bajpai :** They are not registered.

#### CASTE NAME OF JATAVA COMMUNITY.

720. **\*Pandit Sri Krishna Dutta Paliwal :** (a) Are Government aware that the community known in the United Provinces, Central India, Delhi Province, the Punjab, and Rajputana as Jatava, Jatuve, Jatava desire to be designated by their real and correct name Jatava (Yadav) ?

(b) Have Government received any representation from the above community to that effect ?

(c) Do Government intend to give official sanction to the caste name Jatava (Yadav) to the community mentioned above ? If so, when ? If not, why not ?

(d) Do Government intend to instruct the Provincial Governments to the effect that the above caste name of the Jatava community be registered and used in public documents and the official papers ?

**The Honourable Sir Henry Craik :** (a) I am aware that such claims were made at the last Census.

(b) I cannot reply positively to this question, as it has not been found possible to make a complete search among the records.

(c) and (d). I do not think it is the function of the Government of India to sanction a particular name for a community ; and it can hardly be expected that the Government of India should issue a direction to a Provincial Government as to the name by which a community in that province should be called.

#### PERSONNEL AND REPORTS, ETC., OF THE TARIFF BOARD.

721. \***Pandit Govind Ballabh Pant :** Will Government lay on the table a statement showing :

- (a) the personnel of the Tariff Board as it was constituted from time to time ; and
- (b) the questions referred to the Tariff Board, with the following particulars with reference to each question :
  - (i) the date of reference to the Board ;
  - (ii) the recommendation of the Board with the dates of their report and of its publication ; and
  - (iii) the decision of Government, with the dates when the decision was reached and when it was published ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I would refer the Honourable Member to the statement laid on the table of the House in reply to Professor N. G. Ranga's question No. 479 on the 23rd February, 1935. Since then Messrs. G. Wiles and H. R. Batheja have been reverted to their respective Provinces.

(b) (i), (ii) and (iii). I lay on the table a statement showing the details asked for so far as they are available. The recommendations of the Tariff Board on each enquiry are set out in the Reports, copies of which are supplied, on publication, to every Member of the Legislature and are also placed in the Library of the House.

Statement showing the enquiries made by the Tariff Board with dates of reference to it, and the submission of reports and the decisions of the Government of India thereon.

Subject of enquiry.	Number and date of the Resolution referring the enquiry to the Tariff Board.	Date of submission of the Report.	Resolutions issued with their dates; or legislative action undertaken by the Government of India.
1. Grant of protection to the Steel Industry (1924).	No. 3748, dated the 10th July, 1923.	15th March, 1924	Legislation was undertaken. The Steel Industry (Protection) Act, 1924.
2. Removal of the import duty on sulphur (1924).	No. 4954, dated the 5th October, 1923.	17th March, 1924	Resolutions, were moved in the Council of State and Legislative Assembly on the 4th and 6th June 1924 respectively and effect was given to the recommendations of the Tariff Board by the Finance Department (Central Revenues) Notification No. 2238, dated the 9th June, 1924.
3. Increase of duties on Steel (1924)	No. 280-T (15), dated the 8th October, 1924.	8th November, 1924	Resolution No. 280-T. (15), dated the 27th November, 1924. A Resolution was also moved and adopted in the Legislative Assembly on the 26th January, 1925.
4. Grant of protection to the Magnesium Chloride Industry (1925).	No. 38-T., dated the 10th April, 1924.	26th February, 1925	Resolution No. 5-T. (2), dated the 6th June, 1925.
5. Grant of protection to the Printers' Ink Industry (1925).	Ditto	26th February, 1925	Legislation undertaken under the Indian Tariff (Amendment) Act, 1926.
6. Grant of protection to the Cement Industry (1925).	Ditto	26th February, 1925	Resolution No. 16-T. (4), dated the 1st August, 1925.
7. Grant of protection to the Paper and Paper Pulp Industries (1925).	Ditto	5th May, 1925	Legislation undertaken under the Bamboo Paper Industry (Protection) Act, 1925.
8. Grant of Supplementary protection to the Steel Industry (1925).	No. 280-T. (37), dated the 18th June, 1925.	13th August, 1925	A Resolution was moved and passed in the Legislative Assembly on 15th September, 1925.

1 Subject of enquiry.	2 Number and date of the Resolution referring the enquiry to the Tariff Board.	3 Date of submission of the Report.	4 Resolutions issued with their dates; or legislative action undertaken by the Government of India.
9. Removal of the duty on Spelter and enhancement of the duty on imported galvanized hardware (1926).	No. 38-T. (2), dated the 28th March, 1926.	14th April, 1926..	Resolution No. 267-T. (2), dated the 3rd July, 1926.
10. Grant of protection to the Wire and Wire Nail Industry (1926).	No. 260-T. (37), dated the 18th June, 1925.	14th April, 1926..	Resolution No. 362-T. (3), dated the 17th July, 1926.
11. Grant of protection to the Coal Industry (1926).	No. 47-T. (49), dated the 30th September, 1925.	14th April, 1926..	Resolution No. 47-T. (78), dated the 17th July, 1926.
12. Grant of protection to the Ship-building Industry (1926).	No. 221-T., dated the 28th March, 1925.	14th April, 1926..	Resolution No. 231-T. (2), dated the 14th August, 1926.
13. Continuance of protection to the Steel Industry (1927).	No. 260-T. (64), dated the 3rd April, 1926.	14th December, 1926	Legislation was undertaken under the Steel Industry (Protection) Act, 1927.
14. Changes in the tariff entries relating to Printing Paper (1927).	No. 202-T. (16), dated the 19th May, 1927.	13th July, 1927..	Legislation was undertaken under the Bamboo Paper Industry (Protection) Act, 1927.
15. Grant of protection to the Cotton Mill Industry (1927).	No. 341-T. (9), dated the 10th June, 1926.	21st January, 1927	Resolution No. 341-T. (27), dated the 7th June, 1927. The Indian Tariff Cotton Yarn (Amendment) Act, 1927 and the Indian Tariff (Amendment) Act, 1927 to remove or reduce customs duty on machinery and mill stores.
16. Tariff equality in respect of the manufacture of Camel hair, cotton and canvas ply belting (1927).	No. 38-T. (2), dated the 28th March, 1925.	28th October, 1927	Resolution No. 38-T. (4), dated the 10th February, 1928. Necessary changes included in the Indian Tariff (Amendment) Act, 1928.
17. Grant of protection to the Plywood and Tea chest Industry (1927).	No. 483-T., dated the 26th May, 1927.	20th September, 1927	Resolution No. 483-T. (4), dated the 18th February, 1928.

18. Grant of protection to the manufacture of Railway wagons and under-frames, Component parts thereof, and Wire and Wire Nails (1927).	No. 260-T. (64), dated the 3rd April, 1928.	27th June, 1927	Resolution No. 260-T. (92), dated the 25th February, 1928. The Steel Industry (Protection) Act, 1928.
19. Grant of protection to the Match Industry (1928).	No. 225-T. (14), dated the 2nd October, 1928.	9th April, 1928	Resolution No. 235-T. (24), dated the 1st September, 1928. The Match Industry (Protection) Act, 1928.
20. Grant of protection to the Oil Industry (1928).	No. 141-T. (39), dated the 26th March, 1928.	23rd June, 1928	Resolution No. 141-T. (48), dated the 12th September, 1928.
21. Tariff equality in respect of the manufacture of electric wires and cables (1928).	No. 38-T. (2), dated the 28th March, 1928.	16th August, 1928	Legislation was undertaken under the Indian Tariff (Amendment) Act, 1929.
22. Tariff equality in respect of the manufacture of Printing Type (1929).	Do.	4th January, 1929	Legislation was undertaken under the Indian Tariff (Amendment) Act, 1929.
23. Tariff equality in respect of the manufacture of Manila rope (1929).	Do.	4th January, 1929	Resolution No. 38-T. (9), dated the 8th June, 1929.
24. Salt Industry (1930)	No. 601-T. (1), dated the 25th July, 1929.	7th June, 1930	Press Communiqué dated 13th September, 1930 issued by the Central Board of Revenue.
25. Sugar Industry (1931)	No. 127-T. (19), dated the 20th May, 1930.	29th January, 1931	Resolution No. 127-T. (29), dated the 30th January, 1932. Legislation was undertaken under the Sugar Industry (Protection) Act, 1932.
26. Additional protection for Galvanised sheets (1930).	No. 260-T. (122), dated the 30th September, 1930.	17th October, 1930	Resolution No. 260-T. (127), dated the 30th December, 1930. A Resolution was adopted in the Legislative Assembly on 28th January, 1931 and in the Council of State on 26th February, 1931; and effect was given by Executive action. Notifications No. 260-T. (127), dated 30th December, 1930 and 31st March, 1931, respectively.

1 Subject of enquiry.	2 Number and date of the Resolution referring the enquiry to the Tariff Board.	3 Date of submission of the Report.	4 Resolutions issued with their dates; or legislative action undertaken by the Government of India.
27. Gold thread Industry (1930) ..	No. 180-T. (12), dated the 15th May, 1930.	8th October, 1930	Legislation was undertaken under the Gold Thread Industry (Protection) Act, 1931.
28. Certain Railway Materials made of steel (1930).	No. 38-T. (16), dated the 15th May, 1930.	17th October, 1930	Legislation was undertaken under the steel Industry (Protection) Act, 1931.
29. Steel Rails (1931) ..	No. 260-T. (124), dated the 1st December, 1930.	3rd January, 1931	Resolution was moved in the Legislative Assembly on the 1st April, 1931, and effect was given to the Board's recommendations by executive action.
30. Removal of the Revenue Duty on Pig Iron (1930).	No. 38-T. (9), dated the 28th March, 1925.	8th August, 1929	Resolution No. 38-T. (14), dated the 13th June, 1931.
31. Heavy Chemical Industry (1929)	No. 199-T. (8), dated the 16th July, 1928.	24th May, 1929 ..	Resolution No. 199-T. (11), dated the 5th September, 1931. Heavy Chemical Industry (Protection) Act, 1931.
32. Magnesium Chloride Industry (1929)	No. 199-T. (8), dated the 16th July, 1928.	3rd June, 1929 ..	Resolution No. 5-T. (6), dated the 5th September, 1931. Heavy Chemical Industry (Protection) Act, 1931.
33. Paper and Paper Pulp Industry (1931) ..	No. 202-T. (24), dated the 26th March, 1931.	15th October, 1931	Resolution No. 202-T. (28), dated the 3rd February, 1932. Bamboo Paper Industry (Protection) Act, 1932.
34. Wire and Wire Nail Industry (1931) ..	No. 362-T. (11), dated the 7th May, 1931.	15th October, 1931	Resolution No. 362-T. (16), dated the 3rd February, 1932. Wire and Wire Nail Industry (Protection) Act, 1932.
35. Manufacture of Electric Wires and Cables (1931).	No. 707-T. (1), dated the 11th May, 1931.	15th October, 1931	Resolution No. 707-T. (5), dated the 6th February, 1932.

36. Additional protection to the Cotton Textile Industry (1932).	No. 341-T. (161), dated the 25th July, 1932.	2nd August, 1932	..	Resolution No. 341-T. (164), dated the 30th August, 1932.
37. Extension of protection to the Cotton Textile Industry (1932).	No. 341-T. (150), dated the 9th April, 1932.	10th November, 1932	..	Legislation was undertaken under the Indian Tariff (Textile Protection) Amendment Act, 1934.
38. Grant of Protection to the Glass Industry (1932).	No. 456-T. (2), dated the 20th October, 1931.	17th March, 1932	..	Resolution No. 458-T. (14), dated the 22nd June, 1935.
39. Grant of protection to the Sericultural Industry (1933).	No. 607-T. (1), dated the 3rd December, 1932.	15th May, 1933 ..	..	Legislation was undertaken under the Indian Tariff (Textile Protection) Amendment Act, 1934.
40. Continuance of protection to the Iron and Steel Industry (1934).	No. 280-T. (8), dated the 26th August, 1933.	10th April, 1934	..	Legislation was undertaken under the Indian Iron and Steel Duties Act, 1934.
41. Removal of tariff inequality in respect of carbon brushes and Healds and Reeds (1934).	No. 38-T. (2), dated the 28th March, 1925.	15th May, 1934	..	Resolution No. 38-T. (10), dated the 23rd March, 1935.
42. Removal of tariff inequality in respect of shuttles (1935).	No. 38-T. (2), dated the 28th March, 1925.	11th February, 1935	..	Under consideration.
43. Grant of protection to the woollen textile Industry (1935).	No. 9-T.(2)/24, dated the 20th October, 1934.	10th June, 1935	..	Under consideration.

**Mr. Lalchand Navalrai :** May I know why these gentlemen were reverted to their appointments ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as I am aware, Mr. Wiles obtained another appointment which he preferred to the one he was holding, and Mr. Batheja, I believe, for reasons of health wanted to be relieved of his duties, but, in any case, I might emphasise that each Board is constituted for a particular inquiry, and, when a new inquiry is started, it is open to Government to appoint any Board for that particular inquiry.

**Pandit Govind Ballabh Pant :** Will Government be pleased to state in how many cases, during the last five years, they have disregarded the recommendations of the Tariff Board in favour of the imposition of protective duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** That obviously is a question which I cannot answer in reply to a supplementary question.

**Pandit Govind Ballabh Pant :** Is it a fact that Government have, of late, shown a tendency to disregard the recommendations of the Tariff Board wherever those recommendations have been in favour of the imposition of protective duties ?

**The Honourable Sir Muhammad Zafrullah Khan :** A question put in that form is tendencious and I cannot answer it.

**Pandit Govind Ballabh Pant :** May I know how the question is tendencious ? I am asking the Government whether it is or it is not a fact : I do not insinuate anything.

**Mr. President (The Honourable Sir Abdur Rahim) :** It is tendencious.

**Pandit Govind Ballabh Pant :** Have Government accepted all the recommendations of the Tariff Board in favour of the imposition of protective duties in the last five years ?

**The Honourable Sir Muhammad Zafrullah Khan :** No, Sir.

**Pandit Govind Ballabh Pant :** In how many cases were such recommendations made ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of that, I would require notice.

**Pandit Govind Ballabh Pant :** In how many cases were such recommendations not accepted ?

**The Honourable Sir Muhammad Zafrullah Khan :** My previous answer covers this part of the question.

**Pandit Govind Ballabh Pant :** Is it a fact that such recommendations were uniformly accepted during the past five years ?

**The Honourable Sir Muhammad Zafrullah Khan :** I cannot say, Sir.

**Pandit Govind Ballabh Pant :** Sir, is it a fact that the Indian Fiscal Commission as well as the Industrial Commission were in favour of a

permanent Tariff Board in place of the *ad hoc* Tariff Boards being appointed for particular industries ?

**The Honourable Sir Muhammad Zafrullah Khan :** Of that, I would require notice ; it does not arise out of this question.

**REFERENCE OF THE QUESTION OF THE INDIAN TEXTILE INDUSTRY TO THE TARIFF BOARD.**

722. **\*Pandit Govind Ballabh Pant :** (a) Do Government intend to refer the question of the Indian textile industry to the Tariff Board in the near future ?

(b) Do Government intend to ask the Tariff Board to examine this matter in the light of the provisions of what is known as the Mody-Lees Pact ?

(c) Is there any intention of changing the personnel or constitution of the Board and of substituting a European or an official in the place of the present President of the Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a), (b) and (c). The Honourable Member is referred to the Commerce Department Resolution No. 341-T. (12)35, dated the 10th September, 1935, which was published in the Gazette of India Extraordinary of that date, copies of which are in the Library.

**Pandit Govind Ballabh Pant :** Why was the personnel of the last Tariff Board substituted by these individuals who were appointed by this Resolution for the purpose of examining the question of the British textile industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** I have already answered that question in answer to a supplementary question by the Honourable Member, Mr. Lalchand Navalrai.

**Pandit Govind Ballabh Pant :** Will the debate on the Indo-British Trade Agreement be referred to this Board ?

**The Honourable Sir Muhammad Zafrullah Khan :** I do not understand what is meant by referring the "debate" to the Board.

**Pandit Govind Ballabh Pant :** Will the volume, containing the report of the proceedings held on the floor of this House with reference to the Indo-British Trade Agreement, be sent for consideration to the Tariff Board that has been appointed to consider the question of the textile industry ?

**The Honourable Sir Muhammad Zafrullah Khan :** If the Board ask for it, certainly.

**Pandit Govind Ballabh Pant :** Then, Government do not, of their own initiative, consider it advisable or expedient to send to the Board the opinions expressed by the Members of this House on the questions which the Board is going to consider ?

**The Honourable Sir Muhammad Zafrullah Khan :** Sir, it is for the interests concerned to place such material before the Board as they

think will be relevant for the purposes of the inquiry which the Board is going to hold.

**Pandit Govind Ballabh Pant** : Is it a fact, then, that Government, of their own accord, will not send any papers to this Board at all ?

**The Honourable Sir Muhammad Zafrullah Khan** : No, Sir, not of their own accord.

**Pandit Govind Ballabh Pant** : Government then will not send them any material whatsoever ?

**The Honourable Sir Muhammad Zafrullah Khan** : I have already said that it is for the interests concerned to place such material as they choose which they think to be relevant to the inquiry before the Board.

**Mr. T. S. Avinashilingam Chettiar** : What material, then, do Government propose to place before the Board ?

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question.

#### EXPORTS AND IMPORTS OF CERTAIN COMMODITIES.

723. **\*Pandit Govind Ballabh Pant** : (a) Will Government lay on the table a statement showing the comparative figures for the months of April to July for the current and the preceding year, of the exports and imports of India of :

- (i) raw produce,
- (ii) manufactured goods, and
- (iii) (1) gold and (2) other precious metals ?

(b) What is the nature and the extent of the balance of trade in each of the last four months, if the item relating to gold and silver is not taken into account ?

**The Honourable Sir Muhammad Zafrullah Khan** : (a) The information asked for by the Honourable Member is given in the Accounts relating to the Sea-borne Trade and Navigation of British India for the month of July, 1935, a copy of which is in the Library of the Legislature.

(b) The balance of trade in merchandise in each of the last four months, April to July, 1935, was as follows :

	Rs. (Lakhs.)
April	54 Adverse to India.
May	348 In favour of India.
June	.. 295 do.
July .. ..	.. 206 do.

DIFFERENCE IN THE CUSTOMS AND EXCISE REVENUE.

724. \*Pandit Govind Ballabh Pant : (a) What is the difference for the months of April to July, 1935 and 1934 in the matter of (i) customs, and (ii) excise revenue ?

(b) In which cases have the imports gone up and from which countries and why ?

(c) What steps have Government taken for the revision of customs and tariffs so far ?

**The Honourable Sir James Grigg :** (a) and (b). The figures desired by the Honourable Member are available from the monthly statements showing the total gross Indian sea and land customs revenue and from the Accounts relating to the Sea-borne Trade and Navigation of British India for July, 1935. Copies of these publications are placed in the Library. It is not possible to give reasons for all the increases and decreases under the various items.

(c) I would refer to my remarks in the Assembly on the 6th March last (page 1777) and again on the 11th March (pages 2152-53).

**Pandit Govind Ballabh Pant :** Have Government arrived at any decision regarding the revision of the customs tariff ?

**The Honourable Sir James Grigg :** If the Honourable Member will look at my remarks, to which I have just referred, he will see that there are certain conditions preliminary to any decision on that point to be fulfilled.

**Pandit Govind Ballabh Pant :** And I conclude that those conditions have not yet been fulfilled and, accordingly, Government have not yet arrived at any decision ?

**The Honourable Sir James Grigg :** The Honourable Member can conclude that up to the time of the last Budget ; six months have elapsed since the last Budget. In any case, if I have arrived at any conclusion in these six months, I would not tell the Honourable Member till the next Budget. (Laughter.)

INCOME AND EXPENDITURE OF STATE RAILWAYS.

725. \*Pandit Govind Ballabh Pant : (a) How does the income and expenditure of each of the State Railways for the first quarter of the current financial year compare with that of the last year ?

(b) Will Government state the yield from passengers and goods traffic in each case ?

(c) How do Government account for the variations ?

(d) Have Government any intention of revising the Railway tariff, specially for goods ?

(e) What measures do Government intend taking to reduce the expenditure ?

Mr. P. R. Rau : (a), (b) and (c). I am placing on the table statements giving the information available.

(d) and (e). I would refer the Honourable Member to the reply given to Mr. Satyamurti's question No. 405 on the 16th September, 1935.

*Approximate gross earnings of the State-owned Railways from 1st April, 1925 to 30th June, 1935, as compared with the actuals of the corresponding period of last year.*

Railways	From 1st April to		(Figures in lakhs of Rs.) Increase (+) Decrease (—) as compared with the figures for the previous year.
	30th June, 1934.	30th June, 1935.	
	Rs.	Rs.	Rs.
Assam Bengal	46	37	—9
Bengal Nagpur	212	220	+8
Bombay, Baroda and Central India.	290	291	+1
Burma	99	97	—2
Eastern Bengal	110	120	+20
East Indian	489	479	—10
Great Indian Peninsula	326	322	—4
Madras and Southern Mahratta	193	173	—20
North Western	362	353	—9
South Indian	137	133	—4
Tirhoot and Lucknow Bareilly	55	51	—4
Other Railways (Bezwada, Dhone Kurnool and Jodhpur Hyderabad Br. Section).	12	12	
<b>Total</b>	<b>2,339</b>	<b>2,288</b>	<b>—51</b>

*Approximate ordinary working expenses including suspense but excluding appropriation to and from depreciation fund of State-owned Railways from 1st April to 30th June, 1935, as compared with the actuals of the corresponding period of last year :—*

Railways.	From 1st April to		(Figures in lakhs of Rs.) Increase (+) Decrease (—) as compared with the figures for the previous year.
	30th June, 1934.	30th June, 1935.	
Assam Bengal ..	Rs. 28	Rs. 28	..
Bengal Nagpur .. ..	122	126	+4
Bombay, Baroda and Central India.	125	126	+1
Burma ..	55	58	+3
Eastern Bengal ..	87	93	+6
East Indian ..	227	223	—4
Great Indian Peninsula ..	161	163	+2
Madras and Southern Mahratta	79	81	+2
North Western ..	215	202	—13
South Indian ..	64	66	+2
Tirhoot and Lucknow Bareilly	17	17	
Other Railways (Bezwada Ex., Dhone Kurnool and Jodhpur Hyderabad).	7	7	
<b>Total ..</b>	<b>1,187</b>	<b>1,190</b>	<b>+3</b>

*Statement showing coaching and goods earnings of major Class I Railway Systems from 1st April to 30th June, 1935, as compared with the actuals of the corresponding periods of the previous year.*

(Figures in lakhs of Rs.)

Major Railway System.	From 1st April to 30th June.		Difference Increase (+) Decrease (—).	Reasons for variations.	
	1934-35.	1935, '36.			
A. B. {	Coaching ..	Rs. 15	Rs. 16	+1	Mainly due to mela traffic and to breaches on the northern section of the line during the corresponding period of the previous year.
	Goods ..	21	21	—8	

(Figures in lakhs of Rs.)

Major Railway System.	From 1st April to 30th June.		Difference Increase (+) Decrease (-).	Reasons for variations.	
	1934-35.	1935-36.			
	Rs.	Rs.	Rs.		
B. N.	Coaching ..	48	51	+3	Mainly under passenger earnings.
	Goods ..	161	166	+5	Mainly under manganese ore, iron ore, lime, grains, sugar, and salt.
B. B. & C. I.	Coaching ..	123	127	+4	Mainly under passenger earnings.
	Goods ..	181	178	-3	Mainly under coal and coke, grains and pulses, cotton and oilseeds.
Burma	Coaching ..	26	27	+1	Under passenger traffic.
	Goods ..	70	67	-3	Under grains.
E. B.	Coaching ..	49	51	+2	Mainly under passengers.
E. I.	Coaching ..	148	154	+6	Chiefly under 3rd class passengers.
	Goods ..	340	324	-16	Mainly under coal, grains, oilseeds tea and gunny.
G. I. P.	Coaching ..	106	111	+5	Mainly under passenger earnings.
	Goods ..	231	221	-10	Mainly under oilseeds, food grains other than wheat, cotton and salt.
M. & S. M.	Goods ..	139	116	-23	Mainly under groundnuts, rice, jaggree, wheat and cotton seeds.
N. W.	Coaching ..	139	140	+1	Mainly under passengers.
	Goods ..	231	221	-10	Mainly under cotton raw, wheat, gram and pulse, oilseeds and petrol.
S. I.	Coaching ..	74	67	-7	Due to a fall in labour traffic to Ceylon, dull marriage season traffic and more festival traffic during the corresponding period of previous year.
	Goods ..	67	70	+3	Mainly under cement, food grains cotton and miscellaneous traffic.

**Prof. N. G. Ranga :** Have Government any intention of revising the railway tariff, especially for passengers ?

**Mr. P. R. Rau :** I think, Sir, that the reply given to Mr. Satyurmurti's question covers all these points.

**Pandit Govind Ballabh Pant :** Is it a fact that the state of the railway finances is really deplorable ?

**Mr. P. R. Rau :** That is a matter of opinion ; I can only say that everybody interested in railways hopes for improvement as soon as possible.

**Pandit Govind Ballabh Pant :** Are Government taking any measures in order to effect economies in the administration of the Railways ?

**The Honourable Sir Muhammad Zafrullah Khan :** That question has, on several occasions, been answered during the course of this Session.

#### VACANCIES IN THE KING'S AND VICEROY'S COMMISSIONED RANKS.

726. **\*Pandit Govind Ballabh Pant :** (a) What is the total number of normal vacancies every year :

(i) in the King's Commissioned ranks in the Army located in India, including both British and Indian arms ; and

(ii) in the Viceroy's Commissioned ranks in the Indian Army ?

(b) Are any persons directly recruited to the latter ? If so, how many and since when ?

**Mr. G. R. F. Tottenham :** (a) (i). About 220, of which about 100 are in the British Service.

(ii) About 320.

(b) The practice of granting a few direct Viceroy's Commissions has existed for many years. The average number for each of the last three years is six.

**Pandit Govind Ballabh Pant :** Who are " directly " appointed as Viceroy's Commissioned Officers ?

**Mr. G. R. F. Tottenham :** The persons who are suitable therefor.

**Pandit Govind Ballabh Pant :** Is it necessary for them to possess any military qualifications before they are so appointed ?

**Mr. G. R. F. Tottenham :** They are generally people who come from military families and whose fathers and other relations have served in the army, and, therefore, have military traditions. That is the general rule.

#### CADETS OF THE INDIAN MILITARY COLLEGE, DEHRA DUN.

727. **\*Pandit Govind Ballabh Pant :** (a). How many cadets is the Indian Military College, Dehra Dun, intended to turn out annually ?

(b) How many of those cadets will receive King's Commissions, and what number will be absorbed in posts held by Viceroy's Commissioned officers so far ?

(c) Will the pay and prospects be identical in both cases and also with those of the British Officers holding King's Commissions ?

(d) What will be the financial effect of the replacement of the present system by direct recruitment from among the cadets of the Military Academy ? Will it deprive members of the regular Army of the opportunities for promotion which were available so far ?

**Mr. G. R. F. Tottenham :** (a) The annual intake of the Academy is 60 cadets for the Indian Army and 20 for the Indian State Forces. The output is intended to be in the neighbourhood of those figures.

(b) All except the Indian State Forces cadets will receive the King's Commission.

For several years to come, practically all Indian Commissioned officers, except those posted to the Indian Regiment of Artillery, will replace Viceroy's Commissioned officers.

(c) The pay and prospects of all officers commissioned from the Indian Military Academy will be identical. Their rates of pay are roughly the same as those of British officers serving in their own country, while the scale of promotion is identical with that of their British contemporaries in the Indian Army.

(d) The pay charges of an infantry battalion when fully Indianised will probably be several thousand rupees less than those of a non-Indianised battalion.

The rank and file of the former will not have the chance of rising above the rank of Warrant Officer in their own units, but they will be eligible for promotion to Viceroy's commissioned rank in non-Indianised units.

**Pandit Govind Ballabh Pant :** Is there any difference between the pay and emoluments of Indian officers holding the King's Commission in India and British officers holding the King's Commission in India ?

**Mr. G. R. F. Tottenham :** Yes, Sir, there is a difference.

**Pandit Govind Ballabh Pant :** What is its extent ?

**Mr. G. R. F. Tottenham :** I could not say off hand what the amount of the difference is.

**Sardar Mangal Singh :** Are Government prepared to take more cadets to the Dehra Dun College in view of the large number of vacancies in the King's Commissioned officers every year ?

**Mr. G. R. F. Tottenham :** I think the Honourable Member is referring to my answer to the last question which referred to the number of vacancies.

#### **ALLEGATIONS AGAINST CERTAIN PEOPLE IN THE REPORTS PUBLISHED IN CERTAIN NEWSPAPERS ABOUT QUETTA AFTER THE EARTHQUAKE.**

728. **\*Pandit Govind Ballabh Pant :** (a) Have Government noticed the communications and grave charges pertaining to the behaviour of certain people in the reports about Quetta after the earthquake, published in the *Daily Herald* and the *Daily Worker* of London ? If so, have Government made any enquiry in the matter ?

(b) Will Government please lay the report of the enquiry on the table ?

**Mr. G. R. F. Tottenham :** The Honourable Member's attention is invited to the reply I gave to Mr. S. Satyamurti's starred question No. 427. on the 17th September, 1935.

**ACQUISITION OF THE ROHILKUND AND KUMAON RAILWAY.**

729. \***Pandit Govind Ballabh Pant :** (a) Have Government not yet decided to take over the management of the Rohilkund and Kumaon Railway ?

(b) Is it a fact that by far the major portion of the Rohilkund and Kumaon Railway belongs to the State ?

(c) What will the acquisition of the remaining portion held by the Company cost ?

**Mr. P. R. Rau :** (a) Notice of termination, if decided upon, is to be given before the end of 1936. The question is under consideration.

(b) The portion owned by Government, namely the Lucknow-Bareilly Section, comprises 312 miles out of a total mileage of about 571.

(c) Between 2 and 2½ crores.

**Pandit Govind Ballabh Pant :** Are Government aware of the fact that there is a general dissatisfaction with the present methods of the administration of the R. & K. Railway ?

**Mr. P. R. Rau :** Sir, my Honourable friend has brought various instances of what he considers mal-administration to my notice.

**AVERAGE SALARY, EMOLUMENTS AND EXPENSES ON THE EDUCATION OF THE CHILDREN OF BRITISH AND INDIAN SOLDIERS.**

730. \***Pandit Govind Ballabh Pant :** (a) Will Government lay on the table a statement showing full details of the average salary and emoluments of (i) a British and (ii) an Indian soldier ?

(b) What is the average amount spent by Government on the education of the child of (i) a British and (ii) an Indian soldier ?

(c) What is the total number of children of British soldiers in service ?

**Mr. G. R. F. Tottenham :** (a) I lay a statement on the table.

(b) (i). Rs. 184 a year.

(ii) Government do not undertake the education of the children of all Indian soldiers, but they provide special arrangements for such of them as desire to make the Army their profession at the King George's Royal Indian Military Schools at Jullundur, Jhelum and Ajmer. These Schools contain about 770 pupils and the approximate annual expenditure per pupil is Rs. 367.

(c) The information required by the Honourable Member is not readily available. Our records, however, show that there were 3,188 children of British soldiers attending schools on the 1st February, 1935.

*Statement.**British soldiers:*

(Privates enlisted after October 1925).

	<i>s. d.</i>	<i>Rs. A. P.</i>
Pay ..	2 0 per day.	
Proficiency pay	0 6 " "	
Messing ..	0 3½ " "	
	<hr/> 2 9½ or Rs. 2-1-6 per day × 30	62 13 0 p. m.
Clothing allowance	..	7 6 0 p. m.
	Total	<hr/> 70 3 0 p. m. × 12 842 4 0 per annum. <hr/>

Calculated for 365 days, the total emoluments per annum will be Rs. 842-4-0+(Rs. 2-1-6 × 5)  
=Rs. 10-7-6=Rs. 852-11-6.

*Indian privates :—*

	<i>Rs. A. P.</i>
Pay .. .. .	16 0 0 p. m.
Proficiency pay .. .. .	2 8 0 p. m.
Messing allowance .. .. .	0 10 0 p. m.
Kit and clothing allowance .. .. .	2 10 0 p. m.
Deferred pay .. .. .	2 0 0
	<hr/> 23 12 0 × 12 = Rs. 285 0 0 per annum. <hr/>

**Pandit Govind Ballabh Pant :** What is the average expenditure incurred by the Government on the education of the children of Indian soldiers *per capita* ?

**Mr. G. R. F. Tottenham :** I could not work that out in answer to a supplementary question. I have given all the information available. The amount spent on the education of children of Indian soldiers is the amount required to pay for 770 children at Rs. 367 per head per annum. The total cost would be the result of that multiplication sum.

**Pandit Govind Ballabh Pant :** Is it a fact that the expenditure *per capita* would not come to over one anna ?

**Mr. G. R. F. Tottenham :** I could not say off hand, but I should think it was very unlikely.

**INDIANS, EUROPEANS AND ANGLO-INDIANS IN THE VARIOUS PORT TRUSTS.**

731. **\*Pandit Govind Ballabh Pant :** (a) Will Government be pleased to state how the various Port Trusts are constituted, giving the names of the Chairman and members of each ?

(b) Is it a fact that certain Resolutions moved in the Council of State in 1922 and 1932, recommending the Indianisation of the services of the Port Trusts, were accepted by Government ?

(c) Will Government lay on the table a statement showing the number of Indians, Europeans and Anglo-Indians in the various Port Trust

services in posts carrying pay of more than Rs. 400 per mensem for the last ten years ?

**The Honourable Sir Muhammad Zafrullah Khan :** (a) I lay on the table a statement giving the latest information available.

(b) It is presumed that the Honourable Member refers to the Honourable Sir Pheroz Sethna's Resolutions in 1922 and 1932 asking respectively for measures to be taken "to increase the number of Indians in the higher grades", and "to secure a substantial improvement in the matter of Indianizing the services" of the Port Trusts. Both these Resolutions were accepted by Government.

(c) The information is being obtained and will be laid on the table when received.

*Statement showing the constitution of the Ports Trusts and the names of the Chairmen and Members thereof.*

*Calcutta (Strength—19).*

1 Chairman	..	Appointed by Local Government after consultation with Port Commissioners.	Mr. T. H. Elderton (on leave). Mr. W. A. Burns (officiating).
1 Deputy Chairman		Appointed by Commissioners with the approval of the Local Government.	Lieutenant-Colonel H. H. Hudson, D.S.O., M.C. (officiating).
5 Ex-officio Members		Agents of the East Indian, Bengal-Nagpur and Eastern Bengal Railways; Collector of Customs, Calcutta; and Principal Officer, Mercantile Marine Department, Calcutta.	Mr. A. V. Venables, Mr. L. G. W. Hill, Mr. K. L. Manley, Mr. W. J. Ward, and Captain L. W. Turbett.
12 Elected Members		Bengal Chamber of Commerce—6	Messrs. G. R. Campbell, A. L. B. Tucker, M. A. Hughes, K. J. Nicholson (on leave) E. H. Marshall (officiating), W. Hunter and J. Reid-Kay (on leave) D. J. Leckie (officiating).
		Calcutta Trades Association—1	Mr. C. H. Pratt.
		Calcutta Corporation—1	.. Mr. Rajendra Narayan Banerjee.
		Bodies selected by Local Government from the Indian Mercantile community—4.	Mr. Nalini Ranjan Sarkar (Bengal National Chamber of Commerce). Mr. Kassim A. Mohammad (Muslim Chamber of Commerce). Mr. D. P. Khaitan (Indian Chamber of Commerce). Mr. J. C. Banerjee (Bengal National Chamber of Commerce).

*Bombay (Strength—22).*

1 Chairman	.. Appointed by Local Government	Mr. G. Wiles, C.S.I., C.I.E., I.C.S.
8 Members	.. Nominated by Local Government of whom one to be a Military Officer, and one a representative of Labour.	Rear-Admiral A. E. F. Bedford, C.B., R.N.; Mr. Syed Munawar; Mr. G. W. E. Arbutnot, C.I.E.; Mr. I. H. Taunton, I.C.S., *Sir Maurice Brayshay, Kt.; Mr. Leonard Wilson; Mr. Meed Slade, I.C.S.; Major-General John Henry Foster Lakin, C.B., C.S.I.
13 Elected Members	Bombay Chamber of Commerce—5.	Messrs. G. H. Cooke, W. G. Lely, J. J. Flockhart, F. H. French and R. C. Lowndes.
	Indian Merchants' Chamber—5	Sir P. Thakurdas, Kt., C.I.E., M.B.E.; Messrs. L. R. Tairsee, Gordhandas, Goculdas Morarji, Mathradas Canji Mattani, and Ardeshir Darabshaw Shroff.
	Bombay Municipal Corporation—2	Messrs. Meyer Minsim and Hoosenally Mahommedbhoy Rahimtoola.
	Bombay Millowners' Association—1	Mr. Andrew Geddis.

\*Now officiating Chief Commissioner of Railways. The name of his successor on the Bombay Port Trust Board is not known.

*Karachi (Strength—15).*

1 Chairman	.. Appointed by Local Government	*Colonel D. S. Johnston, C.I.E.
5 Members	.. Nominated by Local Government of whom one is to be a representative of N. W. Railway and another of labour.	†Major J. G. Gain, M.C., Messrs. F. Buckley; Collector of Customs, A. K. Homan (N. W. Railway) and Mir Ayub Khan Bar-at-Law.
9 Elected Members	Karachi Chamber of Commerce—4.	Messrs. W. B. Young, J. W. Anderson, G. H. Raschen, and H. S. Bigg-Wither, O.B.E.
	Indian Merchants' Association—2.	Mr. Chellaram Shewaram and Lala Jagannath Lalaram Randon. (Elected Vice-Chairman).
	Karachi Buyers' and Shippers' Chamber—2.	Messrs. Isherdas N. Mallik and Mohamedali A. K. Alavi.
	Karachi Municipal Corporation—1.	Mr. Tikamdas Wadhmal.

\*At present on leave. The name of the successor is not known.

†The name of the fifth member is not known.

*Madras (strength to be fixed by Local Government between a maximum of 15 and a minimum of 11. Present strength—15).*

1 Chairman	.. Appointed by Local Government	Mr. G. C. Armstrong, O.B.E., M.C., V.D.
4 Members	.. Nominated by Local Government (if total strength is 15).	Mr. G. N. Bower (Collector of Customs). Commander G. R. Bluett, R.I.N. (Principal Officer, Mercantile Marine Department). Mr. H. N. Golam (Agent, Madras and Southern Mahratta Railway). Mr. C. A. Muirhead, (Agent, South Indian Railway).
10 Elected Members	Madras Chamber of Commerce—4.	Messrs. W. N. Browning, G. A. Bambridge; G. H. Hodgson and F. Birley, M.L.C.
	Southern India Chamber of Commerce—2.	Messrs. M. Ct. M. Chidambaram Chettiyar and G. Janakiram Chetty Garu.
	Madras Trades Association—2	Messrs. S. W. Edwards and E. A. Heath.
	S. I. Skin and Hide Merchants' Association—1.	Mr. Yakub Hasan Sait.
	Madras Piece-goods Merchants' Association—1.	Mr. Abdus Subhan Sahib.

*Rangoon (Strength—17).*

1 Chairman	.. Appointed by Local Government	Sir John Arnold Cherry, C.I.E., M. L. C.
2 Ex-officio Members.	Collector of Customs Chairman, Rangoon Development Trust.	Mr. P. W. Singleton. Mr. Wilfred Hugh Payton, I.C.S.
3 Members	.. Nominated by Local Government to represent—	Captain H. W. B. Livesay, O.B.E., R.I.N.
	(i) Admiralty and Marine interests.	Messrs. G. S. Taunton and Kenneth MacGibbon.
	(ii) Sea-going shipping.	
	(iii) Inland shipping.	
1 Ex-officio	.. Agent, Burma Railways	Mr. J. E. M. Rowland.
10 Elected Members	Burma Chamber of Commerce—4	Messrs. K. B. Harper; A. A. Bruce; M. L. Burnet; and John Tait.
	Rangoon Municipal Corporation—1.	Mr. U. Thin Maung, M.L.C.
	Rangoon Trades' Association—1.	Mr. W. C. Penn.
	Representatives of non-European mercantile community—4.	Mr. S. N. Haji } Burma Indian Mr. Abdul } Chamber of Wahed Adam- } Commerce. jee.
		Mr. Khoo Ke Khweit—Chinese Chamber of Commerce.
		Mr. U. Thin Maung, M. M. F.—(Burmese Chamber of Commerce—Elected Vice-Chairman).

*Chittagong (Strength—12).*

1 Chairman	..	Appointed by Governor General in Council.	Mr. G. R. Cuffe (Agent, Assam-Bengal Railway).
2 Ex-officio Members.		Collector of Chittagong	.. Mr. A. Whittaker, I.C.S. (Officiating).
		Collector of Customs	.. Mr. Mohammed Aslam.
1 Member	..	Appointed by Governor General in Council.	Lt. Commr. F. W. Angell, R.I.N. (Nautical Surveyor).
1 Member	..	Nominated by Assam Bengal Railway.	Mr. N. H. Lewis.
7 Elected Members		Chittagong Chamber of Commerce—3.	Messrs. L. M. Crossfield, J. D. Douglas, and J. A. Oliver.
		Chittagong Indian Merchants' Association—3 (or such bodies as the Governor General in Council may select to represent Indian mercantile interests).	Rai Upendralal Roy Bahadur ; (Elected Vice-Chairman). Mr. C. A. Buch. Babu Suresh Chandra Banerjee.
		Chittagong Municipality—1	.. Maulvi Amanat Khan.

*Aden (Strength not less than 6. Present strength—10).*

1 Chairman	..	Appointed by the Governor General in Council.	Mr. J. V. Alexander.
2 Ex-officio	..	Principal Officer, M. M. Deptt. An Officer of the Headquarters staff, Aden Brigade.	Commr. L. S. Wadeson, R.I.N. Capt. A. Messenger, R.D., R.N.R.
3 Members	..	Appointed by the Governor General in Council.	Khan Bahadur M. A. K. Mackawee, O.B.E. ; Messrs. W. Meek, O.B.E. ; F. W. Rant ; C. Findlay ; Ahmedbhoy Ismailboy Laljee, O.B.E. ; Framroze, H. C. Dinshaw ; and Lt.-Col. E. S. Phipson, C.I.E., D.S.O.

**Pandit Govind Ballabh Pant :** Are Government in a position to state what action has been taken in pursuance of those Resolutions and what has been the increase in the number of Indians in higher posts in these services since 1932 ?

**The Honourable Sir Muhammad Zafrullah Khan :** So far as the higher posts are concerned, part (c) of the question relates to these posts, and I have already submitted that information is being obtained and will be laid on the table when received. So far as the first part of the question is concerned, Government have reason to believe from the information that they have been receiving that Indianisation is steadily increasing.

**EXPLOSION IN BAGDIGI COLLIERY IN DHANBAD.**

732. **\*Pandit Govind Ballabh Pant :** (a) Is it a fact that a large number of miners were killed and injured as a result of an explosion in Bagdigi Colliery in Dhanbad ?

(b) Has any compensation been awarded to the dependants of the deceased and the injured ? If so, what ?

(c) What was the cause of the explosion ?

(d) Was any action taken against any person in this connection ?

(e) What steps do Government intend to take in order to prevent a repetition of such disaster ?

**Mr. A. G. Clow :** (a) 19 were killed and seven injured as a result of the explosion in the Bagdigi colliery.

(b) I have no information ; but it is open to the dependants of deceased miners and to injured miners to prefer claims under the Workmen's Compensation Act.

(c) This has been under investigation by a Court of Inquiry appointed by the Government of Bihar and Orissa under section 21 of the Indian Mines Act, but their report is not yet available.

(d) and (e). These questions will receive due consideration after the Court of Inquiry has reported.

**Pandit Govind Ballabh Pant :** Do Government not call for any report from the local authorities when such incidents happen ?

**Mr. A. G. Clow :** The position is that, as a rule, when a very serious accident happens, the Government of the province in which the accident occurs appoints a Court of Inquiry under the Mines Act. That Court has been sitting in the present case. I believe their report has been presented to the Local Government, but I have not yet seen it.

**Pandit Govind Ballabh Pant :** Do Government not call for any information from the local authorities as to the award of compensation to the dependants of the deceased in consequence of such accidents ?

**Mr. A. G. Clow :** No, Sir.

**Pandit Govind Ballabh Pant :** Is it not desirable that they should do so ?

**Mr. A. G. Clow :** No, Sir, I do not think so. The position is that the Act provides for the grant of compensation to those who apply. There is also a provision enabling the Commissioner to call attention of the dependants of deceased workmen to the possibility of filing an application. It is for them to decide whether they should file an application or not.

**Pandit Govind Ballabh Pant :** Is not the protection of labour one of the subjects for which the Government of India are responsible ?

**Mr. A. G. Clow :** No, Sir. The Local Government are primarily responsible for that.

**Pandit Govind Ballabh Pant :** And not the Government of India ?

**Mr. A. G. Clow :** The Government of India are only responsible in so far as it is at present a reserved subject, and they have the powers of superintendence, direction and control.

**ARMY LENT FOR PRODUCING THE FILM "SOLDIERS THREE".**

733. \*Pandit Govind Ballabh Pant : (a) Is it a fact that two battalions, namely the Welch and Devons, were lent by the Army Headquarters to participate in a mock fight against Shinwar tribesmen in the Khaibar Pass in order to make up a scene for the film "Soldiers Three" under the direction of Mr. Geoffrey Barker ?

(b) Was any ammunition used by the said battalions in the fight ?

(c) Is it a practice of the Army Headquarters to lend the services of the Army in India for such purposes ?

(d) Do Government approve of this action of the Army Headquarters ?

(e) Do Government intend similarly to encourage the Indian film producers by lending them the fighting forces, armies and other military material and articles ?

Mr. G. R. F. Tottenham : (a) The 2nd Battalion, the Welch Regiment, and the 7th (Bengal) Mountain Battery took part in the scene connected with frontier fighting. The 1st Battalion, the Devonshire Regiment, participated in the filming of cantonment scenes at Alipore.

(b) Yes. Blank ammunition was used.

(c), (d) and (e). I would refer the Honourable Member to Appendix XLVI Regulations for the Army in India, which gives the conditions under which Government may loan troops to approved private firms (including Indian film companies) in connection with the production of films. One condition of course is that all expenses are paid by the Company. The Honourable Member will find a copy of the Appendix in the Library.

Pandit Govind Ballabh Pant : May I ask the Honourable Member whether the army was ever lent to any other Company for the purpose of preparing a film ?

Mr. G. R. F. Tottenham : I think this is the only firm to which they have so far been lent.

Pandit Govind Ballabh Pant : What was the amount paid by this Company for the use of the army or on account of the ammunition used in this sham fight ?

Mr. G. R. F. Tottenham : I am afraid I shall require notice of that question. I have not got the figures in my head.

Prof. N. G. Ranga : Was that the only firm which had applied for the loan of army ?

Mr. G. R. F. Tottenham : This is the only Company that has applied so far.

Pandit Govind Ballabh Pant : Do Government regard it as a legitimate use of the army ?

Mr. G. R. F. Tottenham : Yes, Sir. If they did not regard it as legitimate, they would not allow it.

Pandit Govind Ballabh Pant : Government are never capable of making any mistake ?

(No answer.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question, No. 734.

**Mr. M. Asaf Ali** : May I, Sir, ask a supplementary question to question No. 733 ?

**Mr. President** (The Honourable Sir Abdur Rahim) : No, next question has been called.

**EXAMINATION IN LEAVE RULES HELD BY THE EAST INDIAN RAILWAY AUTHORITIES.**

734. \***Sirdar Jogendra Singh** : (a) Has the attention of Government been drawn to the examination in Leave Rules held by the East Indian Railway authorities ?

(b) Is the staff branch in the Divisional Office on the East Indian Railway a technical branch ? If so, what are the technical qualifications or training prescribed for officers and clerks in this branch ?

(c) What facilities, if any, have been provided for the training of staff officers and clerks ?

(d) Are clerks in other branches, such as Commercial, Transportation, Engineering, Locomotive and Carriage and Stores, required to pass an examination in the rules pertaining to the respective branches ? If not, why not ?

(e) Is the examination compulsory or optional ?

(f) Is it a fact that certain staff Superintendents have issued orders that clerks have to pass this examination and failure to do so shall be punishable ? If so, will Government be pleased to state the authority for doing so ?

(g) Is any similar examination held for clerks of staff branch on any other Railway, or was it ever held on the late Oudh and Rohilkund Railway ? If not, will Government be pleased to state the necessity for its introduction by the East Indian Railway authorities ?

(h) Are (i) the clerks in the Accounts and Audit Departments who have to perform the duties of auditing the work of the executive and draw higher scale of pay, (ii) the officers and supervising subordinates in Divisional Offices, (iii) the clerks in the head office, and (iv) the clerks dealing with staff in other departments than the Railway, required to pass this examination ? If not, why are the clerks in the staff branch of divisional offices alone compelled to pass this examination ?

(i) Are not the scales of pay for clerks in staff branches the same as in other branches (Commercial, Running and Stores) of a Divisional Office, and is there not a common seniority list for the whole office ? If so, why are the clerks in staff branch alone required to obtain this additional qualification without any remuneration ?

(j) Are Government prepared to make a thorough enquiry into the question with a view to bringing out uniformity and eliminating hardships to certain section of the staff ?

**Mr. P. B. Rau** : Government are informed that an examination in leave rules for certain sections of the staff has been in force on the East Indian Railway for a long time. They are making enquiries as to the

practice followed in this matter on the other State-managed Railways and will consider whether a uniform procedure should be prescribed for all these railways.

#### ELIGIBILITY OF TELEPHONE OPERATORS TO PENSION.

735. \*Mr. Anugrah Narayan Sinha : (a) Will Government be pleased to state if the services of all telephone operators who were holding permanent posts substantively on the 8th July, 1919, are pensionable under Article 155 of the Telegraph Manual ?

(b) If so, is it a fact that the above rule is applicable to the cases of those operators who were permanently appointed on 1st March, 1919 ?

(c) Will Government be pleased to state the number of such telephone operators as were appointed to permanent posts on the 1st March, 1919, in the Bihar and Orissa division ?

(d) Is it a fact that these operators are entitled to pension under Article 155 above referred to ?

(e) If so, has the sanction of the Head of the Department been conveyed to them, and has it been entered in their service-book ? If not, do Government propose to expedite the order ?

(f) Has any order been passed as to provident fund contribution in the case of those operators who were appointed in permanent posts after the 8th July, 1919, and are not therefore eligible to pension under the aforesaid Article 155 ?

Mr. A. G. Clow : (a) The Honourable Member apparently refers to paragraph 155 of the Manual of Appointments and Allowances of officers of the Indian Posts and Telegraphs Department, according to which the services of all telephone operators, who were holding permanent posts substantively on the 8th July, 1919, are pensionable, and the services of those who were not holding permanent posts substantively on that date, or who were appointed substantively after that date with retrospective effect from or from before that date, are not pensionable.

(b) Yes, if they were not appointed substantively after the 8th July, 1919, with retrospective effect from the 1st March, 1919.

(c), (d) and (e). The information is being collected and a reply will be placed on the table of the House in due course.

(f) The question whether these officials should be granted pensionable status or admitted to the benefits of a contributory provident fund was considered some time ago but owing to the unfavourable financial situation it was not pursued. It will be taken up for consideration when the financial position of the Department has improved.

#### HIGH PRICES OF ARTICLES CHARGED BY AN ARMY CONTRACTOR AT RAWALPINDI.

736. \*Mr. Akhil Chandra Datta : (a) Is it a fact that the Officer Commanding, No. 1 Company (N. C.), I. H. C., Rawalpindi, appointed for the unit a contractor (not on the approved list of Government) in the beginning of 1934 and that the Officer Commanding allows higher rates than the prevailing local market rates ?

(b) Are Government aware that the men of the I. H. C. Corps, who are most low paid of all the Indian military units, are hard hit by the high prices of articles charged by the said contractor ?

(c) Is it a fact that the original agreement was typed and signed at the contractor's shop in the bazar ?

(d) Are Government prepared to consider the desirability of instituting an enquiry into the affairs of No. 1 Company, I. H. C., and of taking steps to redress the grievances of the poor men of that unit ?

**Mr. G. R. F. Tottenham :** (a) No.

(b) No.

(c) No.

(d) Does not arise.

**TESTING OF THE INFORMATION SUPPLIED BY POLICE INFORMERS.**

737. \***Mr. Akhil Chandra Datta :** Have Government issued any instructions as to the method and agency by which the information of the police informers should be tested before any action is taken thereupon ?

**The Honourable Sir Henry Craik :** It is for the Local Governments to see that the investigating staffs are so trained and educated that they invariably test the information given by informers before taking action on it. The Government of India have no reason to believe that there is need for them to issue orders in this matter. If the Honourable Member has in mind a case which recently occurred in Bengal, it should interest him to know that it was the investigating officer himself who suspected the *bonâ fides* of the informers and had them arrested and prosecuted.

**Pandit Lakshmi Kanta Maitra :** Do I understand that the Honourable Member, who is in charge of law and order and administration of justice, has absolutely no control, and that he never lays down any policy as to how these informations of the police informers should be tested ?

**The Honourable Sir Henry Craik :** I have said that it is for the Local Governments to see that the investigating staff are so trained and educated that they invariably test the information.

**Pandit Lakshmi Kanta Maitra :** Do the Government of India lay down no rules of procedure or do they give no instructions in the matter ?

(No answer.)

**Mr. President** (The Honourable Sir Abdur Rahim) : Next question No. 738.

**PROMOTIONS TO ADMINISTRATIVE GRADES ON THE EAST INDIAN RAILWAY.**

†738. \***Mr. Mohan Lal Saksena :** Are Government prepared to make a sifting enquiry into the cases of promotion to administrative grades

†For answer to this question, see answer to question No. 709.

made since September, 1934 from officers of the Engineering Department on the East Indian Railway and state how many cases of supersession occurred, and why ?

**Mr. P. E. Rau :** That has already been answered along with question No. 709.

**Mr. Mohan Lal Saksena :** I want to put a supplementary question on this. Will Government lay on the table a statement showing such cases ?

**Mr. P. E. Rau :** There are only three cases.

**Mr. Mohan Lal Saksena :** Will Government lay a list of those three cases ?

**Mr. P. E. Rau :** Is my Honourable friend in order in putting supplementary questions on a question which was answered twenty minutes ago ?

**Mr. Mohan Lal Saksena :** I was not present when my question was answered. I am putting my question No. 738 only just now.

**Mr. P. E. Rau :** That was answered along with question No. 709.

**Mr. Mohan Lal Saksena :** But I was not here when you answered my question along with another question which was not mine.

**Mr. President (The Honourable Sir Abdur Rahim) :** The answers to questions are given to the House, and not to any particular Member.

**Mr. Mohan Lal Saksena :** Now, I want your permission to put supplementary questions.

**Mr. President (The Honourable Sir Abdur Rahim) :** That is not allowed.

#### TRAVELLING TICKET EXAMINERS CLASSED AS TRAFFIC TRAIN STAFF.

739. \***Qazi Muhammad Ahmad Kazmi :** (a) With reference to the reply given to starred question No. 1354, dated the 2nd April, 1935, in this House, will Government be pleased to state whether it is a fact that the Travelling Ticket Collectors, now designated as Travelling Ticket Examiners, are classed as Traffic Train Staff in paragraph 362 of State Railway Open Line Code, Volume II ?

(b) Is it a fact that Traffic Train Staff under State Railway Open Line Code are entitled to mileage allowance for the journey performed by them while on duty ?

(c) Is it a fact that it was the Chief Operating Superintendent, East Indian Railway, who acting in the name of the Agent abolished the mileage allowance of the old Travelling Ticket Inspectors of the East Indian Railway in 1931 ?

(d) Is it a fact that the sanction of the Railway Board was never obtained by the East Indian Railway administration for the abolition of the mileage allowance drawn by the old Travelling Ticket Inspectors ?

(e) If the reply to part (d) be in the negative, will Government be pleased to lay on the table a copy of the Agent's recommendations on the point and the reply of the Railway Board thereto ?

(f) On what date did the Railway Board issue orders for the abolition of mileage allowance to the old Travelling Ticket Inspectors ?

(g) Will Government be pleased to state if there are any class of employees on the East Indian Railway (other than the Travelling Ticket Examiners) who perform certain duty in the running train and are not paid mileage allowance ?

**Mr. P. R. Rau :** (a) I would invite the Honourable Member's attention to the information laid on the table on the 2nd September, 1935, in reply to unstarred question No. 302 asked on the 9th April, 1935, which explains the position.

(b) Yes.

(c) The orders were issued by the Agent.

(d) Yes.

(e) and (f). Do not arise.

(g) Yes. Train Despatch Clerks.

**Qazi Muhammad Ahmad Kazmi :** With reference to the reply to parts (e) and (f), if the sanction of the Railway Board had been taken, then the date and reference to that correspondence may be given ?

**Mr. P. R. Rau :** The sanction of the Railway Board was not necessary.

CHANGE OF THE NATURE OF AN ALLOWANCE BY THE AGENT OF A STATE RAILWAY.

740. **\*Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state if the Agent of a State Railway is empowered to change the nature of an allowance once offered to an employee and enjoyed by him for many years ? If so, under what rules ?

(b) Will Government be pleased to state if there are any class of employees on the East Indian Railway whose nature of allowance was changed by the Agent during the last 15 years, except that of the staff of the Ticket Checking Branch ?

(c) Will Government be pleased to state if the Agent of a State Railway is empowered to alter, change, annul, or modify the provisions of the State Railway Open Line Code ?

**Mr. P. R. Rau :** (a) Yes, under paragraph 359 of the State Railway Open Line Code, Volume II.

(b) Government have no information.

(c) No, unless he is empowered by the rules in the Code to make departures from them.

**Qazi Muhammad Ahmad Kazmi :** Was he empowered in the case that was mentioned in my previous question No. 739 ?

**Mr. P. R. Rau :** Yes, Sir. I have already said that orders of the Railway Board were not necessary in that case.

**MILEAGE OR RUNNING ALLOWANCE PAID TO THE STAFF ON STATE RAILWAYS.**

741. \*Qazi Muhammad Ahmad Kazmi : (a) With reference to the reply given to starred question No. 1099, dated the 28th March, 1935, in this House, will Government be pleased to state under what Fundamental Rule, mileage allowance can be classed as pay ?

(b) What is the difference between " *classed as pay* " and " *treated as pay* " ?

(c) What is meant by " *other emoluments* " as contained in Fundamental Rule 9 (21) (a) (iii), and does the mileage allowance *treated as pay* fall within this Fundamental Rule which defines Pay ?

Mr. P. R. Rau : (a) Under Fundamental Rule 9 (21) (a) (iii).

(b) When allowances are classed as pay they are subject to all the conditions in the Fundamental Rules and other rules governing pay : when they are treated as pay, such treatment is usually for a particular specific purpose.

(c) Other emoluments comprise monetary concessions which do not already fall within the definition of pay in sub-clauses (i) and (ii) of Fundamental Rule 9 (21) (a). The reply to the second part of the question is in the negative.

Qazi Muhammad Ahmad Kazmi : What is the difference between " *classed as pay* " and " *treated as pay* " so far as the purposes of provident fund and pensions are concerned ? Is there any difference between the two ?

Mr. P. R. Rau : No, Sir. I am afraid, I cannot undertake to give an exposition or interpretation of the Fundamental Rules in answer to a supplementary question in this House ?

Qazi Muhammad Ahmad Kazmi : I am unable to understand the distinction that has been drawn by the Honourable Member between " *classed as pay* " and " *treated as pay* ". In what circumstances would he call it " *classed as pay* ", and in what circumstances would he call it " *treated as pay* " ?

Mr. P. R. Rau : A full answer has been given in my reply to his question.

**APPLICABILITY OF OLD SCALES OF PAY TO THE TRAVELLING TICKET CHECKING STAFF ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.**

742. \*Qazi Muhammad Ahmad Kazmi : (a) Will Government be pleased to state if it is a fact that the old Travelling Ticket Examiners of the North Western Railway were given the option of retaining the old scales of pay applicable to the substantive post held by them in a permanent capacity as a Travelling Ticket Examiner ?

(b) Is it a fact that the old Travelling Ticket Inspectors of the East Indian Railway were also given this choice ?

(c) Are the contents of letter No. 822-E.G., dated the 16th August, 1933, from the Railway Board, applicable to the said employees of the East Indian and North-Western Railways ? If not, to whom do they apply and why are they not applicable to the other employees ?

**Mr. P. B. Rau :** (a) Special Ticket Examiners, who prior to the 1st June, 1931, held permanent posts as Travelling Ticket Examiners in a substantive capacity were granted the option of retaining the old scale of pay.

(b) The attention of the Honourable Member is invited to the information laid on the table on the 2nd September, 1935, in connection with part (d) (ii) and (iii) of question No. 318 asked by Dr. N. B. Khare on the 9th April, 1935.

(c) No. The letter referred to applied only to the staff of the North Western Railway. The East Indian Railway staff were governed by the orders contained in Railway Board's letter No. 822-E.G., dated the 22nd December, 1932.

**Qazi Muhammad Ahmad Kazmi :** Do the Railway Board apply different principles to different railways so far as the staff is concerned in their pay ?

**Mr. P. B. Rau :** There is no reason why they should not vary in detail.

**APPLICABILITY OF CERTAIN PARAGRAPHS OF THE STATE RAILWAY OPEN LINE CODE, VOLUME II, ON STATE RAILWAYS.**

743. **\*Qazi Muhammad Ahmad Kazmi :** (a) With reference to the reply given to starred question No. 1355, dated the 2nd April, 1935, in this House, will Government be pleased to state the result of their enquiries on the subject ?

(b) Are the Government of India required to know or not, if and when the provisions of State Railway Open Line Code are revised, modified or annulled ?

(c) Are the powers of revising, modifying or annulling the provisions of State Railway Open Line Code vested in any authority other than the Railway Board or the Government of India ?

(d) If it is the right of the Railway Board or the Government of India only to revise, modify or annul the provisions of State Railway Open Line Code, then why could the information asked for in starred question No. 1355 on the 2nd April, 1935, not be available in ten days, the period of notice of the question ?

**Mr. P. B. Rau :** (a) The information was laid on the table on the 6th September, 1935.

(b) and (d). Revisions or modifications of the provisions of the Code are made by the Government of India ; but as many such revisions are contained in executive orders and the Code itself has not been generally revised it was not possible within a short period to collect all the orders.

(c) No.

**Qazi Muhammad Ahmad Kazmi :** Will the Honourable Member state when the Code was revised ?

**Mr. P. B. Rau :** The general revision was a long time ago. I cannot give the exact date.

## PAY OF TRAVELLING TICKET INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.

744. \*Qazi Muhammad Ahmad Kazmi : (a) With reference to the reply given to starred question No. 1361, dated the 2nd April, 1935, in this House, will Government be pleased to state if it is a fact that at a joint meeting of the Operating, Accounts and Railway Board Officers, held at Calcutta on the 3rd May, 1927, it was decided as under :

“ The travelling ticket inspectors and their Divisional Inspectors taken over by the Operating Department will draw the pay of the Accounts Department *plus* average mileage ” ?

(b) Is it a fact that the Director of Finance, Railway Board, framed rules in pursuance of the minutes of the said meeting ?

(c) Is it a fact that the rules thus framed were finally approved by the Agent, East Indian Railway ?

(d) Is it a fact that these rules were honoured up to 31st May, 1931, and in contravention thereof the pay and the allowances of the said employees were reduced from 1st June, 1931 ?

(e) Will Government be pleased to lay on the table a copy of the rules in accordance with which the Travelling Ticket Inspectors on transfer to Operating Department were paid the pay of the Accounts *plus* average mileage ?

Mr. P. B. Rau : (a) The meeting was purely a departmental meeting and was not empowered to decide any question finally. Government are not prepared to disclose its recommendations.

(b) and (c). No rules were framed but the orders of the Agent, East Indian Railway, were taken where necessary.

(d) and (e). As no rules were framed these parts of the question do not arise.

Qazi Muhammad Ahmad Kazmi : So far as the rules of the Department are concerned about the pay and status of the people who were transferred from the Accounts Branch to the Operating Branch, is there anything confidential that cannot be divulged to the House ?

Mr. P. B. Rau : Yes, Sir. Discussions between departmental officers are treated as confidential, but the decisions and orders that were passed are not confidential.

Qazi Muhammad Ahmad Kazmi : I want to know the final decisions that were arrived at.

Mr. P. B. Rau : I have already said that no rules were framed as a result of that meeting.

Qazi Muhammad Ahmad Kazmi : Then, under the circumstances was the transfer made without any rules ?

Mr. P. B. Rau : Orders were passed that the transfer should be made, but the rules regarding the details of the transfer were not framed at that meeting.

Qazi Muhammad Ahmad Kazmi : Perfectly correct ; but the orders that are passed may be communicated, because those will be treated as rules. There must be some systematic thing under which one can be transferred from one Department to another, whether you call it by the

name of order or by the name of rules. What I want to know is if the rules are not forthcoming, will the orders be forthcoming ?

**Mr. P. R. Rau :** Orders were passed to transfer this particular staff from the Accounts Department to the Operating Branch. I am not aware that any rules were framed stating exactly what the procedure was in connection with such transfers.

**ENLISTING OF ARAINS IN THE ARMY.**

745. **\*Mr. H. M. Abdullah :** (a) Will Government please state the total population of Arains in India in 1931 ?

(b) Is it a fact that Arains were recruited in the Indian Army in various capacities and rendered meritorious services during the Great War ?

(c) Is it a fact that many members of the tribe have held and are holding commissions in the Army ?

(d) Are Government aware that contrary to instructions contained in the India Army Order, No. 807 of 23rd September, 1924, the Arains are not being enlisted in the Army by recruiting officers ?

(e) How do Government justify the stoppage of Arains in the Army ?

(f) Do Government propose to issue express instructions to the recruiting authorities to enlist Arains ?

**Mr. G. R. F. Tottenham :** (a) 757,603.

(b) They were enlisted in some numbers during the Great War, 12 Noon. but their record is merged in that of the Punjabi Mussalmans of whom they form a sub-class.

(c) I have no definite information.

(d) to (f). There is no restriction on the recruitment of members of this sub-class and Government see no reason to issue any instructions in the matter.

**Mr. H. M. Abdullah :** Are Government aware that many instances exist when Arains were selected and approved as fit recruits in all respects, but, as soon as they put in Arain as their caste, they were rejected ?

**Mr. G. R. F. Tottenham :** No, Sir ; Government are not aware of that.

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**SHORT NOTICE QUESTION AND ANSWER.**

**Mr. Mathuradas Vissanji :** (a) Has the attention of Government been drawn to the distress of those Quetta merchants who, having lost their goods and property in the earthquake, are unable to meet the claims of their creditors in respect of goods ordered before the earthquake ?

(b) Will Government please state whether they have made any enquiries in this behalf, and, if so, what are the results of such enquiry

in respect of (i) the number of merchants thus affected ; (ii) the volume of their obligations left unsecured as the result of their losses during the earthquake ; and (iii) the nature of the relief deemed adequate and proper for such emergency ?

(c) Do Government contemplate any action, whether by way of ordinary legislation or executive Ordinance, to afford the necessary relief to genuine cases of such distress due to the damage done by the earthquake ? If so, will Government be pleased to state if they would take this House into their confidence before deciding upon the policy in this behalf ?

(d) Will Government be pleased to state whether they themselves have ordered any suspension or remission of Government dues in respect of taxation on Quetta merchants by way of income-tax or customs or any other Central or Local Government taxation ?

**Mr. J. G. Acheson :** (a) Yes.

(b) and (c). No detailed information regarding the number of merchants affected or the extent of the obligations referred to is available to Government but the views of the local authorities in Sind and Baluchistan on the general subject have been obtained. The questions whether relief is necessary and, if so, what form it should take, are now under the urgent consideration of Government. Time will not permit of Government consulting this House, but it is probable that before arriving at a decision they will consult the Committee which is being constituted in pursuance of the statement made by the Honourable the Commerce Member in the course of the debate on Quetta in this House on the 19th September.

(d) No.

**Mr. Lalchand Navalrai :** May I know if the people of Sind and the Punjab will be consulted with regard to this consultative committee ?

**Mr. J. G. Acheson :** I do not think it arises directly out of this question, and I am not in a position yet to make any statement on the composition of the committee, a matter which is now under consideration.

**Pandit Lakshmi Kanta Maitra :** Is this Committee going to be composed of Members of this House or of outsiders ?

**Mr. J. G. Acheson :** That is still under consideration, as I have said, but the intention is that it should consist of both.

**Sardar Sant Singh :** Are Government considering the desirability of extending the period of limitation, as plaintiffs or defendants, for persons who lost their property in the Quetta earthquake, in order to give them facilities, so that their claims may not be time-barred ?

**Mr. J. G. Acheson :** That, Sir, is one of the methods which has been suggested for affording relief to these persons. But I may remind the Honourable Member, if he needs any reminding, that a moratorium or an extension of the period of limitation is a very two-edged weapon and will require the most careful consideration before it can be applied. The difficulties are both practical and legal. The suggestion is, however, receiving urgent consideration.

## STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 1199 asked by Mr. S. Satyamurti on the 29th March, 1935.*

### SHIPPING COMPANIES ENGAGED IN THE COASTAL TRADE OF INDIA AND BURMA.

Owing to the fact that many vessels which are ordinarily employed in foreign trade are occasionally used in the coastal trade, it is impossible to give exact figures of the number of ships and tonnage employed in the coastal trade of India at any particular time. The following figures are therefore only approximate :

No. of steamship Companies .. .. .	..	..	..	19
No. of steamers .. .. .	..	..	..	150
Total gross tonnage .. .. .	..	..	..	5,50,000 tons.

*Information promised in reply to starred questions Nos. 53 and 54 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.*

### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

53. The Agent, Eastern Bengal Railway, reports :  
No, the claims of Sub-Engineers were duly considered.

### FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN BENGAL RAILWAY.

54. Yes. At present there are three Sub-Engineers and one Permanent Way Inspector officiating in the Lower Gazetted Service. The Permanent Way Inspector promoted to officiate as an officer in the Lower Gazetted Service has had 32½ years' meritorious service and is considered qualified to hold the post.

There is no bar to Permanent Way Inspectors who are considered suitable in all respects being promoted to the Lower Gazetted Service.

*Information promised in reply to the supplementary question to starred question No. 365 asked by Pandit Sri Krishna Dutta Palival on the 13th September, 1935.*

### NEWSPAPER ARTICLES ON THE QUETTA EARTHQUAKE RELIEF AND THE SILVER JUBILEE FUND AGAINST WHICH ACTION WAS TAKEN.

*List of newspaper articles on the Quetta Earthquake Relief and Silver Jubilee Fund against which action was taken under the Indian Press (Emergency Powers) Act, 1931.*

Serial No.	Name of newspaper, with place of publication.	Name of article.	Remarks.
1	Kistna Patrika, Masulitarn.	Article headed "Quetta Earthquake" which appeared in the issue, dated the 22nd June 1935.	
2	Trilinga, Madras ..	Article headed "The Quetta Earthquake" which appeared in the issue, dated the 8th July 1935.	
3	Dhinamani, Madras ..	Article headed "The Quetta Earthquake" which appeared in the issue, dated the 19th June 1935.	

Serial No.	Name of newspaper, with place of publication.	Name of article.	Remarks.
4	Prabhat, Mangalore ..	Article headed "The Quetta Earthquake" which appeared in the issue, dated the 23rd June 1935.	
5	Free Press Journal, Bombay.	Articles headed "Lives can even now be saved" and "Anomalies of Quetta Relief" which appeared in the issues, dated the 7th and 9th June 1935, respectively.	
6	Khilafat Daily (or Roznama-e-Khilafat), Bombay.	Article headed "Bribery" which appeared in the issue, dated the 7th June 1935.	
7	Bombay Standard, Bombay	Article headed "Quake Relief and Quack Remedies" which appeared in the issue, dated the 16th June 1935 ..	Not available.
8	Siyasat, Hyderabad (Sind)	Article headed "Viceroy's Utterances" containing <i>inter alia</i> a reference to relief measures at Quetta which appeared in the issue, dated the 15th July 1935 .. .. .	Not available.
9	Khadim Quadim, Calcutta	Article on the Quetta Earthquake relief which appeared in the issue, dated the 23rd June 1935 .. .. .	Not available.
10	Medina, Bijnor ..	Article headed "The Great Duty. The Cry of Pain and the Note of Sympathy" which appeared in the issue, dated the 21st June 1935.	
11	Vikas, Saharanpur ..	Article headed "Horripilating stories of the atrocities of the military" which appeared in the issue, dated the 16th June 1935.	
12	Shujaat, Lahore ..	Article which tried to bring into disrepute the British soldiers employed in the relief work at Quetta ..	Not available.
13	Tej, Delhi ..	Articles headed "The distressed Indians and Europeans deplorable discrimination" and "The Congress and the Quetta Relief, the Government should realise their responsibility" which appeared in the issues, dated the 12th and 14th June 1935, respectively.	
14	Quami Gazette, Delhi ..	Article headed "Piles of dead bodies are being burnt with petrol" which appeared in the issue, dated the 11th June 1935.	
15	Arjun, Delhi ..	Articles on the Quetta Earthquake relief which appeared in the issues of the 4th, 6th, 13th and 14th June 1935.	
16	Bandemataram, Calcutta	Article on the Silver Jubilee celebrations which appeared in the issue, dated the 10th May 1935 .. .. .	Not available.

*Translation of an article headed "Quetta Earthquake" which appeared in the issue of the "Kistna Patrika" of Masulipatam, dated the 22nd June, 1935.*

Though Quetta is a Military Station, all the inhabitants thereof are not military people. There are many Pathans and Hindus living there long since independently unconnected with the military (authorities). Many people who had gone there for purposes of trade or to meet some relatives, from the Punjab and Sindh live there. Quetta being a cool place, many people resort to it during the summer, to enjoy its coolness. It is surprising that when such a place has fallen into the jaws of death, the Government should deny an opportunity to relatives (of the victims) to go and see them and to fellow countrymen (of the victims) to voluntarily render assistance to them. We make bold to say that it is not merely surprising but also very cruel. Any (other) Government in any (other) country would not have imposed such an unnatural ban as this. Quetta town is not the only place that fell under the affliction of the earthquake. More than a hundred villages in its surroundings have been devastated. There is no means to ascertain what assistance is being rendered to the people of those villages. The State of Kalat also has been affected by the disaster. It is regrettable that entry of outsiders into this whole area should be banned. That the military authorities alone can do everything (that requires to be done in the area) is sheer bunkum. About 60,000 people have perished and an area of about 2,000 square miles has become a mass of debris. Houses without number have crumbled. It is not yet possible to estimate how many crores of rupees worth of property lies buried in the debris. What is the meaning in saying that the Military also is sufficient to deal with the catastrophe? This work is not one that can be leisurely done. Much wealth lies buried in the devastated houses; delay will result in its destruction. The rainy season, too, has set in. Timber and other materials of the houses will become soaked and rotten and be of no future use whatsoever. All are not rich. All cannot purchase fresh timber to reconstruct their houses with. \* \* \* Efforts are not yet made to take out all these things. The Government say by way of explanation that owing to bad smell emanating from the rotting corpses in the debris, it is dangerous from the point of view of health to approach them. Why should the bodies lie in the debris till they began to rot? If Relief Organizations from outside had been allowed access into the area, the bodies would not have met with this fate. Who can say how many had been alive in the debris for the first three or four days and perished afterwards for want of rescue? Those who followed the events in connection with the Bihar earthquake are not unaware of cases of people surviving, though they had remained buried under debris for a week or ten days. Owing to procrastination (now in Quetta) till corpses began to rot, the chance of making a search after excavating the debris has been averted. Excavations were undertaken in Bihar throughout the area at once, there having been no ban then. Not even a single soul that was alive, was left out. Not even a single corpse met with the fate of rotting without burial or cremation. \* \* \* Though outsiders had been allowed freely there was not even a single case of looting in Bihar. No property was stolen. Properties were duly handed over to their respective owners. Considering this matter at least, the Government should not have imposed any kind of ban in Quetta. We do not know why the pretexts that had not been put forth in the case of Bihar should be advanced now. It was not argued then (in the case of Bihar) that foodstuffs were not available for outsiders. \* \* \* Outsiders themselves took waggon-loads of foodstuffs, cloth, etc., sufficient to cover their own needs as well as those of the afflicted, to Bihar. The Government (now) argue that outsiders are forbidden to enter, in the interests of health, since corpses have been allowed to remain till they rot. If volunteers had been allowed (into the area) forthwith, there would have been no necessity to put forth this plea. Quetta is not a richer region than Bihar. Looting not having taken place there (Bihar), there is no reason to fear that it might occur here (in Quetta). All the reasons adduced by the Government are similarly untenable. \* \* \* Why has Mahatmaji's co-operation been rejected? Is it because he would encourage looting or would not observe principles of sanitation, if he went to Quetta? Even His Majesty the King Emperor awarded the Kaisir-i-hind Medal to him in grateful recognition of his services. Such a lover of (humanitarian) service has been prevented from setting foot in Quetta. What should one say of such an order? Over and above everything, they (the Government) ask in a spirit of taunting why assistance should not be rendered to the people sent away from Quetta. Hospitals have been opened for their benefit in Bombay, Karachi, Lahore, etc., and aid is being rendered to them there in every way. But, strictly speaking, aid is necessary in the region of Quetta and not outside. The houses that have collapsed

are to be cleared. The properties buried under the debris are to be extricated and made over to the owners thereof; building materials have to be procured for reconstructing the houses. This work cannot be done outside. It is not a thing that can be done with money alone nor can it be entrusted to coolies. \* \* \* It is ridiculous to say that the Military authorities alone will do all this work. If the Military authorities alone are to accomplish this task, we do not know how long it will take. It is a pity that they (the Government) have not yet realised that every minute is precious, under these circumstances. Great discontent is spreading among the people regarding the (Government's) ban. They are not enthusiastic to subscribe to the (earthquake) fund. They question why subscriptions from the public should be sought when the Military authorities are in a position to do all the relief work. If the Government of India had not contributed ten lakhs of rupees to the Viceroy's Fund, the (amount of the) Fund would, undoubtedly, have been very small. Undoubtedly the Government's ban is responsible for the people not feeling in the present case at least half the sympathy and enthusiasm they evinced in the case of Bihar. Even the Mayor of Calcutta Corporation who had started a Fund got discouraged at the Government's orders of ban, discontinued collection and returned the contributions collected to the respective subscribers. There cannot be a more powerful instance than this, to enable one to gauge the depth of discontent prevailing among the people in respect of the ban. We feel forced to conclude that the cause of the rigid attitude in the case of Baluchistan taken up by the Government who had given complete freedom for public co-operation in the case of Bihar is perhaps political. The help rendered by Congressmen in Bihar has made a deep impression in the hearts of the people there. The very mention of the name of Congress inspires devotion and gratitude in the people of Bihar. By rendering popular service, the Congress has earned such honour and veneration. The Government perhaps do not like this. They do not like that the Congress should have increased influence in the country. The authorities perhaps fear that if the Congressmen set foot in Baluchistan also and demonstrate their zeal for service, the Pathans, too, will become devotees of the Congress. Besides, the influence of the Congress might infect the Military also. These circumstances alone are responsible for the ban and there is neither logic nor justice in the claim that the Military authorities can accomplish the work exclusively. We hope that without any further concern for or consideration of prestige, the Government will permit the Congress, the Arya Samaj, the Islamic Youngmen's Association and other reputed institutions to enter Quetta, and absolve themselves of the blame that they are opposed even to the zeal among the people to render service to humanity.

*Translation of an article headed "The Quetta Earthquake" which appeared in the issue of the "Trilinga" of Madras, dated 8th July, 1935.*

It is true that Quetta is not Bihar. How could it be? Could a dog become a cow? Could a rabbit become a tiger? Those who suffered in Bihar were all Indians. In Quetta, even Britishers who are considered very sacred by foreigners have fallen victims (to the earthquake). The Quetta city contains, if not all, at least, a major portion of the means necessary for the defence of the Empire. It contains regiments and military quarters and the secrets pertaining to them. Quetta may be said to be the keystone of the imperial military policy of the Government of India and the British Government. If not why have the British Government contributed £50,000 to the Quetta Earthquake Fund. Why have the Government of India contributed Rs. 10,00,000? Did they make such liberal contributions in the case of Bihar Earthquake? When preparations for war are going on all over the world, who would not think that this money (contribution) is meant only to strengthen a military base for the defence of the Empire, and not one made out of generous heartedness to afford relief to the survivors of the earthquake. \* \* \* Glory of the Congress, is an eyesore to the Government. How could Lord Willingdon, who came out as the Viceroy of India, pledged to crush the Congress using (all) his power and skill, permit the Congress or its followers to approach Quetta? Would he allow them to go to the seat of the military and learn its secrets? Would he help the Congress to earn glory? The respect earned by the Congress in Bihar is probably responsible for the autocracy of the Government (in the case of Quetta). Lord Willingdon is full of blind obstinacy (Lit. says that his hare has only three legs). He is bent upon prohibiting whatever the Congress does, whether what it does is good or evil, etc. \* \* \* People in affliction do not have the same faith in others as they would have in their own people. A poor meal in one's own

house is better than the rich meal in a stranger's. What faith would people, who have lost their all and are terribly afraid (panic-stricken) have, when they are told that their own country men having been forbidden to render assistance to them, the Government, nay, the military authorities would protect them? We do not say that the military authorities have not rendered assistance or that they are incapable of doing it. Would people who have lost their all and with it their courage, believe that a Government that remains unconcerned, notwithstanding the hue and cry raised in the country that the Government's failure to stop the unrestricted export of gold from India week after week is responsible for the economic chaos in the country, on the ground that such export augurs tremendous good for the future, a Government that does not evince any concern for the industrial development of the country considering its own selfish officials to be the source of its prosperity and strength, a Government that obstinately flouts public opinion and exercises autocratic power not minding the changing times, would afford protection to them in their dire affliction? Who knows what amount of the Viceroy's Earthquake Fund will be spent for strengthening the Military? What certainty is there that the moveable properties of the survivors who have been sent out of Quetta will be impartially handed over to them? How could people identify their own properties from a conglomeration salvaged by soldiers at different places and at different times! Can the Government say how the salvaged valuable properties will be disposed of? Rumour is afloat that the devastated Quetta city will be soaked in petrol and then set fire to. Will Indians tolerate this? What can they do when they have no responsible Government? Some papers published that the present enormous loss of life was due to the explosion of the army materials preserved by the Government in underground cells in Quetta for the defence of the country. The Government denied this as false. What is the motive in permitting Anglo-Indian Press representatives and Cinema Companies and forbidding patriotic people and people yearning to serve the country who wished to render assistance with spotless motives, to go to the spot? Who will speak out the truth and remove popular suspicions? Exercising autocratic power even in a time of calamity becomes only the Government of India. \* \* \*

*Translation of an article headed "The Quetta Earthquake", which appeared in the issue of the "Dhinamani" of Madras, dated the 19th June, 1935.*

Forgetting conveniently all the previous incidents, the people believe that the Government are adopting a right policy in the matter of utilising the earthquake relief fund. No one objects to contributions being made either to this fund or to any other relief fund. But it should be made known satisfactorily that the amount subscribed will certainly be utilised only for affording direct relief to the sufferers. The loss of life is very great. But can we believe entirely the statement made by persons in high position that a very large sum of money is required for relief work? No amount of contributions received will be found adequate if it is proposed to include under the head 'Relief work' the reconstruction of the Quetta Cantonment either in the same place or elsewhere. Hence, the people should, before contributing to the Quetta Earthquake Relief Fund, make sure whether they are asked to render assistance for Imperial military purposes under the pretext of affording relief to the sufferers in Quetta. A large number of troops, Policemen and others have been permitted to enter Quetta for carrying on relief work there. While so, a few select non-officials who can carry on relief work could have been easily permitted to go to Quetta. Only political considerations are responsible for the refusal to grant permission to enter Quetta. The Government are anxious that several things which have taken place in that miserable city should be a close secret. It is not believed that earthquake shocks alone could have been responsible for such a serious havoc. The other factors which have aggravated the distress are still a mystery. The Government are striving to keep the public ignorant of these. The extent to which the loss in Quetta has been increased as a result of the explosion of the ammunitions which were stored therein is never going to come to light. Similarly, one can never know what amount of money is going to be spent from the Earthquake Relief Fund for making Quetta a pucca military station. Judging from the present state of affairs, one has to fear that the authorities might utilise the relief fund for the defence of India. I would request those that contribute liberally to the Viceroy's Earthquake Relief Fund to consider these matters before doing so. Even the Mayor's Fund should be utilised only through the medium of non-official institutions so that the sufferers may receive direct help.

*Translation of an article headed "The Quetta Earthquake", which appeared in the issue of the "Prabhat" of Mangalore, dated the 23rd June, 1935.*

"Accusation against the Quetta military by Devaraj! No proper attention given to saving of life; imposition of restriction is wrong!", an article which purports to be reproduction from "S. K." in which Acharya Kripalani, the Congress Secretary, is reported to have made the following observations:

Mr. Devaraj Sethi of the Servants of People's Society, immediately on getting the news regarding the Quetta Earthquake, had proceeded to the devastated area. From there he proceeded to Lahore on the night of the 7th by cart and while he was travelling he wrote to me a letter which will clearly show to everybody what has been going on in Quetta. His letter is as follows:

I met several people in the Indian Military Hospital and talked to them. I had a talk also with those on the race-course. I met some of the authorities and sought to make enquiries. I visited several parts of the city in a lorry and tried to acquaint myself with the situation with a dispassionate mind. Diwan Bahadur Muralidhar saw the A. G. G. yesterday and discussed matters with him for three hours. I met him on his return and ascertained the official view. On the whole, I came to the following conclusion:

- (1) The Government and the military have done wrong in preventing non-official people from entering the devastated area. If these had been permitted, they would have rendered immense help.
- (2) *Indifference of the military.*—The work of removing the debris should not have been stopped nor the efforts in that direction slackened. I saw a child of three removed alive from under the debris after four days. Pandit Gyanachand has seen a man removed alive from under the debris after four days. If the debris had been removed expeditiously, hundreds of persons could undoubtedly have been rescued, as also property to the value of several lakhs. But the men of the military department were greatly alarmed and they did not pay adequate attention to the saving of life.
- (3) There was no lack of medical relief to the injured, but much more relief could have been given from non-official agencies.
- (4) It is reported that a certain expert of Simla has suggested that Quetta should be closed down for a period of twelve months. This news was published by beat of tom-tom on the race-course. But Diwan Bahadur Muralidhar told me that this had not been finally decided upon. Another friend informed me that the matter will be decided on the 25th. But I think that our prime duty is to agitate for the prompt removal of the debris. This being an extremely hot month in Quetta, there could be no fear of any obnoxious smell. If we should succeed in getting the authorities to agree to the prompt removal of the debris, we shall have done adequate service to the survivors. I think it is absolutely necessary to do this. We should try to achieve this object forthwith by means of concerted action.

*Article headed "Lives can even now be saved" which appeared in the issue of the "Free Press Journal" of Bombay, dated the 7th June, 1935.*

Bombay, June 6.

The General Secretaries of the Bombay Provincial Congress Committee have sent for publication the following telegram received from Sjt. Jairamdas Daulatram and Acharya Kripalani in regard to Quetta Earthquake Relief measures:

*Public relief made impossible.*

Public relief at Quetta has become impossible. Military authorities have disallowed entry. Well-known public workers like Sjt. Jamshed Mehta, Ex-Mayor of Karachi, and even title-holders are refused permission although they are prepared to make their own arrangements and not draw on local resources.

Much life and property could have been saved and possible danger of epidemics avoided if adequate labour were imported and public offers for co-operation were accepted.

Whole population including injured has evacuated. Rumours are rife about abandoning excavation and burning city with petrol. All 20,000 lives lie under debris are assumed to be dead only after three days.

*Life can be saved even now.*

Public feel that even now life and property can be saved if immediate public co-operation from Sind, Punjab and the rest of the country was accepted.

Public meetings in Sind are condemning the attitude of the authorities. They have sent wires to the Secretary to the Viceroy. All possible help to the sick and refugees is being given by public bodies at various stations in Sind.

#### **Lives Can Even Now Be Saved.**

Great resentment prevails in non-official and Congress circles in the City over the Government ban on non-official agencies and other public workers from entering Quetta with a view to giving necessary help to the 'Quake victims.

The ban has created a very unhappy situation, the gravity of which is heightened by the receipt of telegrams from influential public workers that a lot of life and property may yet be saved if non-official co-operation is accepted by Government in the relief measures.

*Government's defence not impressive.*

The Government of India communiqué, justifying the ban, does not appear to have impressed any one, and what is particularly regretted and resented is the fact that even the General Secretaries of the Congress, Acharya Kripalani and Mr. Jairamdas Daulatram, and such tried workers like Dr. Jamshed N. E. Mehta and Sadhu T. L. Vasvani should have been prevented from entering Quetta to organise relief work in the affected areas.

What one cannot understand much less appreciate—is why Government should go out of its way and deliberately prevent non-official agencies, especially the Congress, to rush to the succour of their fellowmen in their dire distress.

*Bounden duty.*

On an occasion like the present, when a calamity of an unprecedented nature has occurred, it is the bounden duty of Government to explore all avenues of affording relief to the needy, and to that end, exploit every sentiment in the country.

It cannot be said that the Government are unaware of the fact that, just as there are some persons in the country who would like to subscribe only to the Viceroy's Relief Fund and to none other even so there is similarly a large section of the population which would like to subscribe to a Fund started by the Congress or other non-official agency, but may not be willing to pay a pie to the Viceroy's Fund.

Why, it is asked by many, should not this patriotic sentiment in the people be exploited in order to afford adequate relief to the sufferers in the 'Quake area?

The ban is foisted presumably on the plea that Quetta is a military station, and that martial law has been declared in the affected area. This is certainly a hollow plea which does not cut much ice. For, it is common knowledge that, whatever might have been originally intended, several of these so-called military stations, like Quetta, Deolali, etc., have long ceased to be military stations. A large civilian population have settled down there, and their interests cannot be overlooked for any reason.

*Civilian elements.*

Taking the case of Quetta, Civilians formed about 75 per cent. of the population; and the thousands of relatives and friends of the victims of the recent disaster are naturally anxious that all necessary aid ought to be given to the injured.

Besides, since the whole town is lying buried under debris, even the labour to remove the debris and extricate the living, if any, has got to be imported from outside ; but the Government ban comes in the way.

*Government's assumption.*

Perhaps, Government are under the impression that all those who are caught under the debris are dead. If they are really thinking so, they are sadly mistaken, for, it is not unknown to medical men that human life under such circumstances can last, without even any outside succour, as long as two to three weeks.

*The inference.*

Under these circumstances, therefore, unless Government realise the gravity of the situation and remove the ban at once, the public should be excused if they draw the inevitable inference that Government do not wish to give a chance to non-official bodies, especially the Congress, to offer direct aid to the sufferers, because such an opportunity would be utilised to strengthen the ties of friendship between the Congress and the people. Besides, the present crisis presents a golden opportunity for the Congress, if allowed, to render humanitarian service to a neighbouring province and thus cement inter-provincial and inter-communal friendship.

*Anxious for credits.*

The Government attitude, on the other hand, makes one think that they want to monopolise all the credit for themselves in the matter of rendering relief to the sufferers.

For these reasons, the Government ban on entry of private individuals into the 'quake area is resented throughout the country and it is understood that even in the city, a protest meeting may soon be convened to voice public feeling in the matter.

*Despite the ban.*

Meanwhile, despite the ban, the Congress is not keeping idle and efforts are being made to form an influential All-India Non-official Relief Committee in order to organise relief work.

*B. P. C. C. moves.*

In this connection it is also learnt that the B. P. C. C. has wired to Babu Rajendra Prasad asking him to announce immediately the personnel of the Non-official Committee. The Congress President, before he proceeded to Poona on Tuesday last after completing his suburban tour, was met at V. T. by local Congressmen and was fully informed of the entire situation as well as of the need for an influential non-official Committee. It appears that Babu Rajendra Prasad agreed with the suggestion and also indicated that if need be, he would himself go to the 'quake area to organise relief work.

Will Government welcome this hand of co-operation from the Congress President or will they stick to their ban ?

*Article headed "Anomalies of Quetta Relief" which appeared in the issue of the "Free Press Journal" of Bombay in its issue, dated the 9th June, 1935.*

Babu Rajendra Prasad has received a reply from the Viceroy explaining the reasons for the ban on non-official relief agencies wishing to proceed to Quetta. "The Government", states the telegram, "have ample resources to deal with the situation in Quetta itself, but those desirous of participating in the relief work can render valuable assistance by helping the refugees evacuated to the Punjab and Sind." Refugees from Quetta, whether in the Punjab or Sind, or indeed wherever else they may be found to be, deserve all the assistance that non-official relief committees can give, and will, we have no doubt, receive it in an abundant measure. But the fact that the needs of the refugees must be looked after elsewhere, is no reason why non-official relief workers should be prevented from proceeding to Quetta. Government say they have ample resources to deal with the situation locally. We can well believe their assertion. But the mere possession of resources is not all that is needed for efficiency in relief operations. The resources must be fairly used, and the public must have the faith that they are being fairly used. The decision of the authorities to virtually seal up the earthquake area with a stringent military cordon, shut out

from access to it tried veterans in public service like Babu Rajendra Prasad and Mr. Jamshed Mehta, and to work in the dark rather than in the open, is not calculated to inspire a spirit of trust and confidence in the public mind about happenings in Quetta.

Another point raised in the telegram to the Congress President refers to the peculiar conditions in Quetta. "Conditions in Quetta", we are told, "are very different from those in Behar; every single addition of persons going will add greatly to the difficulties of those who are engaged on relief operations of greater magnitude and danger". We are only too painfully aware of the peculiarity of conditions in Quetta to which pointed reference is made by the Government. But it is a peculiarity which, by its very nature, should have guarded the Government just against the kind of policy they have been giving effect to, instead of being deemed to provide any justification for it. Quetta was a military station with a mixed population of Europeans and Indians. The Government have not, by their past, succeeded in creating the impression that they can be trusted to give equality of treatment, in adversity or prosperity, to Indians and Europeans alike. Already, there is visible a striking disparity in the official arrangements made for the transport of European refugees and the publication of information about European dead, as compared with the manner in which the Indians victims of the disaster have been, and are being, handled. The hand of God in the earthquake has not apparently cut across the bed-rock of racialism on which British rule rests, and helped it to transfer its moorings to fresh values based on broad humanitarian considerations. The interests of the heirs of the civil Indian population that died at Quetta require to be watched by guardians in whom the latter can repose some trust, guardians better able to impart a human touch to their mission than military authorities can ever hope to do. As regards the difficulties of those engaged on relief operations, it is hardly decent for the Government to assume that men like Babu Rajendra Prasad and Mr. Jamshed Mehta are incapable of appreciating them, or capable of adding to them. The ordinary common sense of people cannot be bamboozled by these unconvincing official explanations. We can only conclude that the Government do not want to allow the Congress and allied public institutions to establish by solid work in Baluchistan the sort of prestige they won by their labours of love for the people of Behar. Humanity is evidently being sacrificed to misdirected Frontier policy.

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*Translation of an editorial note headed "Bribery" which appeared in the issue of the "Roznama-e-Khilafat", dated the 7th June, 1935.*

Bribery, generally speaking, is rampant in India. No work can be done unless and until a bribe is offered. Particularly the condition prevailing in courts and offices is very peculiar. There, a bribe has to be offered at every step. If any one is lacking even a little in this respect, the work which is already completed, is spoilt, nay, the office men further spoil his work by way of warning and punishment so that in future no one may display such improper courage. It is necessary that he should, on entering the compound (of the court), have some money in his pocket, and that money should not have any connection whatsoever with any "reserve fund", but that it should pertain to the "current account". Without this it is impossible to expect any kind of success (there).

The bribery referred to, about which the above complaint has been made, is a general calamity from which a person concerned is neither immune nor can remain immune. Therefore no course is left except to put up with it and to offer prayers (for the betterment of affairs). The Indians are so much used to it that now they have become accustomed to it. Unless and until they themselves offer a bribe, they cannot sit still, and as soon as they offer a bribe, their uneasiness is set at rest. Then they do not feel any anxiety about the future of their work. This state of things is extremely condemnable (and) the sooner it is put a stop to the better it would be. The earthquake that visited Quetta and the way in which a beautiful city was converted into ruins in a moment and 70 per cent. of its population were killed was an admonitory example of the transitoriness of human life. Those, who possessed insight, ought to have taken a lesson from this calamity and tried to improve their manner of living. But man's nature is a strange thing indeed; he does not care a bit for these earthly and heavenly calamities but remains busy pursuing his wicked designs. What a tyranny it is that on the one hand a terrible earthquake visits Quetta which in a few moments lays waste the whole beauty and the whole

population of the city, while on the other, looting by the tribal marauders commences, and Government is compelled to proclaim martial law. What a terrifying spectacle of revolution in human life!

Leave aside this too. The latest reports that have been received surpass all others in their details, and are not only a source of shame for human morality but are a source of shame for humanity itself. The condition of those who could not escape with their lives in the earthquake shock, is already known. Those who were left under the debris are still lying there and very many of them are not only lying under the debris, but are alive and are living in a way that they can convey their voice to others. Since martial law is in force in the city, not only outsiders, but the local people as well, have no permission to do any (rescue) work. All the rights and powers have been entrusted to the military. The military suggestion is this that in order to clear the atmosphere of the city it is essential to set fire (to the debris) which clearly means that those who are lying alive under the debris and dying by slow stages, should be consigned to the flames alive. This report has created general restlessness. The soldiers are taking out the people from under the debris, and from some reports it appears that (they) are rescuing only such persons as are able to pay for their lives in cash. Accordingly bids are given, ranging from Rs. 100 to 1,000, and people are rescued at this rate. We cannot say how far this report is correct, but it has been published in several responsible newspapers. Anyway if this report is correct then it is extremely shameful indeed, for Government as well as for India and also for man's superiority and greatness (over other beings). This tragedy was general in its scope and therefore the sympathy and relief also should have been general. If sympathy is given in return for bribes, then what value will be attached to it? We appeal to Government to contradict this rumour in case it is false; and if, God forbid, it is true, then Government should put a stop to it.

*Translation of an article entitled "The Great Duty. The Cry of Pain and the Note of Sympathy", which appeared in the issue of the "Medina of Bijnor", dated the 21st June, 1935.*

The hot springs of human eyes are constantly flowing over the devastation and destruction of Quetta. The capacity for suffering and the power of patience and control want to play their part but every sigh of persons steeped in miseries upsets the arrangement of the peace of the soul. India from one end to the other becomes immersed in the wide ocean of pain and anguish. Those who had to depart have departed. The souls of Muslim martyrs have already appeared with proud faces before the will and power of God, but those who are coming from Quetta are bringing with them the lengthy tale of their woes. They declare that God may forbid that any one should behold what they have seen. Hearers tremble even to hear the introduction of the tale. Fear and terror encircle them and the hands restlessly turn towards the ears.

A day is fixed for death and it invites him to death at the destined time. Man also knows and recognizes the present and future of his life. He realises and realises full well that the cup of his life will crash in ninety years if not seventy.

Those who believe in religion and religious tenets and those who do not, those who insist on a day of judgment and those who deny it, all admit that there is a limit to this life and that limit is the final one. But the method of deaths at Quetta was (of a class) altogether apart from any that can come within general (human) conjecture. What could never be thought or dreamt of happened and so suddenly and in such an unexpected manner that the (whole) universe of human life was upset.

#### *Bloody spectacle.*

Eyewitnesses have seen that houses large and small, strong buildings and sturdy mansions were lying scattered on the ground not to mention the lowly, the greatest, notables, raises, seths, and high officials were lying on the roads in such a way that there was no one even to cast a glance at them. Infants of two or three years were shedding their last drops of tears on the corpses of their mothers. New and young brides were reciting the dirges of their dreams of enjoyment; not one or two but hundreds of young girls (lit. virgins) were writhing (in agony) on the roads draped in robes dyed with blood. Again thousands of lives were giving

reports of their existence from under tons of earth and were surviving in a fruitless expectation of immediate aid. And it would not be strange if souls tenacious of life may still be lamenting the prohibitory orders and gasping for the last breath.

Quetta is the seat of Government and like large cities is divided into many parts. In the south-east there is the Indian population and in the south-west there is the civil lines. Beyond the lines was the cantonment and in between was the Habib Nala which the Europeans called the Thames. In 1888 Mr. Hugh (sic.) prepared its plan and decorated the roads with fruit trees of various sorts brought from Kandhar. Lytton Road, the most beautiful road of India, was prepared and one terminal of it was taken up to the Bolan Pass. The Cantonment was built on 12,492 acres and the Civil on 1,286 acres. Modern Quetta was built before 1882 at a height of 5,500 feet. But the Quetta of 1935 was quite different from that of 1882 in its attractiveness and means of pleasure. In the words of the Viceroy it was another London of this world or a younger brother of London. But what is it today, the last scene of human destruction.

#### *Deplorable Destruction.*

Uncontrolled nature has demonstrated its design in Quetta. The will of God has been achieved with all its awe and omnipotence. Now we have to ponder what our duty is. It may not even be our duty but what have we to do for the sake of our lives, property and children as a token of gratitude for (these) blessings.

Duties are of various kinds. Some duties fall to the Government and others to the public. Government has according to its claims and the statements of its department of information discharged its duty. It has been stated that after the earthquake the white soldiers were first to appear in the city in the form of angels. They started immediate aid. The Agent to the Governor General came out accompanied by the military officers and so far as it was humanly possible he met (mitigated) the sufferings with full effort. Medical aid was provided, immediate steps were taken to safeguard health, necessary means of subsistence were supplied and arrangements were made to send the refugees to their homes. In short it was a brilliant achievement of military organisation exhibited at a very critical time and was proof of the fact that all the arrangements were in every way complete and beyond exception. The high-sounding statements regarding the excellence of its arrangements published directly or indirectly by the Government in the press have undoubtedly been framed with great ability and there is no reason why we should hesitate to acknowledge their veracity. We offer heartfelt thanks and feelings of satisfaction for these arrangements. The Government may be foreign, still whatever has been done on its behalf for the people of this country has at least to some extent mitigated the present sufferings and this is certainly not a matter to be overlooked.

#### *The Sin of the Government.*

But we are responsible also to the people of the country and cannot ignore public opinion simply on the basis of official statements. The situation is so pathetic that we regard it as a sin to raise any objection merely for the sake of objection. But we must have regard for what has already happened. We see that Government is singing its own praises. There is no important statement in its support. The lips of the wounded coming from Quetta are sealed. But every word of those who have given their statements disregarding all considerations (of expediency) is so saturated with grief that we can in no way regard it as false.

The most important objection against Government is that it took an important and dangerous responsibility on its weak shoulders alone. It not only did not take any help from the public but it spurned every kind of aid and the arguments put forward for this are so absurd that no Government in the world has ever advanced such arguments. On the basis of the experiences of Bbhar we believe that many thousands of lives for which it was possible to survive were sacrificed simply for this policy. We know full well why this severity of prohibition made its appearance. We know that (consideration of) Frontier policy and military secrets possess special importance. But no matter in the world can be more important than life or more valuable than human blood. People are not so aggrieved about property but those who have left their relatives buried are shedding tears of blood simply for the thought that if they had obtained outside aid within a few days many lives would have been

saved. The Government troops no doubt did not spare themselves. The officials also worked very wholeheartedly. But (both) official and non-official reports have admitted the relentless all embracing nature of the situation (devastation) and it has been acknowledged that the devastation was so vast that it transcends the bounds of imagination.

#### *Corroborative Statements.*

A statement to which we attach semi-official importance bears the following words :—' It is beyond human power to restore Quetta after the manner in which it has been destroyed by the earthquake '. Was it not a colossal blunder to deprive the public of aid at the time of such terrible suffering and does this not prove that numberless lives (people) were buried alive simply because ordinary helping angels could not come to their aid like the military angels. The earthquake area was 130 miles long by 25 miles broad. Public aid was certainly needed in such a wide area. Government could under its laws give an ordered shape to this aid. It could impose restrictions. But it was not justified in its prohibitory orders.

The wounded and sufferers who gave their statements on June 11 to press correspondents of Punjab have with writhing hearts revealed the fact that if digging is not delayed, live people can still be found under the debris. As live people were found so long as the digging continued, this statement appears to be reasonable and worthy of consideration.

Mr. T. R. Bhasin who went to do relief work on behalf of the Red Cross Society says : The prohibition of digging is aggravating the doubts and suspicions of the public. People believe that many are still alive. This view of theirs is correct because many persons were taken out (alive) from under the debris after four or five days. If the army had allowed the public to dig under its superintendence (lit. organization) many lives would have been saved.

Dr. Muhammad Ismail, Medical Officer of the Nawab of Kalat, has also admitted in his statement of June 11, that if digging is not delayed, live people can still be found under the debris.

Lala Munshi Ram Jain who went to Quetta with the Military Relief Party also says : The Government has made a grievous mistake in issuing prohibitory orders against relief parties. If they had been allowed to proceed there, thousands of lives would have been saved.

In the presence of these statements what answer can Government give to these survivors who regard it to be more responsible than natural calamity for the death of their countless relatives. All the excellences of Government are admitted, but this single mistake is so colossal that it can in no way be wiped off the history of the destruction of Quetta. Government can make no amends for it but it can certainly lessen the unrest in public opinion from another standpoint by an immediate change in its policy.

#### *Protection of Property.*

Another result of the prohibitory policy of the Government is that the ruined persons are anxious about their belongings. Most of the survivors are empty-handed and lack the ordinary necessities of life. They complain that the military guards did not allow them to take away their belongings and thus the future of their lives is dark and they have not got even a piece.

May be that the military scheme may be inspired by honest motives and without it discipline could not be maintained but we hear that the sufferers are not satisfied with the conduct of the military guards and they are to a great extent expressing despair regarding (the recovery of) their property. We may trust to the wisdom of the military officials in this respect but the future alone will show how far the ordinary military guards have justified this trust. We desire that the people should be assured by means of unofficial communiqué and they should be told that there are no grounds for such doubts and suspicions regarding the military organization (administration). This announcement should be made with full responsibility so that those whose wealth is buried may be finally satisfied. We have before us the Simla Communiqué of June 14 in which the Government of India has assured the owners of property. This is the first communiqué of the Government of India which is somewhat detailed and can satisfy the public. We hope that after short intervals Government will continue to publish its proposals in this manner and will discharge this great duty of its, which devolves on it morally and legally.

In this connection, there is the next problem of relief for those who have left Quetta leaving their property buried there. It is duty of both the Government and the public to provide for the immediate needs of these people. The first work is to instruct the District officials to prepare lists of them. The second work should be to render them immediate help out of the Viceroy's Earthquake Fund and to submit reports to Government about their goods, property and future and if official rules permit means should be provided for their aid in future.

*Translation of an article headed "Horripilating stories of the atrocities of the military" which appeared in the issue of the "Vikas" of Saharanpur, dated 16th June, 1935.*

On inquiry from the earthquake sufferers it was found that their greatest grievance was about the treatment of the military. The representative of the *Arjun* (Delhi) has in his lengthy article mentioned several instances of this kind. Two boys twelve or fourteen years old said that the military wounded by shots those who refused to leave Quetta. One old woman said that she was forcibly removed by soldiers while she was sitting weeping over the debris of her house, under which the whole family was buried. A girl said that she had come to her husband's place a week before. In the earthquake her husband was seriously injured, but she was not allowed to see him for the last time and was forcibly sent away to the railway station.

The husband of a woman died and her twenty-five years old son was buried under the debris. He was alive and was crying to his mother to take him out and give him water. She was trying to take him out when she was driven away by the soldiers. She was crying that she was not so much sorry for her dead husband as for her son buried alive. These instances place before us the highly diabolical nature of the military administration. It is the height of injustice to order any body to go out of Quetta who has any wounded relation lying in the hospital or half buried in the debris but alive.

Several men coming from Quetta told the representative of the *Vikas* at the Saharanpur railway station that the military forcibly took away what little money they could secure from the ruins of their houses. Reports have been received of several women being deprived of their ornaments. Those who returned from Quetta generally complained that if outside help had been accepted hundreds and thousands of lives could have been saved but the Government in the interest of the military did not allow any body to go there in order to prevent the military from coming into contact with the general public and specially the nationalist party. In this manner many lives were lost.

*Translation of an article headed "The distressed Indians and Europeans deplorable discrimination" which appeared in the issue of the "Tej", dated the 12th June, 1935.*

In the course of the leading article under the caption "The distressed Indians and Europeans deplorable discrimination", the editor remarks that one cannot blame nature for the havoc wrought by it. But what is to be seen is whether every possible effort is being made to alleviate the sufferings of the Quetta victims. But closing the door to public relief, the Government have taken upon themselves the entire responsibility of helping thousands of victims. The protection of all the property which is lying buried under the debris has also devolved upon the Government and it is to be seen whether the authorities can satisfactorily discharge this responsibility. Proceeding the editor observes that most of the refugees who were extricated from under the debris have narrated different stories of relief work by the military, which are so grim that even if a word of them is accepted as true, it is sufficient to nullify the benevolent aspect of all the relief work done by the Government. It has been stated for instance that most of the military soldiers demanded the price of saving the lives of those buried under the debris, and they realised it as far as they could. It is said that many women were thus obliged to hand them over their ornaments. It is also alleged that in certain places women and girls were subjected to immoral treatment. To usurp what is left of the property otherwise totally destroyed and to violate chastity under the pretence of relief work are acts of ruthlessness and wickedness. The editor is not prepared to believe for a moment that such acts can be committed in the presence of responsible officers nor in the absence of authentic verification does he think it justifiable to presume that the serious allegations which

are being brought against the military soldiers are correct. But the complaints made by the refugees cannot but influence the sentiments of the public. The Government should give the assurance that during the relief operations which are expected to last longer no opportunity would be given to the military to indulge in any kind of improper act. Another question which arises is the manner in which the relief fund started by H. E. the Viceroy would be expended. The victims include both the Indians and the Europeans and the number of the latter is quite insignificant as compared to the former. Moreover, the Indians have suffered heavy losses in property whereas the Europeans were only temporarily residents of Quetta and therefore the loss of property sustained by them is proportionately less. The treatment offered to the Indian and European victims contains a tinge of racial discrimination. First class berths were provided to the European victims and the proposal of giving them relief on a vast scale and having them in bungalows at Simla, is under consideration. On the other hand the poor Indians, and even the rich who have been rendered destitute are being evacuated in trains after trains to Lahore and Karachi. Their future is quite uncertain. The deplorable distinction which has so far been witnessed is not a happy augury. If the Government want recognition of their hard and onerous work in Quetta, then they shall have to prove that their sole care are not the Europeans, but also the Indians.

*Translation of an article headed "The Congress and the Quetta Relief, the Government should realise their responsibility" which appeared in the issue of the "Tej" of Delhi, dated the 14th June, 1935.*

In the course of the leading article under the caption "The Congress and the Quetta Relief, the Government should realise their responsibility", the editor remarks that the latest news received from Quetta confirm the opinion of the President of the Congress that even after several days some of the people buried under the debris can be extricated alive. A report goes to show that an infant was dug alive after six days, and similar was the case with a Sikh. These are the incidents which have come to light, and one cannot say how many more living souls still confined under the debris would leave their bodies simply because salvage operations have been suspended. The editor would not characterise the suspension of excavations as analogous to abetment of murder, which is a very serious offence, because attributing such an offence to the Government would mean discrediting the very useful and praiseworthy acts being done by the Government in connection with relief work in Quetta, but at the same time he has the right to enquire in what term except that of abetment to murder can the loss of life which is likely to be due to the suspension of salvage operations in Quetta, be described, and who has to be held responsible for it. If the statement of Acharya Kripalani that salvage operations were suspended not on account of the fear of the outbreak of any epidemic diseases, but on account of the want of workers, is correct, the Government by closing the door to relief by the public has not committed simply a mistake, but an inhuman act. Referring to the measures being taken by the Congress for the relief of the refugees, the editor hopes that any step which Babu Rajendra Prasad would take in this direction in consultation with Mr. Gandhi would have the support of the public. He would insist upon the Government to realise their responsibility even now by giving an opportunity to public organisations and leaders to assist them in relief operations.

*Translation of an article which appeared in the issue of the "Qaumi Gazette" of Delhi, dated the 11th June, 1935.*

In the course of a news item entitled "Piles of dead bodies are being burnt with petrol", an account of an interview of a press representative with a woman survivor passing through Lahore is published, to the effect that many dead bodies are still lying buried under the debris, and there is no one to extricate them. The people lying buried under the debris are crying for help, but no one listens to them. Moans are being heard from all sides there. Most of the injured are still there. Dead bodies are collected in heaps and burnt with petrol, and no distinction is made between the Hindus and Muslims.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 4th June, 1935.*

Commenting upon the Quetta earthquake, the editor in the course of the leading article remarks that in view of the difficult situation with which the

authorities are faced at Quetta, uncertainty about the number of casualties is only natural, but what is deplorable is the indifference of the authorities towards Indian lives. From the manner in which reports are being published, it appears that the surviving officials of Quetta have a greater concern for the lives of the British than of the Indians. Not only the exact number but even the names of the British who have either been killed or injured are being published from the very first day, but on the other hand with one or two exceptions, not only the names of Indian victims have been omitted, but their number has also been roughly estimated. Though on account of the overwhelming population of Indians, it is not easy to form an estimate of casualties, yet the doubt that the same efforts have not been made to find out the number of Indian casualties as has been made for the British casualties is not altogether baseless. The authorities could easily give the names of prominent Indian victims like those of the British victims. For instance the names of the five Indian Extra Assistant Commissioners who were killed could easily be available for publication, as also of other prominent Indians, whether killed, injured or surviving in order to relieve the anxiety of thousands of their friends and relatives. Continuing the editor appeals to the Government not to impose any restrictions on non-official relief agencies which may want to proceed to Quetta for the help of the sufferers. The editor also suggests that the Silver Jubilee Fund should be immediately diverted to the relief of the victims, and hopes that nothing would give to His Majesty greater satisfaction than such diversion.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 6th June, 1935.*

In the course of the leading article under the caption "The earthquake in Quetta, and relief work, the peculiar policy of the Government", the editor remarks that the policy of the Government in the matter of the relief of the quake-stricken in Quetta is quite unintelligible. It is difficult to understand clearly what do they want to do. On the one hand they do not permit anyone to proceed to Quetta for relief work, and on the other H. E. the Viceroy has started a relief fund for which appeals are being made. At the same time the authorities in Quetta are evacuating all the survivors, and all their efforts are diverted towards clearing the city. When Quetta will thus be evacuated, only ruins will be left there. Who will then receive help? Will the bricks, stones and the ruins be the recipients of help? How will the money which is being contributed to the Viceroy's Relief Fund, be used. There is another problem of vital importance from the point of view of the survivors and relatives of those who have been killed in the disaster. What would become of their property worth lakhs of rupees which is lying buried under the debris. On the one hand they have been stricken by the earthquake and on the other they have been exterminated from Quetta. It means giving kicks to the dead. Quetta was not inhabited by Government servants only, but also by thousands of persons who were permanently carrying on business there. They had all their property and valuables in Quetta. Where would such people take refuge after being turned out of Quetta? These are the people who are most deserving of help. The question of property and refuge is equally applicable to the wage-earners of the Government. The Government might continue to pay them their past and future wages, but what would become of their immoveable property which is lying buried under the debris, and how would the property of the dead victims of this class be transferred to their relatives. How and when would the kiths and kins of the dead get news about the fate of the latter. These and various other questions are arising out of the peculiar policy of the Government and are intensifying the discontent and anxiety prevalent among the public. Suspicions are being entertained in regard to the intention of even the Government and the authorities, and are being strengthened further by the differential treatment offered to the British and the Indian victims. When people find even the name of every British child, either injured or dead to the utter exclusion of the names of prominent Indians, when they find foreign organizations like the Red Cross Society, etc., at liberty to proceed to Quetta in the face of the refusal to permit any Indian to proceed there, and when they see the injured Indian orphans and others being sent out of Quetta in third class compartments and the British being either retained there comfortably in hospitals or

being evacuated by means of aeroplane, they cannot help entertaining strong doubts in the intention of the Government and the authorities. As the Indian public is weak and it lacks unity and is not accustomed to making the deaf ears of the Government hear its voice, there is no possibility of the authorities changing their policy, but the responsible officials of the Government should remember that it is good or the bad treatment offered by them to the people on such occasions which generates *anti* or *pro*-Government feelings among the public. They should not, therefore, adopt a narrow minded, but a broad minded attitude in such matters.

*Translation of an article which appeared in the issue of the "Arjun", dated the 15th June, 1935.*

In the course of the second series of an article under the caption "Dreadful earthquake at Quetta and after. Events related by the sufferers who witnessed them" written by a special correspondent of the "Arjun" it is stated that an old lady was holding a baby who was only seven months old, and when he (the correspondent) enquired as to whose baby was it, she replied that out of the 12 members of her family she was the only one left alive. Being overpowered with grief she began to run hither and thither when she saw that baby lying by the side of its dead mother, she then took it in her arms and thought it to be the last hope of her life. After narrating this the old lady began to weep bitterly.

Referring to the course of events related by a Pandit to the contributor of the article, the correspondent remarks that when he enquired from the Pandit about the welfare of a relative of his (contributor's) he stated that only about eleven hours prior to that eventful night, his (correspondent's relative's) wife came to the Pandit and asked him whether he would give her coaches for appearing in the "Bhushan" examination. The Pandit told her to start taking coaches from the next day if she wanted to get through the examination. She then returned to her house. At night when he awoke he heard great noise out in the street and he thought that it was storm. But then he felt consecutive shocks and heard the noise of falling buildings. He at once ran towards the door to unchain it, but as it had become bad he could not open the door. After a short moment he found a wall of the verandah coming right down over him. He then managed to get out of the house somehow and saw that it was all dark outside and houses were falling in large number. Camps were pitched in a garden but they were also closed after a short time. The Almighty did not even allow the miserable public of Quetta to bewail for their dead. Pathetic cries and heart rending wailings were heard all round. In that dense darkness of the night the people who escaped from the disaster began to run to and fro. In the morning they saw that all the big houses and lofty buildings were then levelled to the ground and the opulent and the poor were all alike. The occupants of these buildings appeared to have gone into deep slumber and at some places half buried men were seen crying for help. But the majority of them were counting their last breath by seeing that horrible scene of that place, as in spite of their being alive their bodies were engraved under a huge weight of debris and there was no hope of their escaping death. The Pandit himself tried his best to save money but then what could one man do. A mistress of his school was crying for help, but he could not do anything to get her out of the debris. By the rising of the sun, cries of water, water also began to be heard. At that moment batches of heartless Balochis began to invade the earthquake-stricken area in order to carry on loot and plundering them. But then military was posted there and by the evening the whole of the town was cleared of men. It is a heart rending tale to narrate how the mothers, wives and sisters left their children, husbands and brothers in these hilly lands of Quetta which were all dry. On their alighting from trains, the hearts of the externees were full of pathos and grief and they could hardly utter a word.

The contributor cannot say how far the Government was justified in posting military at the earthquake-stricken area. But he has no hesitation to state that every body was quite discontented with the military order. How ruthlessly and harshly the military turned out the bewailing men and women out of the

city was on the lips of all and sundry. In this connection it may be said that as the public were not prepared to leave their dead and their property at that place, it was but essential to practice some hardness. But as was stated by the two boys of Shyam Chaurasi, named Madan Gopal and Amrit Lal, it appears that those who refused to vacate the place were fired at by military men. Thus two persons were fired at in their very presence by the military. They were young boys of twelve and fourteen years of age and all their relatives had died in the earthquake. The correctness of such like events has been supported by many of the externees. An old lady stated that all her relatives had succumbed to the earthquake and while sitting over the debris of her ruined house she was shedding tears. But when the soldiers saw her sitting there they forcibly removed her from that place. The grievance of the majority of the externees was that they were forced to leave their relatives helplessly buried under the debris but who were still alive and no arrangements were made afterwards even to excavate them. The British soldiers not only gave no help to the excavation of the living, but at the same time put hinderance at many places as well. There is no doubt about it that many soldiers helped in bringing out these living persons buried under debris, but then the actions of many others were not only deplorable but were inhuman as well. Among the different complaints heard by the correspondent, it was said that some wicked persons even took off the jewellery of those ladies who were breathing their last. Some soldiers demanded money in lieu of the help they rendered. Two Muhammadans of Sialkot related to him (the contributor) many similar events. It is true that such like inhuman and brutal deeds were not common, but if they are true, then it is a great blot on the Army Department and the military order at Quetta. From what the correspondent has actually heard, he has come to the conclusion that though the official communiqués and telegrams of the Associated Press have tried to white-wash all these complaints yet he would say that great carelessness has been observed in unearthing the alive from under the debris and so great sin has been committed against the humanity. If there were not sufficient men, then men from outside should have been allowed to go there and work. He (the correspondent) fully believed that if the Government would have shown a bit more sympathy, and would have allowed non-official relief parties to proceed to Quetta, then thousands of lives would have been saved in a few days. It is rather difficult to believe that the august Government would have proved incapable of arranging for food, etc., for a thousand or more men who would have gone there for relief work. It is opined by all those who have come from Quetta and others that the Government has given preference to the points of military importance to human feelings. It was wrong to say that the Government were afraid of an aggression from Afghanistan, etc. The real thing is that the military mind is always stubborn and it did not want that a cantonment should be opened to the public. It is for this reason that the Government sealed the lives of thirty-four thousand persons who are dead, and their property worth crores of rupees within the military walls at Quetta.

*Translation of an article which appeared in the issue of the "Arjun" of Delhi, dated the 14th June, 1935.*

In the course of an article under the caption "The aftermath of the terrible earthquake at Quetta, incidents witnessed and heard by the sufferers", the representative of the *Arjun* in continuation of the previous article remarks that the wife of one Sardar Ram Singh of Amritsar has returned from Quetta as a widow. She alleges that her young son Prem Singh aged 24|25 years remained crying out to her for help from underneath the debris for two days, but being unable to remove the fallen bricks, etc., and thus to rescue him she made repeated entreaties to the soldiers to extricate him, but all of them replied that they had no orders to excavate. The poor mother then received orders from the British regiment to leave the place, and in great agony she was separated from her only son. She is not so sorry for the death of her husband and other relatives as she is for having left her son buried alive in the grave. Similar stories are related by several refugees. It is also said that whenever any one got some of his articles and the military soldiers suspected them to contain some money or ornaments, they at once made the owners to return it at the point of the

bayonet, enquiring as to what proof they possessed to its ownership. If some articles had to be returned in this manner, the question arises as to where have such things gone—whether in the pockets of the military soldiers or in deposit somewhere. It is also being complained that the Indian refugees in the camp were given only two loaves or some gram each, while there was an ample supply of tinned food for the Europeans, and they were in every way more comfortable than the Indians. The contributor of the article admits that these statements might be somewhat exaggerated and the authorities had undoubtedly to work under very trying conditions, and omissions were only natural. But what is needed on such occasions is that those in charge of the situation should have deep sympathy with the sufferers. Such a sympathetic attitude cannot be expected from soldiers on account of their natural temperaments. On account of the breakdown of normal arrangements, public volunteers who could really console the sufferers, should have been allowed to proceed to the spot. The Government by refusing access to the servants of the public have committed a great sin against humanity. It often appears in the press how rescue parties muster strong whenever any ship sinks, an aeroplane is lost or some volcano bursts. Several days are spent in tracing out every single individual and corpse, and no rest is known until one is left untraced. Cables and wireless are in motion and aeroplanes are out for search. But twenty-six thousand persons fall victims to the earthquake and the public is not even informed how their dead bodies and properties were being disposed off. Criticising the grounds furnished by the authorities in support of the prohibition of the entry of the public into Quetta the contributor observes that what is done is done and the hopes of the survival of the semi-dead should now be given up. The proper arrangements for the survivors and their property can only be made by taking non-official organisations and individuals into confidence. Concluding the contributor suggests the institution of a regular enquiry into the complaints and allegations of the refugees and the punishment of the delinquents, if any.

**Mr. President** (The Honourable Sir Abdur Rahim) : Honourable Members will remember that the other day the Chair ordered that a certain reply given by the Honourable Sir Muhammad Zafrullah Khan should be expunged from the records as it contained a reflection on this House. On going through the records, however, the Chair finds that this cannot be done without omitting the point of order that was raised and my ruling on that point. The Chair, therefore, allows both the original reply of the Honourable Sir Muhammad Zafrullah Khan and his later reply which he intended to substitute for his first reply to be kept on the record, and the Chair directs that the questions and answers, as they have been recorded, will form part of the proceedings.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Railways) : Sir, I have no doubt that as this was receiving your consideration, it is for that reason that we have not received the record for revision and that it will now be sent to us to see that no mistakes have crept in.

## DEMANDS FOR SUPPLEMENTARY GRANTS—contd.

### MISCELLANEOUS—contd.

#### *Special Financial Enquiry—General Policy—contd.*

**Mr. S. Satyamurti** (Madras City : Non-Muhammadian Urban) : Sir, I desire to state, for the information of the Honourable the Finance Member and the House, that this motion is not a motion of hostility but of intellectual curiosity, a genuine intellectual curiosity, as to how a

circle can be squared. The Honourable the Finance Member in interjecting one of the speeches on the Indo-Burma Tribunal's report said, "how to square a circle". I propose to ask that question of him, unless he chooses to follow Euclid and lay down a postulate that a square shall be a circle for this purpose.

Now, Sir, this Committee has been appointed and the terms of reference are reproduced in page 6 of the White Paper circulated to us along with the supplementary demands. It reads like this :

"The Government of India Act, 1935, provides that the allocation of certain resources between Central and Provincial Governments in India shall be settled by an Order-in-Council of which drafts will have been laid before Parliament; and His Majesty's Government have undertaken that a special enquiry will first be held so that they and Parliament may be furnished with an independent review of the financial position of the provinces and the Centre."

That is the first term of reference as I understand it. They want this unfortunate gentleman Sir Otto Niemeyer to perform many impossible tasks, the first of which is to give an independent review of the financial position of the provinces and the Centre. The second task is to offer "technical advice upon these financial questions which have to be determined by an Order-in-Council".

Then the formal terms of reference begin :

"To make recommendations to His Majesty's Government, after reviewing the present and prospective budgetary positions of the Government of India and of the Governments of the Provinces, on matters which under sections 138 (1) and (2), 140 (2) and 142 of the Government of India Act, 1935, have to be prescribed or determined by His Majesty in Council (subject to the approval of both Houses of Parliament) and on any ancillary matters arising out of the financial adjustments regarding which His Majesty's Government may desire a report."

I do not envy this gentleman this task. I think his terms of reference are wide and confusing enough, and His Majesty's Government keep a reservation. They may ask him to report on any matters which may arise out of these financial adjustments. Now, Sir, my first point is that the reference, if it is to be necessary statutorily, is too limited in its scope. I invite the attention of the House to the relevant sections of the Government of India Act, 1935. Those provisions begin with section 136. Section 136 by itself is merely a definition, and, therefore, there is no need to refer this to this Commissioner. But I should like to know why section 137 is not referred to this Commission. Section 137 says :

"Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods of passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature :

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation."

I ask whether the future financial position of the Federation and the provinces can be determined with any accuracy, if this section is not referred to this Commissioner.

[Mr. S. Satyamurti.]

Then, I see that section 138 (1) and 138 (2) are referred to the Commissioner. I have no quarrel with that ; but I should like to know why section 138 (3) is not referred to the Commissioner. That sub-section says :

“ Where an Act of the Federal Legislature imposes a surcharge for Federal purposes under this section, the Act shall provide for the payment by each Federated State in which taxes on income are not leviable by the Federation of a contribution to the revenues of the Federation assessed on such basis as may be prescribed with a view to securing that the contribution shall be the equivalent, as near as may be, of the net proceeds which it is estimated would result from the surcharge if it were leviable in that State and the State shall become liable to pay that contribution accordingly.”

This sub-section and subsequent two or three sections in which the financial inter-relation between the States and the Federation comes in are wholly left out of the purview of this inquiry. I quite recognise that the States are very sensitive, and the Federation is supposed to function, without the States contributing anything worth contributing, but getting all that they can out of the Federation ; and, therefore, very naturally, His Majesty's Government being anxious to force the Federation at any cost do not want Sir Otto Niemeyer to have anything to do with the Indian States. But I should like to know from the Honourable the Finance Member, if he is satisfied that the future financial position of the Federation can be given in any accurate terms, without examining the future prospective contributions either from the Federation to the States or from the States to the Federation ; and yet this section 138 (3) has not been referred to this Commissioner.

Then we have section 139. I only want to say one word on that. In the earlier committees, the Percy Committee and the Peel Committee which went into Federal finance, a great deal was said of the possibility of a corporation tax. But with one stroke of the pen, 139 (1) says :

“ Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation.”

I suppose if the Federation survives ten years' time, then they can have it.

Next, I should like to know why section 140 (1) is not referred to this Commissioner. You will notice that section 140 (2) is so referred. Section 140 (1) says :

“ Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation, but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by the Act.”

We are supposed to have an inquiry into the financial adjustments between the Federation and the provinces and the States, and yet these salt duties, excise duties and export duties and the right of levying them and the manner of distribution are not referred to this Commissioner. What is the acrobatic feat this Commissioner is going to perform ? He is like a horse with both eyes blinded and yet asked to run a race. I do not see why section 140 (1) is not referred to him,

but curiously enough section 140 (2) is referred to him that simply says :

“ Notwithstanding anything in the preceding sub-section (*He must not look at that sub-section !*) one half or such greater proportion, as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the Provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein.”

I asked a question of the Honourable the Finance Member the other day, as to whether these terms of reference were settled by His Majesty's Government after consultation with this Government. Consistent with precedent, he refused to tell me. But I think I shall not accuse the Honourable the Finance Member, knowing him as I do to be fairly acute in these matters, to be responsible for this truncated reference of piecemeal sections of the Government of India Act to this unfortunate Commissioner.

Section 142 is referred to the Commissioner : I have no quarrel with that. But sections 145, 146 and 147 are not referred to the Commissioner. Of course, they refer to their Highnesses of the States. Section 145 says :

“ There shall be paid to His Majesty by the Federation in each year the sums stated by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States to be required, whether on revenue account or otherwise, for the discharge of those functions, including the making of any payments in respect of any customary allowances to members of the family or servants of any former Ruler of any territories in India.”

How, is this Federation's financial position to be decided by this Commissioner, if he cannot consider within the scope of the terms of reference what may be asked by His Majesty's Representative, to wit, the Viceroy, to be paid by way of these customary allowances, etc. ? Then section 146 says :

“ All cash contributions and payments in respect of loans and other payments due from or by any Indian State which, if this Act had not been passed, would have formed part of the revenues of India, shall be received by His Majesty, and shall, if His Majesty has so directed, be placed at the disposal of the Federation, but nothing in this Act shall derogate from the right of His Majesty, if he thinks fit, so to do, to remit at any time the whole or any part of any such contributions or payments.”

Undoubtedly, the Government of India today gets payments to a considerable extent for various purposes from these States. This section says that it will not hereafter go to the Federation : it will go to the Crown, and the Crown may assign so much of it or so little of it as it pleases to the Federation, and the Crown may dispense with the whole or any part of these contributions. What is the financial position of the Federation going to be ?

Section 147 (1) says :

“ Subject to the provisions of sub-section (3) of this section, His Majesty may, in signifying his acceptance of the Instrument of Accession of a State, agree to remit over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State.”

That also goes. But all these matters are outside the scope of the terms of reference of this Commissioner.

[Mr. S. Satyamurti.]

Then this Act of Parliament also provides in one of the later sections—section 310—for His Majesty's Government playing deputy Providence to this Federation. Section 310 says :

"Whereas difficulties may arise in relation to the transition from the provisions of the Government of India Act to the provisions of this Act, and in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act.....His Majesty may by Order in Council.....make with respect to a limited period so specified such temporary provision as he thinks fit for ensuring, that while the transition is being effected and during the period immediately following it, there are available to all governments in India and Burma sufficient revenues to enable the business of those governments to be carried on ; and make such other temporary provisions, etc., etc."

I congratulate His Majesty's Government on having this kind of Midas' touch, that they are going to provide somehow or other for all Governments in India and Burma sufficient revenues to enable the business of those Governments to be carried on. But that is not referred to Sir Otto Niemeyer.

Then, Sir, let us see exactly, apart from the sections of the Act, what the financial effects are, grim and ugly as they are, according to the authorities most competent to pronounce on these matters. The Joint Parliamentary Committee, Sir, who inquired into this matter went into this question of finances very carefully, and at page 160 of their Report they say this. Budget Estimates of Revenue and Expenditure of Central and Provincial Governments in 1933-34. Total net revenue for the Central Government they put down at 7.16 crores, including Nil under Railways, unlike the Percy Committee who put down five crores, and the expenditure they put down at 77.91 crores, leaving a very small balance. As regards the provincial revenues, they say that the total revenue will be 77.91 crores, and the expenditure will be 79.78 crores,—a deficit. Having said this, they go on to point out this :

"Both Centre and Provinces have, however, been severely affected by the world economic depression"—a blessed phrase which covers all sins of all Governments ; if anything goes wrong anywhere, you put it down to the world economic depression.—"and the financial position of both has been severely strained. Rates of taxation have had to be increased in all directions, and every department of Government has had to submit to retrenchment ; but the way in which the strain has been borne is a tribute to the essential soundness of the present financial system. Past experience of the existing system leads to two conclusions on which there is general agreement ; (a) that there are a few Provinces where the available sources of revenue are never likely to be sufficient to meet any reasonable standard of expenditure."

Here, Sir, I would make one amendment, that there is no province in India where the available sources of revenue, under the present system, are ever likely to be sufficient to meet any reasonable standard of expenditure of a civilized Government. And (b) "that the existing division of heads of revenue between Centre and Provinces leaves the Centre with an undue share of those heads which respond most readily to an improvement in economic conditions". I differ from that conclusion. As regards the Central Revenues, today, Railways which were intended to give five crores a year are rapidly running towards an economic precipice.

Then, Sir, as for Customs, the moment your gold exports cease or even show a serious sign of decrease, in spite of the facile optimism of the Honourable the Finance Member, he will find the customs revenue

falling heavily. As for Income-tax, it is the next biggest source of revenue of the Central Government, and yet all Provincial Governments and all expert committees have got one common nefarious purpose of pocketing at least 50 per cent. of that for the provinces. There is not one Committee which has not laid its unholy hand on this source of revenue.

As for salt and opium, they are small heads of revenue. As for Post and Telegraphs, they are a department which we may hope one day to be run on an economic basis ; but I am reflecting popular opinion, both inside and outside this House, when I say that, whatever saving there is in that department, must go first and foremost to the reduction of the high postal rates. Therefore, I do not see how the Government of India can ever hope to balance their budgets, unless they shut their eyes to the future and say sufficient unto the day is the deficit thereof.

Then, the Joint Parliamentary Committee also says this :

“ There is little doubt that, from the economic point of view, it is desirable that the Provinces should, if it is practicable, share in the proceeds of taxes on income.”

Then, Sir, in para. 255, however, they seem to realise the difficulties in this proposed distribution of income-tax.

“ It must be admitted that the White Paper proposals for dealing with taxes on income present many difficulties, but the problem does not admit of any facile solution, and, except for the suggestion made above, we do not ourselves feel able to propose an improved scheme. We should add that the actual method of distribution between the provinces of any share in the taxes on income is a technical problem of some complexity, and we do not think that it is part of our duty to suggest a detailed scheme.”

They left it there. They made one suggestion, however, in para. 258, and it is this :

“ The White Paper proposes that the Provinces should have exclusive power to impose taxes on agricultural incomes, which are not at present subject to income-tax. We approve this proposal.”

I do not know, Sir, if that is one of the terms of reference to Sir Otto Niemeyer's Committee. I am afraid not. The Government is too cautious in such matters, and will not have the courage to recommend one source of revenue which democratic opinion in this country will heartily support, that is to say, taxing agricultural incomes. . . . .

**The Honourable Sir James Grigg** (Finance Member) : You will get your chance.

**Mr. S. Satyamurti** : I said democratic opinion.

Then, Sir, I go on to paragraph 263, in which the question of Indian States and the Federation from the financial point of view is discussed, and they refer to the States maritime customs, the land customs duties imposed by Indian States, and financial adjustments between the Federation and the States. I tried my best during this Session to draw out the Finance Member on all these matters. Naturally he has preserved his sphinx-like silence. Perhaps, if I had been in his position I would have done the same thing. (Laughter.) But Sir Otto Niemeyer is not treated more fairly. I am not called upon to draw up a financial picture, but he is called upon to do so, and he is not told how many crores are to be paid by the Federation, for getting a uniform customs policy. That is the matter which, I think, is very

[Mr. S. Satyamurti.]

pertinent to this inquiry, otherwise we will have got no Report worth having. I should be glad to hear from the Finance Member that before Sir Otto Niemeyer starts his inquiry or before he completes his inquiries he will be told exactly how these ticklish questions of customs duties, especially in relation to maritime States, are going to be settled and on what basis.

Then, Sir, in paras. 272 and 273 of the Joint Parliamentary Committee, they state their general conclusions :

“ The general conclusion, therefore, is that, though not formidable new financial burden would be thrown on the taxpayers of India as a whole as a direct result of the constitutional change proposed, the necessity for giving greater elasticity to provincial resources, the subventions to the deficit provinces and also the separation of Burma, will impose a further strain on the finances at the Centre.”

I have made a rough calculation. My conclusion is that it will cost in the neighbourhood of seven crores for this Federation,—the contribution to all deficit provinces, the separation of Burma and the settlement with the Indian States in regard to customs matters,—all these will cost about seven crores. If I am wrong, I shall be glad to be corrected.

Then, Sir, in para. 273 the Joint Parliamentary Committee say this :

“ It has been argued in some quarters that constitutional changes should be postponed until the financial horizon is clearer, but the additional difficulties attributable to the change (and such as they are relate mainly to Provincial Autonomy and not to Federation) are but a small part of the financial problem which has in any event to be faced, and is, we hope and believe, in the process of solution.” *I see no such hope.*

And they finally say :

“ We do not conceive nor do we understand that it is intended that any expert body could be charged with the duty of deciding whether the position was such that the new Constitution could be inaugurated without thereby aggravating the financial difficulties to a dangerous extent. On this point, we have said that Parliament must at the appropriate time receive a direct assurance from His Majesty's Government.”

In answer to one of my questions, the Honourable the Finance Member was pleased to state that Sir Otto Niemeyer's inquiry will form the basis of the assurance which His Majesty's Government will give to Parliament in due course that the new changes can be inaugurated without aggravating the financial difficulties to a dangerous extent. If that is so, I should like to know whether the present terms of reference, strictly limited as they are, are calculated to give either the Commissioner or His Majesty's Government or Parliament the assurance contemplated in this paragraph of the Joint Parliamentary Committee report.

So much for the Joint Parliamentary Committee and its conclusions, but, Mr. President, there was a committee presided over by Earl Percy and that committee went into this matter of Federal finance and I should like to read a few of the conclusions of that report to show to the House how, in some cases, this problem seems to be almost impossible of solution. On page 4 of the Percy Report, we have the federal forecast. That was in 1932, and they come to estimate the

total revenue at 84.60 crores. Do you know how?—by putting down five crores as net revenue from the Railways. I do not think the Honourable the Finance Member will differ from me when I say that that five may be on the wrong side very soon. They also put down income-tax at 18 crores, the net being 17 crores 20 lakhs as part of this 84. At a modest estimate, if we give up nine crores of income-tax, 50 per cent. for distribution among the provinces and this five crores of Railways which have already disappeared are taken out, what will remain is 70.60 crores and the total expenditure is 80.10 crores, leaving a deficit of 10 crores. Then they come to provincial finance and they have given the figures on page 5 :

Madras	..	..	..	..	— 20
Bombay	..		..		— 65
Bengal	..	..		..	— 2,00
United Provinces					+ 25
Punjab	..		..		+ 30
Bihar and Orissa			..		— 70
Central Provinces					— 17
Assam	..	..	..	..	— 65

All the minus figures have no asterisks but the plus figures have the asterisks and there is a note below which says: "In estimating for these surpluses, we have adopted the figures placed before us by the Governments concerned". So, they do not take any responsibility for the plus figures. With regard to excise, they give us this warning. We, Congressmen, are pledged to prohibition of alcohol, and, therefore, they say :

"It will, we think, be generally agreed that a Province which deliberately foregoes revenue in this manner cannot fairly ask for special treatment in the distribution of income-tax at the expense of other provinces."

Then, Sir, with regard to expenditure, they themselves lay down that the scope of retrenchment in the provinces is very limited and they conclude :

"We regard it, therefore, as essential that the Government of India and the Local Governments should give this matter their immediate attention and should endeavour to concert measures to secure equilibrium in the provinces during the intervening period. It is hardly necessary to add that our forecast of federal finances depends upon the assumption that the Government of India, too, will find it possible to pursue, in the intervening period, a policy which will not jeopardise the initial federal surplus anticipated by us."

I have already said that this is bound to become a deficit. Then they suggest certain additional sources of revenue for the Federation and the provinces, and I will merely read their conclusions. You will find that the sources are as plentiful as snakes in Iceland! They begin by saying, referring to the excise on tobacco :

"The difficulties in the way of a federal excise may be overcome in course of time, but it would be unsafe for us to rely on this in the near future."

[Mr. S. Satyamurti.]

Then, they are enthusiastic about excise on matches; but, I think, in this country an excise on matches is bound to be very unpopular, at any rate so far as they are cottage industries. Then they say as regards other excises :

"We do not feel warranted in relying upon the introduction of such measures in the early years of federation."

On Monopolies they say :

"The only new federal monopoly of this kind that has been suggested to us is broadcasting, the revenue from which must be entirely problematical."

Then, as regards commercial stamps, they entertain some hope, but their recommendation is that commercial stamps should not remain a source of Federal revenue. They have some hope of corporation tax, but the Government of India Act has postponed it by at least ten years after the Federation. As for provincial taxes, they say, referring to the taxation of tobacco :

"There is unfortunately no material which would enable us to estimate the yield of any of these forms of taxation. The provincial taxes will take some time to mature, but eventually they may be expected to form at least a very useful additional source of provincial revenue."

As regards succession duties, they say that the facts would not justify reliance on them as a source of revenue in the near future. As regards terminal taxes they say :

"We are not prepared to regard terminal taxes as a normal source of revenue."

As regards taxation of agricultural incomes, they say it may be done but "we are aware of no reliable data for estimating the yield of such taxation", and, therefore, their conclusion is this :

"We have confined ourselves to an examination of new sources, and in this field the results of our survey are not encouraging."

In the federal sphere, the excise on matches is the only tax, and they come to the conclusion that they can then have 7 or 7½ crores as a Federal revenue. I have stated enough as regards the Percy Committee's conclusions on federal and provincial sources of revenue to show that it is impossible for the Federation or the provinces to look in the near future for any considerable addition to their revenues. I have referred already to the proposed distribution of income-tax to the various provinces. The minimum demand is 50 per cent. in some cases, and even 75 per cent. in others and the Peel Committee themselves have stated that so far as customs duties are concerned they are bound to fail, a conclusion with which I entirely agree. There is only one last word that I want to say and that is to draw the attention of the Honourable the Finance Member to the leading article in the *Hindu* of the 18th September, entitled 'The Financial Enquiry'. The last paragraph reads thus :

"A proper decision on the fixing of the percentage of income-tax to be assigned to the provinces however involves considerations of fundamental importance concerning the trend of Provincial and Central finances in the future and their ultimate relative position under the new constitution. If it is found that under the proposed division of resources and responsibilities, the financial position of the Central Government will become immensely stronger vis-a-vis the Provincial Governments and independently of them as well, then, that will be a justification for assigning a higher percentage of income-tax revenue to the provinces than if it is expected that the finances of the provinces will considerably improve under the reforms. . . . If their

difficulty (that is the Government of India) is temporary, then the best way out of the difficulty would be to extend the period during which they might retain the income tax assigned to the provinces, while making the assignment to the provinces on a generous scale. The fact must never be lost sight of that it is the Provinces which are saddled with growing responsibilities and which need growing resources to meet an ever-expanding nation-building activities."

Now, Sir, I do not want to arouse provincial jealousies or the jealousies of the provinces against the Federation. I think the present position is this. Both the Federation and the Provinces are in a parlous financial condition. No doubt this Government won't listen to any advice, but, if it does, it would be well-advised to postpone these costly, unwanted reforms which nobody wants. Now why do you want to square a circle, when nobody wants to square that circle? And, so far as the provinces are concerned, Mr. President, although the Centre may be in a very difficult position, the provinces want as much money as they can get. Today, there is no doubt that all the spending Departments are going to be in the provinces: education, sanitation, public health, village improvement, roads, water supply, etc., and where are they, I ask, going to get the money from? Sir, every province is now taxed to its utmost capacity. There is a feeling here that we Madrassis are not taxed as much as in other provinces. I say, in the province of my Honourable friend to my right, and in mine, the land tax is the highest. Both the United Provinces and Madras pay the highest land tax; then, in another province, that of Bombay, the income-tax is very high, and then in Bengal, they have the jute tax. Similarly, every province is taxed to the utmost, and I do not think there is any Provincial Government which can dare to propose any increase of taxation. That being so, how are the provinces going to be financed? You say you want this experiment to be carried out. I am not talking politics, I am talking finance: what, I ask, are the Ministers going to do? They cannot touch the salaries of all these officers from top to bottom; their salaries have been protected, and we cannot touch them, and we cannot increase our revenues. What about the provinces, what about the Federation, what about their sources of revenue? These are difficult and delicate problems, and I suggest that a committee like that proposed in this demand consisting of one gentleman, whose terms of reference are restricted, and who is asked to report within three or four months on these intricate problems will lead us nowhere. Sir, the position requires an honest and independent financial inquiry by people who know how this country needs increasing revenues, and how we cannot get that unless there is retrenchment, which, however, is prohibited by the Government of India Act, especially in the scales of salaries of high officials, and unless there is retrenchment in the huge expenditure of defence of this country; and if all these things are kept out, I am afraid the experiment of the Honourable the Finance Member, who is here to justify it, will end exactly, in the same way, in which all such attempts to "square circles" have ended in the past. (Loud Applause.)

Several Honourable Members: I move that the question be new put.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,83,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

[Mr. President.]

The Chair finds that there are similar motions in the names of Dr. Banerjea and Pandit Govind Ballabh Pant, and the Honourable Member, Pandit Govind Ballabh Pant, has also another motion on the same subject, that is, "that the demand be reduced to Re. 1". The Chair would inform him that, if the Honourable Member wishes to move that motion, he can only do so on financial grounds.

**Pandit Govind Ballabh Pant :** I do not intend to move it at all, Sir.

**Mr. President (The Honourable Sir Abdur Rahim) :** Dr. Banerjea.

**Dr. P. N. Banerjea (Calcutta Suburbs : Non-Muhammadan Urban) :** Sir, the question of the financial re-adjustment between the Centre and the Provinces has been under discussion now for seven years. The Simon Commission was the first to investigate it.....

**Mr. President (The Honourable Sir Abdur Rahim) :** Order, order. If the Honourable Member is going to discuss the general financial position of the Government of India and the Provinces on this motion, the Chair thinks he would be going beyond the scope of the motion. Honourable Members have got to restrict themselves to the terms of the motion, that is, the appointment of this Commission and the financial adjustments between the provinces.

**Dr. P. N. Banerjea :** Sir, I will confine my remarks to this particular issue, which, however, is a very narrow one. The matter which will be considered by Sir Otto Niemeyer is a very important one. On the decision of this financial expert will depend the future well-being, not only of the provinces but of the States and the Federation. The questions which are involved in this subject are also of a very complex character, and these questions have baffled the efforts of several Committees and Commissions. Is it, in these circumstances, desirable that questions of such importance and complexity should be referred to the decision of a single person? Sir Otto Niemeyer is a great financial expert, and I have no doubt that he will do his best to come to conclusions which will be satisfactory to all the parties. But two heads, they say, are always better than one, and three heads would perhaps be better than two. (Laughter.) So I suggest that the financial enquiry should be referred to a Committee of three persons, one European and two Indians. There is no lack of talent in India, and there are a great many persons who have studied questions relating to Indian finance in a very thorough-going manner. Therefore, there is no justification for appointing one single person to undertake such an important and complex question. Sir, I do not question the honesty or the ability of Sir Otto Niemeyer, but I think that the terms of reference are extremely restricted. Section 140(a) should have been referred for expert inquiry. I do not know whether Sir Otto Niemeyer will be entitled to go into the Budget of the Central Government and find out if any retrenchment is possible in that Budget. It is very essential that a real retrenchment should be made in the Central Government's Budget; otherwise, it would be impossible to find adequate funds for the provinces. The great drawback of the financial system in the past has been that there has been a lack of

balance and harmony in the finances of the different parts of the country. The Central Government has spent a very large amount of the total resources of the country for its own purposes, and very little of these resources has been left to the Provinces. The time has come when these anomalies should be removed. I am sorry I do not agree with my Honourable friend, Mr. Satyamurti, that section 137 should be referred to the financial expert. This section of the Government of India Act deals with taxes which belong to the Provinces and the States, and no great advantage will ensue by referring this question to an expert.

**Mr. S. Satyamurti :** Let him have a picture of the whole thing.

**Dr. P. N. Banerjee :** No harm would ensue if he should obtain a picture, but suppose he goes further and suggests that the duties mentioned in this section should be levied immediately. That may place some of the Provincial Governments at a great disadvantage. However, the terms of reference are very narrow and restricted. Further, the procedure suggested is not what it should be. No formal evidence is to be taken ; but if this inquiry is to be of a thorough-going character, it is essential that all sections of opinion in India should be entitled to give evidence. It is suggested that evidence may be given through the Local Governments. Why ? It is very difficult to understand why public bodies and individuals should be prevented from tendering evidence direct before Sir Otto Niemeyer. Lastly, I suggest that even if it be impossible to change the personnel of the inquiry, the procedure should be made such that the investigation will satisfy all the provinces.

The importance of this inquiry cannot be exaggerated as the future of the new Constitution will depend entirely upon the success or failure of this inquiry. I hope, therefore, that adequate steps will be taken so that the inquiry is made as thorough as possible. It is not yet too late. Unfortunately, the Finance Member's reply the other day was not very convincing. He did not give us any assurance as to the method by which this inquiry will be carried on, nor did he give us any assurance that the report of this Committee will be brought before the Assembly for discussion and adoption. I hope the Finance Member and the Government of India will reconsider this decision in these important matters in order that the future financial relations between the Federation and the provinces may be placed on a very stable and satisfactory footing.

**The Honourable Sir James Grigg :** Sir, I think we can unhesitatingly agree with the last speaker's estimate of the importance of this inquiry for the future of India. There is no doubt that it is of vital importance to the future of India, both Centre and the Provinces. Sir, my Honourable friend, Mr. Satyamurti, showed, I think, what is unusual for him a little inconsistency in the early part of his speech. He, first of all, was inclined to shed tears of pity for Sir Otto Niemeyer at the magnitude of his task, but the latter part of his speech was pretty fully occupied with complaints about the number of things that had been omitted from the terms of reference. He gave a list of 10 or 12 such things. I will deal with the complaints first. On second thought, I think

[Sir James Grigg.]

the pity can safely be left at the door of its recipient and I need not attempt to deal with it at all. It is fair to remind my Honourable friend, Mr. Satyamurti, that in this matter of the introduction of reforms, procedure by stages is contemplated. First we have got to see our way through Provincial Autonomy. The next stage is the inception of the Federation and then the third stage is what happens after the Federation. For me, I think, one step at a time will be quite enough and I am sure it will be enough for Sir Otto Niemeyer too, particularly as the primary purpose of his inquiry is to consider the matters which are germane to Provincial Autonomy. I will come to that in detail later on in connection with another part of my friend's speech. In other words, Sir Otto Niemeyer's task is to square the small circle first.

**Mr. S. Satyamurti :** You can square no circle at all.

**The Honourable Sir James Grigg :** The Honourable Member did pose the problem in that way—how to square the circle. We all know that no precise solution is possible, but I think my learned mathematical friend, Dr. Ziauddin, will agree, even though he is not listening, that the problem of squaring the circle can be solved to the first order of approximation and that, I hope, Sir Otto Niemeyer can and will do. In any case, hoping is not a criminal offence.

**Mr. T. S. Avinashlingam Chettiar** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural) : Not yet ! (Laughter.)

**The Honourable Sir James Grigg :** Needless to say, I do not entirely agree with the somewhat Cassandra-like prophesies of Mr. Satyamurti. But I would like to pay him a very sincere tribute for his willingness to look the facts in the face, and as far as I can see—although croaking a little about them—not to be very frightened by them—I must say that I think it is a great thing if Honourable Members opposite are prepared to look unpleasant facts in the face and not be afraid of them.

**Mr. S. Satyamurti :** We do it every day. (Laughter.)

**The Honourable Sir James Grigg :** Unlike Mr. Satyamurti, I am an optimist, but I am bound to say a qualified optimist and the main qualification of my optimism springs from the present position of the railways to which Mr. Satyamurti very rightly attached considerable importance. He gave the cost of the introduction of the Federation as seven crores, the permanent deficit on the railways as five crores and the cost of the distribution of income-tax to the provinces as nine crores. That gives a slightly misleading picture in that these liabilities to the Centre accrue at different dates and not even all of the seven crores, which I personally think is an over-estimate, accrues all at once. Then, we come to the distribution of the income-tax to the provinces. The time and amount of that, which he has assumed to be 50 per cent., have both to be determined by Sir Otto Niemeyer and it is quite clear from the report of the Joint Select Committee that nobody apprehends that it will be possible to make an immediate distribution of the income-tax. Then, we come back to the railways. Well, I am not going for a moment to pretend that the railway position is re-assuring and I personally regard with absolute horror any prospect of the Federal Government having to subsidize the railways more or less permanently. Quite clearly, the railway problem has got to be tackled and tackled soon, indeed immediately. If after everything

that can be done has been done, there still remains the prospect of a deficit, I will go so far, in agreement with my Honourable friend opposite, that that will be a very material factor in Sir Otto Niemeyer's report. It is of course clear that if you take all the liabilities which await the Federal Government you can produce a very unbalanced balance-sheet indeed. But as I say we have not got to take all the steps at the same time, we had better confine ourselves to one step at a time.

My Honourable friend gave certain quotations from the Percy Committee which are quite obviously out of date. That committee reported four years ago.

**Mr. S. Satyamurti** : No, only three years ago.

**The Honourable Sir James Grigg** : It will be four years before the other report comes out. That is precisely I take it what Sir Otto Niemeyer's job is, *viz.*, to look at the same problems as the Percy Committee in the light of up-to-date facts. The Honourable Member asked whether the report of Sir Otto Niemeyer will be the basis of the recommendations to Parliament by His Majesty's Government. I assume that must be the case and I personally see nothing in the terms of reference to prevent that enquiry being fully adequate to the purpose which it is intended to serve. Now, Sir, my Honourable friend, Mr. Satyamurti, went into a number of sections in the Government of India Act which had been not specifically included in the terms of reference of the enquiry. I think when I was answering his supplementary questions the other day that I may have slightly misunderstood him and did his questions rather less than justice. If he means, is it part of the job of Sir Otto Niemeyer to determine those specific questions—I need not particularise them—in a quasi-arbitrary manner, the answer is, no, because they are not particularly or specifically concerned with the first stage in the introduction of the reforms. Some of them indeed are matters which will only fall to be determined by the future Federal Legislature. But, in so far as some estimate of the effect of these provisions has to be made for the purpose of his report on the general financial position, indubitably he will have to take them into account. Quite clearly he cannot report to His Majesty's Government without taking into account the future liabilities which will fall upon the Federation and the Provinces and also the reserves of taxable capacity. He will have to form some estimate of that kind of resource and that kind of liability. On the other hand I do not think he can be expected to include in his report or to make any estimate of the future generosity of the Federal Legislature, that is, independently of the generosity which is forced upon it by the Order in Council procedure. Nor do I see that it is incumbent upon him or even that it is expedient for him to take into account those sections of the Government of India Act which deal with the powers of emergency taxation inside the sphere where the Provinces and the Centre overlap, where, for instance, the Centre gives up a large part of its resources but retains the power of surcharge for purely federal purposes. I do not see why he should take these into account because these surcharges are intended as emergency taxes.

**Mr. S. Satyamurti** : Emergency taxes ?

**The Honourable Sir James Grigg** : Or if you like, call it reserves of taxation.

[Sir James Grigg.]

Then there was another point raised by Dr. Banerjea and I think the substance of his complaint was not really that a Committee of three is better than a Committee of one. I personally disagree with that very violently, but still that is an academic question. But I think the substance of his complaint was that there were not associated with Sir Otto Niemeyer two Indians. I do not wish for one moment to challenge his statement that there are lots of capable Indians in the economic and financial sphere, but is he quite sure that the non-association of Indians directly with this enquiry is such a crime? The essence of the enquiry is that, it has got to be completely impartial and impartial between all the Indian interests concerned. Though my Honourable friend, Pandit Pant, does not agree with this, the moment an Indian is appointed to this enquiry, he either will be, or will be thought to be, a representative of some particular interests, either his Province or his caste.....

**Mr. Satyamurti** : Then, why do you appoint Indians to the Treasury Benches?

**The Honourable Sir James Grigg** : That is a separate question. Anyhow I do not gather the Honourable Members opposite have ever accused us of impartiality. As I said they will be or will be thought to be representative of some particular interest either their Province or their community or their caste or of some particular economic interest.

**Dr. P. N. Banerjea** : Caste has nothing to do with finance.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : No communalism in finance.

**The Honourable Sir James Grigg** : I think the Honourable Member is a little optimistic and on inadequate grounds. In the end directly you start to appoint Indians to this enquiry, you will have to satisfy all shades of Indian public opinion, every single interest will have to be represented. Then the enquiry will cease to be an enquiry and will become a public meeting or a series of public meetings and you will not get one report but twenty reports. I think, on reflection, Honourable Members opposite will come to the conclusion that the Secretary of State has in fact selected that form of enquiry which is best calculated to give fair and expeditious results. Admitting that this is so for the moment and I ask my Honourable friends opposite to admit it for the moment, I can say, though I do not intend or presume to comment on the personal choice that the Secretary of State has made, and can say from a personal knowledge of 20 years of Sir Otto Niemeyer that I do not believe any more impartial or any more capable person could possibly have been found to do this job. (Applause.)

**Mr. S. Satyamurti** : I beg leave of the House to withdraw my motion.

The motion was, by leave of the House, withdrawn.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That a supplementary sum not exceeding Rs. 1,83,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1936, in respect of ‘ Miscellaneous ’.”

The motion was adopted.

## DEMANDS FOR EXCESS GRANTS FOR 1933-34.

### INTEREST ON MISCELLANEOUS OBLIGATIONS.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

“ That an excess grant of Rs. 2,12,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Interest on Miscellaneous Obligations ’.”

Perhaps I may make one remark which will do for the whole of these excess grants. These are excess grants which have been reviewed by the Public Accounts Committee and which the Public Accounts Committee recommended to the Assembly to regularise.

Sir, I move.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 2,12,409 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Interest on Miscellaneous Obligations ’.”

The motion was adopted.

### GEOLOGICAL SURVEY.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 8,634 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Geological Survey ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 8,634 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Geological Survey ’.”

The motion was adopted.

### INDIAN STORES DEPARTMENT.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 19,895 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Indian Stores Department ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 19,895 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Indian Stores Department ’.”

The motion was adopted.

### MISCELLANEOUS.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 856 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Miscellaneous ’.”

( 1939 )

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 856 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Miscellaneous ’.”

The motion was adopted.

#### EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 75,743 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Revenue ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 75,743 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Expenditure on retrenched personnel charged to Revenue ’.”

The motion was adopted.

#### TRANSFER TO THE FUND FOR RECONSTRUCTION OF EARTHQUAKE DAMAGE.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : Motion moved :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor : Non-Muharamadan Rural) : Sir, I want some information on this head as to when the original fund was created and whether it was placed before this House before this fund was created and also the details and purposes for which this amount is intended.

**The Honourable Sir James Grigg** : Sir, that is all set out in the report of the Accountant-General, Central Revenues, which was part of the material submitted to the Public Accounts Committee and which I think is part of the material circulated to Members of this House.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 1,42,77,180 be voted by the Assembly to regularise the expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Transfer to the Fund for reconstruction of Earthquake damage ’.”

The motion was adopted.

## CIVIL WORKS NOT CHARGED TO REVENUE.

**The Honourable Sir James Grigg :** Sir, I move :

" That an excess grant of Rs. 1,76,613 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Civil Works not charged to Revenue '."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Civil Works not charged to Revenue '."

The motion was adopted.

## EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL.

**The Honourable Sir James Grigg :** Sir, I move :

" That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Expenditure on retrenched personnel charged to Capital '."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 24,288 be voted by the Assembly to regularise the expenditure chargeable to Capital actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Expenditure on retrenched personnel charged to Capital '."

The motion was adopted.

## WORKING EXPENSES—ADMINISTRATION.

**The Honourable Sir James Grigg :** Sir, I move :

" That an excess grant of Rs. 4,63,107 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Working Expenses—Administration '."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

" That an excess grant of Rs. 4,63,107 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Working Expenses—Administration '."

The motion was adopted.

## COMPANIES' AND INDIAN STATES' SHARES OF SURPLUS PROFITS AND NET EARNINGS.

**The Honourable Sir James Grigg :** Sir, I move :

" That an excess grant of Rs. 15,149 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ' Companies' and Indian States' share of surplus profits and net earnings '."

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 15,149 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Companies’ and Indian States’ share of surplus profits and net earnings ’.”

The motion was adopted.

#### APPROPRIATION FROM DEPRECIATION FUND.

**The Honourable Sir James Grigg** : Sir, I move :

“ That an excess grant of Rs. 18,22,325 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Appropriation from Depreciation Fund ’.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That an excess grant of Rs. 18,22,325 be voted by the Assembly to regularise the railway expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1933-34 in respect of ‘ Appropriation from Depreciation Fund ’.”

The motion was adopted.

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

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

#### REPORT OF THE TRIBUNAL ON FINANCIAL SETTLEMENT BETWEEN INDIA AND BURMA AFTER SEPARATION.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : The House will now resume consideration of the following motion moved by the Honourable Sir James Grigg as well as the amendments\* moved by Messrs. K. L. Gauba, B. Das and Mathuradas Vissanji :

“ That the Report of the Tribunal appointed to advise on the Formulation of a Financial Settlement between India and Burma in the event of Separation be taken into consideration.”

\*By Mr. K. L. Gauba :

“ That for the original motion, the following be substituted :

‘ That the Report be rejected by the Government of India as unjust and inequitable to India ’.”

By Mr. B. Das :

“ That for the original motion, the following be substituted :

‘ That the Report be rejected as being unfair to both India and Burma ’.”

By Mr. Mathuradas Vissanji :

“ That for the original motion, the following be substituted :

‘ That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference

**Babu Baijnath Bajoria** (Marwari Association : Indian Commerce) : Sir, before I proceed to discuss the merits and demerits of the report, there are certain important points which deserve serious consideration. First I would like to ask the Government of India as to what is their idea in bringing this matter before the House for discussion after everything has been decided upon.....

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : You have to ask your Government.

**Babu Baijnath Bajoria** : I am asking them. It is our Government as well as yours.

**Mr. S. Satyamurti** : No ; not mine.

**Mr. Deputy President** (Mr. Akhil Chandra Datta) : Order, order.

**Babu Baijnath Bajoria** : It is just like our Hindi saying :

*" Pani peekar jat poochhna."*

*i.e.*, a thirsty Brahmin after drinking water from an untouchable asks him what is his caste ? The consideration of the report at this stage is exactly the same thing. Sir, what is the good of having only an academic discussion on this matter. I ask the Government of India, shall our opinion be duly considered ? Is there any chance, whatsoever, of the suggestions made in this House being accepted and the conclusions arrived at in the report of the Burma Tribunal being amended in any way ? I am afraid the answer will be in the negative. If I intervene in this debate I do so only to record the protest of our Association which I have the honour to represent in this House. The protest that I make is the way in which the Tribunal was appointed. To my mind a great injustice has been done to the whole of India, by not associating Indians with the said Tribunal.

Sir, The Government of India, in paragraph 93 of their Despatch dated the 20th September, 1930, to the Secretary of State for India, realising the extremely difficult issues which would require not only close analysis by experts but also the necessity of holding an even balance between conflicting claims of the two countries, suggested that the problem should be solved by drawing up through mutual co-operation between the two Governments an agreed statement of the case for reference to an "Impartial Tribunal". They could not ignore also one of the main considerations that the public opinion in both the countries should feel satisfied that each of them is being fairly treated in the proposed adjustment. The Sub-Committee of the first Round Table Conference on Burma, appreciating the considerations put forward by the Government of India, recommended in their report dated 9th December, 1930, to the first Round Table Conference a proposal that the case about the adjustment after being thoroughly explored by the experts of the two Governments should, in the first place, be placed before the Standing Finance

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and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon, to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned, after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter."

[Babu Baijnath Bajoria.]

Committees of the Indian Legislative Assembly and the Burma Legislative Council and that the representatives of the two countries should be associated with the work of the Tribunal. This recommendation of the Burma Sub-Committee was adopted on the 16th January, 1931, by the first Round Table Conference Committee and it was further confirmed by the Round Table Conference at its 8th Plenary Meeting on the 19th January, 1931. The Prime Minister, in his speech on the same day, gave an undertaking regarding Burma to the effect that "the Government will pursue the decisions of the Sub-Committee". In view of these undertakings, the public and the Legislature in India naturally lived under the impression that whenever the question of separation of Burma was settled by the Joint Parliamentary Committee steps would be taken by the Secretary of State for India to act up to the recommendation of the First Round Table Conference to solve this question. But, Sir, nothing of the sort was actually done. Sir, I admit the Honourable Mr. Nixon is a very capable official and placed India's case before the Tribunal, to the best of his abilities but with him should have been associated a couple of Indian financial experts, preferably non-official. Indeed the Government of Burma's case was advocated by three eminent personalities and, therefore, Mr. Nixon was very much handicapped in fighting a lone hand.

The next point on which I wish to record my protest is about the one-sided biased judgment passed against India. Sir, the Tribunal has passed its judgment summarily and I am in thorough agreement with the views of the Federation of the Indian Chambers of Commerce where it has taken exception to the summary decisions of these following points, viz.:

- (1) Whether the assets and liabilities only of the Central Government should be calculated, or whether all assets and liabilities of all Central and Provincial Governments, constituting India and Burma, should be taken into account ;
- (2) In calculating the liability, whether the liability arising out of Burmese wars should not be assigned wholly to Burma, instead of only in the ratio of 7.5 per cent. ;
- (3) Whether the deficits to the Burman budget contributed to from the general revenues of the Government of India for several years, should or should not be reckoned amongst the liabilities assignable wholly to Burma ;
- (4) Whether the liabilities already liquidated by India from taxes, to which the Burmese contribution was meagre, should or should not be reckoned for this purpose ;
- (5) Whether the valuation of the assets is correct at book value less depreciation ;
- (6) Whether the value of forests at Rs. 12 lakhs represents only the value of Government of India forests or all forests including Burma forests ;
- (7) Whether book-value of New Delhi, military land in Bombay and the list of dead assets (*a list, admittedly imperfect*), should be regarded as conclusive ;
- (8) Whether the ratio of 7.5 per cent. is a fair ratio, having regard to the greater potentiality for population in Burma, greater forests and mineral wealth, higher standard of life and greater taxable capacity ;
- (9) Whether the net assets to be assumed by Burma in the share of Burma's liability and share of Burma in excess of liability over assets, should remain as a debt from Burma to India, or whether such debt should be assumed by the United Kingdom with a corresponding reduction of liability of Indian Sterling debt ;

- (10) Whether such debt should, if assumed by India, carry a rate of 3-1/4 per cent. which is the Government of India's own borrowing rate today, while the lending rate to States and Provinces is very much higher ;
- (11) Whether it is desirable to convert the amount of total liability assignable to Burma into an annuity of 45 years, or any particular period ;
- (12) Whether the arrangements in respect of the regulations between the monetary systems of India and Burma as agreed between the Governor General in Council and approved of by the Secretary of State, are fair and proper ;
- (13) Whether the position created by the proposed new Burmese coinage in due course and the obligation to retire Indian rupees does not impose on India an unfair liability ; "

The Committee, therefore, lodged their emphatic protest against the gross injustice which has been done to the interests of both the countries generally and India in particular.

**The Honourable Sir James Grigg** (Finance Member) : What answers does the Federation give to these questions ?

**Babu Baijnath Bajoria** : The Federation have put these questions and they want that an impartial tribunal should be established to decide these points.

None can deny that the annexation of Burma was made with Indian men and Indian revenues. The whole cost of the Burmese wars was debited to the Indian revenues. Burma has been developed mostly with Indian capital and Indian labour till Burma oil fields were discovered and British capital flowed into Burma. Sir, the separation of Burma is just like separation of a limb from the whole body which the future will prove is neither beneficial to the body nor to the amputated limb. India has sacrificed so much of her revenue resources all these years in developing the country. India has been a very good customer of Burmese products. Indeed India's total average imports from Burma have been 26 crores of rupees annually while India's total average exports to Burma have been only ten crores of rupees annually. The balance of trade has been in Burma's favour to the tune of 16 crores of rupees annually. Sir, it is the Indian consumers of kerosene and petrol who have contributed to the prosperity of the oil fields of Burma. It is the Indian consumers of these articles who have sacrificed so much by having a high duty on imported oils and petrol to give the Burma oil a vast field of sale. But, Sir, I am surprised to find, that in paragraph 60 of the report, no mention is made about the petrol. A sentence in that report is very indicative of the way in which the Tribunal passed its judgment when they came to the figure of 7½ per cent. as the basis of apportionment in spite of the figure of 9¼ per cent. suggested by the figures of actual revenue totally collected. The sentence, I shall read from the report :

" An indication, however, of the character and extent of the readjustment involved is furnished by taking the figures relating to four of the most important items in the customs list, *viz.*, cotton, piece-goods, white sugar, steel and kerosene and weighing them on the hypothesis that the domestic product had been subject to an equivalent excise, but making allowance for duties paid on imported materials such as dyestuffs and machinery."

Sir, in this connection of the ratio of apportionment, it will be interesting to note that the ratio worked upon by Sir Walter Leyton was 10 per cent. and, whereas the Howard-Nixon memorandum arrived at a slightly higher ratio but which was never challenged by the Government

[Babu Baijnath Bajoria.]

of Burma in the past. I do not object so much to the general principles laid down by the Tribunal for determining the ratio, but what I do object is the inclusion of such items of asset being taken into consideration as the tributes paid by Indian States. This is a non-economic revenue and this asset is an uncertain quantity owing to the inauguration of the Federation. Sir, in my opinion the ratio should be determined on the basis of Income-tax, customs revenue, spirit and kerosene excise and salt according to their local origin of collection. On this basis we get the following data from the quinquennial average of 1929-30 to 1933-34 :

	India including Burma.		Burma only.	
1. Customs (gross)	38,33,57 thousands.		3,17,92 thousands.	
2. Income-tax (net)	17,20,05	Do.	1,87,81	Do.
3. Motor spirit excise ..	2,72,31	Do.	2,02,94	Do.
4. Kerosene excise ..	2,10,69	Do.	1,79,44	Do.
5. Salt (1925-26 to 1929-30)	5,56,12	Do.	32,51	Do.
	<hr/>		<hr/>	
Total	65,92,74	Do.	9,20,62	Do.

From the above figures it may be conclusively proved that the ratio should be fixed at 13.96, i.e., 14 per cent. instead of the figure of 7½ per cent. as recommended by the Tribunal.

Then, Sir, in the paragraph 63 of the report it is stated as follows :

“ It has been argued that the fact that the overwhelming bulk of the military expenditure, amounting to nearly 50 per cent. of the net Central revenue from taxation, is disbursed, by way of pay, pensions, rations, equipment or transport, in India, constitutes a substantial benefit in which Burma has very little share.”

This argument is fallacious. In taking into consideration the military expenditure the only point to be considered is whether Burma did get her necessary protection from the Indian Army in times of need. The Indian army is maintained for the peace and tranquillity of the whole of India including Burma and troops are maintained at different centres in different provinces. If any account is to be taken into consideration about the benefits derived by way of pay, pensions, rations, equipment or transport by India, it will have to be done not by way of comparison of the whole of India on the one hand and Burma on the other. The comparison should be made as to the benefits derived under those heads by each of the other provinces and Burma.

Next point which I do not like in the report is about the arrangement of combined working of the currency and the Reserve Bank. Sir, in paragraph 66 of the report which describes the main provisions of the agreement arrived at between the Government of India and the Government of Burma, it is mentioned :

“ The Reserve Bank of India will manage the currency and carry on the business of banking in Burma.

The bank will issue distinctive notes which will be legal tender in Burma but not in India, and Indian notes will cease to be legal tender in Burma after a reasonable interval. The Government of Burma will have the right after due notice of issuing distinctive Burman coins.

The agreement is to be terminable on two years' notice by either side with a minimum period of three years from the date of separation. On termination of the agreement, the Government of Burma will be free to sever its connection with the Reserve Bank and to make such arrangements of currency and the control of credit."

When Burma is being separated from India and is being transferred to the Secretary of State for Colonies, I would prefer, if even in these fields of administration a complete separation is effected from the very beginning of the separation so that there may not be any further trouble about adjustment in case of a decision to have for Burma a separate reserve bank and a currency of her own. There is no doubt that within a few years of separation of Burma from India, the question will arise about a separate currency system and, therefore, it is better that Indian currency system and the Reserve Bank should have nothing to do from the very inception of a separate Burma. Sir, within the limited time at my disposal, it is not possible for me to criticise the report at a great length but from what I have stated above, it is apparent to me that the Report is not in the best interests of India and is, therefore, not acceptable to me. I would like that a fresh Tribunal, on the lines suggested by my friend, Mr. Mathuradas Vissanji, should be appointed to impartially arbitrate on this complicated problem. Sir, I support Mr. Mathuradas Vissanji's amendment.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair has received notice of two more amendments, one by Syed Ghulam Bhik Nairang, Mr. Husenbhai Laljee and Mr. Essak Sait to Mr. K. L. Gauba's amendment.

**Syed Ghulam Bhik Nairang** (East Punjab : Muhammadan) : I formally move :

"That in the amendment by Mr. K. L. Gauba to the original motion, the words 'and Burma' be added at the end."

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

"That in the amendment by Mr. K. L. Gauba to the original motion, the words 'and Burma' be added at the end."

This is the same as Mr. B. Das' amendment. Pandit Govind Ballabh Pant has also given notice of an amendment.

**Pandit Govind Ballabh Pant** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I move :

"That at the end of the motion, the following be added :

'and the same be rejected as, among other reasons, no non-official representatives of India and Burma were associated with the enquiry and inasmuch as the terms of reference were too narrow in that the apportionment of burdens was restricted to India and Burma alone.'

Sir, I am moving this amendment as it represents the consensus of opinion on this side of the House ; otherwise, I for one would have been satisfied even with the amendments that are already included in the order paper. Sir, the questions covered by this motion are of an intricate and technical character. I, however,

[Pandit Govind Baliabh Pant.]

hope to deal with only the salient points in a common sense manner. Before I do so, Sir, I should express my appreciation of the speech delivered by my Honourable friend, Mr. Nixon. (Hear, hear.) I was particularly impressed by his mastery of the subject and his lucid exposition of an intricate and complex subject. (Loud Applause.) I wish, however, he had not strayed into the political arena. Sir, a political boomerang is a difficult thing to handle, and sometimes it comes back with added force, to a man who is not practised in its use. Moreover, the Honourable the Finance Member is a host by himself (Laughter), and he does not need much in the way of assistance. Sir, Mr. Nixon's fine oration was marred by what he said in respect of non-official opinion. The harmony of his tune was disturbed thereby; Sir, he referred to and laid some emphasis upon the apathy and the indifference of non-officials. Sir, I wish he had not considered it necessary to make any comments of that type. They did not fit in with the theme of his speech, and it would have been much better had he left them alone. Sir, a writer compared an expert to a geometrical line having length without breadth. But such uncanny people are very few, and when they do not find others equally weird with themselves, they get confused and perplexed. Sir, I would not say more about Mr. Nixon's jibes and sneers against non-officials, whether in this House or as members of the Standing Finance Committee or of the various commercial organizations in the country. Sir, I also feel that Mr. Nixon ought not to have taken upon himself the thankless task of offering an apology on behalf of the Secretary of State. The Secretary of State did trample upon solemn undertakings, and no genuine defence can be put forward by anybody; the somersaults that he performed in quick succession one after another, and the way he dealt with the Government of India, were just in accordance with the reputation that he possesses. I was surprised to find, Sir, the Honourable the Finance Member telling us one day that the report of the debate would be sent to the Tribunal and then informing us on the very next day that the matter had been finally disposed of, and the report had been signed! I had thought that, with the much vaunted dawn of Federation in this country, the Government in England would have learnt to behave better and to show greater courtesy for the Government in this country, but we have been disappointed: and if this illustrates the attitude of the British Government, then God save us from the Federation!

Sir, coming nearer to the subject, I may say at once that I have absolutely no desire to extort even a shell from Burma. I am one of those who feel that good-will between Burma and India is of much greater value, and a factor of much greater weight, and of an essentially more wholesome character, than a few rupees that Burma may be made to part with. (Loud Applause.) I am also prepared to say, Sir, that we, the people of this country, have reason to be thankful to Burma for the courtesy and the spirit of accommodation that has been invariably shown by that ancient race to their neighbours in this vast country, and, above all, I prize their good-will, and I say that whatever arrangements may be brought about, they should be made with the willing consent of Burma: and if Burma is not willing to pay any part of the debt that she may be owing to this country, I am one of those who think that if

our country had been independent, we would have voluntarily surrendered the amount that might have been due to us. (Hear, hear.)

**The Honourable Sir James Grigg :** And bill Great Britain for it !

**Pandit Govind Ballabh Pant :** The Finance Member asks : " and bill Great Britain for it ? " Sir, I say, yes, and I repeat it, and will give him the reasons. Sir, Great Britain is today getting from us at least Rs. 75 crores per year in various forms—that is the minimum amount I am giving—and I think the Honourable the Finance Member will not dispute that. He will also accept that even so late as in the year 1914 the unallocated or the unproductive debt of our country practically did not exist ; in fact, the cash balance in hand in 1914 exceeded the amount of the unproductive or uncovered debt in that year, so that if the agents of Great Britain had properly handled affairs, there would have been no unallocated debt today, and neither India nor Burma would have been asked to make any contribution towards any unproductive, unallocated debt. Our present position is mainly due to the " war loans " and the expenditure incurred at the time of the war. It came roughly to about 190 crores ! These war debts, with the loss on the sales of silver, and the deficits in the Budgets of the Government of India, for several years in succession after the war, more than account for the present deficit. I say, Sir, that, in these circumstances, it is certainly proper, it is fair, it is but just that England, which has enabled many an embarrassed country, from which she has got no benefit whatsoever, to tide over difficulties, should make us a generous gesture. Sir, what is the present state of affairs in the world ? England has refused to honour her bills and has not paid even the symbolical payments that were promised to be made to the United States of America in lieu of the war debt ? Other rich countries have similarly evaded payment of their dues. So, in these circumstances, to insist on our shouldering the entire burden of the war debt is unfair. It is a sheer accident that the British liability for the war debt today, in the form of the sterling loan, extends only to the limit of 22 crores. Assume for a moment that the whole of this war debt had been raised in the form of sterling, then what would have been the state of affairs today ? According to the accepted policy and practice of all other countries, England would have also extended the benefit of the moratorium to us and in consequence no money would have been claimed or realised from us on account of the war loan at all. I am not making an extravagant claim when I ask the Honourable the Finance Member to represent it to the British Government that it is a sheer accident that the major portion of the war loan to the extent of about 170 crores was raised in the form of rupee loan and not in the form of sterling loan. There is hardly any real difference in character between the two debts. So, I submit that it is but just and equitable that Great Britain should take up this responsibility not because of any pressure on our part but realising the difficulties of the situation and also because it can afford to do so and it would also be in perfect accordance with the present International morality and practice. So, when the Honourable the Finance Member asks me whether England should foot the bill, this is my reply. I hope he will see the reasonableness of it and will work as the servant of India. He has told us more than once that he is here to represent the interests of India, so why should he not join hands with me in making a reasonable.

[Pandit Govind Ballabh Pant.]

forceful and perfectly legitimate request to England to meet this deficit and to relieve both poor India and Burma of this liability which they are not in a position to meet. Sir, I should like to assure the Honourable the Finance Member that he should not think that my statement that, if India had been free, I would have preferred to surrender even the amount due by Burma than press Burma, is not genuine or sincere. If India had been independent, I would have adopted that attitude because I attach enormous importance to mental attitudes of nations and I also believe in good-will as being a more important and potent factor than base lucre. So, Sir, when I said that, I was expressing my innermost feelings. I may as well ask after all what do we really gain by getting one or two crores more? So long as the fundamentals of the present system remain unchanged, it makes no difference to us whether one or two crores a year come into our lap from another country or not. The Honourable the Finance Member knows that during the last five years he has revised the schedule of taxes in such a way that new taxes have been added to the tune of 48 crores. Well, Sir, when 48 crores a year have been added to our burdens when the country is involved in unprecedented economic depression, could it make, after all, a very great difference if a few thousands were put one way or the other. So long as the system of Government and the finances of this country are ordered by another nation and by other people, it is a mockery to me how a particular adjustment is made between Burma and India. This country is spending at least 15 crores more on the army because the army consists to the tune of one-third of foreigners. If Indians alone were recruited to the army, we would have made a saving of about 15 crores without reducing the strength of the army. Similarly, there are other factors. Even in their new regime 80 per cent. of our finances will be at the arbitrary disposal of the representatives of the British Parliament and the British people. So, what difference will it make to me whether a few thousands are added or are taken away? So long as I am not the master of my household, it is in reality no more than a book transaction and it is immaterial to me that the entries are made in the books. We are no better than helpless victims of an imperialist autocrat. It is just like the common estate of a superior landlord. So far, he treated the whole estate as one and now it suits his convenience, idiosyncrasies or designs it may help the purpose of exploitation here and enterprise in his own country better—whatever may be the reason, he now thinks that it is desirable that the book entries must be placed on a different footing and that there should be two registers instead of one, but all the same he will continue controlling the finances in both countries. It will in reality be in his power to say—I impose these taxes and I withdraw these taxes. It will be for him to say—I spend this amount in this manner and I order that this be not spent in this manner. In these circumstances, what, after all, is the real outcome of this adjustment or of this allotment? So, I submit that so long as there is not a real basic change in the fundamentals of the system of Government and administration in this country, all these arrangements are no more than farcical and hypocritical.

I am required on this occasion, however, to deal with the report of the Amery Tribunal. It is perhaps of no more than an academic interest. But even as it is, I would perhaps be failing in what is expected of me if

I did not make a few observations on this report. Sir, this report is vitiated and utterly unacceptable from whichever point of view one may look at it. An award is the final outcome of three stages. Firstly, you have a tribunal ; secondly, investigation and consideration ; and, thirdly, the findings and decision. Here in all these three stages the proceedings have been of an erratic and erroneous type. Firstly, taking the constitution itself, the tribunal consisted of gentlemen, men of experiences, but persons who are neither experts in finance nor familiar with the affairs of this country, nor possessed of any judicial acumen. I have known Mr. Amery as a conservative member of the House of Commons and have also read something about him. But this is the first time when I have seen Mr. Amery being pitchforked in a place like this. That is about the constitution.

Now, about the procedure. Sir, there were solemn pledges by the Government that the representatives of India and Burma would be associated with this enquiry. That undertaking found place in the first report of the Burma sub-committee of the Round Table Conference. It was also repeated later. Sir George Schuster gave solemn assurances in this House that the representatives of the Standing Finance Committee would be associated with this tribunal. Then, Sir, there were other occasions when the same facts were again repeated in order to reinforce the assurance that had been previously given. But now we find that not an Indian, whether official or non-official, whether expert or otherwise, was associated with this enquiry at any stage whatsoever. Then the enquiry was so very cryptic that even the Government of India did not know when it started or when it closed. Even they were kept absolutely in the dark. Sir, the British Government and the Government of India have of late uniformly adopted a very fine method for bringing about the advent of Swaraj in this country and it is this. That from every measure and from every step that the Government avowedly take in order to bring the day of the advent of Swaraj nearer every Indian should be excluded because India is fit to be self-governing in their view and because now they have made up their minds to confer complete Swaraj on this country ! The method they have adopted for demonstrating their faith in the capacity of the people of this country is really curious ! Indians should be excluded from every committee of enquiry connected with this advent of Swaraj in this land ! This tribunal, Sir, was one of the illustrations of this principle which seems to be the creed and the guiding principle of the Government of India of today.

Now, we come to the third and final stage, that is the award itself. I submit that the award is wrong and defective on merits. In fact it is no award. It does not give any reasons for the assertions which are included in it. It is no more than a series of dogmatic assertions unsupported and unsubstantiated by any argument or by any facts and figures. I will just make a few remarks as to how the result that has been arrived at is manifestly wrong. Firstly in determining the amount of unallocated liability the tribunal has made material errors. Sir, I think there was no justification for adding forty crores, I think that is roughly the amount on account of redeemed stock and extinguished annuities of railway debt. Mr. Nixon and Sir Henry Howard dealt with that point and both of them also gave a long note explaining their position. Both of them agreed,

[Pandit Govind Ballabh Pant.]

that considering that this amount had been paid up long before 1924 and the accounts and the figures had since crystallized and become a part of the approved and accepted system for several years, this amount should not be added to the assets. Even Sir Henry Howard agreed with this view ; but in spite of that, the tribunal has added this sum to the assets and has deducted it from the total liability. That, Sir, is entirely wrong. You can proceed only in one of the three ways as Mr. Nixon explained the other day. It might be the historical method, or it might be the creditor and the debtor method, or the 'empirical' method. The tribunal has proceeded more or less on an empirical basis, in accordance with the entries in the technical and other reports of the Government of India. Now, if the tribunal wanted to reopen the question then it ought to have taken up the question of depreciation, and if the amount of depreciation were reopened then I submit the assets of the railways would have dwindled considerably and the uncovered debt would have increased in the same proportion. It is obviously unfair to add 40 crores to the assets without reopening the question of depreciation. Then, I also feel that the tribunal ought not to have saddled India with the debts incurred on account of New Delhi. The mere fact that the liability happened to be earmarked at that time, the debt being raised in the name of New Delhi instead of the amount being paid out of revenue does not make any difference in the nature of the assets. It is not a commercial asset and I think it ought not to have been taken into account at all. I also feel that so far as the dead assets are concerned, these should not be taken into account at all. After all when we find out the number of men at any place, we do not include the dead men there though the word 'men' may be common to both. Dead assets are not assets at all. I do not see any reason why they should have been taken into account in determining the uncovered amount of liability.

Then, I feel that the tribunal did make a blunder in determining the ratio of the obligations payable by Burma in relation to India. I do not know, Sir, how the tribunal arrived at this conclusion. I have read their report with some care and I am not yet able to find out the reason. Sir, the facts are plain enough. Both Mr. Nixon and Sir Henry Howard agreed that the entire revenue central as well as provincial should be taken into account ; and when there is a complete separation between the two countries you cannot reasonably overlook any source of revenue. The distribution between the provincial and the central sources of revenue is no more than formal or administrative. We know the history of our provincial finances. In the former days, the provinces used to get doles from the Government of India, then there were the periods of periodic settlements renewed from time to time : after that, there was the age of the Meston Settlement and subsequently the Government of India remitted the contributions payable by the various provinces under the Meston Settlement. Sir, there is no real distinction between the Central and the Provincial sources of revenue. Both should have been taken into account. Then, Sir, the tribunal has taken the income from income-tax into account and has excluded that from railways. If the income from income-tax can be so determined that you can localise and determine the amounts contributed by each country, I think it should be taken into account. It is undoubtedly a correct measure of the trade and industry

and fiscal and economic condition of each country. The only reason, I think, why the two experts agreed to ignore it was because of the impossibility of determining the local source of income-tax correctly.

Then, Sir, they have not included the railway income. It would not have been to the advantage of India ; India has benefited by the exclusion thereof, but I see no reason why justice should not have been done to Burma. We are not here to plead the cause of India only, we are here to plead the cause of justice, and I think railway income should have been included. But it is hardly a material factor today as the railways are hardly yielding any income worth the name. One of my friends tried to make out the ratio on the basis of the main sources of central revenue. He arrived at the conclusion that the ratio would come to about 14 per cent. I do not agree with that view, but taking the figures given by Mr. Nixon and accepted by Sir Henry Howard it should range between 9.5 and 10.5, and there is absolutely no justification for a ratio of 7.5. I venture to think that it will really be tantamount to squaring a circle if a ratio of 7.5 is demonstrably established. I do not find myself in a position to understand this figure of the ratio at all.

Sir, I do not want to take more time over the technical questions as to pensions. The position seems to me to be plain enough. Assuming Burma were not separated from India what would be her contribution towards the pensions that have been earned so far, whether they have been fully earned or whether they have been partly earned ? It would be just in proportion to her contribution towards the revenue of this Government of India including Burma, and the separation of Burma from India ought not to make any difference in the position, and Burma should still be held to be liable in accordance with the principles of equity to the same extent. Mr. Nixon gave this separation the analogy of a dissolution of partnership. That is not correct. The true analogy, as I find it, is that of the division of a joint Hindu family. It is exactly in accordance with the principles governing partition in a joint Hindu family that the assets and liabilities in the case of these two countries might be dealt with.

Sir, as to currency I have not much to say against the findings of the tribunal. But there is one thing which I should like to know, and I make this enquiry in all earnestness, whether we have been asked only to perform here the farce of a *post mortem* examination on a report which is to be foisted on us, whether we will it or not, and whether it be just or unjust, or whether the question is open and the Government of India are in a position yet to get the question reconsidered and decided in a manner that may be satisfactory to both countries ? I may say here that what I want is this that there should be Indian and Burman jurors associated with financial and judicial experts, and whatever decision is arrived at, it should carry with it the full assent of the non-official representatives of Burma and India. And if I had any voice in the matter in influencing the jurors representing this country, I would advise them to go to the utmost extent possible in order to meet the wishes of the people of Burma. It is from this point of view that I wish this question to be looked at. And whether you determine the matter on a historical basis or whether you determine it on an analytical basis, I think there are at least two or three items in respect of which the responsibility should be assumed by the United Kingdom. The cost of the Burman wars should be met by the United Kingdom. I need not argue it at any length. We were told that

[Pandit Govind Ballabh Pant.]

it was difficult to determine the amount. Let the United Kingdom pay the minimum amount that it is prepared to accept as having been incurred in the wars and military occupation, and to that extent relieve both India and Burma. And secondly, to the tune of the expenses and the contribution connected with the Great War, considering the state of affairs in the whole of the world and the way war debts are being handled all over, it would be but fair and proper if England were to take that responsibility on herself and absolve Burma and India. If this is accepted there will be no liability left over to be apportioned between the two countries. I hope the Government of India will move in the matter in such a manner that both these countries may be benefited and saved from ruin. Otherwise the financial machine is so overloaded that it may collapse and break down any time.

**Mr. President** (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That at the end of the motion, the following be added :

‘ and the same be rejected as, among other reasons, no non-official representatives of India and Burma were associated with the enquiry and inasmuch as the terms of reference were too narrow in that the apportionment of burdens was restricted to India and Burma alone ’.”

**Dr. P. N. Banerjea** (Calcutta-Suburbs : Non-Muhammadan Urban) : Sir, the Indo-Burma Tribunal have taken it for granted that Burma will be separated, and such separation has been provided in the Government of India Act recently passed. So far as we Indians are concerned, it is our opinion that this is the business of the Burmans to decide ; we do not claim the right to decide whether Burma should remain united with India or be separated from her. But we do hope and trust that the people of Burma will take care to see that Burma is not separated in the interests of any other country. Whether Burma is separated or remains united with India, we shall all hope that the most cordial relations will continue to subsist between the peoples of these two countries.

This brings me to the question why Burma was conquered. Sir, an Irish member of the British Parliament gave on one occasion a vivid account of the cause of the Third Burmese War. He said that Burma was conquered because King Theebaw was drinking. Was it any concern of the British Government whether King Theebaw was a drunkard or whether the country suffered from any misrule at that time ? Sir, the fact of the matter is that Burma was conquered in the interests of Britain in pursuance of a policy of Imperial expansion and exploitation of the rich resources of that country. It was stated in the minority report of the Welby Commission that the cost of the Burmese wars should have been taken over by Britain and the Indian witnesses before that Commission, including Sir Dinshaw Wacha and the late Mr. Gokhale, urged this course. But this was not done.

Now that Burma is going to be separated from India we should urge that in the financial adjustment that will take place between Burma and India the question of Britain's liability should also be taken into consideration. It was estimated that the cost of the three Burmese Wars was something like 20 to 25 crores, and it was further estimated in the minority report of the Welby Commission that the cost of carrying on the

military administration of the country during the years 1885-86 to 1895-96 was something like 15 crores. If to this be added the deficits which occurred in subsequent years, we may say that the total amount spent on Burma out of the revenues of India comes up to 50 or 60 crores, if not more. I am not placing before you any particular figure ; but I am urging that the matter should be properly investigated. I should like to state in this connection that Burma was conquered against the wishes of the people of India. In 1885, at the first session of the Indian National Congress, a resolution was adopted protesting against the annexation of Burma. The main reason why the Indian people protested against the annexation of Burma was that a financial burden would fall on her shoulders. What was then feared did come true afterwards, and now is the time for a settlement of accounts.

The question, therefore, is whether at the present moment a tribunal should consider only the financial relations between India and Burma or should take into consideration also the liabilities of Britain. There are three parties, in fact, to the transaction, but it is surprising that the terms of reference to that Amery Tribunal were extremely narrow and restricted.

Coming to the personnel of this tribunal, what do we find ? We find that none of the members of the tribunal has any reputation for financial ability. They were appointed not as financial experts but merely to make a rough-and-ready adjustment of the relations between the two countries, India and Burma. Nor did the majority of the members of this tribunal possess any experience of the conditions prevailing either in India or in Burma. In fact only one member of this tribunal had some sort of acquaintance with India—I mean Sir Sydney Rowlatt. But his connection with India was of such a nature that we all deplore that he was appointed a member of this tribunal. If Mr. Justice Rowlatt had not written his infamous report, the history of India during the last two decades might have been entirely different.

I have already said a word about the terms of reference. These terms should have been further expanded. But if the personnel of the tribunal and the terms of reference were unsatisfactory, the procedure of the tribunal was still more unsatisfactory. The tribunal did not take any non-official evidence either from India or from Burma. There was one official witness from the Government of India, and three official witnesses from Burma. In this connection I should like to know why it was thought sufficient for the Government of India to be represented by only one person against three from Burma. I do not question the ability or honesty of Mr. Nixon. But I do think that if a larger number of representatives were sent from India, the case might have been argued in a far more emphatic manner than it actually was. Then again, why was not non-official opinion taken into consideration ? No non-official bodies in India and no non-official members were consulted, and the whole thing was done in a hole-and-corner and a most perfunctory fashion, so much so that even the Government of India did not know when the tribunal had commenced their labours and when they had finished their proceedings. This is most unsatisfactory.

Reference has been made already by other speakers to undertakings which had been given by persons in authority, and I will not dilate on that point. But I will discuss the findings of this tribunal. When we

[Dr. P. N. Banerjea.]

come to this part of the subject, we find that the tribunal carried out their duties in a most unscientific manner. In regard to the assets they took into consideration certain dead assets which ought not to have been taken into account; and in regard to liabilities they omitted to take account of certain very important items. In this connection it was thought necessary by the tribunal that the past should be altogether ignored. Why, I do not know. The circumstances of the present are to a very large extent the result of the past activities of the Government of India, the Government of Britain, and the Government of Burma. Therefore, the past cannot and should not be entirely ignored.

As regards the ratio of payment by Burma, the Tribunal themselves said: "We do not believe that it is possible to formulate any theoretical principle or to select any single criterion or a set of criteria". Is this satisfactory? Is this a proper and scientific way of dealing with a complex question? They say that they took into consideration all circumstances, but did they actually do so? No,—they omitted many important circumstances from their consideration. For instance, they failed to take account of the deficits which had occurred in the Budgets of the Government of Burma for many years; they also failed to take into account the fact that a large part of the cost of railway construction had been met out of the central revenues for a long time. There are various other matters which this tribunal failed to take into account, and the result is that the ratio at which they arrived was merely the result of a haphazard test. There was no proper basis upon which this ratio could be arrived at. In the Nixon-Howard memorandum, the ratio accepted was 10.5 per cent. But I must say in this connection that Mr. Nixon omitted to consider the income-tax receipts on the ground that it was very difficult to find out the origin of these receipts. Was that any real ground for omitting this important item? It would not have been altogether difficult to find out an approximate amount which might be regarded as the origin of the income-tax receipts in Burma and in India. If that had been done, the ratio which was arrived at by Mr. Nixon would have come up to a higher figure. If the net revenue of the Government of India was compared to the net revenue of the Government of Burma, the ratio would have come up to about 13 per cent. The net revenue of the Government of India in the year 1933-34, the last year for which accounts are available, was 75.5 crores, and the net revenue of the Government of Burma during this period was about ten crores. I do not myself attach any importance to this particular ratio, but I say that if a rough-and-ready test was to be adopted, this was a better test than the test adopted in the Amery Tribunal Report. What I urge is that there should be a proper investigation of the whole subject, because this important subject was considered in a very perfunctory manner.

Sir, in view of these serious defects in the Report of the Amery Tribunal, what is our duty? I think our clear duty is that we should reject this Report *in toto* ("Hear, hear" from Congress Party Benches), and should urge that a fresh Tribunal be appointed which should consist either of persons who are not interested in the transactions of any of the parties; namely, Britain, India and Burma, or which should be representative of all the three parties. Sir, this is a very serious matter for India as well as for Burma, for, as Mr. Nixon pointed out to us the other

day, the acceptance of the Report of the Amery Tribunal would mean a loss of no less than two crores of rupees to the Indian Budget. But more than that, it may lead to undesirable relations between India and Burma. For all these reasons, Sir, I am strongly of opinion that the Report should be rejected, and that a fresh Tribunal be appointed to go into the whole question of the relations between Britain, India and Burma. (Hear, hear.)

**Sir Hormusji Peroshaw Mody** (Bombay Millowners' Association : Indian Commerce) : Mr. President, in supporting this amendment, I desire to state my reasons very briefly. Unfortunately, every move connected with the question of the separation of Burma from India has had a rather peculiar history. The path may be said to have been liberally strewn with pledges and assurances which for one reason or another have not been carried out. I am not going to support the amendment on some of the grounds that have been urged. I am not questioning the competence of the Tribunal which conducted the inquiry and which has submitted this Report, nor do I doubt the ability and thoroughness with which the case for India was presented by my friend Mr. Nixon. (Hear, hear.) We know Mr. Nixon, and we are sure that the case could not have been in better hands, and that, in so far as he was concerned, he has done everything possible to present the view point of India. (Hear, hear.) But, Sir, experts have their proper place. I am not going to subscribe to the definition of an expert which was given by a cynic who said that an expert is a fellow who tells you what to do with your affairs after you have done something else with them. I say experts have their uses, but if it were held that, having appointed an expert of undoubted competence, everything required had been done, and that non-official opinion need not be consulted or associated with any inquiry, then I am afraid a great deal of the purpose of having democratic or legislative institutions would vanish.

Sir, I take my stand on what the predecessor of my friend, Sir James Grigg, said in this House only a year ago when he gave a sort of assurance, that the Standing Finance Committee or some such non-official agency would be associated with the inquiry. If it is contended that that was not a definite assurance, then I submit with great respect that the Government of India ought to be very careful before giving any sort of assurances which it is not intended to carry out. In this view of the case—the constitution of the Tribunal and the inquiry being of the nature that they were—my position is that I decline to take any responsibility for accepting this award. (“Hear, hear” from the Congress Party Benches.)

As regards the more contentious part of the amendment, namely, the allocation of the burden between Great Britain, India and Burma, it is not my case that any particular portion of the burden should be borne, as a matter of fact, by Great Britain. I am not going to say that the cost of the Burmese wars or any of the other operations, whether political, military or economic, should be distributed in such a way that Great Britain should also bear a part of the burden, but I am not going to go any further than that and admit that no case for inquiry whatsoever exists. I do not propose to follow my friend, Pandit Govind Ballabh Pant, in this part of his admirably restrained and well reasoned

[Sir Hormusji Peroshaw Mody.]

speech. All that I say is that having appointed a tribunal of your own choice, a tribunal which undoubtedly enjoyed your confidence, you should have taken care to see that the terms of reference were as wide as possible and I see no reason why they should not have been so wide as to include an inquiry into the question of liability on the part of Great Britain. Do not forget, Sir, that the separation of Burma from India has been brought about under very peculiar circumstances. I do not want to offend any of my Burmese friends by commenting upon it. I could say a great deal if I wanted to, having been associated from the very commencement with this question at the Round Table Conferences, and I know what assurances and pledges were given during those discussions. However, that is not the point. What I am urging is, that in view of the very peculiar circumstances which have attended the separation of Burma from India, at least there was a case for an inquiry. It may be that the tribunal may have rejected, contemptuously or otherwise, any contention on the part of either India or Burma that a part of the liability should be borne by Great Britain. That is a different matter, and does not affect the issue that there should have been an inquiry into the question. You will remember that the Simon Commission made a suggestion that a part of the military burden should be borne by Great Britain in view of the fact that the military forces in India were maintained not merely for Indian purposes, but also partly for Imperial purposes, and there would have been nothing unusual in the terms of reference to the Tribunal, if they had included the question of the liability or otherwise of Great Britain with regard to the burden of debt of India and Burma.

I do not know whether this discussion was intended to serve any useful purpose, or whether it is to be regarded as a mere formality which had to be gone through. I do not know whether the Government of India will take good care to represent to the Secretary of State the strong feeling which has been manifested in this House. I hope, Sir, that Government will take into consideration everything that has been urged on this side of the House. There is one matter at any rate in which they can still right the situation, and that is by associating non-official Indian opinion with the Application Committee which is going to be set up. It may be that the principles are settled, but there is a great deal left to the Application Committee, namely, the appraisal of assets and the like. These and other matters of importance are going to be relegated to the care of the Application Committee and I hope that my Honourable friend, the Finance Member, will see to it that there, at any rate, non-official Indian opinion does not <sup>be</sup> unrepresented.

**Mr. B. Das** (Orissa Division : Non-Muhammedan) : You are satisfied with very little.

**Sir Hormusji Peroshaw Mody** : If I were satisfied with little, I would not be supporting this amendment. I am not bound to accept my Honourable friend's reasons, I have my own reasons and view-point in these matters. If my friends do not want non-official opinion to be represented on the Application Committee, they can please themselves, but I suppose, they would come forward at some later date with an adjournment motion that Government ignored non-official opinion even on the

Application Committee. My mental attitude is against ploughing the sands. I want something constructive done, and I want that the strong opinion, expressed on this side of the House, should be communicated to the Secretary of State, so that the decision on these matters of vital importance may be influenced to a certain degree, and that when it comes to applying those principles which have been embodied in the Report, care would be taken to see that non-official opinion is represented.

**Mr. F. B. Leach** (Burma : European) : I much regret to get up at this hour of the afternoon and take part in a discussion which the last speaker has just suggested will probably serve no useful purpose. I will endeavour not to detain the House for a longer time than I can help but there are one or two points which I should like to put forward on behalf of Burma and so far there has been only one short speech from any representative of Burma.

I should like to join most of the other speakers in thanking Mr. Nixon for the clear and impartial explanation that he gave of the points at issue in this case. I am sorry that I cannot extend the same congratulations to all the other speakers. Some of the speeches made on Friday were frankly a disappointment to me. I had hoped to hear a reasoned discussion of this report and of its findings, instead of which three quarters of the speeches made on Friday dealt almost entirely with one point, namely, the composition of the tribunal. Now, I have no quarrel with any Members of this House who hold the view and express the view that non-official representatives should have been associated with this tribunal but I do venture to protest at some of the expressions which were used about the members who did constitute the tribunal, simply because there were no non-officials associated with them. The members of this tribunal were three in number. One is an *ex*-Cabinet minister with a European reputation as a man of affairs and a writer on historical and political subjects. Another has been an eminent judge of the King's Bench for 20 years and the third is a distinguished civil servant with some 35 years' service. Well, Sir, whatever opinions may be held about the proper way of constituting a tribunal of this kind, I do not think it is right to use phrases like "a piece of sharp practice", "jugglery with figures", "fraud", "silly idea" and "contrary to morality", in talking about a tribunal constituted as this one was. I am very glad that the speeches that have been made today have not continued this tone. Now, Sir, as I say, it is quite justifiable to urge that there should have been non-officials associated with this tribunal. I do not propose to deal with that point but there is one thing I should like to say. Even if non-officials had been associated with it, I do not think that the members of the tribunal or any other members who might have been appointed as arbitrators in such a case would have allowed the discussion to go as far outside the terms of reference as some speakers have made it clear that they wish to go. The terms of reference were to advise as to the basis on which a just financial settlement between the Government of India and the Government of Burma, when separated, should be made. Well, Sir, it is not the fault of the tribunal that they were not allowed to consider what share of the liabilities of the Government of India should be taken over by the United Kingdom. It was not put to them, and various Members who have suggested that this should have been one of the terms of reference are in fact criticising either the Secretary of State

[Mr. F. B. Leach.]

or the British Parliament and it is no good vituperating the tribunal on that account. That is all I wish to say about the composition of the tribunal and the terms of reference.

It has been suggested that the tribunal approached this matter in an entirely wrong way and they should have adopted the historical approach. Well, Sir, in paragraphs 9 and 10 of their report they have given their reasons for not adopting the historical approach. The only thing I have to say is that, had they chosen to take that line and to adopt the historical approach to the problem, that would have done no harm to Burma. Sir, in his speech this afternoon, my Honourable friend, Dr. Banerjea, estimated that the cost of the Burmese wars would amount to a sum of Rs. 20 or 25 crores, that another Rs. 15 crores were spent for the settlement of Upper Burma in the earlier years of its administration, and that there were subsequent deficits, in all bringing up to Rs. 50 crores or possibly 60 crores the total amount spent by India on Burma. I would point out, Sir, on the other hand, that for the last thirty years Burma has been a very profitable province to the Government of India.

**Dr. P. N. Banerjea :** All this might be investigated, I suggest.

**Mr. F. B. Leach :** And I believe that the contributions made by Burma to central revenues in the last thirty years might have well accounted for all the money spent by central revenues on Burma in the previous years.

Then, Sir, we have the question of how this fraction, which the Tribunal have fixed at  $7\frac{1}{2}$  per cent., should have been fixed. Dr. Banerjea and one or two other speakers would have fixed it as high as 13 per cent.

**Dr. P. N. Banerjea :** On a point of personal explanation, Sir, I did not suggest that,—if he had carefully listened to me.

**Mr. F. B. Leach :** I apologize to the Honourable Member ; I thought he said 13 per cent. I have got down his words.

**Dr. P. N. Banerjea :** I said : if the net revenue of the Government of India was to be taken into account as compared with the net revenue of the Government of Burma, then the figure would come up to 13 per cent.

**Mr. F. B. Leach :** I am sorry if I have misunderstood the Honourable Member ; it is extremely hard to hear from this side of the House. Anyhow it was suggested that it should be over ten per cent. Now, there are various ways of calculating this figure of course, and the Howard-Nixon memorandum did suggest  $10\frac{1}{2}$  per cent., but I would point out, on behalf of Burma, that it is not, I think, fair to fix this proportion solely on a consideration of the revenues paid by the two countries. There are many other aspects which have got to be considered. There is one point, for instance, in paragraph 48 dealing with dead assets. It is pointed out by the Tribunal that the dead assets in the whole of India amount to about 91 crores, the value of dead assets in Burma being about  $3\frac{1}{4}$  crores. Well, you can take that as showing that Burma has not been treated, in material ways, as well as she deserves, in consideration of the amount of revenue paid by her. The value of the dead assets—the buildings, roads, and so on—in Burma is

only about 3½ per cent. of the total amount in India. I do not see why Burma cannot ask that this consideration should be taken into account just as much as the proportion of revenue which she pays. But that of course is not the whole point. There are many other aspects which must be considered. Now, Sir, the Honourable Member, Dr. Ziauddin, in his speech also objected to the historical method.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : No, I very strongly supported the method of historical approach, and I did that also in 1932.

**Mr. F. B. Leach** : I beg the Honourable Member's pardon. I understood him to say that the revenue method was the only scientific method. I think that is correct ?

**Dr. Ziauddin Ahmad** : I repeated Great Britain's words that Mr. Nixon's ratio of 10½ per cent. has some scientific basis, while the Tribunal's ratio of 7½ per cent. had no scientific basis.

**Mr. F. B. Leach** : That is really what I intended to suggest that the Honourable Member had said—that the revenue method is the only one which has a scientific basis. Well, Sir, the Honourable Member is a distinguished mathematician, and I do not wish to argue with him on mathematical problems, but what I do maintain is that this problem is not one which can be settled on a purely mathematical or, as he prefers to call it, a purely scientific basis. There are other considerations which must be taken into account.

There are what the report alludes to as imponderable considerations, and I will try and show that it is perfectly fair that these should be taken into account. Now, Sir, in stating this proposition I am very glad to be able to quote from a speech by a distinguished member of the Congress Party made earlier in this Session. In speaking on the Criminal Law Amendment Bill the Honourable Member, Dr. Deshmukh, with considerable ingenuity managed to bring up the subject of protection. What he said in that speech was :

“ Sir, I say that all vital industries of the country must first be started, irrespective of whether they are profitable or not, because, Sir, besides calculating the return in pounds, shilling and pence, it gives employment to labour, it improves the status, the manhood of the nation, it improves the level of life. It has so many indirect advantages, which cannot be calculated in rupees, annas and pies.”

Now, Sir, I hold that the thesis which Dr. Deshmukh laid down in that speech is equally applicable to this case of Burma and India, and it exactly corroborates the position taken up by the Tribunal in their paragraphs dealing with the ratio, *viz.*, paragraphs 52 to 64. It corroborates what they say in paragraph 53 :

“ We do not believe that it is possible to formulate any theoretical principle or to select any single criterion or set of criteria by means of which the relative contributions can be precisely determined.”

Well, Sir, I consider that these “ imponderable considerations ” are particularly applicable to Burma. Burma has—there is no question about it—not only not benefited from, but has actually suffered from, the policy of protection adopted in India for the last twelve years. The industries which that policy was intended to support do not exist in Burma. Therefore the only effect of that policy has been to raise the prices of commodities in Burma : and Burma has not received any

[Mr. F. B. Leach.]

of the immaterial or psychological advantages which Dr. Deshmukh speaks of as improving the level of life, raising the manhood of the nation, and so on,—those advantages which cannot be calculated in rupees, annas and pies. Therefore, Sir, I would ask this House whether there is any justification, any good justification, for our objecting to the Tribunal taking the line that this is not a problem which can be worked out in rupees, annas and pies ; we have got to take into account what they call those imponderable considerations ; and, taking these into account, they have finally arrived at the figure of  $7\frac{1}{2}$  per cent. It is, of course, quite easy to scoff at this figure on the ground that it is arbitrary. To a certain extent, it is arbitrary if by 'arbitrary' you mean that it is not the result of mathematical calculation. But, Sir, I maintain that this is not a mathematical problem. It is wider than that. It is, in fact, a problem in equity of which only part of the arguments can be mathematical or scientific. There are, however, certain mathematical considerations and, of course, errors in mathematics are quite unpardonable. But we have had no errors from the mathematical point of view in the calculations of the Tribunal mentioned. On the other hand, the Honourable Member who spoke first, Mr. Gauba, said, as far as I could understand him, that the Howard-Nixon report had estimated the liabilities of the Government of India at 1,100 odd crores—I regret I could not catch the exact figure and the Tribunal had reduced this figure to 999 crores, thus showing a very large decrease. He suggested that their calculations must be incorrect. Well, Sir, I presume that he was alluding to the figures in Annexure K of the Howard-Nixon Memorandum which show a grand total of liabilities to the Government of India of 1,149½ crores. I presume he was also quoting from line 2 on page 24 of the Tribunal's report which shows liabilities of 999 crores. But that is only the permanent debt. There is a large number of other liabilities in the succeeding lines, which bring the total amount of liabilities to 1,400 crores. He seemed to me to be comparing part of the statement in the Tribunal's report with the gross total in the Howard-Nixon Memorandum.

**Mr. K. L. Gauba** (East Central Punjab : Muhammadan) : Sir, I rise on a point of personal explanation. I referred to rupees and sterling liabilities in the two reports, namely, that of the Amery Committee and the Howard-Nixon report. The latter report assesses the liabilities at 1,150 crores and the former between 924 and 999 crores.

**Mr. F. B. Leach** : I am sorry I still cannot follow where my friend, Mr. Gauba, has got his figure of 1,120 crores from. The calculations are made differently in the two reports and it is very difficult to compare them. There are certain corrections which have got to be made and I have to the best of my ability made these corrections by omitting items which occur only in one report and not in the other. By taking the items of liabilities which do appear in both reports, I get the figure in the Howard-Nixon Memorandum of 1,118 crores and in the Tribunal's report of 1,269 crores, that is to say, an increase of about 150 crores. Of course, we must remember that these figures do not relate to the same year. The Howard-Nixon Memorandum is up to 31st March, 1929, and the Tribunal's report is up to 31st March, 1933. I cannot vouch for the absolute accuracy of the figures that I now give but I

do think that there is no ground, whatever, for saying that the Tribunal has shown a large decrease in the total liabilities of the Government of India as compared with the figures which are shown in the Howard-Nixon Memorandum.

Then, Sir, my Honourable friend, Mr. B. Das, made a suggestion which, again, I may have misunderstood. But I understood him to suggest that Burma should continue, for military purposes, to be attached to India and to employ the Indian Army and further that it should continue to contribute some ten per cent. of the total military expenditure in India.

**Mr. B. Das :** I said nothing of the kind. I wanted the army expenditure to be divided. Burma should bear  $4\frac{1}{2}$  crores or ten per cent. of the 45 crores that India and Burma at present spend on the army.

**Mr. F. B. Leach :** I am sorry if I also misunderstood my Honourable friend, but I must ask Honourable Members not to attribute it to any wilful intention on my part but to the bad acoustics of the Chamber.

Then, Sir, there is the question of the period, which the Tribunal has suggested as 45 years and it was very strongly criticised by one of the speakers on the opposite Benches. I will not say which Honourable Member criticised it in case I might have misunderstood him also. I candidly admit that 45 years is an entirely arbitrary figure but in respect of this claim, bearing in mind the fact that Burma asked for 60 years. I would point out that India has, I think, no right to claim that Burma should make the payment in a shorter period than that which India claims for the repayment of her own debt, which is 50 years for the unproductive debt and 80 years for the productive debt. As the productive debt is larger than the unproductive, the average would be about 70 years, so I do not think any complaint can be made that the period of 45 years is too long.

**Mr. K. L. Gauba :** Why not make it 100 years ?

**Mr. F. B. Leach :** That would be too long. There is a big difference between 45 and 100 years. With regard to this period of 45 years, it was suggested also by one speaker that it was too long and India might not be able to recover the amount. There are only two reasons why India should not be able to recover this amount. One is that Burma would be unwilling to pay her debt and the other is that she may not be able to pay her debt. If there is any Honourable Member in this House who entertains the feeling that Burma will repudiate her debt, I am sure my Honourable friends who represent Burma on the opposite Benches will assure him that there has never been any such suggestions in Burma. There has never been any suggestion of unwillingness to pay the amount which is fixed by a responsible authority. As for her inability to pay, he is a bold man in these days who can prophesy what may happen to any country in a period of 45 years, but unless there is some unforeseeable catastrophe in this period, I see no reason why Burma should not be able to continue to pay the amount which it is likely that she will have to pay.

Sir, there is another remark which I would like to make about the reasons for separation which has been alluded to by several speakers. Sir Hormusji Mody made some rather cryptic remarks to the effect that he knew more about separation than he was willing to say. But there

[Mr. F. B. Leach.]

was another Honourable Member who did suggested that separation had been forced on Burma by a set of people in England from Imperialistic motives. (Voices from the Congress Party Benches : " Yes, yes.") As there are Honourable Members who agree with that view, I should like to say that I hope they will go again to my Honourable friends who represent Burma and who are sitting behind them and I think they will receive an assurance from them that that is not the case. I had thought that this myth was dead, but as it has been resurrected I should like to do what I can to put it into its coffin and bury it. It is absolutely beyond my power of belief that there is any foundation for it. I can assure Honourable Members that if they went round England to look for imperialists interested in the separation of Burma, they would find it extraordinarily difficult to discover any.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : They are all in Downing Street.

**Mr. F. B. Leach** : The number of people who either know or care anything about the separation of Burma can be counted on the fingers of your hands. What advantage any imperialist is going to get out of the separation of Burma, I have never yet been able to find out.

**Mr. Sri Prakasa** : Then why not separate from England.

**Mr. F. B. Leach** : I do not see how that is relevant to the present question. The separation of Burma has been talked of for many years ; almost as long as I can remember it has been vaguely talked of. It came to the front very definitely after the Montagu Chelmsford Reforms and it immediately became the main plank in the platform of Burmese politicians. It is perfectly true that opinion has been divided in Burma, not so much on the question of separation as on the terms of the separation and on the time at which it should come into force. But I should like to assure this House that it is from the Burmese themselves that the demand for separation has come and it has not been pressed upon them by Europeans, either in England or in Burma. In fact I may say from my personal knowledge that the opinion of Europeans, either in England or in Burma, either official or non-official, was very divided on the subject. They are by no means unanimously in favour of it.

Well, Sir, in conclusion I should like to say that I am in a rather curious dual position. I have to speak here as a representative of Burma and also as a representative of the European Group in which I am, on this occasion, in a minority of one. The other Members of the European Group are representing India and I represent Burma. Sir, I can say this, that though on certain points I consider that Burma could have been more favourably treated, and though on certain other points the other Members of the European Group consider that India might have been more favourably treated, we are as a whole agreed that this report is a reasoned and impartial and equitable solution of a very complicated problem and that it should, therefore, be accepted. Sir, I do not wish to detain the House any longer. I have only to say that on behalf of the Group as well as on my own behalf I wish to oppose the amendments to reject the report.

**The Honourable Sir James Grigg :** Before the last two speakers, I myself might have justifiably felt somewhat in a mood of depression because the speeches of my Honourable friends, Pandit Pant and Dr. Banerjea, reminded me of Dr. Johnson's description of a leg of mutton that was presented to him at Oxford, ill-cooked, ill-dressed and ill-served. That seems to be their opinion of the Amery Report. However, the debate has ended up at any rate with a eulogy of the Report and so my depression has somewhat disappeared. This debate originated, as the House knows, in a promise on my part that it should have an opportunity of expressing its views before the draft Order in Council, embodying the decisions of His Majesty was laid before Parliament. The object of the debate will be fulfilled if the proceedings of the Assembly, during these two days, are forwarded, as they certainly will be forwarded, to the Secretary of State. Our purpose thus being to give the non-official Members of the House a chance of expressing their views, I do not feel called upon to traverse at any great length the contentions put forward by the various speakers. Nor do I think that it would be appropriate if the official Members took part in any voting which may take place on the amendments before the House.

I might reasonably stop there, but if I may be allowed to abandon my position of aloofness for a few seconds, I will make one or two general comments on the debate. Mr. Gauba's speech was, as the last speaker has already said, a series of somewhat reckless, but of course privileged, accusations of fraud against all and sundry. But, as he produced no arguments of any kind, I think we can safely ignore it. For the rest I have heard no new opinions on the problem viewed simply as one of separating the finances of India and Burma and this seems to show that the House had no new contribution to make to the solution of the specific problem laid down by the Government of India Act. Dr. Ziauddin Ahmad advocated the historical method of approach. But I am bound to say I found him less convincing than usual. He said that certainly all problems were solvable, but he did not give us any hint as to how this particular circle was to be squared.

**Dr. Ziauddin Ahmad :** The squaring of a circle has been proved to be impossible. My friend has not proved that it cannot be solved by historical approach.

**The Honourable Sir James Grigg :** My Honourable friend, Mr. B. Das, if I am not maligning him—I do not think I am—would have been content if the full claim put forward by Mr. Nixon on behalf of the Government of India had been accepted. I think Mr. Bajoria put forward the same point of view. U Thein Maung would, I gather, have been content, similarly, if the full claim of Burma had been met by the tribunal. I think he did at one stage hold out a hand to Congress and advance a contention which fitted very badly into the rest of his argument. Mr. Mathuradas Vissanji treated us to a discourse on the cultural affinity between India and Burma. I am rather tempted to paraphrase the remark which was made by a former Secretary of State for India and say that if he had been listening to what he had been reading, his views would have caused even himself some surprise. He also put forward the contention that if a tribunal on which India was directly represented had awarded Burma better terms than those which the Amery Committee advocated, India would have

[Sir James Grigg.]

been only too glad to pay. This proposition was, I noticed, received with marked coldness by the House. For the rest the debate has been a continued reiteration of the proposition that the report is unfair both to India and to Burma, and it is to be noticed that every one of the amendments before the House commits itself, either directly or indirectly, to this proposition. The Honourable Member from Bombay, may try to delude himself that it does not mean this, but I am quite clear that if the amendment which his colleague from Bombay and the Congress Party have collaborated to place upon the paper does not mean that, then it does not mean anything at all. Pandit Govind Ballabh Pant made this quite clear, crystal clear, though he did, I think, draw a red herring across the trail in his preliminary remarks in which he said that India did not want to be semitic at the expense of Burma and that he would be quite willing to give Burma anything they asked for provided Great Britain paid. As regards Mr. Gauba it is true that he put forward, at one stage, a rather less categorical amendment, but, on reconsideration, he evidently addressed himself as Danton did on a famous occasion, "No weakness, Danton", and refused to be behind his Congress friends in taking part in something which seems to be very like an anti-British demonstration. Now, under the terms of the Government of India Act it is quite impossible for the award of any tribunal to be unfair both to India and to Burma. The problem posed is simply to discover a just method or a fair compromise for the division of existing assets and liabilities between the two countries. But clearly a problem like that, unless it is one of the class of problems to which there is a mathematical solution and only one mathematical solution, clearly a problem like that cannot be solved to the satisfaction of both parties; and so we have to fall back on some device for posing a completely different problem, and that is the transfer of all the disputed liabilities to a third party. This is of course quite in accordance with the usual thesis of the Party opposite. And the Pandit in his remarks made it quite clear that he was advancing a particular case of a general proposition. That general proposition, as I understand it, is that Great Britain owes India something like 750 crores. I think the exact figure is 729-2/5th crores, subject to recomputation of some items. This is a proposition rather like that of the late Michael Collins'. At the time of the negotiations with the Irish Free State, in 1921, Michael Collins advanced the proposition that Great Britain owed Ireland 3,000 millions, but in the end the claim was settled by the payment of six millions in the opposite direction. (Laughter.) However, that may be, Parliament has already decided against that particular contention of the Party opposite and there is no need for me to argue against it, although there is a great deal that can be said about it. At this late stage and after a very long debate in which views have been very fully expressed, I do not want to say any more except that my duty is to place the Secretary of State in full possession of the opinions,—and may I say too, without fear of being misunderstood, the feelings,—which Members of the House have chosen to express.

**Mr. President** (The Honourable Sir Abdur Rahim) : Of the amendments that have been moved. **Mr. Mathuradas Vissanji's** amend-

ment is the most comprehensive. The Chair will, therefore, put that first to the House. The question is :

“ That for the original motion, the following be substituted :

‘ That the Report be rejected as being inequitable to both India and Burma, and that, in consequence, the Government of India be requested to move the Secretary of State for India, that, in accordance with promises made in this Assembly, the assurances given at the Round Table Conference and in the Report of the Joint Select Committee of the British Parliament, the problem of Financial Adjustment between India and Burma be investigated into afresh by another Tribunal, with representatives of both India and Burma thereon, to make recommendations on the question of distributing the Assets and apportioning the Liabilities between the countries affected and concerned, after proper hearing of the case from all the parties concerned, and before final steps are taken in the matter ’.”

The motion was adopted.

### THE REMOVAL OF CIVIC DISABILITIES BILL.

**Rao Bahadur M. C. Rajah** (Nominated Non-Official) : Sir, I beg to move for leave to introduce a Bill to provide for the removal of Social Disabilities among certain classes of Hindus.

While doing so I should like, on behalf of mysen and those friends whose Bills find a place on the agenda today, to express our thanks to the Honourable the Leader of the House for giving us this facility to introduce them today.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to provide for the removal of Social Disabilities among certain classes of Hindus.”

The motion was adopted.

**Rao Bahadur M. C. Rajah** : Sir, I introduce the Bill.

### THE HINDU WOMEN'S RIGHTS TO PROPERTY BILL.

**Dr. G. V. Deshmukh** (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move for leave to introduce a Bill to amend the Hindu Law governing Hindu Women's Right to Property.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend the Hindu Law governing Hindu Women's Right to Property.”

The motion was adopted.

**Dr. G. V. Deshmukh** : Sir, I introduce the Bill.

### THE ARYA MARRIAGE VALIDATION BILL.

**Dr. N. B. Khare** (Nagpur Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to recognise and remove doubts as to the validity of intermarriages current among Arya Samajists.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to recognise and remove doubts as to the validity of intermarriages current among Arya Samajists.”

The motion was adopted.

**Dr. N. B. Khare** : Sir, I introduce the Bill.

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### THE HINDU MARRIAGE VALIDITY BILL.

**Dr. Bhagavan Das** (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I beg to move for leave to introduce a Bill to validate marriages between different castes of Hindus.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to validate marriages between different castes of Hindus.”

The motion was adopted.

**Dr. Bhagavan Das** : Sir, I introduce the Bill.

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### THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I beg to move for leave to introduce a Bill to amend the Child Marriage Restraint Act, 1929.

Sir, I am grateful to Government for permitting me to move this social legislation and I hope they will take steps to circulate it so that it may be considered and passed at the next Session.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend the Child Marriage Restraint Act, 1929.”

The motion was adopted.

**Mr. B. Das** : Sir, I introduce the Bill.

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### THE MOSLEM PERSONAL LAW (SHARIAT) APPLICATION BILL.

**Mr. H. M. Abdullah** (West Central Punjab : Muhammadan) : Sir, I beg to move for leave to introduce a Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India. The object of the Bill is fully explained in the Statement of Objects and Reasons attached to the Bill. I have nothing to add to it at present.

**Mr. President** (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to make provision for the application of the Moslem Personal Law (*Shariat*) to Moslems in British India.”

The motion was adopted.

**Mr. H. M. Abdullah** : Sir, I introduce the Bill.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I move :

“ That the Report of the Public Accounts Committee on the Accounts of 1933-34, Parts I and II, be taken into consideration.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : On a point of order, Sir, may I ask, will the Assembly continue tomorrow ? If not, is it fair to introduce this thing at this late hour ? It may be taken up in the Delhi Session, because, a good many of us would like to speak on this subject.

**An Honourable Member** : We shall discuss it at Delhi.

**Mr. President** (The Honourable Sir Abdur Rahim) : The Chair will first put the motion before the House. Motion moved :

“ That the Report of the Public Accounts Committee on the Accounts of 1933-34, Parts I and II, be taken into consideration.”

**The Honourable Sir James Grigg** : All I need say about this, I think, is that I do not think it would be fair to introduce this motion at this late stage if there was any intention to close the discussion. But I wish to say, without in any way specifically binding down the Government, that it is the intention of Government to try and find a little spare time on some day in the Delhi Session.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : At the beginning of the Session ?

**The Honourable Sir James Grigg** : I do not want to bind myself specifically. Government will try to do their best to meet the general desire.

**Mr. S. Satyamurti** (Madras City : Non-Muhammadan Urban) : After the motion has been moved, it is not in the hands of the Government to say they will try and find time : it must come on the first official day in the Delhi Session. This is an important subject, and we want to have at least one day for this.

**The Honourable Sir James Grigg** : Surely, Sir, my answer does make that clear : but it is for the Government to arrange its own business.

**Mr. President** (The Honourable Sir Abdur Rahim) : It has now been moved ; it is now in the possession of the House.

**Mr. S. Satyamurti** : I want this position to be made clear : if, during the recess, the Session gets prorogued, what happens ? Does this continue ?

**Mr. President** (The Honourable Sir Abdur Rahim) : The debate will be adjourned.

**Mr. S. Satyamurti** : You will adjourn it, Sir : but the Viceroy may prorogue it : that is my trouble. We want the Leader of the House to give an assurance that he will give a day for this at the earliest possible moment.

**The Honourable Sir Nripendra Sircar** (Law Member) : May I make the position clear ? I do not think there is any occasion for either the heat or the enthusiasm which has been displayed. The motion is now before the House : we have got to put it in the list of business : but as regards the exact date on which it shall be put in, we do not want to be unreasonable : that is all we can say.

**Mr. S. Satyamurti** : That is a sweet note on which to close this Session.

**Mr. President** (The Honourable Sir Abdur Rahim) : What the Chair wants to know is this : whether the House is going to sit tomorrow.

**The Honourable Sir Nripendra Sircar** : I understand that that is not desired by anybody.

**Mr. President** (The Honourable Sir Abdur Rahim) : Then, the Chair has to get the leave of the House as regards this motion : is it the pleasure of the House that this motion should stand over till the Delhi Session ?

**Honourable Members** : Yes.

**Mr. President** (The Honourable Sir Abdur Rahim) : As that is the general desire, the motion will stand over. Secretary will read a Message from the Council of State.

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#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly** : Sir, the following Message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 26th September, 1935, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 18th September, 1935 :

1. A Bill to amend the Factories Act, 1934, for a certain purpose ; and
2. A Bill to amend certain enactments and to repeal certain other enactments.”

**Mr. President** (The Honourable Sir Abdur Rahim) : The House stands adjourned *sine die*.

The Assembly then adjourned *sine die*.

# Index to the Legislative Assembly Debates

Volumes V and VI—2nd to 26th September 1935.

## A.

### AARON, MR. SAMUEL—

- Question re—  
Export and import trade between India and Ceylon. 972-73.  
Legitimate rights of Indians in Ceylon. 973.  
Report and recommendations of the coconut industry committee. 972.

### ABDOOLA HAROON, SETH HAJI—

- Criminal Law Amendment Bill—  
Motion to consider. 682.  
Demand for supplementary grant in respect of "Expenditure on the development of Civil Aviation met from the fund". 1817.  
Question re—  
Allowances paid to the tribal Sardars of Baluchistan. 298-303.  
Arrangements for the future administration of Sind. 1273.  
Baluchi Regiments and soldiers employed during the Great War. 1269-70.  
Barrage Canals in Sind. 1272-73.  
Casualties in the Quetta Earthquake. 514.  
Casualties in the suburbs of Quetta. 515.  
Certain facilities provided in Quetta after the earthquake. 516.  
Collection of Customs revenue by the Government of India in Kathiawar and other States. 1273-74.  
Constitutional aspect of certain territories in Baluchistan. 298.  
Constitutional character of the Shahi and other Jirgas in Baluchistan. 304-05.  
Distribution of properties to their owners in Quetta. 775-76.  
Earthquake relief measures in Baluchistan. 776.  
Employees of the police force and Baluchistan Civil Service killed in the earthquake. 1270-71.

### ABDOOLA HAROON, SETH HAJI— —contd.

- Question re—contd.  
Financial adjustment between Sind and Bombay. 1271-72.  
Grants made to provinces for the improvement in the conditions of the cultivation and marketing of sugar-cane. 1266-68.  
Losses caused to Government in the Quetta Earthquake. 514.  
Losses in tribal areas in Baluchistan due to earthquake. 515-16.  
Losses to civil population in Quetta. 515.  
Muslims in certain categories on the North Western Railway. 1268-69.  
Position of the Political Agency in the territories of Yob and Khāt-rano in Baluchistan. 304.  
Prohibition of relief parties in Quetta and Baluchistan after the earthquake. 775.  
Re-building of Quetta. 515.  
Smuggling of sugar into British India from Kathiawar States. 1274-76.  
Territories of Kalat State. 303-04.  
Question Supplementary re—  
Damage by earthquake and re-building of Quetta. 794.  
Distribution of funds to the various Archaeological Circles. 1304.  
Excavation work at Quetta after the earthquake. 712.  
Indian Trade Commissioners in foreign countries. 1079.  
Intermediate and third class waiting rooms at Sitamarhi railway station. 1188.  
Railway earnings. 1298.  
Refusal of permission to visit Quetta for Earthquake Relief Work. 790, 791.  
Taking out of India some important Archaeological finds. 1305.  
Resolution re Quetta Earthquake. 1321-24.

**ABDUL MATIN CHAUDHURY, MR.—**

- Cinematograph (Amendment) Bill—  
 Motions to consider and to refer to Select Committee. 241.
- Criminal Law Amendment Bill—  
 Motion to consider. 835-40.
- Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 3-4.
- Indian Coffee Cess Bill—  
 Motions to consider, to circulate and to refer to Select Committee. 1665-66.
- Nomination of — to the Panel of Chairmen. 128.
- Question *re* German Government's offer with regard to the contract for the Howrah Bridge. 1803-04.

**ABDULLAH, MR. H. M.—**

- Moslem Personal Law (*Shariat*) Application Bill—  
 Motion for leave to introduce. 1968.
- Question *re* enlisting of Arains in the Army. 1905.

**ABYSSINIA—**

- Motion for adjournment *re*—  
 Despatch of troops from British India to Addis Abbaba (—). 236-37, 263-71.
- Despatch of troops to —. 343.
- Question *re*—  
 Alleged conditions applied on certain Indians in —. 1414.
- Limit of exchange applied to Indian subjects in —. 1413.
- Plight of Indian Subjects in —. 1412-13.
- Protection of Indians in —. 1044, 1047, 1383-84, 1595-96.
- Protection of the interests of Indian traders in —. 1291.
- Registration of properties of Indians in —. 1413-14.
- Return of Indian wage earners from —. 1414.
- Safety of Indians in —. 60.
- Abyssinian dispute, Italo—  
 See "Italo-Abyssinian Dispute".

**ACCOMMODATION—**

- Question *re*—  
 Absence of waiting — for assesses in Income-tax Offices in Bihar and Orissa. 856.
- allowed to a deck passenger in the Coastal Passenger Steamers. 778-79.

**ACCOMMODATION—contd.**

- Question *re*—*contd.*  
 — for officers and staff in New Delhi and Simla. 1093-94, 1185-86.
- Residential accommodation for Government servants in New Delhi and Simla. 1610-11.

**ACCOUNT(S)—**

- Question *re*—  
 Profit and loss — of a sugar factory. 82.
- Savings Bank — and Government securities held in custody of the Accountant General, Posts and Telegraphs. 198.

**ACCOUNT(S) DEPARTMENT—**

- Question *re*—  
 Promotion and seniority of the travelling ticket inspectors of the — and Audit Department transferred to the Traffic Department of the East Indian Railway. 121.
- Promotion and seniority of travelling ticket examiners and travelling ticket inspectors of the — and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.

**ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS—**

- Question *re* Savings Bank Accounts and Government securities held in custody of the —. 198.

**ACCOUNTANTS' DEGREE EXAMINATION—**

- Question *re* delay in the declaration of results of Registered —. 1804-06.

**ACCOUSTICS—**

- Motion for adjournment *re* — of the Assembly Chamber in Simla. 434.

**ACHESON, MR. J. G.—**

- Motion for adjournment *re*—  
 Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 388-91, 392, 396, 397.
- Despatch of troops from British India to Addis Abbaba (Abyssinia). 263, 264, 270.
- Oath of office. 1.
- Resolution *re* Quetta Earthquake. 1322, 1336-39.

## ACT(S)—

## Bombay Port Trust—

Question *re* refusal of sanction by the Governor General for the introduction of a Bill to amend the —. 425-27.

## Cantonments—

Question *re* action taken by the Executive Officer of the Lahore Cantonment under Section 25 of the —. 220.

## Child Marriage Restraint—

Question *re*—  
Non-application of the — to Cantonments in Central India. 1399-1400.

Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the —. 26-28.

## Children (Pledging of Labour)—

Question *re* enquiry regarding the working of the —. 1705-06.

## Factories—

Question *re* factories using power but not coming under the —. 1706-07.

## Foreigners—

Question *re* subjects of Indian States against whom proceedings have been taken by Local Governments under the —. 117.

## Government of India—

Question *re* inclusion of provisions for a Statutory Railway Authority in the —. 310.

## Indian Companies—

Question *re* amendment of the —. 409-10.

## Indian Income-tax—

Question *re*—  
Amendment of section 61 of the —. 22-23, 292.

Applications made under section 30 of the —. 119.

Imposition of penalties under section 28 of the — in Cuttack, Puri and Balasore Circles. 120.

## Indian Medical Council—

Question *re* amendment of the —. 696-97.

## Indian Press (Emergency Powers)—

Question *re* action taken against newspapers under the —, 1931. 316-42.

## Punjab Sahukara—

Question *re* application of the — to the Delhi Province. 285-86.

Question *re* — passed by Provincial Legislatures to relieve the burden of Agricultural Indebtedness. 960-61.

ACT(S)—*contd.*

## Salt (Additional Import Duty)—

Question *re* amount collected under the — in Bengal. 1031.

## ADDIS ABBABA—

Motion for adjournment *re* despatch of troops from British India to — (Abyssinia). 236-37, 263-71.

## ADJOURNMENT(S)—

Motion for — *re*—

Allocation of certain resources between the Central and Provincial Governments. 1194-97, 1221, 1310-13.

Disallowed by the Honourable the President. 1312-13.

Acoustics of the Assembly Chamber in Simla. 434.

Appointment of an European businessman as the President of the Indian Tariff Board. 796.  
Not moved. 796.

Bombing of women and children in the trans-frontier villages by the Indian Army (Air Force). 348, 377-98.

Adopted. 398.

Despatch of troops from British India to Addis Abbaba (Abyssinia). 236-37, 263-71.

Withdrawn. 271.

Despatch of troops to Abyssinia. 343.

Discussed previously. 343.

Destruction of the Shahidgunje Mosque at Lahore. 232.

Not moved. 232.

Firing by the military at Lahore over the Shahidgunj dispute. 343.

Disallowed by H. E. the Governor General. 343.

Government Circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive laws in Bengal. 985.

Interests of Indians concerned in Zanzibar. 433-34, 639.

Postponed. 434.

Not moved. 639.

Lack of discipline in certain soldiers at Jubbulpore. 232-36.

Disallowed. 236.

Prohibition of Mr. Mohan Lal Saksena from entering into the district of Tippera. 125.

Disallowed by the Governor General. 125.

ADJOURNMENT(S)—*contd.*

Motion for — *re*—

Prohibition of the Convener of the Congress Assembly Party Committee *re* detenus to enter into certain places in Bengal. 127-28, 157.

Disallowed by the Governor General. 157.

Refusal of grant of protection to the Glass Industry. 343-47.

Ruled out of order. 347.

Refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of Quetta. 125, 127.

(Not moved). 125, 127.

Rioting of British soldiers stationed at Jubbulpore. 125-27.

(Ruled out). 127.

## ADMINISTRATION—

Question *re* arrangements for the future — of Sind. 1273.

## ADMINISTRATIVE GRADE(S)—

Question *re* promotions to — on the East Indian Railway. 1864, 1899-1900.

## ADMINISTRATIVE STAFF APPOINTMENT(S)—

See "Appointment(s)".

## ADMISSION(S)—

Question *re* refusal of — to Indian students in England to a swimming pool. 1402.

## ADVISORY BOARD(S)—

Election of Members to the Central — of Education. 796.

## AERIAL—

Question *re* power in the — of the Delhi Broadcasting Station. 1093.

## AERODROME(S)—

Question *re*—  
Location of the — at Chittagong. 1380.

Position of Muslims in the — at Mingaladon, Akyab and Chittagong. 1380.

## AEROPLANE(S)—

Question *re* — formerly in the use of His Excellency the Viceroy. 772-74.

Manufacture of — in India. 408-39.

New type of — for operation in India. 844-45.

Passage of German — over India. 407-08.

## AFGHANISTAN—

Question *re* prohibition of certain imports from Persia and — into certain parts of India. 535-36.

Agartwal Steam Navigation Company—  
See "Company(ies)".

## AGENT(S)—

Question *re*—

Change of the nature of an allowance by the — of a State Railway. 1901.

Duties of the Deputy — (General), East Indian Railway. 43.

Transfer of control of the Railway School of Transportation, Chandausi, to the —, East Indian Railway. 82.

## AGRA—

Question *re*—

Control over the — canal. 37.

Inconvenience to passengers at Raja-ki-Nandi railway station in —. 1026.

Increase in the proportion of Muslim candidates on the waiting list of inferior cadre in the — Post Office. 637.

Preponderance of Muslim Extra-Departmental Sub-Postmasters in —. 637.

Use of the Army Landing Grounds at — and Ahmedabad by His Highness the Maharaja of Kashmir and Prince Midwani. 771.

## AGRA CANTONMENT—

Question *re* want of a bridge at the Railway crossing near the — station on the Agra-Joghar road. 1026-27, 1638.

## AGRA FORT—

Question *re* non-existence of labels on coolies indicating luggage fare at the — Railway Station. 1026.

## AGRA-JOGHAR ROAD—

Question *re* want of a bridge at the railway crossing near the Agra Cantonment Station on the —. 1026-27, 1638.

## AGREEMENT(S)—

— between the Reserve Bank of India and the Imperial Bank of India. 129-32.

— between the Secretary of State for India in Council and the Reserve Bank of India. 132-35.

Question *re*—

— with the Kathiawar States about Customs. 961-62.

Negotiations for Trade — with the Irish Free State, Canada and Italy. 785.

AGREEMENT(S)—*contd.*Question *re*—

Negotiations with the Shamozai tribe on the North-West Frontier for a friendly — 604.

Report on the working of the scheme of preferences resulting from the Ottawa Trade — (laid on the table). 1807.

## AGRICULTURAL INDEBTEDNESS—

Question *re* Acts passed by Provincial Legislatures to relieve the burden of — 960-61.

## AGRICULTURAL PRODUCE—

Question *re* marketing of — in foreign countries. 957.

## AGRICULTURAL RESEARCH, IMPERIAL COUNCIL OF—

See "Imperial Council of Agricultural Research".

## AGRICULTURAL WAGE(S)—

See "Wage(s)".

## AHMAD NAWAZ KHAN, MAJOR NAWAB—

Motion for adjournment *re*—

Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 385-87.

Despatch of troops from British India to Addis Abbaba (Abyssinia). 264.

## AHMEDABAD—

Question *re* use of the Army Landing Grounds at Agra and — by His Highness the Maharaja of Kashmir and Prince Midwani. 771.

## AIR FORCE—

Motion for adjournment *re* bombing of women and children in the trans-frontier villages by the Indian Army (—); 348, 377-98.

## AIR RAID(S)—

Question *re* protection of Indians from —. 703-04.

## AIRCRAFT—

Question *re* technically qualified men employed in — and aviation in India. 103.

## AJMER—

Question *re* equipment of the — Railway Workshops with additional plant and machinery for the manufacture of locomotives. 976.AJMER—*contd.*Question *re* locomotives manufactured in the Ajmer Railway Workshops. 976-77.

## AJMER-MERWARA—

Question *re* produce of the land of the Istimrari area of Sathana. — 108.

## AKYAB—

Question *re* position of Muslims in the Aerodromes at Mingaladon, — and Chittagong. 1380.

## ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL—

See "Bill(s)".

## ALINGAR—

Question *re* article in the *Amrita Bazar Patrika* about the Faqir of —. 534-35.

## ALIPORE—

Question *re*—

Non-confirmation of certain clerks in the offices of the Telegraph Storeyard, —, Calcutta. 540.

Temporary clerks in the office of the Controller of Telegraph Stores, — 1166-67.

## ALLAHABAD—

Question *re*—

Allegations against the Divisional Superintendent, —. 224.

Removal of the Office of the Indian Railways Conference Association to —. 181-82.

Want of direct train connection between Muttra and —. 622.

## ALLAHABAD DIVISION—

Question *re* hearing of appeals by the Divisional Superintendent of —, East Indian Railway. 548.

## ALLEGATION(S)—

Question *re*—

— against British soldiers stationed at Jubbulpore. 796-96.

— against certain people in the reports published in certain newspapers about Quetta after the earthquake. 1888-89.

— against one Ballavdas Issardas, vending contractor for Railway Stations from Howrah to Bandel. 187-89.

— against some railway officials at Tunda. 92, 1172.

— against the contractors of coolies on the East Indian Railway. 63.

**ALLEGATION(S)—contd.**

Question re—

- against the Divisional Superintendent, Allahabad. 224.
- against the President of the Lahore Cantonment Board. 220.
- of looting, etc., against the soldiers at Quetta after the earthquake. 1085-87.
- Enquiry into the — of discriminations between Indians and Europeans in the matter of rescue and salvage operations in Quetta. 1632.

**ALL-INDIA MEDICAL COUNCIL—**

Question re election to the —. 1173-74.

**ALL-INDIA SERVICES—**

Question re transfers back to India of Indians serving in — and cadres in Burma. 1181-82.

**ALLOCATION—**

Motion for adjournment re — of certain resources between the Central and Provincial Governments. 1310-13.

**ALLOTMENT—**

Question re—

- of Government quarters in Simla. 1801-03.
- Basis of — of Government Quarters in Simla. 1619.
- Different limit of pay for — of orthodox and unorthodox quarters in Simla. 1621-22.
- Different principles for — of Government quarters in New Delhi and Simla. 1619.
- Differential treatment in the — of Government Quarters in New Delhi and Simla. 1617-18.
- Rules for — of Government quarters in Simla. 1620.

**ALLOWANCE(S)—**

Question re—

- given to Military Sub-Assistant Surgeons on transfer. 1598-99.
- paid to the tribal Sardars of Baluchistan. 298-303.
- Baggage free — for third class passengers from Ceylon to India. 1163-64.
- Change of the nature of an — by the Agent of a State Railway. 1901.
- Class of employees on State-managed Railways who are paid Presidency —. 881-82.
- Consolidated — of the ticket checking staff on the East Indian Railway. 121-23.

**ALLOWANCE(S)—contd.**

Question re—

- Free conveyance by rail between Summer Hill and Simla and — of Army Headquarters staff. 1859-61.
- House-rent — drawn by persons sharing Government quarters in Simla. 1618.
- House-rent — of travelling ticket-examiners on the East Indian Railway. 91.
- Luggage — given to third class passengers. 952-53.
- Mileage — of train despatch clerks, etc., on the old Oudh and Rohilkund Railway. 81.
- Mileage or running — paid to the staff on State Railways. 1902.
- Mileage — paid to the old travelling ticket inspectors on the East Indian Railway. 92.
- Monthly — paid to the travelling ticket inspectors on the East Indian Railway. 173.
- Non-grant of house — to certain relieving clerks on the East Indian Railway. 106.
- Personal — given to the officers of the office of the Indian Railways Conference Association. 194

**AMALGAMATION—**

Question re — of the East Indian and Eastern Bengal Railways. 1291-92.

**AMBALA—**

Question re—

- Amount given to the Sadar Bazar Municipal Committee from the Cash Balance in the Cantonment Fund, —. 209.
- Contract for selling sweets and other eatables at the — Railway Station. 1782.

**AMBASSADOR(S)—**

Question re statement of the Japanese — in Bombay about the Indo-Japanese Pact. 1696.

**AMENDMENT(S)—**

Question re—

- of section 61 of the Indian Income-tax Act. 292.
- of the Government of India Bill in the House of Commons regarding the Princes and the Federation. 689.
- of the Indian Companies Act. 409-10.
- of the Indian Medical Council Act. 696-97.

**AMENDMENT OF STANDING ORDERS—**

See "Standing Orders".

**AMERICA—**

Question *re* propaganda against India through films like 'Bengali' and 'India speaks' in Europe and — 1027-29.

**AMHERST STREET—**

Question *re* supervisors and clerks in the — Post Office, Calcutta. 201-02.

**AMNESTY—**

Question *re* grant of general — to political prisoners before the introduction of new constitution. 1407.

**AMRITA BAZAR PATRIKA—**

Question *re*—  
Article entitled "The Civil Service Bomb" in the —. 603-09.  
Article in the — about the Faqir of Alingar. 534-35.

**AMTATTUR—**

Question *re* closing of level crossings on the Madras and Southern Mahratta Railway between Arkanam and —. 231.

**ANDAMANS—**

Question *re*—  
Affairs in the Cellular Jail, —, under the present Superintendent. 1591-95.

Appointment of a Board of non-official visitors to the —. 609-11.

Books for prisoners in the Cellular Jail, —. 1589-90.

Complaints by prisoners in the Cellular Jail, — against the treatment of Dr. Todd. 1588-89.

Hardships of prisoners in the Cellular Jail, —. 1410-12.

Newspapers subscribed for the prisoners in the Cellular Jail, —. 1590-91.

Provision of facilities for out-door games in the Cellular Jail, —. 1591.

Scale of diet given to certain prisoners in the Cellular Jail, —. 1587.

Supply of morning tea to prisoners in the Cellular Jail, —. 1195.

**ANDHRA—**

Question *re* refusal to grant concession tickets to the students of the Peasants Institute, —. 866.

**ANEY, MR. M. S.—**

Criminal Law Amendment Bill—  
Motion to consider. 901-06, 916, 922.

Demand for supplementary grant in respect of—

"Expenditure on the development of Broadcasting from the fund". 1831, 1835-36.

"Expenditure on the development of Civil Aviation met from the fund". 1816.

Election of — to the Select Committee on the amendment of Standing Orders. 1112.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1121, 1137, 1737.

Motion for adjournment *re* allocation of certain resources between the Central and Provincial Governments. 1195-96.

Nomination of — to the Panel of Chairman. 128.

Question *re*—

Increase in the quantity and value of quinine sold. 225-27.

Sale of quinine. 871-81.

Question (Supplementary) *re*—

Census of the unemployed persons in British India. 775.

Excavation work at Quetta after the earthquake. 712-13.

Resolution *re* Quetta Earthquake. 1359-64.

**ANGLO-INDIAN(S)—**

Question *re*—

Box *Khalasies* for European and — Drivers on State Railways. 225.

Indians, — and Europeans serving in Port Trusts in India. 490.

Indians, Europeans and — in the various Port Trusts. 1890-94.

**ANIMAL(S)—**

Question *re* establishment of an Institute for — and human nutrition Research. 1685-86.

**ANWAR-UL-AZIM, MR MUHAMMAD—**

Question *re*—

Ignoring of the claims of old travelling ticket examiners on the North Western Railway. 77.

ANWAR-UL-AZIM, MR. MUHAMMAD—*contd.*

## Question re—

Location of the Aerodrome at Chittagong. 1380.

Non-maintenance of the strength of the old travelling ticket examiners on the North Western Railway. 77.

Position of Muslims in the Aerodromes at Mingaladon, Akyab and Chittagong. 1380.

Promotion of old travelling ticket examiners on the North Western Railway. 77-78.

## APPEAL(S)—

## Question re—

— decided by the Assistant Commissioner of Income-tax in Sind. 291-92.

Dealing of — against discharge on the East Indian Railway. 42.

Hearing of — by the Divisional Superintendent of Allahabad Division, East Indian Railway. 548.

Report called for by the Commissioner of Income-tax, Bihar and Orissa, in — cases. 855-56.

Right of — to the High Court against the decisions of the Commissioners of Income-tax. 45.

## APPLICATION(S)—

## Question re—

— for protection of industries. 401-02.

— invited for posts of Army Officers from England. 516-17.

— made under section 30 of the Indian Income-tax Act. 119.

## APPLICATION FORM(S)—

Question re amount earned by State Railways by sale of —. 1775.

## APPOINTMENT(S)—

## Question re—

Additional — and retrenched employees on State Railways. 625-26.

Administrative staff — held by Indians in the Indian Medical Service. 1174-76.

— of Employment Officers on State Railways. 1637-38.

— of Indians as Chairmen of Port Trusts in India. 1694-96.

— of the relatives of retired employees in the Government of India Presses. 1608-09.

Non- — of an Indian as President of the Tariff Board. 960.

## APPRENTICE(S)—

## Question re—

Appointment of — on the East Indian Railway. 165-66.

Appointment of — permanent way inspectors on the Eastern Bengal Railway. 114.

Appointments of successful ex- — of the East Indian Railway Workshop, Lillooah, in other Workshops. 163-64.

Appointments of the time-expired — of Lillooah Workshops under the Chief Mechanical Engineer, East Indian Railway. 103.

Appointments of the time-expired — of the Jamalpur Technical School to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, East Indian Railway. 103-06.

Confirmation of certain mechanical ex- — under the Chief Mechanical Engineer, East Indian Railway. 111.

Ex- — of Jamalpur Technical School, East Indian Railway. 111.

Rates of pay and other privileges of certain — of State Railways. 93.

Successful Mechanical ex- — of the Lillooah Workshops, East Indian Railway. 116.

## APPROPRIATION FROM DEPRECIATION FUND—

Demand for Excess Grant. 1942.

## ARAINS—

Question re enlisting of — in the Army. 1905.

## ARCHAEOLOGICAL CIRCLE(S)—

## Question re—

Distribution of funds to the various —. 1302-04.

## ARCHAEOLOGICAL DEPARTMENT—

## Question re—

Confirmation of a foreign expert in the —. 770-71.

Representation of Buddhists in the —. 1705.

## ARCHAEOLOGICAL FIND(S)—

Question re taking out of India some important —. 1304-05.

## ARCHAEOLOGICAL SUPERINTENDENT(S)—

Question re — in charge of monuments. 1302.

## ARCHÆOLOGICAL SURVEY—

- Question re—  
 Officers in — 527-28.  
 Officers in the — with qualifications  
 in architecture and Archæology.  
 1187.

## ARCHÆOLOGY—

- Question re—  
 Officers in the Archæological Sur-  
 vey with qualifications in archi-  
 tecture and archæology. 1187.  
 Technical qualifications of the  
 Superintendent of —, Southern  
 Circle, Madras. 769-70.

## ARCHITECTURE—

- Question re officers in the Archæo-  
 logical Survey with qualifications in  
 — and archæology. 1187.

## ARKANAM—

- Question re—  
 Closing of level crossings on the  
 Madras and Southern Mahratta  
 Railway between — and Amtat-  
 tur. 231.

## ARMY (IES)—

- Motion for adjournment re bombing  
 of women and children in the trans-  
 frontier villages by the Indian —  
 (Air Force). 348, 377-98.

## Question re—

- lent for producing the film  
 "Soldiers Three". 1896.  
 Disposal of the discarded articles  
 of the —. 285.  
 Enlisting of Arains in the —. 1905.  
 Indian — cadets and reframing of  
 the list of martial classes. 21.  
 Indians and Britishers with King's  
 Commission in the Indian —. 221.  
 Manufacture of Guns in Indian  
 Ordnance Factories for the use  
 of the Indian —. 1687-88.  
 Mechanisation of British and Indian  
 —. 294-85.  
 Non-admission of Arya Samajists in  
 the —. 47.  
 Recruitment of Sikh Khattris in the  
 Indian —. 1037.  
 Sub-divisional officers and Assist-  
 ant Garrison Engineers in the  
 electrical and mechanical engineer-  
 ing branch in the —. 1035-36.  
 Terms offered for the transfer of  
 British Service Officers to the In-  
 dian —. 793.  
 Transfers from the British Services  
 to the Indian —. 617.

## ARMY (AMENDMENT) BILL—

- See "Indian —" under "Bill(s)".

## ARMY CONTRACTOR(S)—

- See "Contractor(s)".

## ARMY HEADQUARTERS—

- Question re—  
 Free conveyance by rail between  
 Summer Hill and Simla and  
 allowances of — staff. 1859-61.  
 Move of the offices of the — to  
 Delhi during winter. 278-80.

## ARMY LANDING GROUND(S)—

- See "Landing Ground(s)".

## ARMY OFFICER(S)—

- Question re—  
 Applications invited for posts of  
 — from England. 516-17.

## ARMY VETERINARY CORPS—

- See "Veterinary Corps".

## ARREST(S)—

- Question re — and conviction of four  
 persons daily, found travelling  
 without tickets, at Jubbulpore.  
 115-16.

## ARTICLE(S)—

- Question re—  
 — entitled "The Civil Service  
 Bomb" in the *Amrita Bazar  
 Patrika*. 608-09.  
 — in the *Amrita Bazar Patrika*  
 about the Faqir of Alingar. 534-  
 35.  
 — in the *Sind Observer* entitled  
 "Power Alcohol". 1293-95.  
 Disposal of the discarded — of the  
 army. 285.  
 Newspaper — on the Quetta Earth-  
 quake relief and the Silver  
 Jubilee Fund against which  
 action was taken. 1907-24.  
 Purchase of — required by the  
 Military Department. 159-60.  
 Purchase of — required by the  
 Railway Board. 160.  
 Purchase of certain — by the  
 Director of Contracts through the  
 Indian Stores Department. 283.

ARYA MARRIAGE VALIDATION  
BILL—

- See "Bill(s)".

## ARYA SAMAJIST(S)—

- Question re non-admission of — in the  
 Army. 47.

## ASAF ALI, MR. M.—

## Criminal Law Amendment Bill—

Motion to consider. 645, 654, 655, 672-85, 812, 814, 816, 819, 821, 832, 833, 889, 890, 942.

## Demand for supplementary grant in respect of—

“Expenditure on the development of Civil Aviation met from the fund”. 1811, 1812-14, 1816, 1817, 1818.

“Miscellaneous”. 1856-57.

## Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1140.

## Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1198-202, 1207.

Motion for adjournment *re* bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 391.Question *re*—

Aeroplane formerly in the use of His Excellency the Viceroy. 772-74.

Application of the Punjab Sahukari Act to the Delhi Province. 285-86.

British troops in India. 280-84.

Census of the unemployed persons in British India. 774-75.

Cultivators affected by acquisition of land for the Pusa Institute in Delhi. 854-55.

Decrease in the Indian exports to certain countries. 852-53.

Delhi Civil Station Notified Area Committee. 278.

Disposal of the discarded articles of the army. 285.

Indians and Britishers with King's Commission in the Indian Army. 221.

Lease of land between Delhi and Shahdara to Mr. Waugh. 853-54.

Mechanisation of British and Indian army. 284-85.

Move of the offices of the Army Headquarters to Delhi during winter. 278-80.

Non-application of the Child Marriage Restraint Act to Cantonments in Central India. 1399-1400.

Relieving of congestion in Old Delhi. 855.

Sale of electricity by the New Delhi Municipal Committee to the Delhi Electric Supply Company. 286-87.

Secretary of State's conception of political offenders of the Civil Disobedience class and bomb-throwers. 852.

ASAF ALI, MR. M.—*contd.*Question *re*—

Use of the Army Landing Grounds at Agra and Ahmedabad by His Highness the Maharaja of Kashmir and Prince Midwani. 771.

Question (supplementary) *re*—

Externed or exiled persons not allowed to return to India. 935.

Placing the Safety Inspector directly under the Government of India. 1713.

Refusal of admission to Indian students in England to a swimming pool. 1402.

## ASANSOL—

Question *re* degradation of persons who fail to pass the Refresher Courses of the Chandausi and — railway schools. 76.

## ASSAM—

Question *re*—

Appointment of Assamese in certain appointments in the Comptroller's Office. —. 619-20.

Construction of roads in Assam. 964-65.

Establishment of a High Court for —. 633.

Mail sorters' in East Bengal and —. 635-36.

## ASSAM BENGAL RAILWAY—

See “Railway(s)”.

## ASSAM FLOOD ENQUIRY COMMITTEE—

See “Committee(s)”.

## ASSAM VALLEY—

Question *re* — Planters' Association. 966-67.

## ASSAMESE—

Question *re*—

Appointment of — in certain appointments in the Comptroller's Office, Assam. 619-20.

Reservation of a certain percentage in Government service for the —. 1623-24.

## ASSAMESE SOLDIER(S)—

See “Soldier(s)”.

## ASSEMBLY—

Motion for adjournment *re* prohibition of the convener of the Congress — Party Committee *re* detenus to enter into certain places in Bengal. 127-28, 157.

See also “Legislative —”.

**ASSEMBLY CHAMBER—**

See "Legislative —".

**ASSESSED RENT—**

See "Rent".

**ASSEESSEE(S)—**

Question re—

Absence of waiting accommodation for — in Income-tax Offices in Bihar and Orissa. 856.

Production of books and registers by income-tax — in Sind and fixation of minimum and maximum time-limit for the payment of income-tax. 25-26

**ASSESSMENT(S)—**

Question re—

— of incomes of small income-tax payers in Sind. 23-24.

Income-tax — re-opened in Sind. 291.

Regulation of Income-tax — in Bihar and Orissa 856.

**ASSET(S)—**

Question re allocation of — and liabilities between the New Orissa Province and the Government of Madras. 783.

**ASSISTANT COMMISSIONER(S) OF INCOME-TAX—**

Question re—

Appeals decided by the — in Sind. 291-92.

Transfers of —. 540.

**ASSISTANT DIRECTOR(S) OF POSTS AND TELEGRAPHS—**

See "Director(s) of Posts and Telegraphs".

**ASSISTANT EXECUTIVE ENGINEER(S)—**

See "Engineer(s)".

**ASSISTANT GARRISON ENGINEER(S)—**

See "Engineer(s)".

**ASSISTANT MANAGER(S)—**

See "Manager(s)".

**ASSISTANT RIVER SURVEYORS—**

See "River Surveyors".

**ASSISTANT RUNNING SHED FOREMEN—**

See "Running Shed Foremen".

**ASSISTANT STATION MASTER(S)—**

See "Station Master(c)".

**ASSISTANT SUPERINTENDENT(S)—**

See "Superintendent(s)".

**ASSISTANT SURGEON(S)—**

Question re—

Allowances given to Military Sub— on transfer. 1528-99.

Discrimination against Indian Military Sub—. 1599.

Posting of — to Hospitals on the East Indian Railway. 86.

Provision of an — in the railway hospital at Tundla. 92-93

Racial discrimination in the recruitment of — in the Indian Medical Department. 1176-77.

**ASSOCIATION(S)—**

Question re—

Action taken on the resolutions adopted at the Conference of the East Indian Railway Employees' —. 543.

Application of Fundamental Rules to the Indian Railways Conference — staff. 197.

Assam Valley Planters' —. 965-67.

Grant of certain facilities to the Indian Railways Conference — staff. 196.

Grievances of the staff of the Indian Railways Conference — Delhi. 195.

Indian and European — consulted about the extension of repressive legislation. 605.

Non-grant of transfer concessions to the staff of the Indian Railways Conference —. 195.

Non-observance of certain holidays in the office of the Indian Railways Conference —, Delhi. 181.

Non-observance of Fundamental Rules in the Office of the Indian Railway Conference —, Delhi. 181.

Non-revision of the pay of the Indian Railways Conference — staff. 195-96.

Pay of the staff in the office of the Indian Railways Conference —. 193-94.

Personal allowance given to the officers of the office of the Indian Railways Conference —. 194.

Removal of the Office of the Indian Railways Conference — to Allahabad. 181-82.

Salaries of the Indian Railways Conference, — Staff. 196-97.

ASSOCIATION(S)—*contd.*Question *re*—

Staff of the office of the Indian Railways Conference —, Delhi. 194.

Staff of the offices of the Director of Wagons Interchange and Indian Railways Conference — transferred to Delhi. 179-80.

Transfer of offices of the Director of Wagons Interchange and the Indian Railways Conference — to Delhi. 192-93.

Transfer of the office of the Indian Railways Conference — to Delhi. 194-95.

## ATTENDANCE—

Question *re* — of members at the meetings of the Lahore Cantonment Board. 221.

## ATTITUDE—

Question *re* alleged hostile — of the East Indian Railway Administration towards Trade Unions. 290-91.

## AUDIT DEPARTMENT—

Question *re*—

Promotion and seniority of the travelling ticket inspectors of the Account and — transferred to the Traffic Department of the East Indian Railway. 121.

Promotion and seniority of travelling ticket examiners and travelling ticket inspectors of the Accounts and — transferred to the Operating Department of the North Western and East Indian Railways. 124.

## AUTOMOBILE FACTORY(IES)—

See "Factory(ies)".

## AUTOMOBILE INDUSTRY—

See "Industry(ies)".

## AVIATION—

Question *re*—

Office of the Civil — in India. 1187.  
Technically qualified men employed in aircraft and — in India. 103.

## AYYANGAR, MR. M. ANANTHA-SAYANAM—

Cinematograph (Amendment) Bill—

Motions to consider and to refer to Select Committee. 250-52.

Demand for Excess Grant in respect of "Transfer to the Fund for Reconstruction of Earthquake Damage". 1940.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

Demand for supplementary grant in respect of—

"Expenditure on the development of Broadcasting met from the fund". 1831-35, 1839.

"Expenditure on the development of Civil Aviation met from the fund". 1817, 1818.

Indian Coffee Cess Bill—

Motions to consider, to circulate and to refer to Select Committee. 1666-71.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1737.

Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1202-05.

Provincial Insolvency (Amendment) Bill—

Motion to consider. 1067-68.

Question *re*—

Amount raised in India by subscriptions for the Silver Jubilee Celebrations. 296-97.

Applications invited for posts of Army Officers from England. 516-17.

Appointment of a Special Tariff Board. 1192, 1193, 1194.

Birth control propaganda in India. 1868.

Bringing in of trains near the platforms at certain stations on the Madras and Southern Mahratta Railway. 293-94.

Collection of Income-tax from *madhis* and funds in Madras. 1306.

Combine for working the gold mines in the Nilgiris. 706-07.

Compilation of statistics for agricultural and industrial wages. 519-20.

Connection of Chittoor with a trunk telephone line. 35.

Construction of a railway line between Tirupati and Madras. 702.

Contemplated creation of a post of Assistant Director of Posts and Telegraphs and retrenchment in the Posts and Telegraphs Department. 35-36.

Demolition of a Hindu temple by the Rangoon Development Trust. 1869-71.

Grant of concession rates of postage on printed marriage invitation cards. 35.

Institution of the system of job analysis in the Posts and Telegraphs Department. 298.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

Question *re*—

- Non-reduction of the excise duty on salt manufactured from sea-water. 294-95.
- Platforms at certain stations on the Madras and Southern Mahratta Railway. 292-93.
- Prevention of the export of silver and a rise in its price. 705-06.
- Programme for rural uplift in Madras. 1867-68.
- Prohibition in Italy of the import of goods from India and of Indian insurance companies from carrying on business. 1868-69.
- Promotion of long staple and middle staple cotton in India. 295-96.
- Promotions to administrative grades on the East Indian Railway. 1864.
- Proposal to construct a funicular railway from Tirupati to Tirumalai Hills in the Madras Presidency. 703.
- Proposed diversion by the Madras Government of the grant from the Petrol Fund towards rural reconstruction. 1865.
- Protection of Indians from air raids. 703-04.
- Protection of Indians in Abyssinia. 1044.
- Recommendations of the Hilton-Young Currency Commission. 518-19.
- Reduction in the price of silver and increase in the balance of trade in favour of India. 36-37.
- Refusal of permission to certain persons to enter Quetta for affording relief to the earthquake sufferers. 704-05.
- Revision of the exchange ratio. 520.
- Sale of silver by the Government of India. 1043-44.
- Selection of "Dufferin" Cadets from the Royal Indian Marine. 517-18.
- Train service between Gudur and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway. 702-03.
- Utilisation of the Petrol Fund for the development of roads. 1866-67.
- Question (supplementary) *re*—
- Abolition of the India Store Department, London. 42.
- Casualties during the earthquake at Quetta and value of the property lost. 715.
- Confirmation of a foreign expert in the Archaeological Department. 771.
- Countries with banned or restricted imports from India. 528, 529.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*concl'd.*

Question (Supply) *re*—

- Decrease in the Indian exports to certain countries. 853.
- Discovery of paintings at certain temples at Conjeevaram and Tanjore. 768.
- Distribution of the grant for rural uplift. 1400.
- Excavation work at Quetta after the earthquake. 712.
- Excise duty on steel. 792.
- Hardships of prisoners in the Cellular Jail, Andamans. 1412.
- Italo-Abyssinian dispute. 206, 207.
- Organisation of sugar industry. 613.
- Position of Indians in Fiji. 526.
- Positions of Indians in Zanzibar with regard to the clove ordinances. 594.
- Power in the aerial of the Delhi Broadcasting Station. 1693.
- Preparations in India for a war. 602.
- Propaganda against India through films like 'Bengali' and 'India speaks' in Europe and America. 1029.
- Protection of Indians in Abyssinia. 1047.
- Publications distributed free to the Members of the Central Legislature. 1714.
- Purchase of articles required by the Military Department. 159.
- Re-building of Quetta. 717.
- Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at Port Blair. 701-02.
- Refusal to grant concession tickets to the students of the Peasants Institute, Andhra. 866.
- Registration of properties of Indians in Abyssinia. 1413, 1414.
- Report on the Co-operative Movement in India submitted by Mr. M. L. Darling. 491.
- Restriction of imports into India. 16.
- Rise in the price of silver. 615.
- Sale of silver. 1037, 1043.
- Salvage of property at Quetta after the earthquake. 716.
- State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1395.
- Temporary clerks in the office of the Controller of Telegraph Stores, Alipore. 1167.
- Trade negotiation between the United Kingdom and Italy and India. 605.
- Unemployment problem. 851-52.
- Repealing and Amending Bill—  
Motion to consider. 1209.

**AYYAR, DIWAN BAHADUR B. V.**

**KRISHNA—**

Oath of office. 1.

**AZHAR ALI, MR. MUHAMMAD—**

Criminal Law Amendment Bill—

Motion to consider. 893, 894.

Election of — to the Imperial Council of Agricultural Research and its Governing Body. 548-49.

Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1207-08.

Question *re—*

Assessed rent of "B" and "C" type unorthodox quarters in New Delhi. 1622.

"B" and "C" class quarters in Kaithu, Simla. 1620-21.

Basis of allotment of Government quarters in Simla. 1619.

Certain benefits for mistries and mechanics of the Posts and Telegraphs Department. 883

Dealing of appeals against discharge on the East Indian Railway. 42.

Delay in the announcement of the appointments to the Listed posts of the United Provinces Judicial Service by the Public Service Commission. 1398-99.

Different cadres of the establishment of the East Indian Railway. 82.

Different limit of pay for allotment of orthodox and unorthodox quarters in Simla. 1621-22.

Different principles for allotment of Government quarters in New Delhi and Simla. 1619.

Differential treatment in the allotment of Government quarters in New Delhi and Simla. 1617-18.

Duties of the Deputy Agent (General), East Indian Railway. 43.

Enquiry into the conduct of an Imperial Service Officer. 978.

Examinations in establishment duties passed by the Superintendents and Assistant Superintendents, Staff, on the East Indian Railway. 43.

Facilities and comforts for Government servants living outside the municipal limits in Simla. 1611-13.

Government quarters in Simla occupied by the staff of the Public Works Branch. 1618.

House-rent allowance drawn by persons sharing Government quarters in Simla. 1618.

Lien on a lower type of quarter of the Government of India staff. 1623.

**AZHAR ALI, MR. MUHAMMAD—**

*—contd.*

Question *re—*

Method for the redress of grievances of the railway staff. 92.

Mileage allowance of train despatch clerks, etc., on the old Oudh and Rohilkund Railway. 81.

Mileage allowance paid to the old travelling ticket inspectors on the East Indian Railway. 92.

Notification of the rules regulating the discharge and dismissal of State Railway non-gazetted servants to the East Indian Railway employees. 42-43.

Number of excess officers and subordinates on State Railways. 423-24.

Permission to Government employees with college-going children to retain their quarters in New Delhi on payment of rent on a 10 per cent. rent basis. 1622-23.

Posts of Transportation Inspectors sanctioned by the East Indian Railway. 44.

Promotions to the posts in headquarters offices of the Transportation and Commercial Departments. 233-34.

Refusal by the Nazul Officer, Delhi, to accept money from the residents of Naiwala, Karol Bagh. 1616-17.

Rent charged from Members of the Indian Legislature for quarters in Summer Hill, Simla. 1619-20.

Residential accommodation for Government servants in New Delhi and Simla. 1610-11.

Rules for allotment of Government quarters in Simla. 1620.

Seniority list of travelling ticket examiners and ticket collectors on the East Indian Railway. 108.

Service conditions of the East Indian Railway employees. 45.

Shortage of Government quarters in Simla. 1613-14.

Transfer of control of the Railway School of Transportation, Chandani, to the Agent, East Indian Railway. 82.

Water meter rent realised from Government servants in New Delhi and Simla. 1614-16.

Question (supplementary) *re—*

Reduction in the number of classes on Indian Railways. 1160.

Taking out of India some important Archaeological finds. 1305.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 354-55.

**B****BABUGARH—**

Question *re* Hapur Remount Depot at — in the Meerut Division. 232.

**BADRUL HASAN, MAULVI—**

Oath of Office. 809.

**BAGDIGI—**

Question *re* explosion in — Colliery in Dhanbad. 1894-95.

**BAGGAGE—**

Question *re* free allowance for third class passengers from Ceylon to India. 1163-64.

**BAGHDAD—**

Question *re* terms of the Oudh Bequest administered by His Majesty's Consulate at —. 64-67.

**BAJORIA, BABU BAIJNATH—**

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1943-47.

Demand for supplementary grant in respect of—

“Expenditure on the development of Broadcasting met from the fund”. 1838.

“Expenditure on the development of Civil Aviation met from the fund”. 1818

“Miscellaneous”. 1854-55.

**Indian Coffee Cess Bill—**

Motions to consider, to circulate and to refer to Select Committee. 1672, 1673.

**Question re—**

Accommodation in “B” type quarters in Simla. 1859.

Allotment of Government quarters in Simla. 1801-03.

Allotment of Summer Hill quarters in Simla. 1861-62.

Basis of rent for Members' quarters. 1801.

Bringing of idle sentinel coaches from certain railways to the Kalka Simla Railway. 1863-64.

Classification of paper. 1798.

Exhibition of objectionable cinema films. 1799.

Free conveyance by rail between Summer Hill and Simla and allowances of Army Headquarters staff. 1859-61.

Hindus and the railway services. 1799-1800.

House rent charged from the officers and staff of the Government of India in Delhi. 1862-63.

**BAJORIA, BABU BAIJNATH—contd.****Question re—**

Maximum assessed rent for Government quarters in Simla. 1800.  
Money invested in the building of quarters in Simla and Delhi and interest paid on such debts. 1800.

Nomination of members to the Industrial Research Bureau. 1797-98.

Rent collected from the officers and staff of the Government of India in Delhi and cost of maintenance, etc., of quarters. 1863.

Representatives to the Industries Conference. 1798.

Tenders for the construction of the Howrah Bridge. 1798-99.

**Question (Supplementary) re—**

Abolition of the India Store Department, London. 40, 41.

Definitions to be followed by the Board of Film Censors in India. 1794.

Nomination of Indians to the Board of Film Censors in India. 1794.

**BAJPAL, SIR GIRJA SHANKAR—****Aligarh Muslim University (Amendment) Bill—**

Motion to consider. 254.

Consideration of clause 2. 256, 259-61.

Motion to pass. 261, 271.

**Motion re—**

Election of a member to sit on the Imperial Council of Agricultural Research and its Governing Body 142

Election of one Muslim member to sit on the Standing Committee on Pilgrimage to the Hedjaz. 137.

Election of two members for the Central Advisory Board of Education. 137, 138, 140, 141-42.

Oath of Office. 1379.

Resolution *re* position of Indian nationals settled in Zanzibar. 1221-25, 1235, 1239, 1240.

**BALANCE OF TRADE—**

Question *re* India's —. 786-88.

See also “Trade, Balance of”.

**BALASORE—**

Question *re* imposition of penalties under section 28 of the Income-tax Act in Cuttack, Puri and — Circles. 120.

- BALLAST STONES—**  
Question *re* contracts for the supply of — to the Burma Railways. 115.
- BALLAVDAS ISSARDAS—**  
Question *re* allegations against one —, vending contractor for Railway Stations from Howrah to Bandel. 187-89.
- BALLOT(S)—**  
Question *re* introduction of the — system of voting. 1409.
- BALUCHI REGIMENT(S)—**  
See "Regiment(s)".
- BALUCHI SOLDIER(S)—**  
See "Soldier(s)".
- BALUCHISTAN—**  
Question *re—*  
Allowances paid to the tribal Sardars of —. 298-303.  
Constitutional aspect of certain territories in —. 298.  
Constitutional character of the Shabi and other Jirgas in —. 304-05.  
Earthquake relief measures in —. 776.  
Losses in tribal areas in — due to earthquake. 515-16.  
Position of the Political Agency in the territories of Yob and Khatrano in —. 304.  
Prohibition of relief parties in Quetta and — after the earthquake. 775.
- BALUCHISTAN CIVIL SERVICE—**  
Question *re* employees of the police force and — killed in the earthquake. 1270-71.
- BAN—**  
Question *re* lifting of — from the Khudai Khidmatgar and other Congress organizations in the North-West Frontier Province. 1627-28.
- BAND(S)—**  
Question *re* — at the Connaught Place, New Delhi. 1101-02.
- BANDEL—**  
Question *re* allegations against one Balavdas Issardas, vending contractor for Railway Stations from Howrah to —. 187-89.
- BANERJEA, Dr. S. P. N.—**  
Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1954-57, 1960.  
Demand for supplementary grant in respect of—  
"Miscellaneous". 1849-50, 1934-35, 1938.  
Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1137, 1140.  
Motion for adjournment *re* allocation of certain resources between the Central and Provincial Governments. 1313.  
Question *re—*  
Acceleration of the suburban services on the East Indian and Eastern Bengal Railways. 1032.  
Amount collected under the Salt (Additional Import Duty) Act in Bengal. 1631.  
Annual cost of employment of troops in Bengal to suppress the terrorist movement. 210.  
Appointment of the relatives of retired employees in the Government of India Presses. 1608-09.  
Compositors, binders and distributors discharged from the Government of India Press, Calcutta. 1607-08.  
Construction of the Dacca-Aricha Railway. 1162, 1163.  
Fixation of the initial pay of staff in the East Indian Railway Press. 1605-06.  
Grievances of the employees of the East Indian and Eastern Bengal Railway Press. 1603-04.  
Indent for two mono machines for the East Indian Railway Press at Calcutta. 1604.  
Indians employed in, and India's contribution towards, the League of Nations. 1029-30.  
Nature of duties discharged by the readers and copyholders in the Government of India Presses. 1606-07.  
Officers and servants of the Trustees of the Indian Museum, Calcutta. 1182, 1183.  
Propaganda against India through films like 'Bengali' and 'India sneaks' in Europe and America. 1627-29.  
Selection of delegates to the session of the League of Nations. 1030-31.  
Temporary clerks in the office of the Controller of Telegraph Stores, Alipore. 1166.

**BANERJEA, DR. P. N.—contd.**Question *re*—

Terms of reference of the Income-tax enquiry committee. 1031-1032.

Question (Supplementary) *re*—

Exhibition of the films "India Speaks" and "Bengali". 1401.

Return of Mr. Subhash Chandra Bose to India. 1408.

**BANIA—**

Question *re* — shops in the Market Bazar, Kasauli. 974-75.

**BANK(S)—**

Agreement between the Reserve — of India and the Imperial — of India. 129-32.

Agreement between the Secretary of State for India in Council and the Reserve — of India. 132-35.

Question *re* Savings — Accounts and Government securities held in custody of the Accountant General, Posts and Telegraphs. 198.

**BARDALOI, SRIJUT N. C.—**

Demand for supplementary grant in respect of—

"Miscellaneous". 1850-51.

Indian Criminal Law Amendment (Repeal) Bill—

MOTION to consider. 1150-56, 1720-26.

Consideration of Clause 2. 1756.

Question *re*—

Abolition of the India Store Department in London. 969.

Appointment of an Indian as the Chairman of the Bombay Port Trust. 967-68.

Appointment of Assamese in certain appointments in the Comptroller's Office, Assam. 619-20.

Assam Valley Planters' Association. 966-67.

Claims for promotions and preferences of Assamese soliders. 965-66.

Construction of roads in Assam. 964-65.

Disabilities of Indians in Zanzibar. 969.

Effect of the Ottawa Agreement on India and the Dominions. 970.

Enquiry into the financial relations between India and Burma. 968.

Enquiry into the system of levying income-tax. 971.

Establishment of a High Court for Assam. 633.

Establishment of a University at Gauhati. 633-34.

**BARDALOI, SRIJUT N. C.—contd.**Question *re*—

Indian Tea Licensing Committee. 78.

Indians in Cochin China, Java, Ceylon and Singapore. 969.

Mail sorters in East Bengal and Assam. 635-36.

Production of quinine and cinchona. 636.

Purchase of iron and steel materials by Indian Railways. 970.

Reservation of a certain percentage in Government service for the Assamese. 1623-24.

Re-transfer of Sylhet to Bengal. 971.

Question (Supplementary) *re* report of the Assam Flood Enquiry Committee. 89.

Resolution *re* reduction of import duty on carbon blocks. 999.

**BARODA, GAEKWAR OF—**

Question *re* negotiations with the — in respect of Kathiawar ports. 1623.

**BARRAGE CANAL(S)—**

Question *re* — in Sind. 1272-73.

**BARWALA VILLAGES—**

Question *re* question of granting jurisdiction of — to the Limbdi State. 60.

**BATH ROOM(S)—**

Question *re* water basin arrangement in some of the — of second class compartments on the Madras and Southern Mahratta Railway. 1305-06.

**BEAT(S)—**

Question *re* enhancement of the — of the keymen on the East Indian Railway. 171-72.

**BENEFIT FUND(S)—**

See "Fund(s)".

**BENGAL—**

Motion for Adjournment *re*—

Government Circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive Laws in —. 985.

Prohibition of the convener of the Congress Assembly Party Committee *re* detenas to enter into certain places in —. 127-28, 157.

Question *re*—

Amount collected under the Salt (Additional Import Duty) Act in —. 1031.

**BENGAL—contd.**

## Question re—

Annual cost of employment of troops in — to suppress the terrorist movement. 210.

Appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in —. 848-49.

Exclusion of the Chittagong Hill Tracts from the General constituency for election to the — Legislative Council. 1704.

Income-tax Officers in —. 70.

Reorganisation of the superior staff of the Income tax Department in —. 70-71.

Re-transfer of Sylhet to —. 971.

**“BENGALI”—**

## Question re—

Exhibition of the films “India Speaks” and —. 1400-01.

Propaganda against India through films like — and ‘India speaks’ in Europe and America. 1027-29.

**BENGAL AND ASSAM POSTAL CIRCLE—**

Question re recruitment of the qualified sons and dependants of the postal employees in the —. 1034.

**BENGAL AND NORTH WESTERN RAILWAY—**

See “Railway(s)”.

**BENGAL NAGPUR RAILWAY—**

See “Railway(s)”.

**BEQUEST(S)—**

## Question re—

Terms of Fateh Ullah Khan's Zindiyah—. 68-69.

Terms of Oudh — administered by His Majesty's Consulate at Baghdad. 64-67.

**BEST, MR. L. W. B. H.—**

Question re wound received by —, Political Agent in the Malakand Agency. 534.

**BHAGAVAN DAS, DR.—**

Election of — to the Central Advisory Board of Education. 796.

Hindu Marriage Validity Bill—

Motion for leave to introduce. 1968.

**BHAGAVAN DAS, DR.—contd.**

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1118.

Motion for adjournment re bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 382.

Resolution re manufacture of locomotive requirements in State Railway Workshops. 372.

**BHAT, MR. M. D.—**

Oath of Office. 1.

**BHUFUI SING, MR.—**

Question re non-confirmation of certain clerks in the offices of the Telegraph Storeyard, Alipore, Calcutt 540-41.

**BIHAR AND ORISSA—**

## Question re—

Absence of waiting accommodation for assesses in Income-tax Offices in —. 856.

Grievances of the Income-tax staff in —. 856-58.

Posting of certain Income-tax Officials at a particular station for a long time in —. 869-70.

Regulation of Income-tax assessment in —. 856

Report called for by the Commissioner of Income-tax, —, in appeal cases. 855-56.

**BIKRAMPUR—**

Question re detachment of British Troops stationed in certain — villages in Dacca. 175-79.

**BILL(S)—**

Aligarh Muslim University (Amendment)—

Motion to consider. 254-55.

Consideration of clauses. 255-61.

Motion to pass. 261-63, 271-72.

Passed. 272.

Arya Marriage Validation—

Introduced. 1968.

Cantonments (Amendment)—

Presentation of the Report of the Select Committee. 1720.

Motion to circulate, as reported by the Select Committee. 1809-11, Circulated. 1811.

Central Provinces Courts (Supplementary)—

Introduced 642.

Motion to consider. 1063-64.

Passed. 1064.

BILL(S)—*contd.*

Child Marriage Restraint (Amendment)—(Mr. B. Das)—

Introduced. 1968.

Cinematograph (Amendment)—

Motions to consider and to refer to Select Committee. 237-53.

Referred to Select Committee. 253.

Code of Civil Procedure (Amendment)—

Motion to refer to Select Committee. 272-76, 987-96.

Referred to Select Committee. 996.

Code of Civil Procedure (Second Amendment)—

Presentation of the report of the Select Committee. 1197.

Code of Criminal Procedure (Amendment)—(Sardar Sant Singh)—

Presentation of the report of the Select Committee. 348.

Criminal Law Amendment—

Motion for leave to introduce. 143-47

Introduced. 147.

Motion to consider. 434-78, 549-88, 642-85, 717-60, 797-840, 883-950.

Negated. 950.

Message from H. E. the Governor General recommending the passage of the —. 1059.

Point of order raised by Mr. S. Satyamurti as to whether there has not been a breach of privilege of the House inasmuch as the contents of a Bill (i.e., the —) were communicated to a section of the Press before the motion for leave to introduce it was made in the House. 144-47.

Point of order raised by Sir Cowasji Jehangir as to whether the motion *re* the — discussed and decided upon previously in the same Session and the motion *re* the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1124-25, 1132-36.

Criminal Law Amendment — (as recommended)—

Motion for leave to introduce. 1059-62.

Negated. 1062.

Factories (Amendment)—

Introduced. 157.

Considered and passed. 1210-11.

Passed by the Council of State. 1970.

BILL(S)—*contd.*

Government of India—

Question *re* amendments of the — in the House of Commons regarding the Princes and the Federation. 689.

Governor General's assent to —. 123.

Hindu Marriage Validity—

Introduced. 1968.

Hindu Women's Right to Property—  
Introduced. 1967.

Indian Army (Amendment)—

Introduced.. 148.

Considered and passed. 1065-67.

Indian Coffee Cess—

Introduced. 1197.

Motions to consider, to circulate and to refer to Select Committee. 1638-74.

Motion to consider, adopted. 1674.

Consideration of—

Clause 3. 1674-76.

Clause 4. 1676-77.

Clause 8. 1677-78.

Passed. 1678.

Indian Criminal Law Amendment (Repeal)—(Mr. B. Das)—

Motion to consider. 1113-56, 1720-55.

Adopted. 1755.

Consideration of clause 2. 1756-66.

Discussion adjourned. 1766.

Point of order as to whether there can be a discussion on the principle of the — upon a consideration of a clause after the principle and the real object of the — has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. (Ruling to be given afterwards). 1760-66.

Point of order raised by Sir Cowasji Jehangir as to whether the motion *re* the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion *re* the — Bill do not raise substantially an identical question. 1124-25, 1132-36.

Question *re* publicity given to the part-delivered speech of the Law Member on Mr. B. Das's —. 850.

Indian Mines (Amendment)—

Governor General's Assent. 128.

Indian Motor Vehicles (Amendment)—

Introduced. 149.

Motion to consider. 1069-75.

Motions to consider and to refer to Select Committee. 1798-1208.

Referred to Select Committee. 1208.

BILL(S)—*contd.*

- Indian Naturalization (Amendment)—  
Governor General's Assent. 128.
- Indian Tariff (Amendment)—  
Governor General's Assent. 128.
- Indian Tea Cess (Amendment)—  
Governor General's Assent. 128.
- Jubbulpore and Chhattisgarh Divisions  
(Divorce Proceedings Validation)—  
Introduced. 1062.  
Motions to consider and to refer  
to Select Committee. 1678-83.  
Consideration of clauses. 1807-08.  
Passed. 1808.
- Madras City Hindu Temples—  
Message from the Council of State  
*re* reference of the — to Joint  
Committee. 1806.
- Moslem Personal Law (*Sheriat*)  
Application—  
Introduced. 1969.
- Payment of Wages—  
Presentation of the Report of the  
Select Committee. 143.  
Motion to consider. 1000-10.  
Application of Standing Order, 46  
requiring two clear days' notice  
for an amendment to a Bill sus-  
pended by Mr. President in con-  
nection with an amendment of  
Mr. James on the —. 1004.  
Statement *re* post-ponement of the  
— 1075-76.
- Provincial Insolvency (Amendment)—  
Introduced. 147-48.  
Motion to consider. 1067-69.  
Passed. 1069.
- Provincial Small Cause Courts  
(Amendment)—  
Introduced. 148.  
Motion to consider. 1064-65.  
Passed. 1065.
- Question *re*—  
— in connection with the Federal  
Railway Authority and setting up  
of Provincial Public Service Com-  
missions. 780-81.  
— *re* exemption of a portion of the  
lands owned by peasants from the  
properties liable to be attached  
for the payment of debts. 959-  
60.  
Refusal of sanction by the Governor  
General for the introduction of a  
— to amend the Bombay Port  
Trust Act. 425-27.  
Removal of Civic Disabilities—  
Introduced. 1967.
- Repealing and Amending—  
Introduced. 148-49.  
Considered and passed. 1208-10.  
Passed by the Council of State.  
1970.

BILL(S)—*contd.*

- Salt Additional Import Duty (Extend-  
ing)—  
Governor General's Assent. 128.
- BINDER(S)—  
Question *re* compositors, — and dis-  
tributors discharged from the Gov-  
ernment of India Press, Calcutta.  
1607-08.
- BIRTH(S)—  
Question *re* alteration in the date of  
— of literate staff on the North  
Western Railway. 71-72.
- BIRTH CONTROL—  
Question *re* — propaganda in India.  
1868.
- BLACKETT, SIR BASIL—  
Expressions of regret on the deaths of  
— Sir Deva Prasad Sarvadhikary,  
Lala Fakir Chand and Haji Abdulla  
Haji Qasim. 2-8.
- BLACKWELL, MR. J. H.—  
Oath of office. 1.
- BOARD(S)—  
Question *re* appointment of a — of  
non-official visitors to the Andamans  
609-11.
- BOARD OF FILM CENSORS—  
Question *re*—  
Definitions to be followed by the —  
in India. 1793-94.  
Nomination of Indians to the — in  
India. 1794.
- BOILER(S)—  
Question *re*—  
Manufacture of Locomotive — and  
Locomotives in India. 1702-04.  
Manufacture of locomotive — in rail-  
way workshops. 624, 1637.
- BOMBAY—  
Question *re*—  
Appointment of an Indian as the  
Chairman of the — Port Trust.  
967-68.  
Cancellation of the passport of Mr.  
Masant of —. 860-62, 1384-85.  
1402, 1407, 1697.  
Certain information in respect of  
the —, Calcutta and Madras  
General Post Offices. 229.  
Establishment of a German  
automobile factory in —. 600.  
Financial adjustment between Sind  
and —. 1271-72.

**BOMBAY—contd.****Question re—**

Income-tax cases in Sind called for review by the Commissioner of Income-tax. — 292.

Mints at Calcutta and —. 406-07.

Staff employed in —, Calcutta and Madras General Post Offices. 230.

Statement of the Japanese Ambassador in — about the Indo-Japanese Pact. 1696.

Transfer of cases from one income-tax officer to another in the — Presidency. 26.

**BOMBAY, BARODA, AND CENTRAL INDIA RAILWAY—**

See "Railway(s)".

**BOMBAY—LANCASHIRE PACT—**

Question re—. 1872.

**BOMBAY PORT TRUST ACT—**

See "Act(s)".

**BOMBING—**

Motion for adjournment re — of women and children in the trans-frontier villages by the Indian Army (Air Force). 348, 377-98.

Question re Sir George Schuster's opinion about the — of Indians. 1044-45.

**BOMB-THROWER(S)—**

Question re Secretary of State's conception of political offenders of the Civil Disobedience class and —. 852.

**BOOK(S)—****Question re—**

— for prisoners in the Cellular Jail, Andamans. 1589-90.

Production of — and registers by income-tax assesses in Sind and fixation of minimum and maximum time limit for the payment of income-tax. 25-26.

**BOOK-STALL(S)—**

Question re prices charged at the Railway — of Messrs. A. H. Wheeler and Company. 1306-08.

**BOOKING CLERK(S)—**

See "Clerk(s)".

**BOOKING OFFICE—**

Question re opening of — at Muzaffarpore. 1242.

**BOSE, MR. SUBHASH CHANDRA—**

Question re return of — to India. 1408.

**BOWER, MR. E. H. M.—**

Oath of Office. 1.

Question (Supplementary) re racial discrimination in the East Indian Railway Hospital at Tundla. 984.

**BOX KHALASY (IES)—**

See "Khalasy(ies)".

**BOYLE, MR. J. D.—**

Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1205-06.

Oath of office. 657.

**BRIDGE(S)—****Question re—**

Absence of over- — and raised platforms on the Burdwan-Howrah section of the East Indian Railway. 204-05.

Reconstruction of certain — between Madhubani and Jayanagar on the Bengal and North Western Railway. 118-19.

Want of a — at the railway crossing near the Agra Cantonment Station on the Agra-Joguar Road. 1026-27. 1638.

Will'nedon — of the Calcutta Chord Railway. 203.

**BRITISH ARMY—**

See "Army".

**BRITISH CAPTAIN—**

See "Captain".

**BRITISH CONCERN(S)—**

See "Captain(s)".

**BRITISH IMPORT(S)—**

See "Import(s)".

**BRITISH INDIA—**

Motion for adjournment re despatch of troops from — to addis ababada (Abyssinia). 236-37, 263-71.

**Question re—**

Census of the unemployed persons in —. 774-75.

Smuggling of sugar into — from Kathiawar States. 1274-76.

**BRITISH INDIA STEAM NAVIGATION COMPANY—**

See "Company(ies)".

**BRITISH MALAYA—**

Question *re* preference for Indian rice in — and Ceylon and for Indian paddy in the United Kingdom. 1157-58.

**BRITISH OFFICER(S)—**

See "Officer(s)".

**BRITISH SERVICE(S)—**

See "Service(s)".

**BRITISH SERVICE OFFICER(S)—**

See "Officer(s)".

**BRITISH SHIP(S)—**

See "Ship(s)".

**BRITISH SOLDIER(S)—**

See "Soldier(s)".

**BRITISH TROOPS—**

See "Troops(s)".

**BRITISHER(S)—**

Question *re* Indians and — with King's Commissioner in the Indian Army. 221.

**BROADCASTING—**

— should be made available for political propaganda under reasonable condition (discussed under Demands for supplementary grants). 1823-40.

Demand for supplementary grant in respect of "Expenditure on the development of — met from the fund". 1823-40.

**BROADCASTING EXPERT—**

Question *re* appointment of a — in England for India. 1091-92.

**BROADCASTING SERVICE—**

Question *re* Indian —. 1092-93.

**BROADCASTING STATION—**

Question *re* power in the serial of the Delhi —. 1093.

**BROADCASTING TECHNIQUE—**

Question *re* education of Indians in —. 1093.

**BROKEN RICE—**

See "Rice".

**BUDDHIST(S)—**

Question *re*—  
Discovery of — images at Negapatam. 768.

**BUDDHIST(S)—contd.**

Question *re*—

Hindu, — and Muhammadan Monuments in the Southern Circle, Madras. 764-67.

Representation of — in Archaeological Department. 1705.

Representation of — in Government Services. 1704-05.

**BUDGET—**

Question *re* — of the New Delhi Municipal Committee. 1105-06.

**BUDGET GENERAL—**

Question *re* Governor General's recommendations with regard to the supplementary demands under the — and Railway Budget. 416-17.

**BUDGET RAILWAY—**

Question *re*—

Deficit in the —. 428-30.

Governor General's recommendations with regard to the supplementary demands under the General Budget and —. 416-17.

**BUILDING(S)—**

Question *re* — of historical importance occupied by the Military authorities. 1309.

**BURDWAN-HOWRAH SECTION—**

Question *re*—

Absence of ladies waiting rooms on stations on the — of the East Indian Railway. 277.

Absence of overbridges and raised platforms on the — of the East Indian Railway. 204-05.

**BURMA—**

Consideration of the Report of the Tribunal on Financial Settlement between India and — after separation. 1548-86, 1942-67.

Question *re*—

Burmans employed as Officers in certain Departments and Services in —. 78-80.

Enquiry into the financial relations between India and —. 968.

Position of the Indian employees of the Postal Department in — after the separation. 1402-03.

Shipping companies engaged in the coastal trade of India and —. 1907.

Transfers back to India of Indians serving in All-India Services and cadres in —. 1181-82.

**BURMA OIL COMPANY—**

Question *re* monopoly of supplying petroleum products in the Madras Presidency held by the —. 521-22.

**BURMA RAILWAYS—**

See "Railway(s)".

**BURMA RICE—**

See "Rice".

**BURMA TRIBUNAL—**

Question *re* report of the — on the Financial Adjustment. 1777.

**BURMA-YUNNAN FRONTIER—**

Question *re* Commission of Enquiry to settle the —. 19.

**BURMAN(S)—**

Question *re* — employed as Officers in certain Departments and Services in Burma. 78-80.

**BURMAN TRADE AGREEMENT—**

See "Trade Agreement(s)".

**BUS(ES)—**

Question *re* motor — run by the Railway. 626.

**BUSINESS—**

Question *re* growth and development of indigenous insurance —. 1167-69.  
See also "Statement of Business".

**BUSINESS COMMUNITY—**

Question *re* position of Indian — in Kenya. 1065.

**BUSINESSMAN(EN)—**

Motion for adjournment *re* appointment of an European — as the President of the Indian Tariff Board. 796.

See "Secretariat(s)".

**CADET(S)—**

Question *re*—

— of the Indian Military College, Dehra Dun. 1887-88.

Indian Army — and reframing of the list of martial classes. 21.

Selection of "Dufferin" — from the Royal Indian Marine. 517-18.

**CADRE(S)—**

Question *re*—

Different — of the establishment of the East Indian Railway. 82.

**CADRE(S)—contd.**

Question *re*—

Transfers back to India of Indians serving in All-India Services and — in Burma. 1181-82.

**CALCUTTA—**

Question *re*—

Appointment of non-Indians as Probationary Assistant River Surveyors in the — Port Trust. 488-89.

Appointment of one Mr. Hogan as a Yard Master in the Traffic Department of the — Port Trust. 490-88.

Certain information in respect of the Bombay, — and Madras General Post Offices. 229.

Communal composition of the industrial Employees of the Government of India Press —. 1383.

Compositors, binders and distributors discharged from the Government of India Press, —. 1607-08.

Grievances of the Compositors in the Government of India Press, —. 1382.

Grievances of the industrial employees of the Government of India Press, —. 1380-82.

Inadequacy of selection grade Posts in the — General Post Office. 199.

Indent for two mono machines for the East Indian Railway Press at —. 1604.

Mints at — and Bombay. 406-07.

Non-confirmation of certain clerks in the offices of the Telegraph Storeyard, Alipore, —. 540.

Officers and servants of the Trustees of the Indian Museum, —. 1182-83.

Recruitment of Indians in the — Port Trust. 488.

Recruitment of probationers in the Traffic Department of the — Port Trust. 431-33, 479-80.

Staff employed in Bombay, — and Madras General Post Offices. 230.

Supervisors and clerks in the Amherst Street, Post Office, —. 201-02.

Works Committee in the Government of India Press, —. 1382-83.

**CALCUTTA CHORD RAILWAY—**

See "Railway(s)".

## CANADA—

- Question *re*—  
 Negotiations for a trade agreement with —. 415-16.  
 Negotiations for Trade Agreements with the Irish Free State, — and Italy. 785.

## CANAL(S)—

- Question *re*—  
 Barrage — in Sind. 1272-73.  
 Control over the Agra —. 37.

## CANCELLATION—

- of certain gallery passes by Mr. President. 1414.

## CANDIDATE(S)—

- Question *re*—  
 — for Legislative Assembly election who lost their securities. 544-47.  
 Selection of — for the Indian Research Fund. 1180-81.

## CANTONMENTS(S)—

- Question *re*—  
 Action taken by the Executive Officer of the Lahore — under Section 25 of the Cantonments Act. 220.  
 Non-application of the Child Marriage Restraint Act to — in Central India. 1399-1400.

## CANTONMENT BOARD(S)—

- Question *re*—  
 Acting Military Officers as Presidents of the Lahore —. 221.  
 Allegations against the President of the Lahore —. 220.  
 Appointment of Chairman of various sub-committees of the Lahore —. 221.  
 Attendance of members at the meetings of the Lahore —. 221.  
 Presiding over the meetings of the Lahore — by Vice-President. 221.  
 Resignation of the nominated members of the Lahore —. 221.  
 Resolutions passed or rejected in the Lahore —. 221.

## CANTONMENT FUND—

- See* "Fund(s)".

## CANTONMENTS ACT—

- See* "Act(s)".

## CANTONMENTS (AMENDMENT) BILL—

- See* "Bill(s)".

## CAPITAL COST.

- Question *re*—  
 Return on the total — of New Delhi. 413-14.  
 Return on the total — of Sukkur Barrage. 414.

## CAPTAIN—

- Question *re* distinction in the payment of railway fare by an Indian Major and a British —. 306.

## CARBON BLOCK(S)—

- Resolution *re* reduction of import duty on —. 997-1000.

## CARD(S)—

- Question *re* grant of concession rates of postage on printed marriage invitation —. 35.

## CARDWELL SYSTEM—

- Question *re* modification in the —. 22.

## CARRIAGE(S)—

- Question *re*—  
 Improvement in third class — on railways in India. 863-64.  
 Lavatories in the third class — on the Bengal and North Western and the Bombay, Baroda and Central India Railways. 81.  
 Placing of complaint books in guards' — and at Junction Stations. 864-65.  
 Saloons and Inspection — on each Railway. 977.  
 Seats in the third class — on the South Indian Railway. 115.

## CARRIAGE UNDERFRAME(S)—

- See* "Underframe(s)".

## CASH CERTIFICATE(S)—

- Question *re* lapsing of postal —. 34-35.

## CASUALTY(IES)—

- Question *re*—  
 — during the earthquake at Quetta and value of the property lost. 714-15.  
 — in the Quetta Earthquake. 514.  
 — in the suburbs of Quetta. 515.

## CAUVERY WATERS—

- Question *re* dispute between the Mysore Government and the Government of Madras *re* —. 1063.

**CELLULAR JAIL(S)—**

Question *re* refusal of permission to Mr. Mohan Lal Saksena to visit the — at Port Blair. 699-702.

See also "Jail(s)".

**CENSOR CENTRE(S)—**

Question *re* — for censoring the letters of State Prisoners and Detenus. 1395-96.

**CENSUS—**

Question *re*—  
— of the unemployed persons in British India. 774-75.  
— of third class passengers on the Madras and Southern Mahratta Railway. 868-69.

**CENTRAL ADVISORY BOARD OF EDUCATION—**

Election of Members to the —. 796.  
Motion *re* election of two members for the —. 137-42.

**CENTRAL FINANCE(S)—**

See "Finance(s)".

**CENTRAL GOVERNMENT—**

Motion for adjournment *re* allocation of certain resources between the — and Provincial —. 1194-97, 1221, 1310-13.

**CENTRAL INDIA—**

Question *re*—  
Communal composition of inferior establishment of the Central Public Works Department, including — and Rajputana, at the end of 1934. 113.  
Non-application of the Child Marriage Restraint Act to Cantonments in —. 1399-1400.

**CENTRAL LEGISLATURE—**

Question *re*—  
Direct representation on Indians on the Fiji —. 427.  
Publications distributed free to the Members of the —. 1713-14.  
See also "Legislature(s)".

**CENTRAL PROVINCES—**

Question *re*—  
State Prisoners in the — Jails. 1391-92.  
State Prisoners in the Damoh Sub-Jail in the —. 1393-95.

**CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL—**

See "Bill(s)".

**CENTRAL PUBLIC WORKS DEPARTMENT—**

See "Public Works Department".

**CENTRAL PUBLICATION BRANCH—**

Question *re* number of Muslims and non-Muslims employed as Assistant Manager and heads of branches in the Government of India Presses and in the —. 108.

**CENTRAL SERVICE(S)—**

Question *re* recruitment of depressed classes in the —. 277-78.

**CENTRALLY ADMINISTERED AREA(S)—**

Question *re* Police force in the Criminal Investigation Department in the —. 106-07.

**CERTIFICATE(S)—**

Question *re* grant of — to guards by the District Medical Officer of the Moradabad Division, East Indian Railway. 1634-35.

**CEYLON—**

Question *re*—  
Baggage free allowance for third class passengers from — to India. 1163-64.  
Export and import trade between India and —. 972-73.  
Imposition of duties on personal effects carried by passengers from — to India. 1169-72.  
Increase in the import duties on paddy and food stuffs imported from India into —. 18-19.  
Indians in Cochin China, Java, — and Singapore. 969.  
Legitimate rights of Indians in —. 973.  
Preference for Indian rice in British Malaya and — and for Indian paddy in the United Kingdom. 1157-58.

**CHAIRMAN(EN)—**

Nomination of the Panel of —. 128.  
Question *re*—  
Appointment of an Indian as the — of the Bombay Port Trust. 967-68.  
Appointment of — of various Sub-Committees of the Lahore Cantonment Board. 221-2.

**CHAIRMAN(EN)—contd.****Question re—**

Appointment of Indians as — of Port Trusts in India. 1694-96.  
 Indianisation of the posts of — of the Port Trusts in India. 841-42.

**CHANDAUSI—****Question re—**

Degradation of persons who fail to pass the Refresher Courses of the — and Asansol railway schools. 76.  
 Examination held at — for the selection of candidates for Assistant Station Masters' Course. 543.  
 Transfer of control of the Railway School of Transportation, — to the Agent, East Indian Railway. 82.

**CHAPMAN-MORTIMER, MR. T.—**

Code of Civil Procedure (Amendment) Bill. (Amendment of Section 51).

Motion to refer to Select Committee. 995-96.

Criminal Law Amendment Bill—

Motion to consider. 669-72.

Oath of office. 1.

**CHARGE(S)—**

Question re revision of the maximum and minimum — on the Indian Railways. 405-06.

**CHATTERJEE, MR. A. C.—**

Question re appointment of an Indian in place of the late — a Member of the Information Section of the League of Nations Secretariat. 523-24.

**CHATTOPADHYAYA, MR. AMARENDRANATH—**

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1743-50.

Consideration of clause 2. 1760.

**Question re—**

Absence of ladies waiting rooms on stations on the Burdwan-Howrah Section of the East Indian Railway. 277.

Absence of overbridges and raised platforms on the Burdwan-Howrah Section of the East Indian Railway. 204-05.

Allegations against one Ballavdas Issardas, vending contractor for Railway Stations from Howrah to Bandel. 187-89.

**CHATTOPADHYAYA, MR. AMARENDRANATH—contd.****Question re—**

Amount sanctioned to conduct the case of Mr. Doran, late staff Superintendent of the Dinapur Division. 169-71.

Application of Fundamental Rules to the Indian Railways Conference Association staff. 197.

Appointment of apprentices on the East Indian Railway. 165-66.

Appointments of successful ex-apprentices of the East Indian Railway Workshop, Lillooah, in other Workshops. 163-64.

Appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical Engineer, East Indian Railway. 103.

Appointments of the time-expired apprentices of the Jamalpur Technical School to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, East Indian Railway. 103-05.

Case of Mr. K. C. Das, an assistant station master at Naihati, Eastern Bengal Railway. 93-94.

Certain particulars regarding East Indian Railway employees. 81.

Communal composition of the Industrial Employees of the Government of India Press, Calcutta. 1383.

Contribution by the East Indian Railway Permanent Staff to the Provident Fund. 46.

Demotion of electrical linesmen and wiremen on the East Indian Railway. 166-68.

Detachment of British Troops, stationed in certain Bikrampur villages in Dacca. 175-79.

Different grades of pay for the supervising staff in the East Indian Railway Workshops. 164.

Differential treatment in re-employing the discharged Ticket Checking Staff on the Eastern Bengal Railway. 174-75.

Enhancement of the beat of the keymen on the East Indian Railway. 171-72.

Export duty on raw jute. 202-03.

Extra Departmental Postal Officials. 198.

Facilities given to the New Vending Contractors at Railway Stations on the East Indian Railway. 192.

Filling up of the posts of Sub-Divisional Officers on the Eastern Bengal Railway. 182-83, 1907.

**CHATTOPADHYAYA, MR. AMARENDRA NATH—contd.**

## Question re—

- Grant of certain facilities to the Indian Railways Conference Association staff. 196.
- Grievances of the Compositors in the Government of India Press, Calcutta. 1382.
- Grievances of the industrial employees of the Government of India Press, Calcutta. 1380-82.
- Grievances of the staff of the Indian Railways Conference Association, Delhi. 195.
- House rent allowance of travelling ticket examiners on the East Indian Railway. 91.
- Inadequacy of selection grade posts in the Calcutta General Post Office. 199.
- Monthly allowance paid to the travelling ticket inspectors on the East Indian Railway. 173.
- Non-filling up of vacancies in the Engineering Department of the Eastern Bengal Railway. 183.
- Non-Grant of transfer concessions to the staff of the Indian Railways Conference Association. 196.
- Non-observance of certain holidays in the office of the Indian Railways Conference Association, Delhi. 181.
- Non-observance of Fundamental Rules in the Office of the Indian Railway Conference Association, Delhi. 181.
- Non-revision of the pay of the Indian Railways Conference Association staff. 195-96.
- Opening of the Calcutta Chord Railway for regular train traffic. 203-04.
- Pay of certain Railway Staff. 172.
- Pay of the staff in the office of the Indian Railways Conference Association. 193-94.
- Personal allowance given to the officers of the office of the Indian Railways Conference Association. 194.
- Promotion of twists to the clerical cadre on the East Indian Railway. 46-47.
- Purchase of scales by the Railways. 173-74.
- Racial discrimination in the matter of promotions in the Mechanical Department of the East Indian Railway. 1276-87.
- Recruitment of temporary Assistant Executive Engineers on the Eastern Bengal Railway. 182.

**CHATTOPADHYAYA, MR. AMARENDRA NATH—contd.**

## Question re—

- Removal of the Office of the Indian Railways Conference Association to Allahabad. 181-82.
- Retrenched and retained personnel in the Railway Rates Advisory Committee. 1042-43.
- Salaries of the Indian Railways Conference Association Staff. 196-97.
- Savings Bank Accounts and Government securities held in custody of the Accountant General, Posts and Telegraphs. 198.
- Selection grade posts in certain Postal Circles. 199-201.
- Setting up of Committees to watch the fluctuations in the prices of articles of food and purity of them on Railway Stations. 191.
- Staff of the office of the Indian Railways Conference Association, Delhi. 194.
- Staff of the offices of the Director of Wagons Interchange and Indian Railways Conference Association transferred to Delhi. 179-80.
- Sub-letting of vending contracts on the East Indian Railway. 190-91.
- Supervisors and clerks in the Ahmerst Street Post Office, Calcutta. 201-02.
- Transfer of the office of the Indian Railways Conference Association to Delhi. 194-95.
- Transfer of offices of the Director of Wagons Interchange and the Indian Railways Conference Association to Delhi. 192-93.
- Vending contracts in the East Indian Railway. 183-87.
- Willinson Bridge of the Calcutta Chord Railway. 203, 1709.
- Works Committee in the Government of India Press, Calcutta. 1382-83.

**CHETTIAR, MR. T. S. AVINASHILINGAM—**

- Code of Civil Procedure (Amendment Bill). (Amendment of section 51)—
- Motion to refer to Select Committee. 275-76.
- Criminal Law Amendment Bill—
- Motion to consider. 557.
- Demand for supplementary grant in respect of "Miscellaneous". 1847, 1936.
- Indian Coffee Cess Bill—
- Motions to consider, to circulate and to refer to Select Committee. 1643, 1665, 1673, 1674.

**CHETTIAR, MR. T. S. AVINASHI-  
LINGAM—contd.**

- Motion for adjournment *re* refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of Quetta. 125.
- Question *re*—
- Applications from Mahatma Gandhi and Babu Rajendra Prasad for permission to enter the earthquake area in Quetta. 1040.
- Baggage free allowance for third class passengers from Ceylon to India. 1163.
- Benefit of poor relief to the Indians in Natal. 427-28.
- Commission of Enquiry to settle the Burma-Yunnan Frontier. 19.
- Condition of Indians in Fiji. 1602-03.
- Countries with banned or restricted imports from India. 12-15.
- Deficit in the Railway Budget. 428-30.
- Depreciation allowed under the Income-tax rules. 430-31.
- Devaluation of Indian currency. 428.
- Direct representation of Indians on the Fiji Central Legislature. 427.
- Effect of the rise in the price of silver on the rupee. 1039.
- Foreign and Indian Insurance Companies doing business in India. 1714.
- Imports from India banned by Roumania. 11-12.
- Increase in the British imports into India. 424-25.
- Increase in the import duties on paddy and food stuffs imported from India into Ceylon. 18-19.
- Manufacture of petrol from coal in India. 1600-01.
- Molasses produced in India. 1601-02.
- Money sent out of India and moneys spent in England by the Government of India. 17.
- Negotiations with the Gaekwar of Baroda in respect of Kathiawar ports. 1623.
- Negotiations with the princes in regard to the coming Federation. 20-21.
- Police force in the Criminal Investigation Department in the Centrally Administered Areas. 106-07.
- Refusal of sanction by the Governor General for the introduction of a Bill to amend the Bombay Port Trust Act. 425-27.
- Restriction of imports into India. 15-17.

**CHETTIAR, MR. T. S. AVINASHI-  
LINGAM—contd.**

- Question *re*—
- Restrictions on the import of Indian goods into Italy. 10-11.
- Rice, broken-rice and paddy imported into India from Siam and Indo-China. 1164, 1166.
- Suggestion regarding imposition of a prohibitive import duty on Zanzibar cloves. 1165-66.
- Tenders for wagons for 1935-36. 1040-42.
- Question (Supplementary) *re*—
- Allegations of looting, etc., against the soldiers at Quetta after the earthquake. 1087.
- Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division. 170.
- Consignment of goods for Indian import through Empire shipping. 981.
- Demand for Indianisation of Indian Port Trusts. 1084.
- Detachment of British troops stationed in certain Bikrampur villages in Dacca. 177-78.
- Distribution of the grant for rural uplift. 1409.
- Expansion in the Royal Indian Marine and facilities for the training of Indians. 404.
- Export and import trade between India and Ceylon. 972-73.
- Externed or exiled persons not allowed to return to India. 982.
- Hardship caused to pilgrims attending the Kanduri festival, Nagore, by the Customs Officers, Sannamangalam Chowki. 1088.
- Imposition of duties on personal effects carried by passengers from Ceylon to India. 1171.
- Indianisation of the Indian Army Veterinary Corps. 1051.
- Introduction of reforms in the provinces. 1162.
- Locomotives manufactured in the Aimer Railway Workshops. 977.
- Negotiations for a trade agreement with Irish Free State. 415.
- Negotiations for the Indo-Burman Trade Agreement. 420.
- Overhauling of the Income-tax system of India. 162, 163.
- Personnel and other details of the Delimitation Commission. 688.
- Provincial Loans. 1052.
- Racial discrimination in the East Indian Railway Hospital at Tundla. 984, 985.
- Re-building of Quetta. 1085.

**CHETTIAR, MR. T. S. AVINASHI-LINGAM—concl'd.**

Question (Supplementary) *re—*

Reference of the question of the Indian textile industry to the Tariff Board. 1882.

Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at Port Blair. 764.

State Prisoners in bad health. 1398.

State Prisoners in the Central Provinces Jails. 1392.

Resolution *re* position of Indian nationals settled in Zanzibar. 1226-28.

**CHETTY, MR. SAMI VENKATACHELAM—**

Criminal Law Amendment Bill—

Motion for leave to introduce. 147.

Motion for adjournment *re* despatch of troops from British India to Addis Abbaba (Abyssinia). 268-69.

Question (Supplementary) *re—*

Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division. 170.

Countries with banned or restricted imports from India. 13.

Effect of the fixation of import duty on broken rice. 538.

Rate-war between the British Indian Steam Navigation Company and the Agarwal Steam Navigation Company. 595-96.

Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at Port Blair. 764.

Reopening of salt works in certain places in the Madras Presidency. 527.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 348-52, 353, 361, 362, 372-76.

**CHHATAK—**

Question *re* proposed railway line from Sylhet to ——. 631-32.

**CHHATTISGARH—**

See "Jubbulpore and —— Division (Divorce Proceedings Validation) Bill" under "Bill(s)".

**CHIEF ELECTRICAL ENGINEER—**

See "Engineer(s)".

**CHIEF MECHANICAL ENGINEER—**

See "Engineer(s)".

**CHILD(REN)—**

Motion for adjournment *re* bombing of women and —— in the trans-frontier villages by the Indian Army (Air Force). 348, 377-98.

Question *re—*

Average salary, emoluments and expenses on the education of the —— of British and Indian soldiers. 1889-90.

—— secured after the earthquake at Quetta. 714.

Facilities for the education of the —— of the Indian and European staff of the Indian Railways. 1386-87.

Permission to Government employees with college-going —— to retain their quarters in New Delhi on payment of rent on a 10 per cent. rent basis. 1622-23.

**CHILD MARRIAGE RESTRAINT ACT—**

See "Act(s)".

**CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL—**

See "Bill(s)".

**CHILDREN (PLEDGING OF LABOUR) ACT—**

See "Act(s)".

**CHIMNEY(S)—**

Question *re* want of smoke— in the Duffary type quarters of the Government of India Press, New Delhi. 1038.

**CHINESE TURKISTAN—**

Question *re* position of the Indian trade in ——. 1379.

**CHITTAGONG—**

Question *re—*

Location of the Aerodrome at ——. 1380.

Position of Muslims in the Aerodromes at Mingaladon, Akyab and ——. 1380.

**CHITTAGONG HILL TRACTS—**

Question *re* exclusion of the —— from the General Constituency for election to the Bengal Legislative Council. 1704.

**CHITTOOR—**

Question *re* connection of —— with a trunk telephone line. 35.

**CHOTA NAGPUR—**

Question *re* post and Telegraph Offices in the — Division. 231.

**CHUNDER, MR. N. C.—**

Oath of office. 159.

**CHINCHONA—**

Question *re* production of quinine and —. 636.

**CINEMA FILM(S)—**

See "Film(s)".

**CINEMATOGRAPH (AMENDMENT) BILL—**

See "Bill(s)".

**CIRCULAR(S)—**

— regarding Governor General's Address to the Members of the Indian Legislature. 986.

Motion for adjournment *re* Government — prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive laws in Bengal. 985.

Question *re* applicability of Finance Department — No. F-78-XI-Ex.-I-31, to the staff of State-managed Railways. 111-12.

**CIVIL ADMINISTRATION—**

Question *re* transfer of the — and Military — of Gilgit to the Government of India. 962-63, 1632-33.

**CIVIL AVIATION—**

Demand for supplementary grant in respect of "Expenditure on the development of — met from the fund". 1811-23.

Question *re* office of the — in India. 1187.

**CIVIL AVIATION, OFFICE OF THE—**

Question *re* — in India. 1096.

**CIVIC DISABILITIES—**

See "Removal of —" under "Bill(s)".

**CIVIL DISOBEDIENCE—**

Question *re* Secretary of State's conception of political offenders of the — class and bomb-throwers. 852.

**CIVIL DISOBEDIENCE MOVEMENT—**

Question *re* prisoners convicted in connection with the — not yet released. 1407.

**CIVIL POPULATION—**

Question *re* losses to — in Quetta. 515.

**CIVIL PROCEDURE—**

Code of — (Second Amendment) Bill —. Presentation of the report of the Select Committee. 1197.

**CIVIL PROCEDURE (AMENDMENT) BILL (AMENDMENT OF SECTION 51)—**

See "Code of —" under "Bill(s)".

**"CIVIL SERVICE BOMB"—**

Question *re* Article entitled — in the *Amrita Bazar Patrika*. 608-09.

**CIVIL STATION—**

Question *re* Delhi — Notified Area Committee. 278.

**CIVIL SURGEON—**

Question *re* fees demanded by the — New Delhi, during hospital hours. 697-99.

**CIVIL WORKS NOT CHARGED TO REVENUE—**

Demand for Excess Grant. 1941.

**CLAIM(S)—**

Question *re* —  
— for promotions and preferments of Assamese soldiers. 965-66.  
— over the waters of the Tungabhadra river. 960.

**CLASS(ES)—**

Question *re* reduction in the number of — on Indian Railways. 1159-60.

**CLASSIFICATION—**

Question *re* —  
— of paper. 1798.  
Committee for the — of Railway Goods. 607-08.  
Revision and — of goods transported on Railways. 1691-92.

**CLERICAL CADRE(S)—**

Question *re* promotion of typists to the — on the East Indian Railway. 46-47.

**CLERK(S)—**

Question *re* —  
Difference in the scales of pay of the goods — and booking —. 621-22.

Examination for recruitment of typists and routine grade — in the Government of India Offices. 1775-76.

Mileage allowance of train despatch —, etc., on the old Oudh and Rohilkund Railway. 81.

Non-confirmation of certain — in the offices of the Telegraph Storeyard, Alipore, Calcutta. 540-41.

CLERK(S)—*contd.*Question *re*—

Non-grant of house allowance to certain relieving — on the East Indian Railway. 106.

Promotion of a — of the routine division to the second division in the Departments of the Government of India. 114.

Responsibility of a supervising post-master for the work done by his subordinate —. 1781.

Supervisors and — in the Amherst Street Post Office, Calcutta. 201-02.

Temporary — in the office of the Controller of Telegraph Stores, Alipore. 1166-67.

## "CLIVE STREET GOSSIP"—

Question *re* paragraph in the Indian Finance entitled —. 1299-1300

## CLOVE(S)—

Question *re*—

Imposition of a prohibitive import duty on Zanzibar —. 846.

Prohibitive duty on — imports and protection against indefinite moratoriums demanded by Indians in Zanzibar. 980.

Suggestion *re* imposition of a prohibition duty on Zanzibar —. 420-21, 1165-66.

## CLOVE ORDINANCE(S)—

*See* "Ordinance(s)".

## CLOVE TRADE—

Question *re* plight of Indians in regard to the — in Zanzibar. 410-11.

## CLOW, MR. A. G.—

Demand for supplementary grant in respect of—

"Expenditure on the development of Broadcasting met from the fund". 1837-40.

"Expenditure on the development of Civil Aviation met from the fund." 1811-12, 1813, 1815-16, 1817-18, 1821-23.

Resolution *re* ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 154-55.

## COACHING STOCK—

Question *re* scrap value on condemned locomotives, — and wagon stock on each railway. 49.

## COAL—

Question *re* manufacture of petrol from — in India. 1600-01.

## COASTAL PASSENGERS STEAMER(S)—

*See* "Steamer(s)".

## COASTING TRADE—

Question *re*—

Rate War in the — of India. 400-01.

Shipping companies engaged in the — of India and Burma. 1907.

## COCHIN—

Question *re* visit of the Honourable the Commerce Member to —. 1403-04.

## COCHIN CHINA—

Question *re* Indians in —, Java, Ceylon and Singapore. 969.

## COCOANUT INDUSTRY—

Question *re*—

Protection to the — in India. 699. Report and recommendations of the — committee. 972.

## CODE OF CIVIL PROCEDURE (AMENDMENT) BILL (AMENDMENT OF SECTION 51)—

*See* "Bill(s)".

## CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL—

*See* "Bill(s)".

## CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—

*See* "Bill(s)".

## COFFEE—

*See* "Indian — cess Bill" under "Bill(s)".

## COFFEE POOL(S)—

Question *re* formation of — in Kenya with a view to drive out the Indian settlers. 962.

## COIN(S)—

Question *re*—

Circulation of counterfeit — in India. 38-40.

## COLLIERY (IES)—

Question *re* explosion in Bagdigi — in Dhanbad. 1894-95.

## COMFORT(S)—

Question *re* facilities and — for Government servants living outside the municipal limits in Simla. 1611-13.

## COMMERCE—

Question *re*—

Reduction of pay of graduates in — in the Posts and Telegraphs Department. 638-39.

Treaty of — and Navigation between Great Britain and Zanzibar. 846.

**COMMERCE MEMBER, THE HONOURABLE THE—**

Question *re* visit of — to Cochin. 1403-04.

**COMMERCIAL DEPARTMENT—**

Question *re* promotion to the posts in headquarters offices of the Transportation and —. 233-24.

**COMMERCIAL GROUP—**

Question *re* vacancies in the — on the North Western Railway. 102-03.

**COMMERCIAL INSPECTOR(S)—**

See "Inspector(s)".

**COMMERCIAL STAFF—**

See "Staff(s)".

**COMMISSION(S)—**

Question *re*—

— of Enquiry to settle the Burma-Yunnan Frontier. 19.

Indians and Britishers with King's — in the Indian Army. 221.

**COMMISSIONER(S) OF INCOME-TAX—**

Question *re*—

Income-tax cases in Sind called for review by the —, Bombay. 292.

Report called for by the —, Bihar and Orissa, in appeal cases. 855-56.

Right of appeal to the High Court against the decisions of the —. 45.

**COMMITTEE(S)—**

Appointment of the — on Petitions 128.

Delimitation — General policy (Discussed under Demands for supplementary grants). 1841-57.

Election of a member to the Standing Finance —. 639.

Motion for Adjournment *re*—

Government Circular prohibiting the Congress Assembly Party — to enquire into and report upon the administration of the repressive laws in Bengal. 985.

Prohibition of the convener of the Congress Assembly Party — *re* detenues to enter into certain places in Bengal. 127-28, 157.

Motion *re*—

Election of a member for Standing Advisory — for the Indian Posts and Telegraphs Department. 642.

Election of a member to the Standing Finance —. 237.

**COMMITTEE(S)—contd.**

Question *re*—

Appointment of a — by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 848-49.

Appointment of Chairmen of various Sub- — of the Lahore Cantonment Board. 221.

Appointment of Delimitation — 617-18.

— for the classification of Railway Goods. 607-08.

Constitution and working of staff — on State Railways. 63.

Indian Tea Licensing —. 78.

Members of the Income-tax Enquiry —. 960.

Personnel of the Indian Lac Research —. 84.

Recommendations of the Drugs Enquiry —. 973-74.

Recommendations of the State Railway Workshops —. 58-60.

Report and recommendations of the coconut industry —. 972.

Report of the Assam Flood Enquiry —. 89.

Representation of the staff in the Electrical Department of the East Indian Railway in the Welfare —. 638.

Retrenched and retained personnel in the Railway Rates Advisory —. 1042-43.

Setting up of — to watch the fluctuations in the prices of articles of food and purity of them on Railway stations. 191.

Supply of the Legislative Assembly Debates to Railway Advisory —. 1191.

Terms of reference of the Income-tax enquiry —. 1031-32.

Works — in the Government of India Press, Calcutta. 1382-83.

**COMMUNAL COMPOSITION—**

Question *re*—

— of inferior establishment of the Central Public Works Department including Central India and Rajputana, at the end of 1934. 113.

— of non-gazetted staff recruited in the Government of India Offices. 211-19.

— of technical and non-technical men employed in the Central Public Works Department. 100.

— of the Indian staff in the office of the High Commissioner for India. 882.

— of the Industrial Employees of the Government of India Press, Calcutta. 1383.

**COMMUNAL COMPOSITION—contd.**

Question re—  
— of the staff of the Reserve Bank of India. 1597.

**COMMUNISM—**

Question re Government's policy towards —. 954-57.

**COMMUTATION(S)—**

Question re interest allowed in calculating — value of pensions. 625.

**COMPANIES ACT—**

See "Indian —" under "Act(s)".

**COMPANIES' AND INDIAN STATES' SHARES OF SURPLUS PROFITS AND NET EARNINGS—**

Demand for Excess Grant. 1941-42.

**COMPANY (IES)—**

Question re—  
Fidelity securities of Insurance —. 224.

Rate-war between the British India Steam Navigation — and the Agarwal Steam Navigation —. 594-96, 616-17.

Rebate allowed by the leading shipping — for passage to Europe for railway servants. 622-23.

**COMPANY LAW—**

Question re report on the Indian —. 1295-96.

**COMPANY-MANAGED RAILWAY(S)—**

See "Railway(s)".

**COMPARTMENT(S)—**

Question re—  
Inconvenience caused to Indian passengers on account of European soldiers travelling in ordinary second class —. 693-94.

Water basin arrangement in some of the bath rooms of second class — on the Madras and Southern Mahratta Railway. 1305-06.

**COMPLAINT(S)—**

Question re—  
— against the officers on S. S. "Rahmani". 777.  
— by prisoners in the Cellular Jail, Andamans, against the treatment of Dr. Todd. 1588-89.

**COMPLAINT BOOK(S)—**

Question re placing of — in guards' carriages and at Junction Stations. 864-65.

**COMPOSITOR(S)—**

Question re—  
— binders and distributors discharged from the Government of India Press, Calcutta. 1607-08.  
Grievances of the — in the Government of India Press, Calcutta. 1382.

**COMPOUND(S)—**

Question re offers for sinking or constructing wells or Myer's pumps on railway platforms or within railway —. 118.

**COMPTROLLER(S)—**

Question re appointment of Assamese in certain appointments in the —'s Office, Assam. 619-20.

**COMPULSORY RETIREMENT—**

See "Retirement".

**CONCERN(S)—**

Question re alleged discrimination against Indian products by British — in India. 161-62.

**CONCESSION(S)—**

Question re non-Grant of transfer — to the staff of the Indian Railways Conference Association. 195.

**CONCESSION TICKETS—**

See "Ticket(s)".

**CONDITION(S)—**

Question re alleged — applied on certain Indians in Abyssinia. 1414.

**CONDUCT—**

Question re enquiry into the — of an Imperial Service Officer. 860.

**CONFERENCE(S)—**

Question re—  
Action taken on the resolutions adopted at the — of the East Indian Railway Employees' Association. 543.

Representatives to the Industries —. 1798.

Resolutions passed at the Indian Deck Passengers — held at Vizagapatam. 779-80.

**CONGESTION—**

Question re relieving of — in Old Delhi. 855.

**CONGRESS ASSEMBLY PARTY COMMITTEE—**

Motion for Adjournment re Government Circular prohibiting the — to enquire into and report upon the administration of the repressive laws in Bengal, 985.  
See also "Committee(s)".

**CONGRESS ORGANISATION(S)**—

See "Organisation(s)".

**CONGRESS PARTY**—

Question *re* appointment of a Committee by the — in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 848-49.

**CONGRESSMAN(MEN)**—

Question *re* prevention of — from visiting Quetta. 845.

**CONJEEVARAM**—

Question *re* discovery of paintings at certain temples at — and Tanjore. 767-68.

**CONNAUGHT PLACE**—

Question *re* land at the —, New Delhi. 1101-02.

**CONSIGNMENT(S)**—

Question *re* — of goods for Indian import through Empire shipping. 980-982.

**CONSOLIDATED ALLOWANCE**—

See "Allowance(s)".

**CONSTITUENCY**—

Question *re* exclusion of the Chittagong Hill Tracts from the General — for election to the Bengal Legislative Council. 1704.

**CONSTITUTION**—

Question *re*—

Enquiry into the Financial Resources of the Provinces on the eve of the new —. 1690-91.

Expenditure on the inauguration of the New — and the Delimitation Committee. 1791-92.

Grant of general amnesty to political prisoners before the introduction of new —. 1407.

**CONSTITUTIONAL ASPECT**—

Question *re* — of certain territories in Baluchistan. 298.

**CONSTITUTIONAL CHARACTER**—

Question *re* — of the Shahi and other Jirgas in Baluchistan. 304-05.

**CONSTRUCTION(S)**—

Question *re* contract for the — of the New Howrah Bridge. 1631-32.

**CONSULATE(S)**—

Question *re* terms of the Oudh Bequest administered by His Majesty's — at Baghdad. 64-67.

**CONTINUOUS WORKERS(S)**—

See "Worker(s)".

**CONTRACT(S)**—

Question *re* —

Authority giving — to the contractors at stations of the East Indian Railway. 1772.

— for selling sweets and other eatables at the Ambala Railway Station. 1782.

— for the construction of the New Howrah Bridge. 1631-32.

— for the supply of ballast stones to the Burma Railways. 115.

— for the supply of coolies on the East Indian Railway. 63.

German Government's offer with regard to the — for the Howrah Bridge. 1803-04.

Sub-letting of vending — on the East Indian Railway. 190-91.

Vending — on the East Indian Railway. 183-87.

**CONTRACTOR(S)**—

Question *re*—

Allegations against one Ballavdas Issardas, vending — for Railway Stations from Howrah to Bandel. 187-89.

Allegations against the — of coolies on the East Indian Railway. 63.

Authority giving contracts to the — at stations of the East Indian Railway. 1772.

— at Railway stations in the Dinapore and Howrah Division. 220.

— in the Central Public Works Department. 1108-09.

Facilities given to the New Vending — at Railway Stations on the East Indian Railway. 192.

High prices of articles charged by an Army — at Rawalpindi. 1898-99.

**CONTRIBUTION(S)**—

Question *re*—

Compulsory — from the North Western Railway employees to Indian Institutes. 1098.

— made to the League of Nations. 1777-78.

Indians employed in, and India's — towards, the League of Nations. 1029-30.

Reduction in India's — to the League of Nations. 311-15.

**CONTROL, SYSTEM OF**—

Question *re* application of a — over imports by the Japanese Trade Council. 691-92.

**CONTROLLER(S)**—

Question *re*—

"B" grade — promoted to relieving guardship on the East Indian Railway. 1633-34.

- CONTROLLER(S)**—*contd.*  
 Question *re*—  
 Filling up of the posts of transportation inspectors and train — on the East Indian Railway. 89.  
 Promotion of certain — on the East Indian Railway to relieving Guardships. 1634
- CONTROLLER OF TELEGRAPH STORES**—  
 Question *re* temporary clerks in the office of the —, Alipore. 1166-67.
- CONVENTION(S)**—  
 Resolution *re* ratification of the Draft — of the International Labour Conference concerning employment of women during night. 149-57.
- CONVEYANCE, FREE**—  
 Question *re* — by rail between Summer Hill and Simla and allowances of Army Headquarters staff. 1859-61.
- CONVICTION(S)**—  
 Question *re*—  
 Arrest and — of four persons daily, found travelling without tickets, at Jubbulpore. 115-16.  
 Removal of disqualification for elections arising out of — by Criminal Courts. 1629-30.
- COOLY(IES)**—  
 Question *re*—  
 Allegations against the contractors of — on the East Indian Railway. 63.  
 Contracts for the supply of — on the East Indian Railway. 63.  
 Licensed — on railway stations. 1794-95.  
 Non-existence of labels on — indicating luggage fare at the Agra Fort Railway station. 1026.
- CO-OPERATIVE MOVEMENT**—  
 Question *re* report on the — in India submitted by Mr. M. L. Darling. 491-92.
- COPYHOLDER(S)**—  
 Question *re* nature of duties discharged by the readers and — in the Government of India Presses. 1606-07.
- CORRESPONDENCE WORK**—  
 Question *re* time test for — in first class Head Post Offices. 228.
- COTTON**—  
 Question *re*—  
 Promotion of long staple and middle staples — in India. 295-96.  
 Re-imposition of excise duty on —. 1871-72.
- COUNCIL(S)**—  
 Question *re* staff area — formed on the North Western Railway. 71.
- COUNCIL OF AGRICULTURAL RESEARCH**—  
 See "Imperial —".
- COUNCIL OF SIATE**—  
 Speech delivered to the — and the Legislative Assembly by His Excellency the Viceroy. 1013-25.
- COUNTERFEIT COIN(S)**—  
 See "Coin(s)".
- COUPE(T)**(S)—  
 Question *re*—  
 Establishment of a High — for Assam. 633.  
 Removal of disqualification for elections arising out of conviction by Criminal —. 1629-30.  
 See "Central Provinces — (Supplementary)" under "Bill(s)".  
 See "Provincial Small Cause — (Amendment)" under "Bill(s)".
- CRAIK, THE HONOURABLE SIR HENRY**—  
 Cinematograph (Amendment) Bill—  
 Motions to consider and to refer to Select Committee. 237-39, 241, 242, 244, 252-53.  
 Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—  
 Motion to refer to Select Committee. 272, 273, 996.  
 Criminal Law Amendment Bill—  
 Motion for leave to introduce. 143, 147.  
 Motion to consider. 434-49, 450, 451, 453, 454, 457, 462, 463, 550, 551, 552, 553, 570, 571, 572, 574, 577, 583, 673, 674, 675, 679, 682, 683, 684, 741, 757, 797, 798, 799, 936, 942-49.  
 Criminal Law Amendment Bill (As recommended)—  
 Motion for leave to introduce. 1059, 1060.  
 Indian Criminal Law Amendment (Repeal) Bill—  
 Motion to consider. 1119, 1123, 1128, 1726-27, 1728, 1729-32, 1733, 1734, 1735-37.  
 Indian Motor Vehicles (Amendment) Bill—  
 Motion for leave to introduce. 149.  
 Motions to consider and to refer to Select Committee. 1069-70, 1199, 1200, 1201.

**CRAIK, THE HONOURABLE SIR HENRY—contd.**

- Motion for Adjournment re—**  
 Government Circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive laws in Bengal. 985.  
 Lack of discipline in certain soldiers at Jubbulpore. 233.
- Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1763.**
- Point of order raised by Mr. S. Satyapuri as to whether there has not been a breach of privilege of the House inasmuch as the contents of a Bill (i.e., the Criminal Law Amendment Bill) were communicated to a section of the Press before the motion for leave to introduce it was made in the House. 146-47.**
- Resolution re. Quetta Earthquake. 1315, 1324, 1334, 1347-55, 1362, 1375, 1374, 1376.**
- CRECH (ES)—**  
 Question re provision of — in factories. 1706.
- CREW INSPECTOR(S)—**  
 See "Inspector(s)".
- CREW SYSTEM—**  
 Question re duties and responsibilities of the — in the Howrah and Lucknow Divisions, East Indian Railway. 120.
- CRIMINAL COURT(S)—**  
 See "Court(s)".
- CRIMINAL INVESTIGATION DEPARTMENT—**  
 Question re police force in the — in the Centrally Administered Areas. 106-07.
- CRIMINAL LAW AMENDMENT BILL—**  
 See "Bill(s)".
- CRIMINAL LAW AMENDMENT (REPEAL) BILL—**  
 See "Indian —" under "Bill(s)".
- CROP(S)—**  
 Question re—  
 Damage to — by the recent frost. 870-71.  
 Special railway rates for special —. 1158-59.

**CULTIVATION—**

- Question re grants made to provinces for the improvement in the conditions of the — and marketing of sugar-cane. 1266-68.
- CULTIVATOR(S)—**  
 Question re — affected by acquisition of land for the Pusa Institute in Delhi. 854-55.
- CURRENCY—**  
 Question re devaluation of Indian —. 428.
- CURRENCY COMMISSION—**  
 Question re recommendations of the Hilton-Young —. 518-19.
- CURRENCY NOTE(S)—**  
 Question re—  
 Issue of one rupee —. 1792-93.  
 Rules for the refund of missing or lost —. 1784-85.
- CUSTOM(S)—**  
 Question re—  
 Agreement with the Kathiawar States about —. 961-62.  
 — questions relating to the Kathiawar and Maritime States. 963.
- CUSTOMS HOUSE(S)—**  
 Question re—  
 Periodical transfer of the Supervising Officials in the Madras —. 629.  
 Publication of daily lists of exports and imports by —. 522-31.
- CUSTOMS OFFICERS—**  
 Question re—  
 Hardship caused to pilgrims attending the Kanduri festival, Nagore, by the —, Sunnamangalam Chowki. 1088.  
 Collection of — by the Government of India in Kathiawar and other States. 1273-74.  
 Difference in the — and excise revenue. 1893.
- CUTTACK—**  
 Question re imposition of penalties under section 23 of the Income-tax Act in —, Puri and Balasore Circles. 120.
- D.**
- DACCA—**  
 Question re detachment of British Troops stationed in certain Bikrampur villages in —. 175-79.
- DACCA-ARICHA RAILWAY—**  
 See "Railway(s)".

**DADU—**

Question *re* construction of a railway line between Jobi in the — district and other places in Sind. 8-9.

**DALAL, DR. R. D.—**

Criminal Law Amendment Bill—  
Motion to consider. 722-25.

**DANGEROUS OCCUPATION(S)—**

Question *re* regulation of work in hazardous or — and trades. 1769-70.

**DAILY LIST(S)—**

Question *re* publication of — of exports and imports by Customs Houses. 529-31.

**DAIRY PRODUCT(S)—**

Question *re* protective duty on import of —. 1159.

**DAMAGE(S)—**

Question *re* — by earthquake and rebuilding of Quetta. 793-95.

**DAMOH—**

Question *re* State Prisoners in the — Sub-Jail in the Central Provinces. 1393-95.

**DARLING, MR. M. L.—**

Question *re* report on the co-operative movement in India submitted by —. 491-92.

**DAS, MR. B.—**

Child Marriage Restraint (Amendment) Bill—  
Motion for leave to introduce. 1968.

Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—

Motion to refer to Select Committee. 275.

Consideration of the Report of the Public Accounts Committee. 1969.

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1562, 1568-72, 1958, 1963.

Criminal Law Amendment Bill—

Motion to consider. 460, 470, 717-22, 889.

Demand for supplementary grant in respect of—

“Expenditure on the development of Broadcasting met from the fund”. 1831.

“Miscellaneous”. 1938.

**DAS, MR. B.—contd.**

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1115, 1147, 1753-54.

Consideration of clause 2. 1758.

Motion for adjournment *re* refusal of grant of protection to the Glass Industry. 346-47.

Motion *re* election of two members for the Central Advisory Board of Education. 137-39.

Question *re*—

Publicity given to the part-delivered speech of the Law Member on —'s Indian Criminal Law Amendment (Repeal) Bill. 850.

Report of the Burma Tribunal on the Financial Adjustment. 1777.

Research conducted under the Lac Cess Committee. 1308-09.

Question (supplementary) *re*—

Abolition of the India Store Department, London. 41.

Allocation of assets and liabilities between the New Orissa Province and the Government of Madras. 783.

Circulation of counterfeit coins in India. 39.

Conversion of India Sterling Paper and Rupee Paper. 1295.

Electric meter rent charged in New Delhi. 1110-11.

Grievances of Indians domiciled in South Africa. 782.

Higher offices held by Indians in the Government of India, Secretariat. 604.

Money sent out of India and moneys spent in England by the Government of India. 17.

Question (supplementary) *re*—

Officers and servants of the Trustees of the Indian Museum, Calcutta. 1183.

Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 27.

Position of Indians in Zamzibar. 309.

Promotion of long staple and middle staple cotton in India. 295-96.

Reduction in the price of silver and increase in the balance of trade in favour of India. 36.

Report of the Tariff Board on protection to the glass industry. 288.

Report on the amendment of the Insurance Act. 290.

Return on the total capital cost of New Delhi. 414.

**DAS, MR. B.—concl'd.****Question (Supplementary) re—**

Return on the total capital cost of Sukkur Barrage. 414.

Safeguarding of the interests of Indians in Kenya. 593.

**Resolution re—**

Position of Indian nationals settled in Zanzibar. 1233.

Ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 151-53, 154.

Reduction of import duty on carbon blocks. 1000.

**DAS, MR. BASANTA KUMAR—****Question re—**

Appointment of non-Indians as probationary Assistant River Surveyors in the Calcutta Port Trust. 488-89.

Appointment of one Mr. Hogan as a Yard Master in the Traffic Department of the Calcutta Port Trust. 480-88.

Covered and raised platforms for important stations on the Assam Bengal Railway. 632.

Effects of the import of Burma rice in India. 632-33.

Indianisation of services in Port Trusts in India. 490-91.

Indians, Anglo-Indians and Europeans serving in Port Trusts in India. 490.

Proposed railway line from Sylhet to Chhatak. 631-32.

Provision of additional openings in the embankment from Fenchuganj to Sylhet Bazar. 632.

Recruitment of Indians in the Calcutta Port Trust. 488.

Recruitment of probationers in the Traffic Department of the Calcutta Port Trust. 431-33, 479-80.

Report of the Assam Flood Enquiry Committee. 89.

Report on the co-operative movement in India submitted by Mr. M. L. Darling. 491-92.

Schemes for Rural Development received from the Provincial Governments. 492-514.

**DAS, MR. K. C.—**

Question re case of — an assistant station master at Naihati, Eastern Bengal Railway. 93-94.

**DAS, PANDIT NILAKANTHA—****Criminal Law Amendment Bill—**

Motion to consider. 557.

**DAS, PANDIT NILAKANTHA—  
cont'd.**

Demand for supplementary grant in respect of—

"Expenditure on the development of Civil Aviation met from the fund". 1817.

"Miscellaneous". 1851.

**Indian Coffee Cess Bill—**

Motion to consider, to circulate and to refer to Select Committee 1642, 1643, 1644-56, 1657-58, 1659, 1660, 1672.

Consideration of clause 8. 1677.

Motion for adjournment re despatch of troops from British India to Addis Abbaba (Abyssinia). 237-66, 271.

**Question re—**

Alleged conditions applied on certain Indians in Abyssinia. 1414.

Limit of exchange applied to Indian subjects in Abyssinia. 1413.

Plight of Indian subjects in Abyssinia. 1412-13.

Positions under Government (including Railways) requiring outstanding technical qualifications to serve as heads. 109-10.

Registration of properties of Indians in Abyssinia. 1413-14.

Return of Indian wage earners from Abyssinia. 1414.

Technically qualified men employed in aircraft and aviation in India. 103.

**Question (supplementary) re—**

Abolition of the India Store Department, London. 41.

Excise duty on steel. 792.

Resolution re manufacture of locomotive requirements in State Railway Workshops. 368, 369, 370.

**DATTA, MR. AKHIL CHANDRA—****Cinematograph (Amendment) Bill—**

Motions to consider and to refer to Select Committee. 238.

**Criminal Law Amendment Bill—**

Motion to consider. 725-45, 915.

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 7.

**Indian Criminal Law Amendment (Repeal) Bill—**

Motion to consider. 1117.

Consideration of clause 2. 1758.

**Question re—**

Cancellation of the passport of Mr. Masani of Bombay. 1402.

Constitution of a Standing Committee on rice. 1157.

**DATTA, MR. AKHIL CHANDRA—**  
*contd.***Question re—**

- Contributions made to the League of Nations. 1777-78.
- Defamatory passages about Indians in a publication entitled "Souvenir Programme of Malayan Celebrations". 1401-02.
- Exhibition of the films "India Speaks" and "Bengali". 1400-01.
- Growth and development of indigenous insurance business. 1167.
- High prices of articles charged by an Army Contractor at Rawalpindi. 1898-99.
- Income-tax paid by Tea Companies in British India, owning tea gardens in the Tripura State. 1780-81.
- India's membership of the League of Nations. 1778-79.
- Introduction of reforms in the provinces. 1161.
- Preference for Indian rice in British Malaya and Ceylon and for Indian paddy in the United Kingdom. 1157.
- Protective duty on import of dairy products. 1159.
- Recruitment of staff for the Reserve Bank of India. 1628-29.
- Reduction in the number of classes on Indian Railways. 1159.
- Refusal of admission to Indian students in England to a swimming pool. 1402.
- Removal of disqualification for elections arising out of conviction by Criminal Courts. 1629-30.
- Report of the Indian Delegation to the League of Nations. 1160-61.
- Resignation by certain countries of their membership of the League of Nations. 1779-80.
- Safety of Indians in Abyssinia. 60.
- Sale of silver 1036-37.
- Scheme for the development of the internal markets. 1111-12.
- Special railway rates for special crops. 1158.
- Testing of the information supplied by Police informers. 1899.

**DEAD LETTER OFFICE—****Question re—**

- Contemplated retrenchment in the Madras —. 209.
- Retrenchment in the Madras —. 224-26.

**DEATH(S)—**

- Expressions of regret on the — of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 28.

**DEBT(S)—****Question re—**

- Bill *re* exemption of a portion of the lands owned by peasants from the properties liable to be attached for the payment of —. 959-60.
- Money invested in the building of quarters in Simla and Delhi and interest paid on such —. 1800.

**DECK PASSENGER(S)—**

See "Passenger(s)".

**DECK PASSENGERS CONFERENCE—**

See "Conference(s)".

**DEFAMATORY PASSAGE(S)—**

Question *re* — about Indians in a publication entitled "Souvenir Programme of Malayan Celebrations". 615-16, 1401-02.

**DEFICIT—**

Question *re* — in the Railway Budget. 428-30.

**DEFINITION(S)—**

Question *re* — to be followed by the Board of Film Censors in India. 1793-94.

**DEGRADATION—**

Question *re* — of persons who fail to pass the Refresher Courses of the Chandausi and Asansol railway schools. 76.

**DEHRA DUN—****Question re—**

- Cadets of the Indian Military College, —. 1887-88.
- Permits for motor transport between — railway station and Mussoorie. 9-10.

**DELAY—**

Question *re* — in the announcement of the appointments to the Listed posts of the United Provinces Judicial Service by the Public Service Commission. 1398-99.

**DELEGATE(S)—**

Question *re* selection of — to the session of the League of Nations. 1030-31.

**DELEGATION—**

Question *re* cost of India's — to the International Labour Conference and the League of Nations. 399.

## DELHI—

Question *re*—

- Cultivators affected by acquisition of land for the Pusa Institute in — 854-55.  
 — Civil Station Notified Area Committee. 278.  
 Grievances of the staff of the Indian Railways Conference Association, — 195.  
 House rent charged from the officers and staff of the Government of India in — 1862-63.  
 Lease of land between — and Shahdara to Mr. Waugh. 853-54.  
 Money invested in the building of quarters in Simla, and — and interest paid on such debts. 1800.  
 Move of the offices of the Army Headquarters to — during winter. 278-80.  
 Non-observance of certain holidays in the office of the Indian Railways Conference Association, — 181.  
 Non-observance of Fundamental Rules in the Office of the Indian Railways Conference Association, — 181.  
 Payment of the rent of land by lease-holders in — 1111.  
 Refusal by the Nazul Officer, —, to accept money from the residents of Naiwala, Karol Bagh. 1616-17.  
 Relieving of congestion in Old — 855.  
 Rent collected from the officers and staff of the Government of India in — and cost of maintenance, etc., of quarters. 1863.  
 Sale of electricity by the New Delhi Municipal Committee to the — Electric Supply Company. 286-87.  
 Staff of the office of the Indian Railways Conference Association, — 194.  
 Staff of the offices of the Director of Wagons Interchange and Indian Railways Conference Association transferred to — 179-80.  
 Transfer of Offices of the Director of Wagons Interchange and the Indian Railways Conference Association to — 192-93.  
 Transfer of the office of the Indian Railways Conference Association to — 194-95.

## DELHI BROADCASTING STATION

Question *re* power in the aerial of the —. 1093.

## DELHI PROVINCE—

Question *re* application of the Punjab Sahukara Act to the —. 285-86.

## DELHI UNIVERSITY—

Question *re* facilities for — students for admission to an Engineering College. 1787.

## DELIMITATION COMMITTEE—

Question *re*—

Expenditure on the inauguration of the New Constitution and the —. 1791-92.

Personnel and other details of the —. 687-89.

See also under "Committee(s)".

## DEMAND(S) FOR EXCESS GRANT(S)—GENERAL BUDGET—

Civil Works not charged to Revenue. 1941.

Expenditure on Retrenched Personnel charged to Capital. 1941.

Expenditure on Retrenched Personnel charged to Revenue. 1940.

Geological Survey. 1939.

Indian Stores Department. 1939.

Interest on Miscellaneous Obligations. 1939.

Miscellaneous. 1939-40.

Transfer to the Fund for Reconstruction of Earthquake Damage. 1940.

## DEMAND(S) FOR EXCESS GRANT(S)—RAILWAY BUDGET—

Appropriation from Depreciation Fund. 1942.

Companies' and Indian States' shares of surplus Profits and net Earnings. 1941-42.

Working Expenses—Administration. 1941.

## DEMAND(S) FOR SUPPLEMENTARY GRANT(S)—

Expenditure on the development of Broadcasting met from the fund. 1823-40.

Expenditure on the development of Civil Aviation met from the fund. 1811-23.

Miscellaneous. 1841-57, 1924-38.

Question *re* Governor General's recommendations with regard to the — under the General and Railway Budgets. 416-17.

**DEMAND(S) FOR SUPPLEMENTARY GRANT(S)—MOTIONS FOR REDUCTION—GENERAL BUDGET—**

Expenditure on the development of Broadcasting met from the fund—  
Broadcasting should be made available for political propaganda under reasonable condition. 1823-40.

**Miscellaneous—**

Delimitation Committee—General policy. 1841-57.

Special financial inquiry—General policy. 1857, 1924-38.

**DEMAND NOTICE(S)—**

Question *re* fixation of the time for the issue of — of income-tax. 291.

**DEMAND(S), TOKEN—**

Significance of a — explained by Mr. President. 1830, 1831.

**DEMOTION(S)—**

Question *re*—

— and supersessions in certain divisions of the East Indian Railway. 541-42.

— of certain drivers on the East Indian Railway. 76.

— of electrical linesmen and wiremen on the East Indian Railway. 166-68.

**DEPOSIT(S)—**

Question *re* interest allowed on provident fund — of railway servants. 624.

**DEPRECIATION—**

Question *re* — allowed under the Income-tax rules. 430-31.

**DEPRECIATION FUND—**

Demand for Excess Grant in respect of "Appropriation from —". 1942.

**DEPRECIATION FUND RULES—**

See "Rule(s)".

**DEPRESSED CLASS(ES)—**

Question *re* recruitment of — in the Central services. 277-78.

**DEPUTATION(S)—**

Question *re* — in London of Mr. E. C. Mieville, Private Secretary to His Excellency the Viceroy, to examine the working of the Cabinet Secretariat. 1058-59.

**DEPUTY AGENT (GENERAL)—**

See "Agent(s)".

**DESAI, MR. BHULABHAI, J.—**

Criminal Law Amendment Bill—  
Motion to consider. 813, 926-42.

Criminal Law Amendment Bill (As recommended)—

Motion for leave to introduce. 1060-61.

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 3.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1117, 1118, 1750-53.

Motion for adjournment *re*—

Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 391-95.

Lack of discipline in certain soldiers at Jubbulpore. 235.

Point of order raised by Sir Cowasji Jehangir as to whether the motion *re* the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion *re* the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1134-35.

Resolution *re* Quetta Earthquake. 1339-47, 1357.

**DESAI, MR. S. P.—**

Oath of office. 2.

**DESHMUKH, DR. G. V.—**

Cinematograph (Amendment) Bill—

Motions to consider and to refer to Select Committee. 240.

Criminal Law Amendment Bill—

Motion to consider. 577-88, 642-48, 831, 832.

Election of — to the Select Committee on the Amendment of Standing Orders. 1112.

Hindu Women's Right to Property Bill—

Motion for leave to introduce. 1967.

Indian Criminal Law Amendment (Repeal) Bill—

Consideration of clause 2. 1762.

Motion for leave to amend Standing Orders. 1011, 1012.

Question (Supplementary) *re* performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 26-28.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 353.

**DESOUZA, DR. F. X.—**  
Appointment of — to the Committee on Petitions. 128.

**Cinematograph (Amendment) Bill—**  
Motions to consider and to refer to Select Committee. 245-47.

**Indian Coffee Cess Bill—**  
Motions to consider, to circulate and to refer to Select Committee. 1648, 1649, 1661-65.

**DETENU(S)—**

Motion for adjournment *re* prohibition of the convenor of the Congress Assembly Party Committee *re* — to enter into certain places in Bengal. 127-28, 157.

Question *re* censor centres for censoring the letters of State Prisoners and —. 1395-96.

**DEVALUATION—**

Question *re* — of Indian currency. 428.

**DEVELOPMENT—**

Question *re* scheme for the — of the internal markets. 1111-12.

**DEVELOPMENT TRUST—**

Question *re* demolition of a Hindu temple by the Rangoon —. 1869-71.

**DHANBAD—**

Question *re* explosion in Bagdigi Colliery in —. 1894-95.

**DHARMAVARAM—**

Question *re* train service between Gudur and Katpadi and — on the Madras and Southern Mahratta Railway. 702-03.

**DIET—**

Question *re* scale of — given to certain prisoners in the Cellular Jail, Andamans. 1587.

**DIFFERENTIAL TREATMENT—**

Question *re* — in the allotment of Government quarters in New Delhi and Simla. 1617-18.

**DINAPORE—**

Question *re*—  
Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the — Division. 169-71.

Contractors at Railway stations in the — and Howrah Division. 220.

East Indian Railway Union at —. 88.

Rest available to the ticket checking staff at Gaya, Patna and —. 88.

**DIRECT REPRESENTATION—**  
*See* "Representation(s)".

**DIRECTOR OF CONTRACTS—**

Question *re*—  
Inclusion of certain details in the journal issued by the —. 288-89.  
Purchase of certain articles by the — through the Indian Stores Department. 288.

**DIRECTOR OF POSTS AND TELEGRAPHS—**

Question *re* contemplated creation of a post of Assistant — and retrenchment in the Posts and Telegraphs Department. 35-36.

**DIRECTOR OF WAGONS INTERCHANGE—**

Question *re*—  
Staff of the offices of the — and Indian Railways Conference Association transferred to Delhi. 179-80.  
Transfer of offices of the — and the Indian Railways Conference Association to Delhi. 192-93.

**DISABILITY (IES)—**

Question *re*—  
— of Indian residents in Singapore. 408.  
— of Indians in Zanzibar. 969.

**DISABILITY PENSION(S)—**

*See* "Pension(s)".

**DISABILITY WAR PENSION(S)—**

*See* "Pension(s)". 1027.

**DISBURSEMENT(S)—**

Question *re* amount credited to Railway Revenues under fines, forfeiture of Provident Fund etc., and income and — of the Staff Benefit Fund of each Railway. 626-30.

**DISCARDED ARTICLE(S)—**

*See* "Article(s)".

**DISCHARGE(S)—**

Question *re*—  
Dealing of appeals against — on the East Indian Railway. 42.  
Notification of the rules regulating the — and dismissal of State Railway non-gazetted servants to the East Indian Railway employees. 42-43.

**DISCIPLINE—**

Motion for adjournment *re* lack of — in certain soldiers at Jubbulpore. 232-36.

**DISCIPLINARY GROUND(S)—**

Question *re* persons discharged on —  
on Railways. 631.

**DISCRIMINATION—**

Question *re*—

Alleged — against Indian products  
by British concerns in India.  
161-62.

— against Indian Military Sub-  
Assistant Surgeons. 1599.

— against Indians by the Kenya  
Government. 689-90.

Enquiry into the allegations of —  
between Indians and Europeans  
in the matter of rescue and salv-  
age operations in Quetta. 1632.

Racial — in the recruitment of  
Assistant Surgeons in the Indian  
Medical Department. 1176-77.

**DISMISSAL(S)—**

Question *re* notification of the rules  
regulating the discharge and — of  
State Railway non-gazetted servants  
to the East Indian Railway em-  
ployees. 42-43.

**DISPUTE(S)—**

Question *re* — between the Mysore  
Government and the Government of  
Madras *re* Cauvery waters. 1083.

**DISQUALIFICATION—**

Question *re* removal of — for elections  
arising out of conviction by Crimi-  
nal Courts. 1629-30.

**DISTRIBUTOR(S)—**

Question *re* compositors, binders and  
— discharged from the Government  
of India Press, Calcutta. 1607-08.

**DISTRICT MEDICAL OFFICER—**

*See* "Medical Officer(s)".

**DIVISION(S)—**

Criminal Law Amendment Bill—  
— on the motion to consider. 949-  
50.

Criminal Law Amendment Bill (As  
recommended)—  
— on the motion for leave to  
introduce. 1061-62.

Indian Criminal Law Amendment  
(Repeal) Bill—  
— on the motion to consider.  
1755.

Motion(s) for Adjournment—  
— on the — *re* bombing of women  
and children in the Trans-Frontier  
villages by the Indian Army (Air  
Force). 397-98.

**DIVISION(S)—*contd.***

Resolution(s)—

— on the — *re* manufacture of loco-  
motive requirements in State Rail-  
way Workshops. 376-77.

Resolution *re* Quetta Earthquake—

— on the motion that the question  
may be put. 1356.

— on the Resolution *re* Quetta  
Earthquake. 1377-78.

**DIVISIONAL CIRCLE(S)—**

Question *re* recruitment from within  
— on State Railways. 287-88.

**DIVISIONAL SUPERINTENDENT—**

Question *re* hearing of appeals by the  
— of Allahabad Division, East  
Indian Railway. 548.

*See also* under "Superintendent(s)".

**DIVORCE—**

*See* "Jubbulpore and Chhattisgarh  
Divisions (— Proceedings Validation  
Bill" under "Bill(s)".

**DOMINION(S)—**

Question *re* effect of the Ottawa  
Agreement on India and the —.  
970.

**DORAN, MR.—**

Question *re* amount sanctioned to con-  
duct the case of — late Staff Super-  
intendent of the Dinapur Division.  
169-71.

**DRAFT CONVENTION(S)—**

*See* "Convention(s)".

**DRIVER(S)—**

Question *re*—

Box *Khalasies* for European and  
Anglo-Indian — on State Rail-  
ways. 225.

Demotion of certain — on the East  
Indian Railway. 76.

— in the Jhansj Division of the  
Great Indian Peninsula Railway.  
1300-02.

Representation from certain — of  
the Moradabad Division, East  
Indian Railway. 848.

**DRUGS ENQUIRY COMMITTEE—**

Question *re* recommendations of the  
— . 973-74.

**"DUFFERIN" CADET(S)—**

*See* "Cadet(s)".

**DUFTARY TYPE QUARTER(S)—**

*See* "Quarter(s)".

**DUMRA—**

Question *re* construction of new railway stations at Luhathaha and —. 1626.

**DURAND LINE—**

Question *re* trouble on the — on the North-West Frontier. 605.

**DUTY (IES)—**

Question *re*—

— and responsibilities of the crew system in the Howrah and Lucknow Divisions, East Indian Railway. 120.

— of the Deputy Agent (General), East Indian Railway. 43.

Examinations in establishment — passed by the Superintendents and Assistant Superintendents, Staff, on the East Indian Railway. 43.

Question *re*—

Excise — on steel. 791-92.

Export — on raw jute. 202-03.

Higher import — on foreign paddy in the United Kingdom. 1053-55.

Imposition of — on personal effects carried by passengers from Ceylon to India. 1169-72.

Increase in the import — on paddy and food stuffs imported from India into Ceylon. 18-19.

Khandsari sugar works in the Rohilkund Division subjected to excise —. 94-99.

Nature of — discharged by the readers and copyholders in the Government of India Presses. 1606-07.

Prohibitive — on clove imports and protection against indefinite moratoriums demanded by Indians in Zanzibar. 980.

Protective — on import of dairy products. 1159.

Result of the imposition of an import — on broken rice and prohibition of imports of rice from Siam, Indo-China, etc. 792-93.

Suggestion *re* imposition of a prohibition — on Zanzibar cloves. 420-21, 1165-66.

Resolution *re* reduction of import duty on carbon blocks. 997-1000.

**DUTY, HOURS OF—**

Question *re* — of ticket collectors on the Jubbulpore Railway Station. 1787-88.

**EARNING(S)—**

Question *re*—Railway. 1297-99.

**EARTHQUAKE(S)—**

Demand for Excess Grant in respect of "Transfer to the Fund for Reconstruction of — Damage". 1940.

Motion for adjournment *re* refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the — area of Quetta. 125, 127.

Question *re*—

Allegations against certain people in the reports published in certain newspapers about Quetta after the —. 1888-89.

Allegations of looting, etc., against the soldiers at Quetta after the earthquake. 1085-87.

Alleged disappearance of certain persons after the — at Quetta. 713-14.

Applications from Mahatma Gandhi and Babu Rajendra Prasad for permission to enter the — area in Quetta. 1040.

Casualties during the — at Quetta and value of the property lost. 714-15.

Casualties in the Quetta —. 514.

Certain facilities provided in Quetta after the —. 516.

Children secured after the — at Quetta. 714.

Damage by — and rebuilding at Quetta. 793-95.

— at Quetta in 1931. 707-08.

— relief measures in Baluchistan. 776.

Employees of the police force and Baluchistan Civil Service killed in the —. 1270-71.

Excavation work at Quetta after the —. 711-13.

Loss sustained by the peasants in the Quetta —. 958.

Losses caused to Government in the Quetta —. 514.

Losses in tribal areas in Baluchistan due to —. 515-16.

Newspaper articles on the Quetta — relief and the Silver Jubilee Fund against which action was taken. 1907-24.

Official watch over news and editorial comments in newspapers relating to the Quetta — disaster. 1045-46.

Possibility of giving warnings to the public about impending —. 611.

**EARTHQUAKE(S)—contd.****Question re—**

Presses and newspapers punished in connection with articles on the Silver Jubilee Fund or the Quetta — Relief. 978-79.

Prohibition of relief parties in Quetta and Baluchistan after the —. 775.

Recent — at Quetta. 708-10.

Refusal of permission to certain persons to enter Quetta for affording relief to the — sufferers. 704-05, 707.

Refusal of permission to public organisations to proceed to Quetta for — Relief work. 611-12.

Refusal of permission to visit Quetta for — Relief Work. 788-91.

Regulation issued in respect of the Quetta — disaster. 1057-58.

Relief to the families of the public servants killed in the — at Quetta 963-64.

Salvage of property at Quetta after the —. 715-16.

Resolution *re* Quetta —. 1313-78.

**EAST AFRICA—**

Question *re* report of Mr. K. P. S. Menon on the effect of the Marketing Ordinances on Indian Settlers in —. 781.

**EAST BENGAL—**

Question *re* report of Mr. K. P. S. Menon on the effect of the Marketing Ordinances on Indian Settlers in Assam. 635-36.

**EAST INDIAN RAILWAY—**

See "Railway(s)".

**EAST INDIAN RAILWAY EMPLOYEES' ASSOCIATION—**

See "Association(s)".

**EAST INDIAN RAILWAY PRESS—**

See "Press(es)".

**EASTERN BENGAL RAILWAY—**

See "Railway(s)".

**EASTERN BENGAL RAILWAY PRESS—**

See "Press(es)".

**EATABLE(S)—**

Question *re* contract for selling sweets, and other — at the Ambala Railway Station. 1782.

**EBRAHIM HAROON JAFFER, MR. AHMED—****Question re—**

Terms of Fateh Ullah Khan's Zindiyah Bequest. 68-69.

Terms of the Oudh Bequest administered by His Majesty's Consulate at Baghdad. 64-67.

**EDITORIAL COMMENTS—**

Question *re* official watch over news and — in newspapers relating to the Quetta earthquake disaster. 1045-46.

**EDUCATION—**

Motion *re* election of two members for the Central Advisory Board of —. 137-42.

**Question re—**

Average salary, emoluments and expenses on the — of the children of British and Indian soldiers. 1889-90.

Facilities for the — of the children of the Indian and European staff of the Indian Railways. 1386-87.

**EDUCATION, CENTRAL ADVISORY BOARD OF—**

See "Central Advisory Board of Education".

**ELECTION(S)—**

— of a Member to the Imperial Council of Agricultural Research and its Governing Body. 548-49.

— of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

— of a Member to the Standing Committee for Roads. 434.

— of a Member to the Standing Committee on Pilgrimage to the Hedjaz 434.

— of a member to the Standing Finance Committee. 639.

— of Members to the Central Advisory Board of Education. 796.

— of members to the Select Committee on amendments to Standing Orders. 1012.

— of Members to the Select Committee on the amendment of Standing Orders. 1112.

**Motion re—**

— of a member for Standing Advisory Committee for the Indian Posts and Telegraphs Department. 642.

— of a member to serve on the Standing Committee for Roads. 136.

**ELECTION(S)—contd.**

Motion *re*—

— of a member to sit on the Imperial Council of Agricultural Research and its Governing Body. 142.

— of a member to the Standing Finance Committee. 237.

— of one Muslim member to sit on the Standing Committee on Pilgrimage to the Hedjaz. 137.

— of two members for the Central Advisory Board of Education. 137-42.

Question *re*—

Alleged impersonation and mal-practices employed in — to the legislatures and local bodies. 695-96.

Candidates for Legislative Assembly — who lost their securities. 544-47.

— to the All-India Medical Council. 1173-74.

Removal of disqualification for — arising out of conviction by Criminal Courts. 1629-30.

**ELECTRIC FAN(S)—**

Question *re*—

Provision of — in Third Class Carriages. 1709.

See also "Fan(s)".

**ELECTRIC METER RENT—**

Question *re* — charged in New Delhi. 1109-11.

**ELECTRIC SUPPLY COMPANY—**

Question *re* sale of electricity by the New Delhi Municipal Committee to the Delhi —. 286-87.

**ELECTRICAL DEPARTMENT—**

Question *re*—

Procedure followed in filling up of vacancies in the — of the East Indian Railway. 638, 1310.

Representation of the staff in the — of the East Indian Railway in the Welfare Committee. 638.

**ELECTRICAL ENGINEER(S)—**

See "Engineer(s)".

**ELECTRICAL ENGINEERING BRANCH—**

See "Engineering Branch(es)".

**ELECTRICAL LINESMAN(EN)—**

See "Linesman(en)".

**ELECTRICAL WIREMAN(EN)—**

See "Wireman(en)".

**ELECTRICIAN(S)—**

Question *re* — on the North Western Railway. 91.

**ELECTRICITY—**

Question *re* sale of — by the New Delhi Municipal Committee to the Delhi Electric Supply Company. 286-87.

**EMBANKMENT(S)—**

Question *re* provision of additional openings in the — from Fenchuganj to Sylhet Bazar. 632.

**EMOLUMENT(S)—**

Question *re* average salary, — and expenses on the education of the children of British and Indian soldiers. 1889-90.

**EMPIRE SHIPPING—**

Question *re* consignment of goods for Indian Import through —. 980-82.

**EMPLOYEE(S)—**

Question *re*—

Additional appointments and re-trenched — on State Railways. 625-26.

Appointment of the relatives of retired — in the Government of India Presses. 1608-09.

Certain particulars regarding East Indian Railway —. 81.

Class of — on State-managed Railways who are paid Presidency Allowance. 881-82.

Classification of the — of the reading branch of the Government of India Press, New Delhi. 1038.

Communal composition of the Industrial — of the Government of India Press, Calcutta. 1383.

Construction of more quarters for — of the Government of India Press, New Delhi. 1037.

— of the Indian Tea Cess Committee. 1243-66.

Exemption of Muslim — of the Government of India Press, New Delhi from working overtime on Fridays. 1039.

Grievances of the — of the East Indian and Eastern Bengal Railway Press. 1603-04.

Grievances of the industrial — of the Government of India Press, Calcutta. 1380-82.

Increase in pensions of lower-paid postal —. 1697-98.

Indians and — in the Women Medical Service. 1177-79.

**EMPLOYEE(S)—contd.****Question re—**

Notification of the rules regulating the discharge and dismissal of State Railway non-gazetted servants to the East Indian Railway —. 42-43.

Payment of interest on security amount deducted from the pay of the Railway —. 1387.

Permission to Government — with college-going children to retain their quarters in New Delhi on payment of rent on a 10 per cent. rent basis. 1622-23.

Position of the Indian — of the Postal Department in Burma after the separation. 1402-03.

Recruitment of the qualified sons and dependants of the postal — in the Bengal and Assam Postal Circle. 1034.

Rules governing the allotment of quarters to the — of the Government of India Press, New Delhi. 1038.

Service conditions of the East Indian Railway —. 45.

**EMPLOYMENT—**

Question re — of persons belonging to the untouchable classes in the Departments under the Government of India. 1767.

**EMPLOYMENT OFFICER(S)—**

Question re appointment of — on State Railways. 637-38, 1637-38.

**EMPLOYMENT REGULATION(S), HOURS OF—**

See "Regulation(s)".

**ENGINEER(S)—****Question re—**

Appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical —, East Indian Railway. 103.

Appointments of the time-expired apprentices of the Jamalpur Technical School to posts under the Chief Mechanical — and Chief Electrical —, East Indian Railway. 103-05.

Confirmation of certain mechanical ex-apprentices under the Chief Mechanical —, East Indian Railway. 111.

Recruitment of temporary Assistant Executive — on the Eastern Bengal Railway. 182.

**ENGINEER(S)—contd.****Question re—contd.**

Sub-divisional officers and Assistant Garrison — in the electrical and mechanical engineering branch in the Army. 1035-36.

Superintending — of the Central Public Works Department. 1104-05.

**ENGINEERING BRANCH(ES)—**

Question re sub-divisional officers and Assistant Garrison Engineers in the electrical and mechanical — in the Army. 1035-36.

**ENGINEERING COLLEGE—**

Question re facilities for Delhi University students for admission to an —. 1787.

**ENGINEERING DEPARTMENT—****Question re—**

Non-filling up of vacancies in the — of the Eastern Bengal Railway. 183.

Recruitment of Muslims in the — of State Railways. 860.

Vacancies in the — of the Great Indian Peninsula Railway. 634-35, 1637.

**ENGLAND—****Question re—**

Applications invited for posts of Army Officers from —. 516-17.

Appointment of a broadcasting expert in — for India. 1091-92.

Appointment of Indians as teachers in —. 522-23.

Gold exported from India since — went off the Gold Standard. 596-98, 1409.

Money sent out of India and moneys spent in — by the Government of India. 17.

Refusal of admission to Indian students in — to a swimming pool. 1402, 1596, 1785.

**ENQUIRY(IES)—****Question re—**

Commission of — to settle the Burma-Yunnan Frontier. 19.

— into the conduct of an Imperial Service Officer. 860.

**EQUIPMENT—**

Question re — of the Ajmer Railway Workshops with additional plant and machinery for the manufacture of locomotives. 976.

**ESTABLISHMENT(S)—**Question *re*—

Communal composition of inferior  
— of the Central Public Works  
Department including Central  
India and Rajputana, at the end  
of 1934. 113.

Different cadres of the — of the  
East Indian Railway. 82.

**ESTABLISHMENT DUTY(IES)—**

See "Duty(ies)".

**EUROPE—**Question *re*—

Preparations in India for a war in  
— 532.

Propaganda against India through  
films like 'Bengali' and 'India  
speaks' in — and America. 1027-  
29.

Rebate allowed by the leading  
shipping companies for passage to  
— for railway servants. 622-23.

**EUROPEAN(S)—**

Motion for adjournment *re* appoint-  
ment of an — businessman as the  
President of the Indian Tariff  
Board. 796.

Question *re*—

Box *Khalasies* for — and Anglo-  
Indian Drivers on State Railways.  
225.

Differences between — and Indian  
Members of the Indian Medical  
Service in the matter of payment  
of railway fares. 786.

Enquiry into the allegations of dis-  
criminations between Indians and  
— in the matter of rescue and  
salvage operations in Quetta. 1632  
Indians, Anglo-Indians and — serv-  
ing Port Trusts in India. 490,  
1890-94.

**EUROPEAN ASSOCIATION(S)—**

See "Association(s)".

**EUROPEAN SOLDIERS—**

See "Soldier(s)".

**EUROPEAN STAFF(S)—**

See "Staff(s)".

**EXAMINATION(S)—**Question *re*—

Delay in the declaration of results of  
Registered Accountants' Degree  
— 1804-06.

— for recruitment of typists and  
routine grade clerks in the Gov-  
ernment of India Offices. 1775-76.

**EXAMINATION(S)—contd.**Question *re*—*contd.*

— held at Chandausi for the selec-  
tion of candidates for Assistant  
Station Masters' Course. 543.

— in Leave Rules held by the East  
Indian Railway authorities. 1897-  
98.

— in establishment duties passed  
by the Superintendents and As-  
sistant Superintendents, Staff, on  
the East Indian Railway. 43.

**EX-APPRENTICE(S)—**

See "Apprentice(s)".

**EXCAVATION(S)—**

Question *re* results of — at Nagar-  
junakonda in the Gunjur District.  
768-69.

**EXCAVATION WORK—**

Question *re* — at Quetta after the  
earthquake. 711-13.

**EXCESS OFFICER(S)—**

See "Officer(s)".

**EXCESS SUBORDINATE(S)—**

See "Subordinate(s)".

**EXCHANGE(S)—**

Question *re* limit of — applied to In-  
dian subjects in Abyssinia. 1413.

**EXCHANGE RATIO—**

Question *re* revision of the —. 520.

**EXCHANGE RESTRICTION(S)—**

Question *re* — affecting India. 1792.

**EXCISE DUTY—**Question *re*—

Non-reduction of the — on salt  
manufactured from sea-water.  
294-95.

Re-imposition of — on cotton. 1871-  
72.

**EXCISE DUTY—**

See also "Duty(ies)".

**EXCISE REVENUE—**

Question *re* difference in the customs  
and —. 1883.

**EXECUTIVE ENGINEER(S)—**

See "Engineer(s)".

**EXECUTIVE OFFICER(S)—**

Question *re* action taken by the — of  
the Lahore Cantonment under Sec-  
tion 25 of the Cantonments Act. 220

**EXEMPTION(S)**—

Question *re* Bill *re* — of a portion of the lands owned by peasants from properties liable to be attached for the payment of Debts. 959-60.

**EXILED PERSON(S)**—

Question *re* returned or — not allowed to return to India. 982-83.

**EXPENDITURE**—

Question *re*—

— on the inauguration of the New Constitution and the delimitation Committee. 1791-92.

Income and — of State Railways. 1883-87.

Income and — of the New Delhi Municipal Committee. 1102-03.

Income derived from small income-tax and — incurred in its collection in Sind. 24.

**EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL**—

Demand for Excess Grant. 1941.

**EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE**—

Demand for Excess Grant. 1940.

**EXPENDITURE ON THE DEVELOPMENT OF BROADCASTING MET FROM THE FUND**—

Demand for supplementary grant 1823-40.

**EXPENDITURE ON THE DEVELOPMENT OF CIVIL AVIATION MET FROM THE FUND**—

Demand for supplementary grant. 1811-23.

**EXPERT(S)**—

Question *re* confirmation of a foreign — in the Archaeological Department. 770-71.

**EXPLOSION(S)**—

Question *re* — in Bagdigi Colliery in Dhanbad. 1894-95.

**EXPORT(S)**—

Question *re*—

Decrease in the Indian — to certain countries. 852-53.

— and imports of certain commodities. 1882.

Fall in — and rise in imports. 1698-99.

Indian — and imports and India's trade position. 601-02.

**EXPORT(S)**—*contd.*

Question *re*—*contd.*

Prevention of the — of silver and a rise in its price. 705-06.

Publication of daily lists of — and imports by Customs Houses. 529-31.

Regulation of the burter of imported goods against — in Italy. 1699-1700.

Value of imports from, and — to, the United Kingdom. 160-61.

**EXPORT DUTY**—

See "Duty(ies)".

**EXPORT TRADE**—

Question *re* — and import trade between India and Ceylon. 972-73.

**EXPRESS TRAIN(S)**—

See "Train(s)".

**EXTERNEED PERSON(S)**—

Question *re* — or exiled — not allowed to return to India. 982-83.

**EXTERNMENT**—

Question *re* — of Mr. Gokuldas, son of Padarath Das, by the Government of Fiji. 1782-83.

**F,****FACILITY(IES)**—

Question *re*—

Certain — provided in Quetta after the earthquake. 516.

— and comforts for Government servants living outside the municipal limits in Simla. 1611-13.

— asked for from Government by an Automobile Factory in India. 784.

Grant of certain — to the Indian Railways Conference Association staff. 196.

**FACTORY(IES)**—

Question *re*—

Establishment of a German automobile — in Bombay. 600.

Facilities asked for from Government by an Automobile — in India. 784.

— employing fifty persons or more but not using power. 1707-08.

— using power but not coming under the — Act. 1705-07.

— working under the monopoly system of manufacturing salt in the Madras Presidency. 525.

**FACTORY(IES)—contd.**Question *re*—*contd.*

Manufacture of Guns in Indian Ordnance — for the use of the Indian Army. 1687-88.

Profit and loss account of a sugar —. 82.

Provision of creches in —. 1706.

Factories (Amendment) Bill—

See "Bill(s)".

**FAKIR CHAND, LALA—**

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, — and Haji Abdulla Haji Qasim. 2-8.

Question *re*—

Acting Military Officers as Presidents of the Lahore Cantonment Board. 221.

Action taken by the Executive Officer of the Lahore Cantonment under Section 25 of the Cantonments Act. 220.

Allegations against the President of the Lahore Cantonment Board. 220.

Appointment of Chairman of various Sub-Committees of the Lahore Cantonment Board. 221.

Attendance of members at the meetings of the Lahore Cantonment Board. 221.

Presiding over the meetings of the Lahore Cantonment Board by Vice-President. 221.

Resignation of the nominated members of the Lahore Cantonment Board. 221.

Resolutions passed or rejected in the Lahore Cantonment Board. 221.

**FAMILY(IES)—**

Question *re* relief to the — of the public servants killed in the Earthquake at Quetta. 963-64.

**FAMILY PENSION FUND—**

Question *re* Indian Military Service —. 421-23.

**FAQIR OF ALINGAR—**

Question *re* article in the *Amrita Bazar Patrika* about the —. 534-35.

**FARE(S)—**Question *re*—

Differences between European and Indian Members of the Indian Medical Service in the matter of payment of railway —. 786.

Non-existence of labels on coolies indicating luggage — at the Agra Fort Railway station. 1026.

**FATEH ULLAH KHAN—**

Question *re* terms of —'s Zindiyah Bequest. 68-69.

**FAZL-I-HAQ PIRACHA, KHAN SAHIB SHAIKH—**

Election of — to the Standing Committee on Pilgrimage to the Hedjaz. 434.

Question *re* consideration of the claims of guards of the Rawalpindi Division who failed in the night vision test. 73-75.

**FEDERAL RAILWAY AUTHORITY—**

See "Railway Authority".

**FEDERATION—**Question *re*—

Amendments of the Government of India Bill in the House of Commons regarding the princes and the —. 689.

Negotiations with the princes in regard to the coming —. 20-21.

**FEE(S)—**

Question *re* — demanded by the Civil Surgeon, New Delhi, during hospital hours. 697-99.

**FEEETHAM COMMISSION REPORT—**

See "Report(s)".

**FENCHUGANJ—**

Question *re* provision of additional openings in the embankment from — to Sylhet Bazar. 632.

**FENCING—**

Question *re* absence of — on certain sections of the Bengal and North Western Railway. 1190.

**FIDELITY SECURITY(IES)—**

See "Security(ies)".

**FIJI—**Question *re*—

Abolition of the existing franchise enjoyed by Indians in —. 609.

Condition of Indians in —. 1602-03.

Dissatisfaction among Indians in — due to the proposed change in the system of representation in Municipalities and the Legislative Council. 847-48.

Position of Indians in —. 526.

System of nominations to the municipalities in —. 1052.

**FIJI CENTRAL LEGISLATURE—**

Question *re* direct representation on Indians on the —. 427.

**FIJI, GOVERNMENT OF—**

Question *re* externment of Mr. Gokuldas, son of Padarath Das, by the —, 1782-83.

**FILM(S)—**

Question *re*—

Army lent for producing the — "Soldiers Three". 1896.

Exhibition of objectionable cinema —, 1799.

Exhibition of the — "India Speaks" and "Bengali". 1400-01.

Propaganda against India through — like 'Bengali' and 'India speaks' in Europe and America. 1027-29.

**FILM CENSOR(S)—**

Question *re*—

Definitions to be followed by the Board of — in India. 1793-94.

Nomination of Indians to the Board of — in India. 1794.

**FINANCE(S)—**

Question *re* enquiry into Central and Provincial —, 1715-18.

**FINANCE COMMITTEE—**

See "Committee(s)" and also "Standing Finance Committee".

**FINANCE DEPARTMENT—**

Question *re*—

Applicability of — Circular No. F-78-XI-Ex.-I-31, to the staff of State-managed Railways. 111-12.

Creation of an additional post of Secretary in the —, 417-18.

Indian and European Officers working in the —, 1692-93.

**FINANCIAL ADJUSTMENT(S)—**

Question *re*—

— between Sind and Bombay. 1271-72.

— for the creation of the new Provinces of Orissa and Sind 599-600.

Report of the Burma Tribunal on the —, 1777.

**FINANCIAL INQUIRY—**

See "Inquiry(ies)".

**FINANCIAL RELATION(S)—**

Question *re* enquiry into the — between India and Burma. 968.

**FINANCIAL RESOURCE(S)—**

See "Resource(s)".

**FINANCIAL SETTLEMENT—**

Consideration of the report of the Tribunal on — between India and Burma after the separation. 1548-86, 1942-67.

**FINE(S)—**

Question *re* amount credited to Railway Revenues under —, forfeiture of Provident Fund, etc., and income and disbursements of the Staff Benefit Fund of each Railway. 626-30.

**FIRING—**

Motion for adjournment *re* — by the military at Lahore over the Shahid-gunj dispute. 343.

**FLOOD(S)—**

Question *re* Indian victims of South African —, 1299.

**FOOD—**

Question *re*—

Fixation of prices of articles of — for sale at railway stations. 1772-75.

Inferior quality of — served in the Vizagapatam Indian Refreshment Room. 865-66.

Setting up of Committees to watch the fluctuations in the prices of articles of — and purity of them on Railway Stations. 191.

Unwholesome — supplied to passengers on the Bengal and North Western Railway. 1189-90.

**FOOD-STUFF(S)—**

Question *re*—

— sold by vendors on the East Indian Railway. 220.

Increase in the import duties on paddy and — imported from India into Ceylon. 18-19.

**FOREIGN COUNTRIES—**

Question *re*—

Indian Trade Commissioners in —, 1078-80.

Indian Trade Commissioners in —, 1788-91.

Marketing of agricultural produce in —, 957.

**FOREIGN EXPERT(S)—**

See "Expert(s)".

**FOREIGN INSURANCE COMPANY(IES)—**

See "Insurance Company(ies)".

**FOREIGNERS' ACT—**

See "Act(s)".

**FORFEITURE(S)—**

Question *re* amount credited to Railway Revenues under fines, — of Provident Fund, etc., and income and disbursements of the Staff Benefit Fund of each Railway. 626-30.

**FRANCHISE—**

Question *re* abolition of the existing — enjoyed by Indians in Fiji. 609.

**FREE ALLOWANCE—**

See "Allowance(s)".

**FREIGHT(S)—**

Question *re* — charged on certain classes of goods. 623.

**FRIDAY(S)—**

Question *re* exemption of Muslim employees of the Government of India Press, New Delhi from working overtime on —. 1039.

**FROST—**

Question *re* damage to crops by the recent —. 870-71.

**FUEL INSPECTOR(S)—**

See "Inspector(s)".

**FUND(S)—**

Statement (laid on the table) showing the objects on which the Petrol Tax — was expended during 1934-35. 136.

Question *re*—

Amount credited to Railway Revenues under fines, forfeiture of Provident Fund, etc., and income and disbursements of the Staff Benefit — of each Railway. 626-30.

Amount given to the Sadar Bazar Municipal Committee from the Cash Balance in the Cantonment —, Ambala. 209.

Collection of Income-tax from *nidhis* and — in Madras. 1306.

Distribution of — to the various Archaeological Circles. 1302-04.

**FUNDAMENTAL RULES—**

See "Rule(s)".

**FUZZLUL HUQ, MR. A. K.—**

Criminal Law Amendment Bill—  
Motion to consider. 745-50, 811, 829.

Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1139, 1140, 1148.

**FUZZLUL HUQ, MR. A. K.—contd.**

Question *re*—

Communal composition of inferior establishment of the Central Public Works Department including Central India and Rajputana, at the end of 1934. 113.

Communal composition of technical and non-technical men employed in the Central Public Works Department. 100.

Fidelity securities of Insurance Companies. 224.

Recovery of house-rent from Ticket Collectors on the East Indian Railway. 548.

Seniority lists of ticket collectors and travelling ticket examiners in the Moradabad and Lucknow Divisions. 106.

Tests imposed on the ticket checking staff on the East Indian Railway at the time of promotion. 106.

Question (Supplementary) *re* Muslims appointed as Sugar Inspectors. 858.

**G.****GADGIL, MR. N. V.—**

Cantonments (Amendment) Bill—  
Motion to circulate as reported by the Select Committee. 1810-11.

Cinematograph (Amendment) Bill—  
Motions to consider and to refer to Select Committee. 239.

Code of Civil Procedure (Amendment) Bill—  
(Amendment of Section 51)—

Motion to refer to Select Committee. 993-94.

Demand for supplementary grant in respect of—  
"Miscellaneous". 1846.

Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1137.

Question *re*—  
Ceding of jurisdiction over certain villages in Viramgaon to the Patdi Durbar. 61.

Departments of public services directly under the administration of the Government of India. 109.

Question of granting jurisdiction of Barwala villages to the Limbdi State. 60.

Re-employment of the Great Indian Peninsula Railway strikers. 91.

**GAJAPATIRAJ, MAHARAJ KUMAR**

VIJAYA ANANDA—  
Criminal Law Amendment Bill—  
Motion to consider. 750-53.

**GALLERY PASS(ES)—**

See "Pass(es)".

**GAME(S)—**Question *re*—

Facilities for playing — outside the jail compounds allowed to State Prisoners. 1392-93.

Provision of facilities for out-door — in the Cellular Jail, Andamans. 1591.

**GANDHI, MAHATMA—**Question *re* applications from — and Babu Rajendra Prasad for permission to enter the earthquake area in Quetta. 1040.Motion for adjournment *re* refusal of permission to — and Babu Rajendra Prasad to enter into the earthquake area of Quetta. 125, 127.**GARRISON ENGINEER(S)—**

See "Engineer(s)".

**GAUBA, MR. K. L.—**

Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1562, 1563-68, 1962, 1963.

Criminal Law Amendment Bill—

Motion to consider. 449, 549-53, 558.

Motion for adjournment *re* bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 383-84, 386.Question *re* staff area councils formed on the North Western Railway. 71.**GAUHATI—**Question *re* establishment of a University at —. 633-34.**GAYA—**Question *re* rest available to the ticket checking staff at —, Patna and Dinapore. 88.**GAZETTED STAFF—**

See "Staff(s)".

**GENERAL AMNESTY—**

See "Amnesty".

**GENERAL BUDGET—**

See "Budget General".

**GENERAL CONSTITUENCY—**

See "Constituency".

**GENERAL POST OFFICE(S)—**

See "Post Office(s)".

**GEOLOGICAL SURVEY—**

Demand for Excess Grant. 1939.

**GERMAN(S)—**Question *re* establishment of a — automobile factory in Bombay. 600.**GERMAN AEROPLANES—**

See "Aeroplane(s)".

**GERMAN GOVERNMENT—**Question *re* —'s offer with regard to the contract for the Howrah Bridge. 1803-04.**GERMANY—**Question *re* restrictions of Indian imports into Roumania, Italy and —. 692-93.**GHIASUDDIN, MR. M.—**

Cinematograph (Amendment Bill)—

Motions to consider and to refer to Select Committee. 247.

Criminal Law Amendment Bill—

Motion to consider. 663.

Question *re* buildings of historical importance occupied by the Military authorities. 1309.**GHULAM BHIK NAIBANG, SYED—**

Appointment of — to the Committee on Petitions. 128.

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1947.

Question *re*—

Alleged compulsion for overtime work in the Government of India Press, New Delhi. 1038-39.

Classification of the employees of the reading branch of the Government of India Press, New Delhi. 1038.

Classification of the staff of the Reading Branch of the Government of India Presses. 1596.

Communal composition of the staff of the Reserve Bank of India. 1597.

Compulsory retirement of persons who have completed 25 years of their permanent service. 1597.

Construction of more quarters for the employees of the Government of India Press, New Delhi. 1037.

Exemption of Muslim employees of the Government of India Press, New Delhi from working overtime on Fridays. 1039.

**GHULAM BHIK NAIRANG, SYED—**  
*contd.*Question *re*—

Numbers of Muslims and non-Muslims employed as Assistant Manager and heads of branches in the Government of India Presses and in the Central Publication Branch. 108.

Recruitment of Muslims in the Engineering Department of State Railways. 860.

Rules governing the allotment of quarters to the employees of the Government of India Press, New Delhi. 1038.

Want of smoke-chimneys in the Duffry type quarters of the Government of India Press, New Delhi. 1038.

Resolution *re* Quetta Earthquake. 1334-36

**GHUTKU—**

Question *re* grievances of the passengers at — Station on the Bengal Nagpur Railway. 634.

**GHUZZNAVI, SIR ABDUL HALIM—**  
Criminal Law Amendment Bill—

Motion to consider. 838.

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 5-6.

Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1136-50.

Question (Supplementary) *re* amount raised in India by subscriptions for the Silver Jubilee Celebrations. 297.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 352-54, 355, 363.

**GIDNEY, LIEUT.-COLONEL SIR HENRY—**Question *re*—

Income-tax Officers in Bengal. 70.

Option to elect new leave rules to the staff on the North Western Railway. 88.

Rates of pay and other privileges of certain apprentices of State Railways. 93.

Reorganisation of the superior staff of the Income-tax Department in Bengal. 70-71.

Seniority of subordinates officiating in the transportation inspector's grade on the East Indian Railway. 93.

**GILGIT—**

Question *re* transfer of the civil and military administration of — to the Government of India. 962-63, 1632-33.

**GIRI, MR. V. V.—**

Payment of Wages Bill—

Motion to consider. 1009.

Question *re*—

Additional appointments and retrenched employees on State Railways. 625-26.

Amount credited to Railway Revenues under fines, forfeiture of Provident Fund, etc., and income and disbursements of the Staff Benefit Fund of each Railway. 626-30.

Appointment of Employment Officers on State Railways. 637-38, 1637-38.

Appointment of inexperienced crew inspectors on the Eastern Bengal Railway. 106.

Capacity of the Tata Railway Workshops to manufacture carriage and wagon underframes. 50.

Constitution and working of staff committees on State Railways. 63.

Constitution of a Joint Standing Machinery on Railways. 626.

Cost of repair and maintenance incurred on rolling stock on railways. 623-24.

Depreciation fund rules of State Railways. 49.

Distinction in the payment of railway fare by an Indian Major and a British Captain. 305.

Equipment of railway workshops for manufacturing carriage and wagon underframes. 50-51.

Equipment of the Ajmer Railway Workshops with additional plant and machinery for the manufacture of locomotives. 976.

Freight charged on certain classes of goods. 623.

Heavy repair and cost of repair in workshops per unit of rolling stock. 51-57.

Interest allowed in calculating commutation value of pensions. 625.

Interest allowed on provident fund deposits of railway servants. 624.

Leave reserve for each category of employment on State Railways. 540-41.

Locomotives manufactured in the Ajmer Railway Workshops. 976-77.

GIRI, MR. V. V.—*contd.*Question *re—contd.*

Locomotives on Class I Railways. 47-49.

Manufacture of locomotive boilers in railway workshops. 624, 1637.

Motor buses run by the Railways. 626.

Output capacity of the Tatanagar Railway Workshops and other workshops for manufacture of carriage and wagon under-frames. 624.

Persons discharged on disciplinary grounds on Railways. 631.

Procedure followed in filling up of vacancies in the Electrical Department of the East Indian Railway. 638, 1310.

Promotion of Indian guards on the Great Indian Peninsula Railway. 84-85.

Rebate allowed by the leading shipping companies for passage to Europe for railway servants. 622-23.

Recommendations of the State Railway Workshops Committee. 58-60.

Reduction of pay of graduates in Commerce in the Posts and Telegraphs Department. 638-39.

Re-employment of Great Indian Peninsula Railway strikers. 208.

Re-employment of retrenched staff on State Railways. 63-64.

Renewal of Wagons on Indian Railways. 977-78.

Report on the question of the manufacture of locomotives in railway workshops in India. 631.

Representation of the staff in the Electrical Department of the East Indian Railway in the Welfare Committee. 638.

Saloons and Inspection Carriages on each Railway. 977.

Scrap value on condemned locomotives, coaching and wagon stock on each railway. 49.

Selection grade appointments in the Post Offices and the Railway Mail Service. 223.

Selection grade posts abolished or converted into time-scale appointments in the Post Offices and the Railway Mail Service. 222-23.

Staff to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railway. 631.

Transfer of the management of the Company-managed Railways. 631.

GIRI, MR. V. V.—*concl'd.*Question *re—concl'd.*

Wagon requirements of Indian railways. 49-50.

Wagons re-conditioned on Indian railways. 51.

Question (Supplementary) *re—*

Alleged hostile attitude of the East Indian Railway Administration towards Trade Unions. 291.

Amount sanctioned to conduct the case of Mr. Doran, late staff Superintendent of the Dinapur Division. 169.

Application of Fundamental Rules to the Indian Railways Conference Association staff. 197.

Appointments of successful ex-apprentices of the East Indian Railway Workshop, Lillooah, in other Workshops. 164.

Pay of the staff in the office of the Indian Railways Conference Association. 194.

Resolution re manufacture of locomotive requirements in State Railway Workshops. 355-58.

## GLASS INDUSTRY—

Motion for adjournment *re* refusal of grant of protection to the —. 343-47.

Question *re* report of the Tariff Board on protection to the —. See also under "Industry(ies)". 1288-89.

## GOKULDAS, MR.—

Question *re* externment of —, son of Padarath Das, by the Government of Fiji. 1782-83.

## GOLD—

Question *re—*  
Countries restricting the free flow of —. 1410.

— exported from India since England went off the — Standard. 596-98, 1409.

## GOLD MINE(S)—

Question *re* combine for working the — in the Nilgiris. 706-07.

## GOLD STANDARD—

Question *re* gold exported from India since England went off the —. 596-98, 1409.

## GOODS—

Question *re—*  
Committee for the classification of Railway —. 607-08.

Consignment of — for Indian import through Empire shipping. 980-82.

GOODS—*contd.*Question *re—contd.*

Freight charged on certain classes of —. 623.

Regulation of the barter of imported — against exports in Italy. 1699-1700.

Revision and Classification of — transported on Railways. 1691-92.

## GOODS CLERK(S)—

See "Clerk(s)".

## GOVERNING BODY—

Election of a Member to the Imperial Council of Agricultural Research and its —. 548-49.

Motion *re* election of a member to sit on the Imperial Council of Agricultural Research and its —. 142.

## GOVERNMENT(S)—

Question *re—*

Facilities asked for from — by an Automobile Factory in India. 784.

—'s policy with regard to the Tribes on the North-West Frontier. 1688-89.

Losses caused to — in the Quetta Earthquake. 514.

Newspapers punished for adversely commenting on —'s policy in Quetta. 1405-06.

Positions under — (including Railways) requiring outstanding technical qualifications to serve as heads. 108-10.

## GOVERNMENT CIRCULAR—

See "Circular(s)".

## GOVERNMENT QUARTER(S)—

See "Quarter(s)".

## GOVERNMENT SECURITY(IES)—

See "Security(ies)".

## GOVERNMENT SERVANT(S)—

Question *re—*

Facilities and comforts for — living outside the municipal limits in Simla. 1611-13.

Increase in the rate of pension paid to the inferior —. 1706.

Residential accommodation for — in New Delhi and Simla. 1610-11.

Water meter rent realised from — in New Delhi and Simla. 1614-16.

## GOVERNMENT SERVICE—

Question *re* representation of Buddhists in —. See also under "Service". 1704-06.

## GOVERNMENT OF INDIA—

Question *re—*

Collection of Customs revenue by the — in Kathiawar and other States. 1273-74.

Municipal composition of non-gazetted staff recruited in the — Offices. 211-19.

Cost incurred by the — in the transport of British troops and officers. 402-03.

Departments of public services directly under the administration of the —. 109.

Employment of persons belonging to the untouchable classes in the Departments under the —. 1767.

Examination for recruitment of typists and routine grade clerks in the — Offices. 1775-76.

Holidays in the — Secretariat. 1624-26.

House rent charged from the officers and staff of the — in Delhi. 1862-63.

Lien on a lower of type of quarter of the — staff. 1623.

Money sent out of India and moneys spent in England by the —. 17.

Private houses rented for certain offices of the — in Simla. 1095.

Promotion of a clerk of the routine division to the second division in the Departments of the —. 114.

Question of placing the Safety Inspectors directly under the —. 1712-13.

Question of placing the Supervisor of Railway Labour directly under the —. 1712.

Rent collected from the officers and staff of the — in Delhi and cost of maintenance, etc., of quarters. 1863.

Sale of silver by the —. 1043-44.

Transfer of the civil and military administration of Gilgit to the —. 962-63, 1632-33.

Statement (laid on the table) *re* cases in which the lowest tenders have not been accepted by the High Commissioner for India in purchasing stores for the —. 640-41.

## GOVERNMENT OF INDIA ACT—

See "Act(s)".

## GOVERNMENT OF INDIA BILL—

See "Bill(s)".

## GOVERNMENT OF INDIA PRESS(ES)—

See "Press(es)".

## GOVERNMENT OF INDIA SECRETARIAT—

Question *re* Indianisation of the —.  
See also under "Secretariat". 694-95.

## GOVERNMENT OF MADRAS—

See "Madras, Government of".

## GOVERNOR GENERAL, H. E. THE—

Circular regarding —'s Address to the Members of the Indian Legislature. 986.

—'s Assent to Bills —. 128.

Message from — recommending the passage of the Criminal Law Amendment Bill. 1059.

Question *re*—

—'s recommendations with regard to the supplementary demands under the General and Railway Budgets. 416-17.

Refusal of sanction by the — for the introduction of a Bill to amend the Bombay Port Trust Act. 425-27.

## GOVIND DAS, SETH—

Cinematograph (Amendment) Bill—

Motions to consider and to refer to Select Committee. 245.

Motion for adjournment *re*—

Appointment of an European businessman as the President of the Indian Tariff Board. 796.

Lack of discipline in certain soldiers at Jubbulpore. 236.

Rioting of British soldiers stationed at Jubbulpore. 125-126.

Question *re*—

Action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931. 316-42.

Arrest and conviction of four persons daily, found travelling without tickets, at Jubbulpore. 115-16.

Censor Centres for censoring the letters of State Prisoners and Detenus. 1395-96.

Definitions to be followed by the Board of Film Censors in India. 1793-94.

Exchange restrictions affecting India. 1792.

Expenditure on the inauguration of the New Constitution and the Delimitation Committee. 1791-92.

Facilities for playing games outside the jail compounds allowed to State Prisoners. 139-293.

Fuel Inspectors on the Great Indian Peninsula Railway. 1796.

GOVIND DAS, SETH—*contd.*

Question *re*—*contd.*

Hours of duty of ticket collectors on the Jubbulpore Railway Station. 1787-88.

Indian Trade Commissioners in foreign countries. 1789-91.

Issue of one rupee notes. 1792-93.

Licensed coolies on railway stations. 1794-95.

Loco. Inspectors on the Great Indian Peninsula Railway. 1796-97.

Nomination of Indians to the Board of Film Censors in India. 1794.

Non-issue of week-end intermediate and third class tickets on the Great Indian Peninsula Railway. 1788-89.

State Prisoners in bad health. 1397-98.

State Prisoners in different provinces. 1388-91.

State Prisoners in the Central Provinces Jails. 1391-92.

State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1393-95.

Station Masters on the Great Indian Peninsula Railway. 1796.

Transportation, Commercial and Traffic Inspectors on the Great Indian Peninsula Railway. 1795-96.

Question (Supplementary) *re*—

Appointment of Delimitation Committees. 618.

Countries with banned or restricted imports from India. 14.

Deficit in the Railway Budget. 428-30.

Detachment of British troops stationed in certain Bikrampur villages in Dacca. 178.

Position of Indians in Zanzibar. 309.

Reduction in India's contribution to the League of Nations. 315.

Salaries of the Indian Railways Conference Association Staff. 197.

## GRADUATE(S)—

Question *re* reduction of pay of — in Commerce in the Posts and Telegraphs Department. 638-39.

## GRAHAM, SIR LANCELOT—

Election of — to the Select Committee on the amendment of Standing Orders. 1112.

**GRAHAM, SIR LANCELOT—contd.**  
 Jubbulpore and Ghattiagarh Divisions (Divorce Proceedings Validation) Bill—  
 Consideration of clause 2. 1807.  
 Consideration of the Title and the Preamble. 1808.

**GRANT(S)—**

Question re—  
 Distribution of the — for rural uplift. 1408-09.  
 — made to provinces for the improvement in the conditions of the cultivation and marketing of sugar-cane. 1266-68.  
 Scheme for the utilisation of the — for rural development in the Punjab. 1050-51.

**GREAT BRITAIN—**

Question re—  
 Consumption of Indian linnseed in —. 606-07.  
 Fall in the export of oil and oil cakes from India to —. 1385-86.  
 Treaty between the Sultan of Zanzibar and —. 228.  
 Treaty of commerce and navigation between — and Zanzibar. 846.

**GREAT INDIAN PENINSULA RAILWAY—**

See "Railway(s)".

**GREAT WAR—**

See "War".

**GRIEVANCE(S)—**

Question re—  
 — of Indians domiciled in South Africa. 781-83.  
 — of the compositors in the Government of India Press, Calcutta. 1382.  
 — of the employees of the East Indian and Eastern Bengal Railway Press. 1603-04.  
 — of the Income-tax staff in Bihar and Orissa. 856-58.  
 — of the industrial employees of the Government of India Press, Calcutta. 1380-82.  
 — of the passengers at Ghazka Station on the Bengal Nagpur Railway. 634.  
 — of the pilgrims to the Hedjaz. 776-77.  
 — of the staff of the Indian Railways Conference Association, Delhi. 195.  
 — of the staff on the Bombay, Baroda and Central India Railway. 620-21.

**GRIEVANCE(S)—contd.**

Question re—contd.  
 — of travelling ticket examiners on the East Indian Railway. 117-18, 231, 882.  
 Method for the redress of — of the railway staff. 92.

**GRIFFITHS, MR. P. J.—**

Criminal Law Amendment Bill—  
 Motion to consider. 468-78.  
 Indian Criminal Law Amendment (Repeat) Bill—  
 Motion to consider. 1723-25.  
 Consideration of clause 2. 1756-59, 1760-61.  
 Oath of office. 2.  
 Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1761.

**GRIGG, THE HONOURABLE SIR JAMES—**

Agreement between the Reserve Bank of India and the Imperial Bank of India (laid on the table). 128-32.  
 Agreement between the Secretary of State for India in Council and the Reserve Bank of India (laid on the table). 132-35.  
 Consideration of the Report of the Public Accounts Committee. 1969.  
 Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1548, 1564, 1569, 1581, 1585, 1946, 1949, 1965-66.  
 Demand for Excess Grant in respect of—  
 "Appropriation from Depreciation Fund". 1942.  
 Civil Works not charged to Revenue. 1941.  
 "Companies' and Indian States' shares of surplus Profit and net Earnings". 1941.  
 Expenditure on Retrenched Personnel charged to Capital. 1941.  
 Expenditure on Retrenched Personnel charged to Revenue. 1940.  
 Geological Survey. 1959.  
 Indian Stores Department. 1939.  
 Interest on Miscellaneous Obligations. 1939.  
 Miscellaneous. 1939.  
 Transfer to the Fund for Reconstruction of Earthquake Damage. 1940.

**GRIGG, THE HONOURABLE SIR JAMES**—*contd*

- Working Expenses—Administration. 1941.
- Demand for supplementary grant in respect of—
- “Expenditure on the development of Broadcasting met from the fund”. 1823, 1826, 1832.
- “Expenditure on the development of Civil Aviation met from the fund”. 1811, 1819.
- “Miscellaneous”. 1840-41, 1857, 1929, 1935-38.
- Motion for adjournment *re* allocation of certain resources between the Central and Provincial Governments. 1195.
- Motion *re* election of two members for the Central Advisory Board of Education. 138.
- Presentation of the report of the Public Accounts Committee. 1415-1547.
- Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 349, 360-63, 373-74.

**GUARD(S)**—

- Question *re*—
- Consideration of the claims of — of the Rawalpindi Division who failed in the night vision test. 73-75.
- Grant of certificates to — by the District Medical Officer of the Moradabad Division, East Indian Railway. 1634-35.
- Interview for promotion of “B” grade guards on the East Indian Railway. 1654.
- Placing of complaint books in — carriages and at Junction Stations. 864-65.
- Promotion of Indian — on the Great Indian Peninsula Railway. 82-85.

**GUARDSHIP**—

- Question *re*—
- “B” grade Controllers promoted to relieving — on the East Indian Railway. 1633-34.
- Promotion of certain Controllers on the East Indian Railway to relieving —. 1634.
- Statement laid on the Table *re* promotion to the relieving — on the East Indian Railway. 1633.

**GUDUR**—

- Question *re* train service between — and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway. 702-03.

**GUN(S)**—

- Question *re* manufacture of — in Indian Ordnance Factories for the use of the Indian Army. 1687-88.

**GUNTUR**—

- Question *re* results of excavations at Nagarjunakonda in the — District. 768-69.

**GUPTA, MR. GHANSHIAM SINGH**—

- Election of — to the Select Committee on the amendment of Standing Orders. 1112.
- Question *re* non-admission of Arya Samajists in the Army. 47.
- Resolution *re* Quetta Earthquake. 1366.

**H****HANDLOOM WEAVING INDUSTRY**—

- Question *re* grant for the development of the — to the Madras Presidency. 958-59.

**HANDS, MR. A. S.**—

- Oath of office. 1.

**HAPUR**—

- Question *re* — Remount Depot at Babugarh in the Meerut Division. 232.

**HAZARDOUS OCCUPATION(S)**—

- Question *re* regulation of work in — or dangerous occupations and trades. 1769-70.

**HEAD POST OFFICE(S)**—

- See “Post Office(s)”.

**HEADQUARTER(S) OFFICE(S)**—

- Question *re* promotions to the posts in — of the Transportation and Commercial Departments. 233-34.

**HEALTH**—

- Question *re* State Prisoners in had —. 1397-98.

**HEDJAZ**—

- Election of a Member to the Standing Committee on Pilgrimage to the —. 434.
- Motion *re* election of one Muslim member to sit on the Standing Committee on Pilgrimage to the —. 137.
- Question *re* grievances of the pilgrims to the —. 776-77.

**HIDAYATULLAH, SIR GHULAM HUSSAIN—**

Criminal Law Amendment Bill—  
 Motion to consider. 557-62, 574, 577,  
 586, 646, 647, 837.

Question *re*—

Alleged monopoly of non-Sindhia in  
 the Karachi General Post Office.  
 306.

Condition of potato growers in Sind.  
 8.

Construction of a railway line  
 between Johi in the Dadu district  
 and other places in Sind. 8-9.

Water supply of the city of Karachi.  
 1600.

Resolution *re* Quetta Earthquake.  
 1331-34.

**HIDES CESS COMMITTEE—**

Question *re* recommendations of the  
 —. 306.

**HIGH COMMISSIONER FOR INDIA—**

Question *re* communal composition of  
 the Indian staff in the office of the  
 —. 882.

Statement (laid on the table) *re* cases  
 in which the lowest tenders have  
 not been accepted by the — in  
 purchasing stores for the Govern-  
 ment of India. 640-41.

**HIGH COURT(S)—**

Question *re* right of appeal to the  
 — against the decisions of the  
 Commissioners of Income tax. 45.

See also "Court(s)".

**HILTON-YOUNG CURRENCY COMMISSION—**

Question *re* recommendations of the  
 —. 518-19.

**HINDU(S)—**

Question *re*—

Demolition of a — temple by the  
 Rangoon Development Trust.  
 1869-71.

— and the railway services. 1799-  
 1800.

— Buddhist and Muhammadan  
 monuments in the Southern Circle,  
 Madras. 764-67.

**HINDU MARRIAGE VALIDITY BILL—**

See "Bill(s)".

**HINDU REFRESHMENT ROOM(S)—**

See "Refreshment Room(s)".

**HINDU WOMEN'S RIGHT TO PROPERTY BILL—**

See "Bill(s)".

**HINDUSTAN—**

Question *re* movement for separation  
 of certain Indian border territories  
 from other parts of —. 1609-10.

**HIS MAJESTY'S CONSULATE(S)—**

See "Consulate(s)".

**HISTORICAL IMPORTANCE—**

Question *re* buildings of — occupied  
 by the Military authorities. 1309.

**HOCKENHULL, MR. F. W.—**

Question (Supplementary) *re* construc-  
 tion of roads in Assam. 964.

**HOGAN, MR.—**

Question *re* appointment of one —  
 as a Yard Master in the Traffic  
 Department of the Calcutta Port  
 Trust. 480-88.

**HOLIDAY(S)—**

Question *re*—

— in the Government of India  
 Secretariat. 1624-26.

Non-observance of certain — in  
 the office of the Indian Railways  
 Conference Association, Delhi.  
 181.

**HOMOEOPATHY—**

Question *re* recognition of — as a  
 State medical science. 1873.

**HOSMANI, MR. S. K.—**

Question *re* employment of a watch-  
 man on the Shedrah Lakin Road  
 Level Crossing of the Madras and  
 Southern Mahratta Railway. 84.

**HOSPITAL(S)—**

Question *re*—

Posting of Assistant Surgeons to  
 — on the East Indian Railway  
 86.

Provision of an assistant surgeon in  
 the railway — at Tundla. 92-93.

Racial discrimination in the East  
 Indian Railway — at Tundla.  
 984-85.

Treatment of Indian staff in the  
 East Indian Railway — at  
 Tundla. 86.

**HOSPITAL HOUR(S)—**

Question *re* fees demanded by the  
 Civil Surgeon, New Delhi, during  
 —. 697-99.

**HOURS OF EMPLOYMENT REGULATION(S)**—

See "Regulation(s)".

**HOUSE(S)**—

Question *re*—

Private — rented for certain offices of the Government of India in Simla. 1095.

Private — rented for the Office of the Imperial Council of Agricultural Research and the Reforms Office in Simla. 1186-87.

**HOUSE ALLOWANCE**—

See "Allowance(s)".

**HOUSE OF COMMONS**—

Question *re* amendments of the Government of India Bill in the — regarding the princes and the Federation. 689.

**HOUSE RENT**—

Question *re*—

— charged from the officers and staff of the Government of India in Delhi. 1862-63.

Recovery of — from Ticket Collectors on the East Indian Railway. 548.

**HOUSE RENT ALLOWANCE**—

See "Allowance(s)".

**HOWRAH**—

Question *re*—

Allegations against one Ballavdas Issardas, vending contractor for Railway Stations from — to Bandel. 187-89.

Contractors at Railway Stations in the Dinapore and — Divisions. 220.

Duties and responsibilities of the crew system in the — and Lucknow Divisions, East Indian Railway. 120.

**HOWRAH BRIDGE**—

Question *re*—

Contract for the construction of the New —. 1631-32.

German Government's offer with regard to the contract for the —. 1803-04.

Tenders for the construction of the —. 1798-99.

**I****IMAGE(S)**—

Question *re* discovery of Buddhist — at Negapatam. 768.

**IMPERIAL BANK OF INDIA**—

Question *re* allotment of certain shares of the Reserve Bank to the employees of the —. 417.

See also under "Bank(s)".

**IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH**—

Election of a Member to the — and its Governing Body. 548-49.

Motion *re* election of a member to sit on the — and its Governing Body. 142.

Question *re*—

Outlay on the —. 310-11.

Private houses rented for the Office of the — and the Reforms Office in Simla. 1186-87.

**IMPERIAL SERVICE OFFICER**—

Question *re* enquiry into the conduct of an —. 860, 975, 978.

**IMPERSONATION**—

Question *re* alleged — and malpractices employed in elections to the legislatures and local bodies 695-96.

**IMPORT(S)**—

Question *re*—

Application of a system of control over — by the Japanese Trade Council. 691-92.

Countries with banned or restricted — from India. 12-15, 528-29.

Exports and — of certain commodities. 1882.

Fall in exports and rise in —. 1698-99.

— from India banned by Roumania. 11-12.

Increase in the British — into India. 424-25.

Indian exports and — and India's trade position. 601-02.

Prohibition in Italy of the — of goods from India and of Indian insurance companies from carrying on business. 1868-69.

Prohibition of certain — from Persia and Afghanistan into certain parts of India. 535-36.

**IMPORT(S)—contd.****Question re—contd.**

- Prohibitive Duty on Clove — and Protection against Indefinite Moratoriums by Indians in Zanzibar. 980.
- Protective duty on — of dairy products. 1159.
- Publication of daily lists of exports and — by Customs Houses 529-31.
- Restriction of — into India. 15-17.
- Restrictions of Indian — into Roumania, Italy and Germany. 692-93.
- Restrictions on the — of Indian goods into Italy. 10-11.
- Result of the imposition of an — duty on broken rice and prohibition of — of rice from Siam, Indo-China, &c. 792-93.
- Value of — from, and exports to, the United Kingdom. 160-61.

**IMPORT DUTY—****Question re—**

- Effect of the fixation of — on broken rice. 536-38.
- Imposition of a prohibitive — on Zanzibar cloves. 846.
- See also under "Duty(ies)".

**IMPORT TRADE—**

- Question re export and — between India and Ceylon. 972-73.

**IMPORTED GOODS—**

- See "Goods".

**INCOME(S)—****Question re—**

- Amount credited to Railway Revenues under fines, forfeiture of Provident Fund, etc., and — and disbursements of the Staff Benefit Fund of each Railway. 626-30.

- Assessment of — of small — tax payers in Sind. 23-24.
- and expenditure of State Railways. 1863-87.
- and expenditure of the New Delhi Municipal Committee. 1102-03.

- derived from small — tax and expenditure incurred in its collection in Sind. 24.

**INCOME-TAX—****Question re—**

- Assessment of incomes of small — payers in Sind. 23-24.

**INCOME-TAX—contd.****Question re—contd.**

- Collection of — from *nidhis* and funds in Madras. 1306.
- Enquiry into the system of levying —. 971.
- Exemption of disability pensions from the —. 1027.
- Fixation of the time for the issue of demand notices of —. 291.
- Grievances of the — staff in Bihar and Orissa. 856-58.
- Income derived from small — and expenditure incurred in its collection in Sind. 24.
- assessments re-opened in Sind. 291.
- cases in Sind called for review by the Commissioner of —, Bombay. 292.
- paid by Tea Companies in British India owning tea gardens in the Tripura State. 1780-81.
- Overhauling of the — system of India. 162-63.
- Production of books and registers by — assesses in Sind and fixation of minimum and maximum time limit for the payment of —. 25-26.
- Regulation of — assessment in Bihar and Orissa. 850.
- Statement of — cases laid before the court of the Judicial Commissioner in Sind. 292.

**INCOME-TAX ACT—**

- See "Indian —" under "Act(s)".

**INCOME-TAX ASSESSEE(S)—**

- See "Assessee(s)".

**INCOME-TAX ASSISTANT COMMISSIONER(S) OF—****Question re—**

- Appeals decided by the — in Sind. 291-92.
- Transfers of —. 540.

**INCOME-TAX CASES—**

- Question re withdrawal of the jurisdiction of the Income-tax Officer of Patna from the — of the Shahabad District. 1783.

**INCOME-TAX COMMISSIONER(S) OF—****Question re—**

- Income-tax cases in Sind called for review by the —, Bombay. 292.
- Report called for by the —, Bihar and Orissa, in appeal cases. 855-56.

**INCOME-TAX COMMISSIONER(S) OF—contd.**Question *re—contd.*

See also "Commissioner(s) of Income-tax".

**INCOME-TAX DEPARTMENT—**Question *re* reorganisation of the superior staff of the — in Bengal. 70-71.**INCOME-TAX ENQUIRY COMMITTEE—**Question *re* Members of the —. 860.

See also under "Committee(s)".

**INCOME-TAX OFFICE(S)—**Question *re* absence of waiting accommodation for assesses in — in Bihar and Orissa. 856.**INCOME-TAX OFFICER(S)—**Question *re—*

— in Bengal. 70.

Transfer of cases from one — to another in the Bombay Presidency. 26.

Withdrawal of the jurisdiction of the — of Patna from the income-tax cases of the Shahabad District. 1783.

**INCOME-TAX OFFICIAL(S)—**Question *re* posting of certain — at a particular station for a long time in Bihar and Orissa. 869-70.**INCOME-TAX RULE(S)—**Question *re* depreciation allowed under the —. 480-31.**INCOME-TAX SYSTEM—**Question *re* enquiry into the — in India. 1689-90.**INCREMENT(S)—**Question *re —* to staff in the Moradabad Division, East Indian Railway. 1635-36.**INDIA—**Question *re—*

Effect of the Ottawa Agreement on — and the Dominions. 970.

Enquiry into the financial relations between — and Burma. 968.

Export and import trade between — and Ceylon. 972-73.

Externed or exiled persons not allowed to return to —. 982-83.

**INDIA—contd.**Question *re—contd.*

Transfers back to — of Indians serving in All-India Services and cadres in Burma. 1181-82.

**"INDIA SPEAKS"—**Question *re—*

Exhibition of the films — and "Bengali". 1400-01.

Propaganda against India through films like 'Bengali' and — in Europe and America. 1027-29.

**INDIA STORE DEPARTMENT—**Question *re* abolition of the —, London. 46-42, 969.**INDIAN(S)—**Motion for adjournment *re* interests of — concerned in Zanzibar. 433-34, 639.Question *re—*

Abolition of the existing franchise enjoyed by — in Fiji. 609.

Administrative staff appointments held by — in the — Medical Service. 1174-75.

Alleged conditions applied on certain — in Abyssinia. 1414.

Appointment of an — as the Chairman of the Bombay Port Trust. 967-68.

Appointment of an — in place of the late Mr. A. C. Chatterjee, a Member of the Information Section of the League of Nations Secretariat. 523-24.

Appointment of — as Chairman of Port Trusts in India. 1694-96.

Appointment of — as teachers in England. 522-23.

Appointment of non— as Probationary Assistant River Surveyors in the Calcutta Port Trust. 488-89.

Benefit of poor relief to the — in Natal. 427-28.

Condition of — in Fiji. 1602-03.

Consignment of goods for — import through Empire shipping. 980-82.

Defamatory passages about — a publication entitled "Souvenir Programme of Malayan celebrations". 615-16, 1401-02.

Differences between European and Indian Members of the Indian Medical Service in the matter of payment of railway fares. 786.

Direct representation of — on the Fiji Central Legislature. 427.

INDIAN(S)—*contd.*Question re—*contd.*

- Disabilities of — residents in Singapore. 408.
- Disabilities of — in Zanzibar. 969, 1050.
- Discrimination against — Military Sub-Assistant Surgeons. 1599.
- Discrimination against — by the Kenya Government. 689-90.
- Dissatisfaction among — in Fiji due to the proposed change in the system of representation in Municipalities and the Legislative Council. 847-48.
- Distinction in the payment of railway fare by an — Major and a British Captain. 305.
- Education of — in broadcasting technique. 1093.
- Enquiry into the allegations of discrimination between — and Europeans in the matter of rescue and salvage operations in Quetta. 1632.
- Expansion in the Royal Indian Marine and facilities for the training of —. 404.
- Grievances of — domiciled in South Africa. 781-83.
- Higher offices held by — in the Government of India Secretariat. 603-04.
- Inadequacy of — employed in the offices of the League of Nations. 523.
- victims of South African floods. 1299.
- and Britishers with King's Commission in the Indian Army. 221.
- and Europeans in the Women Medical Service. 1177-79.
- Anglo-Indians and Europeans serving in Port Trusts in India. 490.
- employed in, and India's contribution towards, the League of Nations. 1029-30.
- , Europeans and Anglo-Indians in the various Port Trusts. 1890-94.
- in Cochin China, Java, Ceylon and Singapore. 969.
- Interests of — overseas. 1060-81.
- Legitimate rights of — in Ceylon. 973.
- Nomination of — to the Board of Film Censors in India. 1794.
- Non-appointment of an — as President of the Tariff Board. 960.
- Plight of — in regard to the clove trade in Zanzibar. 410-11.

INDIAN(S)—*concl'd.*Question re—*contd.*

- Position of — in Fiji. 526.
- Position of — in Kenya and Zanzibar. 1289-91.
- Position of — in Zanzibar. 306-10, 1404-05.
- Positions of — in Zanzibar with regard to the clove ordinances. 593-94.
- Prohibitive duty on clove imports and protection against indefinite moratoriums demanded by — in Zanzibar. 960.
- Protection of — from air raids. 703-04.
- Protection of — in Abyssinia. 1044, 1047, 1383-84, 1595-96.
- Recruitment of — in the Calcutta Port Trust. 488.
- Registration of properties of — in Abyssinia. 1413-14.
- Return of — wage earners from Abyssinia. 1414.
- Rights of — in Zanzibar. 598-99.
- Safeguarding of the interests of — in Kenya. 591-93.
- Safeguarding of the interests of — in Zanzibar. 846.
- Safety of — in Abyssinia. 60.
- Sir George Schuster's opinion about the bombing of —. 1044-45.
- Transfers back to India of — serving in All-India Services and cadres in Burma. 1181-82.
- Uniforms supplied to — assistant station masters on the East Indian Railway. 88.
- Walk-out by the — Members of the Kenya Legislative Council. 1049-50.

## INDIAN ARMY—

See "Army(ies)".

## INDIAN ARMY (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN ARMY VETERINARY CORPS—

See "Veterinary Corps".

## INDIAN ASSOCIATION(S)—

See "Association(s)".

## INDIAN BORDER TERRITORY-(IES)—

See "Territory(ies)".

## INDIAN BROADCASTING SERVICE—

See "Broadcasting Service".

## INDIAN BUSINESS COMMUNITY—

See "Business Community".

## INDIAN COFFEE CESS BILL—

See "Bill(s)".

## INDIAN COMPANY LAW—

See "Company Law".

## INDIAN COMPANIES ACT—

See "Act(s)".

## INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL—

See "Bill(s)".

## INDIAN CURRENCY—

See "Currency".

## INDIAN DECK PASSENGERS CONFERENCE—

See "Conference(s)".

## INDIAN DELEGATION—

Question re report of the — to the League of Nations. 1160-61.

## INDIAN EXPORT(S)—

See "Export(s)".

## INDIAN FINANCE—

Question re paragraph in the — entitled 'Clive Street Gossip. 1299-1300.

## INDIAN GUARD(S)—

See "Guard(s)".

## INDIAN IMPORTS—

See "Import(s)".

## INDIAN INCOME-TAX ACT—

See "Act(s)".

## INDIAN INSTITUTES—

See "Institute(s)".

## INDIAN INSURANCE COMPANY-(IES)—

See "Insurance Company(ies)".

## INDIAN INSURANCE LAW—

See "Insurance Law".

## INDIAN LAC RESEARCH COMMITTEE—

See "Committee(s)".

## INDIAN LEGISLATURE—

See "Legislature(s)".

## INDIAN MARINE—

See "Royal —".

## INDIAN MEDICAL COUNCIL ACT—

See "Act(s)".

## INDIAN MEDICAL DEPARTMENT—

Question re—

Promotions in the —, 1598.

Racial discrimination in the recruitment of Assistant Surgeons in the —, 1176-77.

## INDIAN MEDICAL SERVICE—

Question re—

Administrative staff appointments held by Indians in the —, 1174-76.

Differences between European and Indian Members of the — in the matter of payment of railway fares. 786.

## INDIAN MILITARY COLLEGE—

See "Military College".

## INDIAN MILITARY SERVICE FAMILY PENSION FUND—

Question re —, 421-23.

## INDIAN MINES (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN MOTOR VEHICLES (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN MUSEUM—

See "Museum".

## INDIAN NATURALIZATION (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN OFFICER(S)—

See "Officer(s)".

## INDIAN ORDNANCE FACTORY-(IES)—

Question re manufacture of guns in — for the use of the Indian Army. 1687-88.

## INDIAN PASSENGER(S)—

See "Passenger(s)".

## INDIAN PORT TRUST(S)—

See "Port Trust(s)".

## INDIAN POSTS AND TELEGRAPHS DEPARTMENT—

See "Posts and Telegraphs Department".

## INDIAN PRESS (EMERGENCY POWERS) ACT—

See "Act(s)".

## INDIAN PRODUCT(S)—

See "Product(s)".

## INDIAN RAILWAY(S)—

See "Railway(s)".

## INDIAN RAILWAY CONFERENCE ASSOCIATION—

See "Association(s)".

## INDIAN REFRESHMENT ROOM(S)—

See "Refreshment Room(s)".

## INDIAN RESEARCH FUND—

Question *re* selection of candidates for the —, 1180-81.

## INDIAN SEAMAN(MEN)—

See "Seaman(men)".

## INDIAN SERICULTURAL INDUSTRY—

See "Sericultural Industry".

## INDIAN SETTLER(S)—

Question *re* formation of coffee pools in Kenya with a view to drive out the —, 962.

See also under "Settler(s)".

## INDIAN SOLDIERS—

See "Soldier(s)".

## INDIAN STAFF—

Question *re* communal composition of the — in the office of the High Commissioner for India. 882.

See also under "Staff".

## INDIAN STATE(S)—

See "State(s)".

## INDIAN STORES DEPARTMENT—

Demand for Excess Grant. 1939.

Question *re*—

Purchase of certain articles by the Director of Contracts through the —, 288.

Stores for Railways purchased through the —, 1700-02.

## INDIAN STUDENT(S)—

See "Student(s)".

## INDIAN SUBJECTS—

See "Subject(s)".

## INDIAN TARIFF (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN TARIFF BOARD—

See "Tariff Board".

## INDIAN TEA CESS (AMENDMENT) BILL—

See "Bill(s)".

## INDIAN TEA CESS COMMITTEE—

See "Tea Cess Committee".

## INDIAN TEA LICENSING COMMITTEE—

See "Committee(s)".

## INDIAN TRADE(S)—

See "Trade(s)".

## INDIAN TRADE COMMISSIONERS—

See "Trade Commissioner(s)".

## INDIAN TRADER(S)—

See "Trader(s)".

## INDIANISATION—

Question *re*—

Demand for — of Indian Port Trusts. 1083-84.

— of services in Port Trusts in India. 490-91.

— of the Government of India Secretariat. 694-95.

— of the Indian Army Veterinary Corps. 1051.

— of the posts of Chairmen of the Port Trusts in India. 841-42.

## INDO-BRITISH TRADE AGREEMENT—

Question *re* —. 1672-73.

**INDO-BURMAN TRADE AGREEMENT—**

See "Trade Agreement(s)".

**INDO-CHINA—**

Question *re*—

Result of the imposition of an import duty on broken rice and prohibition of imports of rice from Siam, —, etc. 792-93.

Rice, broken-rice and paddy imported into India from Siam and —, 1164-65.

Rice, broken-rice and paddy imported into India from Siam, Indo-China and Rangoon. 1183-85.

**INDO-JAPANESE PACT—**

Question *re* statement of the Japanese Ambassador in Bombay about the —, 1696.

**INDUSTRIAL EMPLOYEE(S)—**

See "Employee(s)".

**INDUSTRIAL RESEARCH BUREAU—**

Question *re* nomination of members to the —, 1797-98.

**INDUSTRIAL WAGE(S)—**

See "Wage(s)".

**INDUSTRY(IES)—**

Question *re*—

Applications for protection of —, 401-02.

Delay in the publication of the Report of the Tariff Board on the Glass —, 784-85.

Organisation of sugar —, 612-13.

Proposal to establish a swadeshi automobile — in India. 613.

Protection to the cocoanut — in India. 699.

Report of the Tariff Board on the Woollen —, 1081-82.

Tariff Board enquiry into the textile —, 1055-57.

**INDUSTRIES CONFERENCE—**

Question *re* representatives to the —, 1798.

**INFERIOR CADRE(S)—**

See "Cadre(s)".

**INFERIOR SERVANT(S)—**

Question *re* free passes for the — on State Railways. 1767-69.

**INFORMATION—**

Question *re* testing of the — supplied by Police informers. 1899.

**INFORMATION SECTION—**

Question *re* appointment of an Indian in place of the late Mr. A. C. Chatterjee, a Member of the — of the League of Nations Secretariat. 523-24.

**INQUIRY(IES)—**

Special financial — General policy (Discussed under Demands for supplementary grants). 1857, 1924-38.

**INSOLVENCY (AMENDMENT) BILL—**

See "Provincial —" under "Bill(s)".

**INSPECTION CARRIAGE(S)—**

Question *re* saloons and — on each Railway. 977.

**INSPECTOR(S)—**

Question *re*—

Appointment of apprentice permanent way — on the Eastern Bengal Railway. 114.

Appointment of inexperienced crew — on the Eastern Bengal Railway. 106.

Filling up of the posts of transportation — and train controllers on the East Indian Railway. 89.

Fuel — on the Great Indian Peninsula Railway. 1796.

Loco. — on the Great Indian Peninsula Railway. 1796-97.

Permanent Way — on the North Western Railway. 975-76.

Posts of Transportation — sanctioned by the East Indian Railway. 44.

Question of placing the Safety — directly under the Government of India. 1712-13.

Seniority of subordinates officiating in the transportation —'s grade on the East Indian Railway. 93.

Transportation, Commercial and Traffic — on the Great Indian Peninsula Railway. 1795-96.

**INSTITUTE(S)—**

Question *re*—

Compulsory contributions from the North Western Railway employees to Indian —, 1098.

Establishment of an — for animal and human nutrition Research. 1685-86.

## INSTITUTION(S)—

Question *re* technical — in India. 61-62.

## INSTRUCTION—

Question *re* — regarding passports. 1407.

## INSURANCE—

Question *re* growth and development of indigenous — business. 1167-69.

## INSURANCE COMPANY(IES)—

Question *re*—  
Foreign and Indian — doing business in India. 1714-15.  
Prohibition in Italy of the import of goods from India and of Indian — from carrying on business. 1868-69.  
*See* also under "Company(ies)".

## INSURANCE LAW—

Question *re* reform of the Indian —. 1293.

## INSURANCE SOCIETIES—

Question *re* Provident — in Sind. 289-90.

## INTEREST(S)—

Question *re*—  
— allowed in calculating commutation value of pensions. 625.  
— allowed on provident fund deposits of railway servants. 624.  
Money invested in the building of quarters in Simla and Delhi and — paid on such debts. 1800.  
Payment of — on security amount deducted from the pay of the Railway employees. 1387.

## INTEREST ON MISCELLANEOUS OBLIGATIONS—

Demand for Excess Grant. 1939.

## INTERMEDIATE CLASS—

Question *re*—  
— and third class waiting rooms at S'atamarhi railway station. 1188-89.  
Non-issue of week-end — and third class tickets on the Great Indian Peninsula Railway. 1788-89.

## INTERNAL MARKET(S)—

Question *re* scheme for the development of the —. 1111-12.

## INTERNATIONAL LABOUR CONFERENCE—

Question *re* cost of India's delegation to the — and the League of Nations. 399.

Resolution(s) *re* ratification of the Draft Convention of the — concerning employment of women during night. 149-57.

## INTERVIEW(S)—

Question *re* — for promotion of "B" grade guards on the East Indian Railway. 1634.

## INVITATION CARD(S)—

*See* "Card(s)".

## IRISH FREE STATE—

Question *re*—  
Negotiations for a trade agreement with the —. 414-15.  
Negotiations for trade agreements with the —, Canada and Italy. 785.

## IRON MATERIAL(S)—

Question *re* purchase of — and steel materials by Indian Railways. 970.

## ISA BROTHERS—

Question *re*—  
Licence granted to — for opening Muslim Refreshment Rooms on stations on the East Indian Railway. 1770-71.  
Passes given to — and Kapoor and Company by the East Indian Railway administration. 1772.

## ISTIMRARI AREA(S)—

Question *re* produce of the land of the — of Sathana, Ajmer-Merwara. 108.

## ISWAR SARAN, MUNSHI—

Question (Supplementary) *re* Indians and Britishers with King's Commission in the Indian Army. 221.

## ISSUE PRICE—

*See* "Price".

## ITALO-ABYSSINIAN DISPUTE—

Question *re* —. 205-07.

## ITALY—

## Question re—

- Negotiations for Trade Agreements with the Irish Free State, Canada and —. 785.
- Prohibition in — of the import of goods from India and of Indian insurance companies from carrying on business. 1868-69.
- Regulation of the barter of imported goods against exports in —. 1699-1700.
- Restrictions of Indian imports into Roumania, — and Germany. 692-93.
- Restrictions on the import of Indian goods into —. 10-11.
- Trade negotiations between the United Kingdom and — and India. 604-05.
- Trade treaties with — and Roumania. 957.

## J

## JAIL(S)—

## Question re—

- Affairs in the Cellular —, Andamans, under the present Superintendent. 1591-95.
- Books for prisoners in the Cellular —, Andamans. 1589-90.
- Complaints by prisoners in the Cellular —, Andamans, against the treatment of Dr. Todd. 1588-89.
- Facilities for playing games outside the — compounds allowed to State Prisoners. 1392-93.
- Hardships of prisoners in the Cellular —, Andamans. 1410-12.
- Newspapers subscribed for the prisoners in the Cellular —, Andamans. 1590-91.
- Provision of facilities for out-door games in the Cellular —, Andamans. 1591.
- Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular — at Port Blair. 761-64.
- Scale of diet given to certain prisoners in the Cellular —, Andamans. 1587.
- State Prisoners in the Central Provinces —. 1391-92.
- State Prisoners in the Damoh Sub — in the Central Provinces. 1393-95.
- Supply of morning tea to prisoners in the Cellular —, Andamans. 1595.

## JAMALPUR—

## Question re—

- Appointments of the time-expired apprentices of the — Technical School to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, East Indian Railway. 103-05.
- Ex-apprentices of — Technical School, East Indian Railway. 111.

## JAMES, MR. F. E.—

- Application of standing order 46 requiring two clear days' notice for an amendment to a Bill suspended by Mr. President in connection with an amendment of — on the payment of Wages Bill. 1004.
- Criminal Law Amendment Bill—  
Motion to consider. 572-73, 583, 644, 747, 808, 825-35.
- Election of — to the Standing Finance Committee. 639.
- Motion for adjournment *re* interests of Indians concerned in Zanzibar. 433.

## PAYMENT OF WAGES BILL—

- Motion to consider. 1004-06, 1007, 1010.
- Question *re* Indian Military Service Family Pension Fund. 241-23.
- Question (Supply) *re*—  
Appointment of a Board of non-official visitors to the Andamans. 610.
- Committee for the Classification of Railway Goods. 608.
- Export and import trade between India and Ceylon. 972-73.
- Overhauling of the Income-tax system of India. 162.
- Personnel and other details of the Delimitation Commission. 688.

## JAPANESE AMBASSADOR—

*See* "Ambassador(s)".

## JAPANESE TRADE COUNCIL—

- Question *re* application of a system of control over imports by the —. 691-92.

## JATAVA COMMUNITY—

- Question *re* caste name of —. 1873-74

## JAVA—

- Question *re* Indians in Cochinchina, —, Ceylon and Singapore. 969.

## JAYANAGAR—

- Question *re* reconstruction of certain bridges between Madhubani and — on the Bengal and North Western Railway. 118-19.

## JEHANGIR, SIR COWASJI—

## Indian Coffee Cess Bill—

Motions to consider to circulate and to refer to Select Committee. 1668.

## Indian Criminal Law Amendment (Repeal) Bill—

Consideration of Clause 2. 1761-53.

## PAYMENT OF WAGES BILL—

Motion to consider. 1009.

Point of order raised by — as to whether the motion *re* the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion *re* the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1124, 25, 1132-34.

Question (Supplementary) *re*—

Allegations of looting, etc., against the soldiers at Quetta after the earthquake. 1087.

Power in the aerial of the Delhi Broadcasting Station. 1093.

Resolution *re* Quetta Earthquake. 1347-48, 1357-60.

## JHANSI DIVISION—

Question *re* drivers in the — of the Great Indian Peninsula Railway. 1300-02.

## JIRGA(S)—

Question *re* constitutional character of the Shahi and other — in Baluchistan. 304-05.

## JOB ANALYSIS—

Question *re* Institution of the system of — in the Posts and Telegraphs Department. 298.

## JOGENDRA SINGH, SIRDAR—

## Criminal Law Amendment Bill—

Motion to consider. 667-69.

Question *re*—

Bania shops in the Market Bazar, Kasauli. 974-75.

Examination in Leave Rules held by the East Indian Railway authorities. 1897-98.

## JOGNAR—

Question *re* want of a bridge at the railway crossing near the Agra Cantonment Station on the Agra — Road. 1638.

## JOHI—

Question *re* construction of a railway line between — in the Dadu district and other places in Sind. 8-9.

## Joint Standing Machinery—

*See* "Machinery(ies)".

## JOSHI, MR. N. M.—

## Code of Civil Procedure (Amendment) Bill—

(Amendment of Section 51)—

Motion to refer to Select Committee —. 994-95.

## Criminal Law Amendment Bill—

Motion to consider. 883-88.

## Indian Coffee Cess Bill—

Motions to consider, to circulate and to refer to Select Committee. 1651, 1663.

## Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1117, 1133.

## Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1206-07.

## Payment of Wages Bill—

Motion to consider. 1006-09.

Question *re*—

Action taken on the Resolutions adopted at the Conference of the East Indian Railway Employees' Association. 543.

Box *Khalasias* for European and Anglo-Indian Drivers on State Railways. 225.

Employment of persons belonging to the untouchable classes in the Departments under the Government of India. 1767.

Enquiry regarding the working of the Children (Pledging of Labour) Act. 1705.

Factories employing fifty persons or more but not using power. 1707.

Factories using power but not coming under the Factories Act. 1706-07.

Filling up of the posts of transportation inspectors and train controllers on the East Indian Railway. 89.

Free passes for the inferior servants on State Railways. 1767-69.

Increase in the rate of pension paid to the inferior Government servants. 1706.

Legislation for the collection of statistics as recommended by the Royal Commission on Labour. 1708.

Non-grant of house allowance to certain relieving clerks on the East Indian Railway. 106.

Provision of creches in factories. 1706.

Provision of electric fans in Third Class Carriages. 1709.

Publications distributed free to the Members of the Central —. 1713.

Question of placing the safety Inspectors directly under the Government of India. 1712.

JOSHI, MR. N. M.—*contd.*Question *re—contd.*

Question of placing the Superior of Railway Labour directly under the Government of India. 1712.

Regulation of work in hazardous or dangerous occupations and trades. 1769-70.

Separate restaurant cars for the use of Third Class Passengers. 1709-10.

Trains on different Railways not carrying Third Class Carriages. 1708.

Question (Supply.) *re—*

Application of Fundamental Rules to the Indian Railways Conference Association staff. 197.

Census of the unemployed persons in British India. 775.

Drivers in the Jhansi Division of the Great Indian Peninsula Railway. 1301-02.

Fees demanded by the Civil Surgeon, New Delhi, during hospital hours. 698.

Manufacture of Locomotive Boilers and Locomotives in India. 1703.

Non-observance of certain holidays in the office of the Indian Railways Conference Association, Delhi. 181.

Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 27.

Position of Indian nationals settled in Zanzibar. 1231-33.

Position of Indians in Zanzibar. 309.

Ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 153-55.

Revision of the Maximum and Minimum charges on the Indian Railways. 406.

## JOURNAL(S)—

Question *re* inclusion of certain details in the — issued by the Director of Contracts. 268-69.

## JUBBULPORE—

Motion for adjournment *re—*

Lack of discipline in certain soldiers at —. 232-36.

Rioting of British soldiers stationed at —. 125-27.

Question *re—*

Allegations against British soldiers stationed at —. 795-96.

Arrest and conviction of four persons daily, found travelling without tickets, at —. 115-16.

Hours of duty of ticket collectors on the — Railway Station. 1787-88.

JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL—  
See "Bill(s)".

## JUBILEE CELEBRATION(S)—

Question *re* amount raised in India by subscriptions for the Silver —. 296-97.

## JUBILEE FUND—

Question *re* newspaper articles on the Quetta Earthquake relief and the Silver — against which action was taken. 1907-24.

## JUDICIAL COMMISSIONER—

Question *re* statement of income-tax cases laid before the court of the — a. Sind. 292.

## JUDICIAL SERVICE—

See "Service(s)".

## JUNCTION STATION(S)—

Question *re* placing of complaint books in guards' carriages and at —. 864-65.

## JUTE—

Question *re* export duty on raw —. 202-03.

## K

## KAITHU—

Question *re* "B" and "C" class quarters in —, Simla. 1620-21.

## KALAT STATE—

Question *re* territories of —. 303-04.

## KALKA SIMLA RAILWAY—

See "Railway(s)".

## KANDURI FESTIVAL—

Question *re* hardship caused to pilgrims attending the —, Nagore, by the Customs Officers, Sannamangalam Chowki. 1098.

## KAPOOR AND COMPANY—

Question *re—*

Licence granted to — for opening Hindu Refreshment Rooms on stations on the East Indian Railway. 1771-72.

Passes given to Isa Brothers and — by the East Indian Railway administration. 1772.

**KARACHI—**Question *re—*

Alleged monopoly of non-Sindhīs in the — General Post Office. 305.  
Water supply of the city of —, 1600.

**KAROL BAGH—**

Question *re* refusal by the Nazul Officer, Delhi, to accept money from the residents of Naiwala, —, 1616-17.

**KASAULI—**

Question *re* bania shops in the market bazar, —, 974-75.

**KASHMIR, HIS HIGHNESS THE MAHARAJA OF—**

Question *re* use of the Army Landing Grounds at Agra and Ahmedabad by — and Prince Midwani. 771.

**KATHIAWAR PORT(S)—**

Question *re* negotiations with the Gaekwar of Baroda in respect of —, 1623.

**KATHIAWAR STATE(S)—**Question *re—*

Agreement with the — about Customs. 961-62.

Collection of Customs revenue by the Government of India in — and other States. 1273-74.

Customs Questions relating to the — and Maritime —, 963.

Smuggling of sugar into British India from —, 1274-76.

**KATPADI—**

Question *re* train service between Gudur and — and Dharmavaram on the Madras and Southern Mahratta Railway. 702-03.

**KENYA—**Question *re—*

Formation of coffee pools in — with a view to drive out the Indian settlers. 962.

Position of Indian business community in —, 1085.

Position of Indians in — and Zanzibar. 1289-91.

Safeguarding of the interests of Indians in —, 591-93.

Walk-out by the Indian Members of the — Legislative Council. 1049-50.

**KENYA GOVERNMENT—**

Question *re* discrimination against Indians by the —, 689-90.

**KEYMAN (EN)—**

Question *re* enhancement of the Best of the — on the East Indian Railway. 171-72.

**KHAIRPUR—**

Question *re* performance of marriages by the people of Sind in the — State to evade prosecutions under the Child Marriage Restraint Act. 26-28.

**KHALASY (IES)—**

Question *re* box — for European and Anglo-Indian Drivers on State Railways. 225.

**KHAN SAHIB, DR.—**

Motion for adjournment *re* bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 377-80, 385, 395-97.

Question *re* Government's policy with regard to the tribes on the North-West Frontier. 533.

Question (Supplementary) *re—*  
Amount raised in India by subscriptions for the Silver Jubilee Celebrations. 297.

Article in the *Amrita Bazar Patrika* about the Faqir of Alinagar. 535.

Externed or exiled persons not allowed to return to India. 983.

Government's policy with regard to the Tribes on the North-West Frontier. 1688.

Lifting of ban from the Khudai Khidmatgar and other Congress organizations in the North-West Frontier Province. 1627-28.

Movement for separation of certain Indian border territories from other parts of Hindustan. 1610.

Position in the North-West Frontier Province. 1718-20.

Racial discrimination in the recruitment of Assistant Surgeons in the Indian Medical Department. 1177.

Tribal vendetta on the North-West Frontier. 590-91.

**KHANDSARI SUGAR WORKS—**

See "Sugar Works".

**KHARE, DR. N. B.—**

Arya Marriage Validation Bill—

Motion for leave to introduce. 1267.

Factories (Amendment) Bill—

Motion to consider. 1211.

Question *re—*

Applicability of certain paragraphs of the State Railway Open Line Code, Volume II, on State Railways. 548.

**KHARE, DR. N. B.—contd.****Question re—contd.**

- Applicability of Finance Department Circular No. F-78-XI-Ex-I-31, to the staff of State-managed Railways. 111-12.
- Class of employees on State-managed Railways who are paid Presidency Allowance. 881-82.
- Consolidated allowance of the ticket checking staff on the East Indian Railway. 121-23.
- Duties and responsibilities of the crew system in the Howrah and Lucknow Divisions, East Indian Railway. 120.
- Facilities for Delhi University students for admission to an Engineering College. 1787.
- Grant of certificates to guards by the District Medical Officer of the Moradabad Division, East Indian Railway. 1634-35.
- Increments to staff in the Moradabad Division, East Indian Railway. 1635-36.
- Promotion and seniority of the travelling ticket inspectors of the Account and Audit Department transferred to the Traffic Department of the East Indian Railway. 121.
- Promotion and seniority of the travelling ticket inspectors on the East Indian Railway. 123-24.
- Promotion and seniority of travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.
- Promotion of Indian guards on the Great Indian Peninsula Railway. 82-83.
- Recruitment to the training reserve Women's Medical Service. 1786.
- Refusal of admission to Indian students in England to a swimming pool. 1785.
- Removal of travelling ticket collectors from the category of train (traffic) or running staff on certain railways. 120.
- Question (Supplementary) re—**
- Amount raised in India by subscriptions for the Silver Jubilee Celebrations. 297.
- Countries with banned or restricted imports from India. 13.
- Negotiations with the princes in regard to the coming Federation. 20.
- Racial discrimination in the recruitment of Assistant Surgeons in the Indian Medical Department. 1177.

**KHARE, DR. N. B.—concl'd.**

- Question (Supplementary) re—cont'd.**
- Selection of candidates for the Indian Research Fund. 1181.
- State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1395.

**KHATRANO—**

- Question re position of the Political Agency in the territories of Yob and — in Baluchistan.** 304.

**KHATRI(S)—**

- Question re recruitment of Sikh — in the Indian Army.** 1097.

**KHEWRA—**

- Question re — Salt Mine Settlement.** 28-34.

**KHUDAI KHUDMATGAR—**

- Question re lifting of ban from the — and other Congress organizations in the North-West Frontier Province.** 1627-28.

**KING'S COMMISSION(S)—**

- See "Commission(s)".*

**KING'S COMMISSIONED RANKS—**

- Question re vacancies in the — and Viceroy's Commissioned Ranks.** 1887.

**KISHENGANJ—**

- Question re wagons filled with pigs booked for —.** 1191-92.

**KOT LAKHPAT—**

- Question re refresher course at —.** 37-38.

**KOTAH—**

- Question re relief of the staff granted leave in the — district of the Bombay, Baroda and Central India Railway.** 115.

**L****LABEL(S)—**

- Question re non-existence of — on coolies indicating luggage fare at the Agra Fort Railway station.** 1026.

**LABOUR—**

- Question re question of placing the Supervisor of Railway — directly under the Government of India.** 1712.

## LABOUR CONFERENCE—

Question *re* cost of India's delegation to the International — and the League of Nations. 399.

## LAC RESEARCH COMMITTEE—

Question *re*—  
Personnel of the Indian —. 84.  
Research conducted under the —. 1308-09.

## LADIES WAITING ROOM(S)—

*See* "Waiting Room(s)".

## LAHRI CHAUDHURY, MR. D. K.—

Question *re*—  
Certain information in respect of the Bombay, Calcutta and Madras General Post Offices. 229.  
Confirmation of certain mechanical *ex*-apprentices under the Chief Mechanical Engineer, East Indian Railway. 111.  
*Ex*-apprentices of Jamalpur Technical School, East Indian Railway. 111.  
Post and telegraph offices maintained for military purposes. 116.  
Staff employed in Bombay, Calcutta and Madras General Post Offices. 230.  
Successful mechanical *ex*-apprentices of the Lillooah workshops, East Indian Railway. 110.  
Time test for correspondence work in first class Head Post Offices. 228.

## LAHORE—

Motion for adjournment *re*—  
Destruction of the Shahidgunje Mosque at —. 232.  
Firing by the military at — over the Shahidgunj dispute. 343.  
Question *re*—  
Action taken by the Executive Officer of the — Cantonment under Section 25 of the Cantonments Act. 220.  
Allegations against the President of the — Cantonment Board. 220.  
Appointment of Chairman of various Sub-Committees of the — Cantonment Board. 221.  
Attendance of members at the meetings of the — Cantonment Board. 221.  
Presiding over the meetings of the — Cantonment Board by Vice-President. 221.  
Resignation of the nominated members of the — Cantonment Board. 221.  
Resolutions passed or rejected in the — Cantonment Board. 221.

## LALCHAND NAVALRAI, MR.—

Appointment of — to the Committee on Petitions. 128.  
Central Provinces Courts (Supplementary) Bill—  
Motion to consider. 1063-64.  
Cinematograph (Amendment) Bill—  
Motions to consider and to refer to Select Committee, 247-49, 252, 253.  
Criminal Law Amendment Bill—  
Motion to consider. 559.  
Criminal Law Amendment Bill (As recommended)—  
Motion for leave to introduce, 1059, 1060.  
Expressions of regret on the deaths of Sir Basil Brckett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 6-7.  
Indian Motor Vehicles (Amendment) Bill—  
Motion to consider. 1070-72.  
Motions to consider and to refer to Select Committee. 1196, 1200, 1206.  
Motion for adjournment *re* despatch of troops from British India to Addis Abbaba ((Abyssina). 269.  
Question *re*—  
Alleged disappearance of certain persons after the earthquake at Quetta. 713-14.  
Alleged hostile attitude of the East Indian Railway Administration towards Trade Unions. 290-91.  
Alleged impersonation and malpractices employed in elections to the legislatures and local bodies. 695-96.  
Alteration in the date of birth of literate staff on the North Western Railway. 71-72.  
Amendment of section 61 of the Indian Income-tax Act. 22-23.  
Amendment of the Indian Medical Council Act. 696-97.  
Appeals decided by the Assistant Commissioner of Income-tax in Sind. 291-92.  
Assessment of incomes of small income-tax payers in Sind. 23-24.  
Casualties during the earthquake at Quetta and value of the property lost. 714-15.  
Children secured after the earthquake at Quetta. 714.  
Circulation of counterfeit coins in India. 38-40.  
Earthquake at Quetta in 1931. 707-08.

**LALCHAND NAVALRAI, MR.—**  
*contd.***Question re—concl'd.**

- Excavation work at Quetta after the earthquake. 711-13.
- Fees demanded by the Civil Surgeon, New Delhi, during hospital hours. 697-99.
- Fixation of the time for the issue of demand notices of income-tax. 291
- Inclusion of certain details in the journal issued by the Director of Contracts. 288-89.
- Income derived from small income-tax and expenditure incurred in its collection in Sind. 24.
- Income-tax assessments re-opened in Sind. 291.
- Income-tax cases in Sind called for review by the Commissioner of Income-tax, Bombay. 292.
- Indian Army cadets and reframing of the list of martial classes. 21.
- Khewra Salt Mine Settlement. 28-34.
- Lapsing of postal cash certificates. 34-35.
- Modification in the Cardwell system. 22.
- Movement for separation of certain Indian border territories from other parts of Hindustan. 1609-10
- Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 26-28.
- Production of books and registers by income-tax assesses in Sind and fixation of minimum and maximum time limit for the payment of income-tax. 25-26.
- Provident Insurance Societies in Sind. 289-90.
- Purchase of certain articles by the Director of Contracts through the Indian Stores Department. 288.
- Re-building of Quetta. 717.
- Recent earthquake at Quetta. 708-10.
- Recruitment from within Divisional Circles on State Railways. 287-288.
- Refusal of admission to Indian students in England to a Swimming Pool. 1596.
- Relief to the families of the public servants killed in the Earthquake at Quetta. 963-64.
- Salvage of property at Quetta after the earthquake. 713-16.

**LALCHAND NAVALRAI, MR.—**  
*contd.***Question re—concl'd.**

- Statement of income-tax cases laid before the Court of the Judicial Commissioner in Sind. 292.
- Transfer of cases from one income-tax officer to another in the Bombay Presidency. 26.
- Vacancies in the commercial group on the North Western Railway. 102-03.
- Question (Supplementary) re—**
- Abolition of the India Store Department in London. 969.
- Allegations of looting, etc., against the soldiers at Quetta after the earthquake. 1087.
- Alleged compulsion for overtime work in the Government of India Press, New Delhi. 1039.
- Allowances given to Military Sub-Assistant Surgeons on transfer. 1599.
- Amendment of the Indian Companies Act. 410
- Amount earned by State Railways by sale of application forms. 1775.
- Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division. 170.
- Appointment of an Indian as the Chairman of the Bombay Port Trust. 968.
- Band at the Connaught Place, New Delhi. 1101-02.
- Bill in connection with the Federal Railway Authority and setting up of Provincial Public Service Commissions. 780.
- Bringing of idle sentinel coaches from certain railways to the Kalka Simla Railway. 1864.
- Compositors, binders and distributors discharged from the Government of India Press, Calcutta. 1607-08
- Condition of potato growers in Sind. 8.
- Construction of a railway line between Johi in the Dadu district and other places in Sind. 9.
- Countries with banned or restricted imports from India. 528.
- Distress of Quetta merchants. 1906.
- Education of Indians in broadcasting technique. 1093.
- Facilities for the education of the children of the Indian and European staff of the Indian Railways. 1387.

**LALCHAND NAVALRAI, MR.—**  
*contd.*Question (Supply.) *re—contd.*

Financial adjustment for the creation of the new Provinces of Orissa and Sind. 600.

Fixation of prices of articles of food for sale at railway stations. 1775.

German Government's offer with regard to the contract for the Howrah Bridge. 1804.

Gold exported from India since England went off the gold standard. 597, 598.

House rent charged from the officers and staff of the Government of India in Delhi. 1863.

Indian Trade Commissioners in foreign countries. 1080.

Indianisation of services in Port Trusts in India. 491.

Intermediate and third class waiting rooms at Sitamarhi railway station. 1188.

Introduction of Reforms in the provinces. 1162.

Latrines in third class carriages on the Bengal and North Western Railway. 1190, 1191.

Loss sustained by the peasants in the Quetta earthquake. 958.

Mints at Calcutta and Bombay. 407.

Monopoly of supplying petroleum products in the Madras Presidency held by the Burma Oil Company. 522.

Muslims appointed as Sugar Inspectors. 858-59.

Negotiations with the princes in regard to the coming Federation. 20.

Personnel and reports, etc., of the Tariff Board. 1874-81.

Preparations in India for a war. 602.

Prices charged at the Railway book-stalls of Messrs. A. H. Wheeler and Company. 1307-08.

Proposed diversion by the Madras Government of the grant from the Petrol Fund towards rural reconstruction. 1865.

Provision of Electric Fans in Third Class Carriages. 1709.

Publications distributed free to the Members of the Central Legislature. 1714.

Purchase of articles required by the Military Department. 159, 160.

Railway earnings. 1299.

Re-building of Quetta. 1085.

Recognition of Homoeopathy as a State medical science. 1873.

**LALCHAND NAVALRAI, MR.—**  
*concl.*Question (Supply.) *re—concl.*

Recruitment in the subordinate postal service. 1033.

Recruitment of the qualified sons and dependants of the postal employees in the Bengal and Assam Postal Circle. 1034.

Reform of the Indian Insurance Law. 1293.

Refusal of permission to visit Quetta for Earthquake Relief Work. 790.

Report on the Indian Company Law. 1295-96.

Schemes for Rural Development received from the Provincial Governments. 513.

Repealing and Amending Bill—

Motion to consider. 1209-10.

Resolution *re* Quetta Earthquake. 1317, 1324-28, 1331.**LALJEE, MR. HUSENBHAI**  
**ABDULLABHAI—**

Oath of Office. 731.

Resolution *re* position of Indian nationals settled in Zanzibar. 1218-21, 1233.**LAND(S)—**Question *re—*

Bill re-exemption of a portion of the — owned by peasants from the properties liable to be attached for the payment of debts. 959-60.

Cultivators affected by acquisition of — for the Fusa Institute in Delhi. 854-55.

Lease of — between Delhi and Shahdara to Mr. Waugh. 853-54.

Lease-hold — in New Delhi. 1103-04.

Payment of the rent of — by lease-holders in Delhi. 1111.

**LANDING GROUND(S)—**Question *re* use of the Army — at Agra and Ahmedabad by His Highness the Maharaja of Kashmir and Prince Midwani. 771.**LATRINE(S)—**Question *re* — in third class carriages on the Bengal and North Western Railway. 1190-91.**LAVATORY(IES)—**Question *re* — in the third class carriages on the Bengal and North Western and the Bombay, Baroda and Central India Railways. 81.

**LAW(S)—**

Motion for Adjournment *re* Government Circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive — in Bengal. 985.  
Question *re* — restricting the liberty of the Press. 1406.

**LAW MEMBER—**

Question *re* publicity given to the part-delivered speech of the — on Mr. B. Das's Indian Criminal Law Amendment (Repeal) Bill. 850.

**LEACH MR. F. B.—**

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1959-64.  
Oath of Office. 1.

**LEAGUE OF NATIONS—****Question re—**

Appointment of an Indian in place of the late Mr. A. C. Chatterjee, a Member of the Information Section of the — Secretariat. 523-24.

Contributions made to the —. 1777-78.

Cost of India's delegation to the International Labour Conference and the —. 399.

Inadequacy of Indians employed in the offices of the —. 523.

India's membership of the League of Nations. 1778-79.

Indians employed in, and India's contribution towards, the —. 1029-30.

Reduction in India's contribution to the —. 311-15.

Report of the Indian Delegation to the —. 1160-61.

Resignation by certain countries of their membership of the —. 1779-80.

Selection of delegates to the session of the —. 1030-31.

**LEASE—**

Question *re* — of land between Delhi and Shahdara to Mr. Waugh. 853-54.

**LEASE-HOLD LAND—**

See "Land(s)".

**LEASE-HOLDER(S)—**

Question *re* payment of the rent of land by — in Delhi. 1111.

**LEAVE—****Question re—**

Refusal of — to the railway Staff of the Moradabad Division. 621.  
Relief of the staff granted — in the Kotah district of the Bombay, Baroda and Central India Railway. 115.

**LEAVE RESERVE—**

Question *re* — for each category of employment on State Railways. 540-41.

**LEAVE RULE(S)—**

Question *re* examination in — held by the East Indian Railway authorities. 1897 98.

See also under "Rule(s)".

**LEE, MR. D. J. N.—**

Oath of Office. 2.

**LEGISLATION—**

Question *re* — for the collection of statistics as recommended by the Royal Commission on Labour. 1108.

**LEGISLATIVE ASSEMBLY—**

Motion for Adjournment *re* Government Circular prohibiting the Congress — Party Committee to enquire into and report upon the administration of the repressive laws in Bengal. 985.

**Question re—**

Appointment of a Committee by the Congress Party in the — to enquire into and report upon the administration of Repressive Laws in Bengal. 848-49.

Candidates for — election who lost their securities. 544-47.

Speech delivered to the Council of State and the — by His Excellency the Viceroy. 1013-25

**LEGISLATIVE ASSEMBLY CHAMBER—**

Motion for adjournment *re* acoustics of the — in Simla. 434.

**LEGISLATIVE ASSEMBLY DEBATES—**

Question *re* supply of the — to Railway Advisory Committees. 1191.

**LEGISLATIVE COUNCIL—****Question re—**

Dissatisfaction among Indians in Fiji due to the proposed change in the system of representation in Municipalities and the —. 847-48.

**LEGISLATIVE COUNCIL—contd.**Question *re—concl'd.*

Exclusion of the Chittagong Hill Tracts from the General Constituency for election to the Bengal —. 1704.

Walk-out by the Indian Members of the Kenya —. 1049-50.

**LEGISLATURE(S)—**

Circular regarding Governor General's Address to the Members of the Indian —. 986.

Question *re—*

Acts passed by Provincial — to relieve the burden of Agricultural Indebtedness. 960-61.

Alleged impersonation and mal-practices employed in elections to the — and local bodies. 695-96.

Publications distributed free to the Members of the Central —. 1713-14.

Rent charged from Members of the Indian — for quarters in Summer Hill, Simla. 1619-20.

**LEGITIMATE RIGHT(S)—**

Question *re—* of Indians in Ceylon 973.

**LETTER(S)—**

Question *re* Censor Centres for censoring the — of State Prisoners and Detenus. 1395-96.

**LEVEL CROSSING(S)—**Question *re—*

Closing of — on the Madras and Southern Mahratta Railway between Arkanam and Amtattur. 231.

Employment of a watchman on the Shedrah Lakin Road — of the Madras and Southern Mahratta Railway. 84.

**LIABILITY(IES)—**

Question *re* allocation of assets and — between the New Orissa Province and the Government of Madras 783.

**LIBRARY(IES)—**

Question *re* establishment of rural — 524.

**LICENCE(S)—**Question *re—*

— granted to Isa Brothers for opening Muslim Refreshment Rooms on stations on the East Indian Railway. 1770-71.

**LICENSE(S)—contd.**Question *re—concl'd.*

— granted to Kapoor and Company for opening Hindu Refreshment Rooms on stations on the East Indian Railway. 1771-72.

**LIEN—**

Question *re—* on a lower type of quarter of the Government of India Staff. 1623.

**LIGHTING ARRANGEMENT(S)—**

Question *re—* at stations of the Bengal and North Western Railway. 1241.

**LILLOOAH—**Question *re—*

Appointments of successful ex-apprentices of the East Indian Railway Workshop, —, in other Workshops. 163-64.

Appointments of the time-expired apprentices of — Workshops under the Chief Mechanical Engineer, East Indian Railway, 103.

Successful mechanical ex-apprentices of the — workshops, East Indian Railway. 110.

**LIMBDI STATE—**

Question *re* question of granting jurisdiction of Barwala villages to the —. 60.

**LINESMAN(EN)—**

Question *re* demotion of electrical — and wiremen on the East Indian Railway. 166-68.

**LINSEED—**

Question *re* consumption of Indian — in Great Britain. 606-07.

**LISTED POST(S)—**

Question *re* delay in the announcement of the appointments to the — of the United Provinces Judicial Service by the Public Service Commission. 1398-99.

**LISTER, MR. T.—**

Oath of Office. 2.

**LLOYD, MR. A. H.—**

Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1581.

Motion *re* election of a member to the Standing Finance Committee 237.

Oath of Office. 1.

## LOAN(S)—

- Question *re*—  
 Issue price of the latest Rupee — 1630.  
 Provincial — 1052.  
 Raising of new — 613-14.

## LOCAL BODIES—

- Question *re* alleged impersonation and malpractices employed in elections to the legislatures and — 695-96.

## LOCAL GOVERNMENT((S)—

- Question *re* subjects of Indian States against whom proceedings have been taken by — under the Foreigners' Act. 117.

## LOCO. INSPECTOR(S)—

- See* "Inspector(s)".

## LOCOMOTIVE(S)—

- Question *re*—  
 Equipment of the Ajmer Railway Workshops with additional plant and machinery for the manufacture of — 976.  
 — manufactured in the Ajmer Railway Workshops. 976-77.  
 — on Class I Railways. 47-49.  
 Manufacture of — Boilers and — in India. 1702-04.  
 Manufacture of — boilers in railway workshops. 624.  
 Report on the question of the manufacture of — in railway workshops in India. 631.  
 Scrap value on condemned — coach and wagon stock on each railway. 49.  
 Resolution *re* manufacture of — requirements in State Railway Workshops. 348-77.

## LOCOMOTIVE ASSISTANT RUNNING SHED FOREMEN—

- See* "Running Shed Foremen".

## LOCOMOTIVE BOILER(S)—

- See* "Boiler(s)".

## LONDON—

- Question *re*—  
 Abolition of the India Store Department. — 40-42. 969.  
 Denotation in — of Mr. E. C. Mieville, Private Secretary to His Excellency the Viceroy, to examine the working of the Cabinet Secretariat. 1058-59.  
 Establishment of a — Branch of the Reserve Bank of India. 411-12.

## LOOTING—

- Question *re* allegations of —, etc., against the soldiers at Quetta after the earthquake. 1085-87.

## LOSS(ES)—

- Question *re*—  
 — caused to Government in the Quetta Earthquake. 514.  
 — in tribal areas in Baluchistan due to earthquake. 515-16.  
 — sustained by the peasants in the Quetta Earthquake. 958.  
 — to civil population in Quetta. 515.

## LUGGAGE—

- Question *re* weight of — of third class passengers. 954.

## LUGGAGE ALLOWANCE—

- See* "Allowance(s)".

## LUGGAGE FARE(S)—

- See* "Fare(s)".

## LUHATHAHA—

- Question *re* construction of new railway stations at — and Durma. 1626.

## LUCKNOW—

- Question *re*—  
 Duties and responsibilities of the crew system in the Howrah and — Divisions, East Indian Railway. 121.  
 Seniority lists of ticket collectors and travelling ticket examiners in the Moradabad and — Divisions. 106.

## M

## MACHINERY (IES)—

- Question *re*—  
 Constitution of a Joint Standing — on Railways. 626.  
 Equipment of the Ajmer Railway Workshops with additional plant and — for the manufacture of locomotives. 976.

## MACLACHLAN, MR. D.—

- Oath of office. 1.

## MADDAKHEL—

- Question *re* murder of Khan Saheb Zangi Khan of —, North-West Frontier. 607.

**MADHUBANI—**

Question *re* reconstruction of certain bridges between — and Javanagar on the Bengal and North Western Railway. 118-19.

**MADRAS—**

Question *re*—

Certain information in respect of the Bombay, Calcutta and — General Post Offices. 229.

Collection of Income-tax from nidhis and funds in —. 1306.

Construction of a railway line between Tirupati and —. 703.

Contemplated retrenchment in the — Dead Letter Office. 209.

Hindu, Buddhist and Muhammadan monuments in the Southern Circle, —. 764-67.

Periodical transfer of the Supervising Officials in the — Customs House. 620.

Programme for rural uplift in —. 1867-68.

Retrenchment in the — Dead Letter Office. 224-25.

Salt trade of —. 524-25.

Staff employed in Bombay, Calcutta and — General Post Offices. 230.

Technical qualifications of the Superintendent of Archaeology, Southern Circle, —. 769-70.

**MADRAS AND SOUTHERN MAHARAJA RAILWAY—**

See "Railway(s)".

**MADRAS CITY HINDU TEMPLES BILL—**

See "Bill(s)".

**MADRAS GOVERNMENT—**

Question *re*—

Dispute between the Mysore Government and the — *re* Cauvery waters. 1083.

Proposed diversion by the — of the grant from the Petrol Fund towards rural reconstruction. 1865.

**MADRAS, GOVERNMENT OF—**

Question *re* allocation of assets and liabilities between the New Orissa Province and the —. 783.

**MADRAS PRESIDENCY—**

Question *re*—

Concession of collecting or making salt in certain *taluqs* of the —. 525-26.

Enquiry into the production and trade of rice in the —. 600-91.

Factories working under the monopoly system of manufacturing salt in the —. 525.

**MADRAS PRESIDENCY—contd.**

Question *re*—*contd.*

Grant for the development of the handloom weaving industry to the —. 958-59.

Monopoly of supplying petroleum products in the — held by the Burma Oil Company. 521-22.

Proposal to construct a funicular railway from Tirupati to Tirumalai Hills in the —. 703.

Reopening of salt works in certain places in the —. 527.

**MAHAPATRA, MR. SITAKANTA—**

Question *re*—

Posting of certain Income-tax officials at a particular station for a long time in Bihar and Orissa. 869-70.

Technical institutions in India. 61-62.

**MAIL SORTER(S)—**

See "Sorter(s)".

**MAIL TRAIN(S)—**

See "Train(s)".

**MAINTENANCE—**

Question *re* cost of repair and — incurred on rolling stock on railways. 623-24.

**MAITRA, PANDIT LAKSHMI KANTA—**

Cinematograph (Amendment) Bill—

Motions to consider and to refer to Select Committee. 249.

Criminal Law Amendment Bill—

Motion to consider. 549.

Election of — to the Standing Committee for Roads. 434.

Indian Coffee Cess Bill—

Motions to consider, to circulate and to refer to Select Committee. 1641, 1642, 1643.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1121.

Motion for adjournment *re*—

Acoustics of the Assembly Chamber in Simla. 434.

Allocation of certain resources between the Central and Provincial Governments. 1311-12.

Question *re* contractors at Railway stations in the Dinapore and Howrah Division. 220.

Question (Supply.) *re*—

Affairs in the Cellular Jail, Andamans, under the present Superintendent. 1593, 1594.

Baggage free allowance for third class passengers from Ceylon to India. 1164.

Books for prisoners in the Cellular Jail, Andamans. 1590.

**MAITRA PANDIT LAKSHMI KANTA—contd.**

- Question (Supply.) *re—contd*  
 Complaints by prisoners in the Cellular Jail, Andamans, against the treatment of Dr. Todd. 1588, 1589.  
 Construction of the Dacca-Aricha Railway. 1163.  
 Countries with banned or restricted imports from India. 14, 15.  
 Definitions to be followed by the Board of Film Censors in India. 1794.  
 Detachment of British Troops stationed in certain Bikrampur villages in Dacca. 177, 178.  
 Disposal of the discarded articles of the army. 285.  
 Distress of Quetta merchants. 1906.  
 Exhibition of the films "India Speaks" and "Bengali". 1401.  
 Facilities for the education of the children of the Indian and European staff of the Indian Railways. 1386, 1387.  
 German Government's offer with regard to the contract for the Howrah Bridge. 1804.  
 Hardships of prisoners in the Cellular Jail, Andamans. 1411, 1412.  
 Indian Army cadets and reframing of the list of martial classes. 21.  
 Introduction of Reforms in the provinces. 1162.  
 Molasses produced in India. 1602.  
 Movement for separation of certain Indian border territories from other parts of Hindustan. 1610.  
 Newspapers subscribed for the prisoners in the Cellular Jail, Andamans. 1590.  
 Non-issue of week-end intermediate and third class tickets on the Great Indian Peninsula Railway. 1789.  
 Non-observance of certain holidays in the office of the Indian Railways Conference Association, Delhi. 181.  
 Purchase of iron and steel materials by Indian Railways. 970.  
 Purchase of scales by the Railways. 174.  
 Reduction in the number of classes on Indian Railways. 1160.  
 Re-transfer of Sylhet to Bengal. 971.  
 Rice, broken-rice and paddy imported into India from Siam and Indo-China. 1165.  
 State Prisoners in bad health. 1398.  
 State Prisoners in different provinces. 1390, 1391.  
 State Prisoners in the Central Provinces Jails. 1392.  
 State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1395.

**MAITRA PANDIT LAKSHMI KANTA—concl.**

- Question (Supply.) *re—concl.*  
 Supply of morning tea to the prisoners in the Cellular Jail Andamans. 1595.  
 Testing of the information supplied by Police informers. 1899.  
 Vending contracts on the East Indian Railway. 186, 187.  
**MAIL TRAIN(S)—**  
 Question *re—*  
 Third class carriages on — on the Madras and Southern Mahratta Railway. 951-52.  
**MAJOR—**  
 Question *re* distinction in the payment of railway fare by an Indian — and a British Captain. 305.  
**MALAKAND AGENCY—**  
 Question *re* wound received by Mr. L. W. B. H. Best, Political Agent in the —. 534.  
**MALAVIYA, PANDIT KRISHNA KANT—**  
 Criminal Law Amendment Bill—  
 Motion to consider. 562-77, 585, 653, 655, 830, 922.  
 Indian Coffee Cess Bill—  
 Motions to consider, to circulate and to refer to Select Committee. 1671.  
 Motion for adjournment *re—*  
 Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 384-85.  
 Despatch of troops from British India to Addis Abbaba (Abyssinia). 269-71.  
 Oath of office. 1.  
 Question (Supplementary) *re—*  
 Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division. 169, 170.  
 Appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 849.  
 Excavation work at Quetta after the earthquake. 711, 712.  
 Inclusion of provisions for a Statutory Railway Authority in the Government of India Act. 310.  
 New type of a aeroplane for operation in India. 845.  
 Refusal of permission to certain persons to enter Quetta for affording relief to the earthquake sufferers. 705.  
 Refusal of permission to visit Quetta for Earthquake Relief Work. 790.  
 Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 363-64, 366.

**MALAYA—**

Question *re* preference for Indian rice in British — and Ceylon and for Indian paddy in the United Kingdom. 1157-58.

**MALPRACTICE(S)—**

Question *re* alleged impersonation and — employed in elections to the legislatures and local bodies. 695-96.

**MANAGEMENT(S)—**

Question *re* transfer of the — of the Company-managed Railways. 631.

**MANAGER(S)—**

Question *re* number of Muslims and non-Muslims employed as Assistant — and heads of branches in the Government of India Presses and in the Central Publication Branch. 108.

**MANGAL SINGH, SARDAR—**

Motion for adjournment *re* despatch of troops from British India to Addis Abbaba (Abyssinia). 267-68.

**Question *re*—**

Demotions and supersessions in certain Divisions, of the East Indian Railway. 541-42.

Enquiry into the conduct of an Imperial Service Officer. 860.

**Question (Supplementary) *re*—**

Cadets of the Indian Military College, Dehra Dun. 1888.

Indian Trade Commissioners in foreign countries. 1079.

**MANUFACTURE—****Question *re*—**

Equipment of the Ajmer Railway Workshops with additional plant and machinery for the — of locomotives. 976.

— of Guns in Indian Ordnance Factories for the use of the Indian Army. 1687-88.

— of locomotive boilers and locomotives in India. 1702-04.

— of locomotive boilers in Railway Workshops. 1637.

— of petrol from coal in India. 1600-01.

**MANUFACTURER(S)—**

Question *re* disabilities suffered by match — in British India. 539-40.

**MARITIME STATE(S)—**

Question *re* customs questions relating to the Kathiawar and —. 963.

**MARKET(S)—**

Question *re* scheme for the development of the internal —. 1111-12.

**MARKET BAZAR—**

Question *re* bania shops in the —, Kasauli. 974-75.

**MARKETING—****Question *re*—**

Grants made to provinces for the improvement in the conditions of the cultivation and — of sugarcane. 1266-68.

— of agricultural produce in foreign countries. 957.

**MARKETING ORDINANCE(S)—**

See "Ordinance(s)".

**MARRIAGE(S)—****Question *re*—**

Grant of concession rates of postage on printed — invitation cards. 35.

Performance of — by the people of Sind in the *Khanpur State* to evade prosecutions under the Child Marriage Restraint Act. 26-28.

**MARRIAGE RESTRAINT (AMENDMENT) BILL—**

See "Child —" under "Bill(s)".

**MARRIAGE VALIDATION BILL—**

See "Arya —" under "Bill(s)".

**MARRIAGE VALIDITY BILL—**

See "Hindu —" under "Bill(s)".

**MARTIAL CLASS(S)—**

Question *re* Indian Army cadets and reframing of the list of —. 21.

**MASANI, MR.—**

Question *re* cancellation of the passport of — of Bombay. 860-62, 1384-85, 1402, 1407, 1697.

**MASWOOD AHMAD, MR. M.—**

Question *re* transfers of Assistant Commissioners of Income-tax. 540.

**MATCH MANUFACTURER(S)—**

Question *re* disabilities suffered by — in British India. 539-40.

**MECHANIC(S)—**

Question *re* certain benefits for mistries and — of the Posts and Telegraphs Department. 883.

**MECHANICAL DEPARTMENT—**

Question *re* racial discrimination in the matter of promotions in the — of the East Indian Railway. 1276-87.

**MECHANICAL ENGINEER(S)—**

See "Engineer(s)".

**MECHANICAL ENGINEERING  
BRANCH—**

See "Engineering Branch(es)".

**MECHANISATION—**

Question *re* — of British and Indian army. 284-85.

**MEDICAL COUNCIL—**

Question *re* election to the All-India —. 1173-74.

**MEDICAL COUNCIL ACT—**

See "Indian —" under "Act(s)".

**MEDICAL OFFICER(S)—**

Question *re* grant of certificates to guards by the District — of the Moradabad Division, East Indian Railway. 1634-35.

**MEDICAL SCIENCE—**

Question *re* recognition of Homoeopathy as a State —. 1873.

**MEERUT—**

Question *re* Hapur Remount Depot at Babugarh in the — Division. 232.

**MEETING(S)—**

Question *re*—  
Attendance of members at the — of the Lahore Cantonment Board. 221.  
Presiding over the — of the Lahore Cantonment Board by Vice-President. 221.

**MEMBER(S)—**

Circular regarding Governor General's address to the — of the Indian Legislature. 936.

Election of — to the Select Committee on Amendments to Standing Orders. 1012.

**Question *re*—**

Basis of rent for —' quarters. 1801.  
— of the Income-tax Enquiry Committee. 980.

Nomination of — to the Industrial Research Bureau. 1797-98.

Publications distributed free to the — of the Central Legislature. 1713-14.

Rent charged from — of the Indian Legislature for quarters in Summer Hill, Simla. 1619-20.

**MEMBERSHIP—**

Question *re*—  
India's — of the League of Nations. 1778-79.

Resignation by certain countries of their — of the League of Nations. 1779-80.

**MENON, MR. K. P. S.—**

Question *re* report of — on the effect of the Marketing Ordinances on Indian Settlers in East Africa. 781.

**MERCHANT(S)—**

Question *re* distress of Quetta —. 1906-06.

**MESSAGE(S)—**

— from H. E. the Governor General recommending the passage of the Criminal Law Amendment Bill. 1059.

— from the Council of State *re* reference of the Madras City Hindu Temples Bill to Joint Committee. 1806.

**METER RENT—**

Question *re* electric — charged in New Delhi. 1109-11.

**MEYERS' PUMP(S)—**

See "Pump(s)".

**MIDWANI, PRINCE—**

Question *re* use of the Army Landing Grounds at Agra and Ahmedabad by His Highness the Maharaja of Kashmir and —. 771.

**MIEVILLE, MR. E. C.—**

Question *re* deputation in London of —. Private Secretary to His Excellency the Viceroy to examine the working of the Cabinet Secretariat. 1058-59.

**MILEAGE ALLOWANCE—**

See "Allowance(s)".

Motion for adjournment *re* firing by the — at Lahore over the Shahid gunj dispute. 343.

**MILITARY—**

Question *re*—  
Allowances given to — Sub-Assistant Surgeons on transfer. 1598-99.  
Discrimination against Indian — Sub-Assistant Surgeons. 1599.

**MILITARY ADMINISTRATION—**

Question *re* transfer of the Civil and — of Gilgit to the Government of India. 962-63, 1632-33.

**MILITARY AUTHORITIES—**

Question *re* buildings of historical importance occupied by the —. 1309.

**MILITARY COLLEGE—**

Question *re* cadets of the Indian — Dehra Dun. 1887-88.

**MILITARY DEPARTMENT—**

Question *re* purchase of articles required by the — 159-60.

**MILITARY OFFICER(S)—**

See "Officer(s)".

**MILITARY SERVICE FAMILY PENSION FUND—**

See "Indian —".

**MILLIGAN, MR. J. H.—**

Indian Coffee Cess Bill—

Motions to consider, to circulate and to refer to Select Committee. 1656, 1658-59, 1660.

**MINE(S)—**

Question *re* Khewra Salt — Settlement. 28-34.

**MINGALADON—**

Question *re* position of Muslims in the Aerodromes at —, Akyab and Chittagong. 1380.

**MINT(S)—**

Question *re* — at Calcutta and Bombay. 406-07.

**MISCELLANEOUS—**

Demand for Excess Grant. 1939-40.  
Demand for supplementary grant. 1841-57, 1924-38.

**MISTRIES—**

Question *re* certain benefits for — and mechanics of the Posts and Telegraphs Department. 885.

**MITCHELL, THE HONOURABLE MR. D. G.—**

Factories (Amendment) Bill—

Motion for leave to introduce. 157.

Motion to consider. 1210-11.

Motion to pass. 1211.

Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1207.

Motion *re*—

Election of a member for Standing Advisory Committee for the Indian Posts and Telegraphs Department. 642.

Election of a member to serve on the Standing Committee for Roads. 136.

Oath of office. 1.

Payment of Wages Bill—

Presentation of the Report of the Select Committee. 143.

**MITCHELL, THE HONOURABLE MR. D. G.—contd.**

Payment of Wages Bill—*contd.*

Motion to consider. 1000-03, 1004, 1008, 1009, 1010.

Resolution *re*—

Ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 149-50, 152, 156-57.

Statement (laid on the table) *re* cases in which the lowest tenders have not been accepted by the High Commissioner for India in purchasing stores for the Government of India. 640-41.

Statement (laid on the table) showing the objects on which the Petrol Tax Fund was expended during 1934-35. 136.

Statement *re* postponement of the Payment of Wages Bill. 1075-76.

**MODY, SIR HORMUSJI PERSHAW—**

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1957-59.

Question (Supplementary) *re* Indian Trade Commissioners in foreign countries. 1080.

Resolution *re* Quetta Earthquake. 1316-18.

**MOLASSES—**

Question *re* — produced in India. 1601-02.

**MONEY(S)—**

Question *re*—

— sent out of India and — spent in England by the Government of India. 17.

Refusal by the Nazul Officer, Delhi, to accept — from the residents of Naiwala, Karol Bagh. 1616-17.

**MONO MACHINE(S)—**

Question *re* indent for two — for the East Indian Railway Press at Calcutta. 1604.

**MONOPOLY SYSTEM—**

Question *re* factories working under the — of manufacturing salt in the Madras Presidency. 525.

**MONTHLY ALLOWANCE—**

See "Allowance(s)".

**MONUMENT(S)—**

Question *re*—

Archæological Superintendents in charge of —. 1302.

Hindu, Buddhist and Muhammadan — in the Southern Circle, Madras. 764-67.

**MOODY-WARD SYSTEM—**

Question *re* absorption of the permanent staff in the — on the East Indian Railway. 223.

**MORADABAD—**

Question *re*—

Free quarters for the commercial staff at certain stations in the — Division. 621.

Racial discrimination in the supply of uniforms and occupation of quarters, etc., in the — Division, East Indian Railway. 76-77.

Refusal of leave to the railway Staff of the — Division. 621.

Seniority lists of ticket collectors and travelling ticket examiners in the — and Lucknow Divisions. 106.

**MORADABAD DIVISION—**

Question *re*—

Grant of certificates to guards by the District Medical Officer of the — East Indian Railway. 1634-35.

Increments to staff in the — East Indian Railway. 1635-36.

Representation from certain drivers of the — East Indian Railway. 848.

**MORATORIUM(S)—**

Question *re* prohibitive duty on clove imports and protection against indefinite — demanded by Indians in Zanzibar. 980.

**MORGAN, MR. G.—**

Criminal Law Amendment Bill—

Motion to consider. 553-55, 556.

Election of — to the Select Committee on the amendment of Standing Orders. 1112.

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 5.

Nomination of — to the Penal of Chairmen. 128.

Question (Supply) *re* State Prisoners in bad health. 1397.

Resolution *re* Quetta Earthquake. 1328-31.

**MORNING TEA—**

See "Tea".

**MOSLEM PERSONAL LAW (SHARIAT) APPLICATION BILL—**

See "Bill(s)".

**MOSQUE(S)—**

Motion for adjournment *re* destruction of the Shahidgunje — at Lahore. 232.

**MOTION(S)—**

— *re*—

Election of a member for Standing Advisory Committee for the Indian Posts and Telegraphs Department. 642.

Election of a member to serve on the Standing Committee for Roads. 136.

Election of a member to sit on the Imperial Council of Agricultural Research and its Governing Body. 142.

Election of a member to the Standing Finance Committee. 237.

Election of one Muslim member to sit on the Standing Committee on Pilgrimage to the Hedjaz. 137.

**MOTION FOR ADJOURNMENT—**

See "Adjournment".

**MOTOR BUS(ES)—**

See "Bus(es)".

**MOTOR TRANSPORT—**

Question *re* permits for — between Dehra Dun railway station and Mussoorie. 9-10.

**MOTOR VEHICLE(S)—**

See "Indian — (Amendment) Bill" under "Bill(s)".

**MOTOR VEHICLES (AMENDMENT) BILL—**

See "Indian —" under "Bill(s)".

**MOVE—**

Question *re* — of the offices of the Army Headquarters to Delhi during winter. 278-80.

**MUDALIAR, MR. C. N. MUTHURANGA—**

Election of — to the Select Committee on the amendment of Standing Orders. 1112.

Motion for leave to amend Standing Orders. 1011.

Question *re*—

Accommodation for officers and staff in New Delhi and Simla. 1185.

Appointment of an Indian in place of the late Mr. A. C. Chatterjee, a Member of the Information Section of the League of Nations Secretariat. 523-24.

Appointment of Indians as teachers in England. 522-23.

Archæological Superintendents in charge of monuments. 1302.

Closing of level crossings on the Madras and Southern Mahratta Railway between Arkanam and Amtattur. 231.

**MUDALIAR, MR. C. N. MUTHU-RANGA—contd.**

**Question re—contd.**

Concession of collecting or making salt in certain taluqs of the Madras Presidency. 525-26.

Confirmation of a foreign expert in the Archæological Department. 770-71.

Countries with banned or restricted imports from India. 528-29.

Discovery of Buddhist images at Nāgapatam. 768.

Discovery of paintings at certain temples at Conjeevaram and Tanjore. 767-68.

Distribution of funds to the various Archæological Circles. 1302-04.

Establishment of rural libraries. 524.

Factories working under the monopoly system of manufacturing salt in the Madras Presidency. 525.

Hindu, Buddhist and Muhammadan monuments in the Southern Circle, Madras. 764-67.

Inadequacy of Indians employed in the offices of the League of Nations. 523.

Monopoly of supplying petroleum products in the Madras Presidency held by the Burma Oil Company. 521-22.

Office of the Civil Aviation in India. 1187.

Officers in Archæological Survey. 527-28.

Officers in the Archæological Survey with qualifications in architecture and archæology. 1187.

Position of Indians in Fiji. 526.

Private houses rented for the Office of the Imperial Council of Agricultural Research and the Reforms Office in Simla. 1186.

Publicity officers working on State Railways. 100-02.

Reopening of salt works in certain places in the Madras Presidency. 527.

Results of excavations at Nagarjunakonda in the Guntur District. 768-69.

Retrenchment in the Madras Dead Letter Office. 224-25.

Rice, broken-rice and paddy imported into India from Siam, Indo-China and Rangoon. 1183, 1135.

Salt trade of Madras. 524-25.

Seats in the third class carriages on the South Indian Railway. 115.

Taking out of India some important Archæological funds. 1304-05

Technical qualifications of the Superintendent of Archæology, Southern Circle, Madras. 769-70.

**MUDALIAR, MR. C. N. MUTHU-RANGA—concl'd.**

**Question re—concl'd.**

Water basin arrangement in some of the bath rooms of second class compartments on the Madras and Southern Mahratta Railway. 1305-06.

**Question (Supplementary) re—**

Effect of the fixation of import duty on broken rice. 538.

Election to the All-India Medical Council. 1174.

Result of the imposition of an import duty on broken rice and prohibition of imports of rice from Siam, Indo-China, etc. 792.

Rice, broken-rice and paddy imported into India from Siam and Indo-China. 1165.

**MUHAMMAD AHMAD KAZMI, QAZI—**

**Question re—**

Applicability of certain paragraphs of the State Railway Open Line Code, Volume II, on State Railways. 1903.

Applicability of old scales of pay to the travelling ticket checking staff on the East Indian and North Western Railways. 1902-03.

Change of the nature of an allowance by the Agent of a State Railway. 1901.

Hapur Remount Depot at Babugarh in the Meerut Division. 232.

Mileage or running allowance paid to the staff on State Railways 1902.

Pay of Travelling Ticket Inspectors, etc., on the East Indian Railway. 1904-05.

Permits for motor transport between Dehra Dun railway station and Mussoorie. 9-10.

Recommendations of the Hides Cess Committee. 306.

Transfers of British Officers in the Remount Department. 15.

Travelling Ticket Examiners classed as traffic train staff. 1900-01.

**MUHAMMAD NAUMAN, MR.—**

**Question re—**

Communal composition of non-gazetted staff recruited in the Government of India Offices. 211-19.

Communal composition of the Indian staff in the office of the High Commissioner for India. 882.

**MUNICIPAL COMMITTEE(S)—****Question re—**

- Amount given to the Sadar Bazar — from the Cash Balance in the Cantonment Fund, Ambala. 209.  
 Appointment of the President of the New Delhi —. 1106-08.  
 Budget of the New Delhi —. 1105-06.  
 Income and expenditure of the New Delhi —. 1102-03.  
 Sale of electricity by the New Delhi — to the Delhi Electric Supply Company. 286-87

**MUNICIPAL LIMIT(S)—****Question re—**

- Facilities and comforts for Government servants living outside the — in Simla. 1611-13.

**MUNICIPALITY (IES)—****Question re—**

- Dissatisfaction among Indians in Fiji due to the proposed change in the system of representation in — and the Legislative Council. 847-48.  
 System of nominations to the — in Fiji. 1052-53.

**MURDER(S)—**

- Question re — of Khan Saheb Zangi Khan of Maddakhel, North-West Frontier. 607.

**MURTUZA SAHIB BAHADUR, MAULVI SYED—**

- Motion for adjournment re bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 395.  
 Question re produce of the land of the Istimrari area of Satlana, Ajmer-Merwara. 108.

**MUSEUM—**

- Question re officers and servants of the Trustees of the Indian —, Calcutta. 1182-83.

**MUSLIM(S)—**

- Motion re election of one — member to sit on the Standing Committee on Pilgrimage to the Hedjaz. 137.

**Question re—**

- Hindu, Buddhist and — monuments in the Southern Circle, Madras. 764-67.  
 Increase in the proportion of — candidates on the waiting list of inferior cadre in the Agra Post Office. 637.  
 — appointed as Sugar Inspectors. 858-59.

**MUSLIM(S)—contd.****Question re—contd.**

- in certain categories on the North Western Railway. 1268-69.  
 Number of — and non- — employed as Assistant Manager and heads of branches in the Government of India Presses and in the Central Publication Branch. 108.  
 Percentage fixed for — on the Assam Bengal Railway. 859-60.  
 Position of — in the Aerodromes at Mingaladon, Akyab and Chittagong. 1380.  
 Preponderance of — Extra-Departmental Sub-Postmasters in Agra. 637.  
 Recruitment of — as Sugar Inspectors. 859.  
 Recruitment of — in the Engineering Department of State Railways. 860.

**MUSLIM EMPLOYEE(S)—**

See "Employee(s)".

**MUSLIM REFRESHMENT ROOMS—**

See "Refreshment Rooms".

**MUSLIM UNIVERSITY (AMENDMENT) BILL—**

See "Aligarh —" under "Bill(s)".

**MUSSOORIE—**

- Question re permits for motor transport between Dehra Dun railway station and —. 9-10.

**MUTTRA—**

- Question re want of direct train connection between — and Allahabad. 622.

**MUZAFFARPORE—**

- Question re opening of booking office at —. 1242.

**MYSORE GOVERNMENT—**

- Question re dispute between the — and the Government of Madras re Cauvery waters. 1083.

**N****NAGARJUNAKONDA—**

- Question re results of excavations at — in the Guntur District. 768-69.

**NAGOBE—**

- Question re hardship caused to pilgrims attending the Kanduri festival, —, by the Customs Officers, Sannamangalam Chowki. 1088.

## NAIHATI—

Question *re* case of Mr. K. C. Das, an Assistant Station Master at —, Eastern Bengal Railway. 93-94.

## NAIWALA—

Question *re* refusal by the Nazul Officer, Delhi, to accept money from the residents of —, Karol Bagh. 1616-17.

## NATAL—

Question *re* benefit of poor relief to the Indians in —. 427-28.

## NATAL INDIAN CONGRESS—

Question *re* protest by the South African and — against certain sections of the Natal Rural Dealers' Licensing Law Amendment Ordinance. 1296-97.

## NATAL RURAL DEALERS' LICENSING LAW AMENDMENT ORDINANCE—

See "Ordinance(s)".

## NATIONAL(S)—

Resolution *re* position of Indian — settled in Zanzibar. 1211-40.

## NAVIGATION—

Question *re* treaty of commerce and — between Great Britain and Zanzibar. 846.

## NAZUL OFFICER—

Question *re* refusal by the —, Delhi, to accept money from the residents of Naiwala, Karol Bagh. 1616-17.

## NEGAPATAM—

Question *re* discovery of Buddhist images at —. 768.

## NEGOTIATION(S)—

Question *re*—  
— for Trade Agreements with the Irish Free State, Canada and Italy. 785.

— with the Gaekwar of Baroda in respect of Kathiawar ports. 1623.

— with the princes in regard to the coming Federation. 20-21.

— with the Shamozaï tribe on the North-West Frontier for a friendly agreement. 604.

Trade — between the United Kingdom and Italy and India. 604-05.

## NEW CONSTITUTION—

See "Constitution".

## NEW DELHI—

Question *re*—

Accommodation for officers and staff in — and Simla. 1093-94, 1185-86.

Alleged compulsion for overtime work in the Government of India Press, —. 1038-39.

Appointment of the President of the — Municipal Committee. 1106-08.

Assessed rent of "B" and "C" type unorthodox quarters in —. 1622.

Band at the Connaught Place, —. 1101-02.

Budget of the — Municipal Committee. 1105-06.

Certain subordinates of the Central Public Works Department, —. 120.

Classification of the employees of the reading branch of the Government of India Press, —. 1038.

Construction of more quarters for the employees of the Government of India Press, —. 1037.

Different principles for allotment of Government quarters in — and Simla. 1619.

Differential treatment in the allotment of Government quarters in — and Simla. 1617-18.

Electric meter rent charged in —. 1109-11.

Exemption of Muslim employees of the Government of India Press, — from working overtime on Fridays. 1039.

Fees demanded by the Civil Surgeon, —, during hospital hours. 697-99.

Income and expenditure of the — Municipal Committee. 1102-03.

Lease-hold land in —. 1103-04.

Money invested in the building of quarters in Simla and — and interest paid on such debts. 1800.

Permission to Government employees with college-going children to retain their quarters in — on payment of rent on a 10 per cent. rent basis. 1622-23.

Residential accommodation for Government servants in — and Simla. 1610-11.

Return on the total capital cost of —. 413-14.

Rules governing the allotment of quarters to the employees of the Government of India Press, —. 1038.

Sale of electricity by the — Municipal Committee to the Delhi Electric Supply Company. 286-87.

NEW DELHI—*contd.*Question *re—contd.*

Want of smoke-chimneys in the Duffary type quarters of the Government of India Press, —, 1038.

Water meter rent realised from Government servants in — and Simla. 1614-16.

## NEWS—

Question *re* official watch over — and editorial comments in newspapers relating to the Quetta earthquake disaster. 1045-46.

## NEWSPAPER(S)—

Question *re—*  
Action taken against — under the Indian Press (Emergency Powers) Act, 1931. 316-42.

Allegations against certain people in the reports published in certain — about Quetta after the earthquake. 1888-89.

Demand and forfeiture of securities of —. 1626-27.

— articles on the Quetta Earthquake relief and the Silver Jubilee Fund against which action was taken. 1907-24.

— punished for adversely commenting on Government's policy in Quetta. 1405-06.

— subscribed for the prisoners in the Cellular Jail, Andamans. 1590-91.

Official watch over news and editorial comments in — relating to the Quetta earthquake disaster. 1045-46.

Presses and — punished in connection with articles on the Silver Jubilee Fund or the Quetta Earthquake Relief. 978-79.

## NIDHIS—

Question *re* collection of income-tax from — and funds in Madras. 1306.

## NIGHT VISION TEST(S)—

Question *re* employees failing in — on the North Western Railway 1100-01.

See also "Vision Test".

## NILGIRIS—

Question *re* combine for working the gold mines in the —. 706-07.

## NIXON, MR. J. C.—

Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1548-62, 1576.

Oath of office. 1379.

## NOMINATED MEMBER(S)—

Question *re* resignation of the — of the Lahore Cantonment Board. 221.

## NOMINATION(S)—

Question *re* system of — to the municipalities in Fiji. 1052-53.

## NON-GAZETTED SERVANT(S)—

See "Servant(s)".

## NON-GAZETTED STAFF—

See "Staff(s)".

## NON-INDIAN(S)—

See "Indian(s)".

## NON-MUSLIM(S)—

See "Muslim(s)".

## NON-SINDHI(S)—

See "Sindhi(s)".

## NORTH-WEST FRONTIER—

Question *re—*  
Government's policy with regard to the tribes on the —. 532-34, 1688-89.

Murder of Khan Saheb Zangi Khan of Maddakhel, —. 607.

Negotiations with the Shamozaï tribe on the — for a friendly agreement. 604.

Position on the —. 207-08.

Tribal vendetta on the —. 589-91.

Trouble on the Durand Line on the —. 605.

## NORTH-WEST FRONTIER PROVINCE—

Question *re—*

Lifting of ban from the Khudai Khidmatgar and other Congress organizations in the —. 1627-28.

Position in the —. 1718-20.

## NORTH WESTERN RAILWAY—

See "Railway(s)".

## NOTE(S)—

See "Currency".

## NOTIFIED AREA COMMITTEE—

Question *re* Delhi Civil Station —. 278.

## NUMBER-TAKER(S)—

Question *re—*

Duties of — on the North Western Railway. 89-90.

— on the North Western Railway. 90-91.

## NUTRITION RESEARCH—

See "Research".

## O

## OATH OF OFFICE—

- Acheson, Mr. J. G. 1.  
 Ayyar, Diwan Bahadur B. V. Krishna. 1.  
 Badrul Hasan, Maulvi. 809.  
 Bajpai, The Honourable Sir Girja Shankar. 1379.  
 Bhat, Mr. M. D. 1.  
 Blackwell, Mr. J. H. 1.  
 Bower, Mr. E. H. M. 1.  
 Boyle, Mr. J. D. 657.  
 Chapman-Mortimer, Mr. T. 1.  
 Chunder, Mr. N. C. 159.  
 Desai, Mr. S. P. 2.  
 Griffiths, Mr. P. J. 2.  
 Hands, Mr. A. S. 1.  
 Laljee, Mr. Husenbhai Abdullabhai. 731.  
 Leach, Mr. F. B. 1.  
 Lee, Mr. D. J. N. 2.  
 Lister, Mr. T. 2.  
 Lloyd, Mr. A. H. 1.  
 MacLachlan, Mr. D. 1.  
 Malaviya, Pandit K. K. 1.  
 Mitchell, The Honourable Mr. D. G. 1.  
 Nixon, Mr. J. C.  
 Owen, Mr. L. 2.  
 Yamin Khan, Mr. Muhammad. 1.  
 Zafriullah Khan, The Honourable Sir Muhammad. 1.

## OFFICER(S)—

## Question re—

- Accommodation for — and staff in New Delhi and Simla. 1093-94, 1185-86.  
 Acting Military — as Presidents of the Lahore Cantonment Board. 221.  
 Burmans employed as — in certain Departments and Services in Burma. 78-80.  
 Complaints against the — on S.S. "Rahmani". 777.  
 Cost incurred by the Government of India in the transport of British troops and —. 402-03.  
 Enquiry into the conduct of an Imperial Service —. 978.  
 Indian and European — working in the Finance Department. 1692-93.  
 Inquiry into the conduct of an Imperial Service —. 975.  
 Number of excess — and subordinates on State Railways. 423-24.  
 — and servants of the Trustees of the Indian Museum, Calcutta. 1182-83.  
 — in Archaeological Survey. 527-28.  
 — in the Archaeological Survey with qualifications in architecture and archaeology. 1187.

OFFICER(S)—*contd.*Question re—*contd.*

- Personal allowance given to the — of the office of the Indian Railways Conference Association. 194.  
 Terms offered for the transfer of British Service — to the Indian Army. 793.  
 Transfers of British — in the Remount Department. 15.

## OFFICER ON SPECIAL DUTY—

- Question re — in the Reforms Office. 1077-78.

## OFFICIAL(S)—

## Question re—

- Allegations against some Railway — at Tundla. 92, 1172.  
 Extra Departmental Postal —. 198.  
 Periodical transfer of the Supervising — in the Madras Customs House. 620.

## OIL CAKE(S)—

- Question re fall in the export of oil and — from India to Great Britain. 1385-86.

## OLD DELHI—

- See "Delhi".

## ONE RUPEE NOTE(S)—

- Question re issue of —. 1792-93.

## OPEN LINE CODE—

- Question re applicability of certain paragraphs of the State Railway —, Volume II, on State Railways. 548, 1903.

## OPENING(S)—

- Question re provision of additional — in the embankment from Fenchuganj to Sylhet Bazar. 632.

## OPERATING DEPARTMENT—

- Question re promotion and seniority of travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the — of the North Western and East Indian Railways. 124.

## ORDINANCE(S)—

## Question re—

- Positions of Indians in Zanzibar with regard to the clove —. 593-94.  
 Protest by the South African and Natal Indian Congress against certain sections of the Natal Rural Dealers' Licensing Law Amendment —. 1296-97.

**ORDINANCES—contd.**Question *re—contd.*

Report of Mr. K. P. S. Menon on the effect of the Marketing — on Indian Settlers in East Africa. 781.

**ORDNANCE FACTORY(IES)—**

See "Factory(ies)".

**ORGANISATION(S)—**Question *re—*

Lifting of ban from the Khudai Khidmatgar and other Congress — in the North-West Frontier Province. 1627-28.

Refusal of permission to public — to proceed to Quetta for earthquake Relief work. 611-12.

**ORISSA—**Question *re—*

Allocation of assets and liabilities between the New — Province and the Government of Madras. 783.

Financial adjustment for the creation of the new Provinces of — and Sind. 599-600.

**ORTHODOX QUARTER(S)—**

See "Quarter(s)".

**OTTAWA AGREEMENT—**

Question *re* effect of the — on India and the Dominions. 970.

**OTTAWA TRADE AGREEMENT—**Question *re—*

Report on the working of the —. 1292-93.

Results of the —. 1046.

Results of the —. 693, 1082-83.

Report on the working of the scheme of preferences resulting from the —. 1807.

**OUDH—**

Question *re* terms of the — Bequest administered by His Majesty's Consulate at Baghdad. 64-67.

**OUDH AND ROHILKUND RAILWAY—**

See "Railway(s)".

**OUT-DOOR GAME(S)—**

Question *re* provision of facilities for — in the Cellular Jail, Andamans. 1591.

**OUTPUT—**

Question *re* — capacity of the Tata-nagar Railway Workshops and other workshops for manufacture of carriage and wagon under-frames. 624.

**OVERBRIDGE(S)—**

See "Bridge(s)".

**OVERTIME—**Question *re—*

Alleged compulsion for — work in the Government of India Press, New Delhi. 1038-39.

Exemption of Muslim employees of the Government of India Press, New Delhi from working — on Fridays. 1039.

**OWEN, MR. L.—**

Oath of Office. 2.

**P****PACT(S)—**

Question *re* Bombay-Lancashire —. 1872.

**PADDY—**Question *re—*

Increase in the import duties on — and food stuffs imported from India into Ceylon. 18-19.

Higher import duty on foreign — in the United Kingdom. 1063-55.

Preference for Indian rice in British Malaya and Ceylon and for Indian — in the United Kingdom. 1157-58.

Rice, broken-rice and — imported into India from Siam and Indo-China. 1164-65.

Rice, broken-rice and — imported into India from Siam, Indo-China and Rangoon. 1183-85.

**PAINTING(S)—**

Question *re* discovery of — at certain temples at Conjeevaram and Tanjore. 767-68.

**PALIWAL, PANDIT SRI KRISHNA DUTTA—**

Motion for Adjournment *re* Government Circular prohibiting the Congress Assembly Party Committee to enquire into and report upon the administration of the repressive laws in Bengal. 985.

Question *re—*

Allegations against some railway officials at Tundla. 92, 1172.

Allegations against the Divisional Superintendent, Allahabad. 224.

"B" grade Controllers promoted to relieving guardship on the East Indian Railway. 1633-34.

Cancellation of the passport of Mr. Masani of Bombay. 1384-85.

**PALIWAL, PANDIT SRI KRISHNA DUTTA—contd.**

**Question re—contd.**

- Caste name of Jatava community. 1873-74.
- Consignment of goods for Indian import through Empire shipping. 980-982.
- Difference in the scales of pay of the goods clerk and booking clerk. 621-22.
- Double disability war pension cases. 1027.
- Exemption of disability pensions from the income-tax. 1027.
- Experience required for running Express and Mail Trains on the East Indian Railway. 1633.
- Externed or exiled persons not allowed to return to India. 982-83.
- Facilities for the education of the children of the Indian and European staff of the Indian Railways. 1386-87.
- Fall in the export of oil and oil cakes from India to Great Britain. 1385-86.
- Free quarters for the commercial staff at certain stations in the Moradabad Division. 621.
- Grievances of the staff on the Bombay, Baroda and Central India Railway. 620-21.
- Hearing of appeals by the Divisional Superintendent of Allahabad Division, East Indian Railway. 548.
- Inconvenience to passengers at Raja-ki-Mandi railway station in Agra. 1026.
- Interview for promotion of "B" Grade Guards on the East Indian Railway. 1634.
- Members of the Income-tax Enquiry Committee. 980.
- Newspaper articles on the Quetta Earthquake relief and the Silver Jubilee Fund against which action was taken. 1907-24.
- Non-appointment of an Indian as President of the Tariff Board. 980.
- Non-existence of labels on coolies indicating luggage fare at the Agra Fort Railway station. 1026.
- Payment of interest on security amount deducted from the pay of the Railway employees. 1387.
- Position of the Indian trade in Chinese Turkistan. 1379.
- Presses and Newspapers punished in connection with articles on the Silver Jubilee Fund or the Quetta Earthquake Relief. 978-79.

**PALIWAL, PANDIT SRI KRISHNA DUTTA—concl'd.**

**Question re—concl'd.**

- Prices charged at the Railway book-stalls of Messrs. A. H. Wheeler and Company. 1306-08.
- Prohibitive duty on clove imports and protection against indefinite moratoriums demanded by Indians in Zanzibar. 980.
- Promotion of certain Controllers on the East Indian Railway to relieving guardships. 1634.
- Promotion to the Relieving Guardship on the East Indian Railway. 1633.
- Protection of Indians in Abyssinia. 1383-84.
- Provision of an assistant surgeon in the railway hospital at Tundla. 92-93.
- Racial discrimination in the East Indian Railway Hospital at Tundla. 984-85.
- Recognition of Homœopathy as a State medical science. 1873.
- Refusal of leave to the railway staff of the Moradabad Division. 621.
- Vendors at the Tundla railway station. 1172.
- Want of a bridge at the railway crossing near the Agra Cantonment station on the Agra-Joghar Road. 1026-27, 1638.
- Want of direct train connection between Muttra and Allahabad. 622.
- PANEL—**  
Nomination of the — of Chairmen. 128.
- PANT, PANDIT GOVIND BAL-LABH—**  
Appointment of — to the Committee on Petitions. 128.
- Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1947-54.
- Criminal Law Amendment Bill—  
Motion to consider. 753-60, 797-809, 812, 823, 913, 925, 926.
- Demand for supplementary grant in respect of—  
"Miscellaneous". 1855-56, 1934.
- Indian Criminal Law Amendment (Repeal) Bill—  
Consideration of Clause. 2. 1760, 1764-65.
- Motion for adjournment re—  
Interests of Indians concerned in Zanzibar. 433-34, 639.
- Refusal of grant of protection to the Glass Industry. 343-44, 347.

**PANT, PANDIT GOVIND BALLABH***—contd.*

Nomination of — to the Panel of Chairmen. 128.

Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1760, 1764-65.

Question *re—*

Acquisition of the Rohilkund Kumaon Railway. 1889.

Allegations against certain people in the reports published in certain newspapers about Quetta after the earthquake. 1838-89.

Army lent for producing the film "Soldiers Three". 1896.

Average salary, emoluments and expenses on the education of the children of British and Indian soldiers. 1889-90.

Cadets of the Indian Military College, Dehra Dun. 1887-88.

Damage to crops by the recent frost. 870-71.

Difference in the customs and excise revenue. 1883.

Explosion in Bagdigi Colliery in Dhanbad. 1894-95.

Exports and imports of certain commodities. 1882.

Income and expenditure of State Railways. 1883-87.

Indians, Europeans and Anglo-Indians in the various Port Trusts. 1890-94.

Khandsari sugar works in the Rohilkund Division subjected to excise duty. 94-99.

Personnel and reports, etc., of the Tariff Board. 1874-81.

Reference of the question of the Indian textile industry to the Tariff Board. 1881-82.

Vacancies in the King's and Viceroy's Commissioned Ranks. 1887.

Resolution *re—*

Position of Indian nationals settled in Zanzibar. 1211-15, 1216-18, 1223, 1237-39, 1240.

Quetta Earthquake. 1373-76.

**PAPER—**

Question *re* classification of —. 1798.

**PARMA NAND, BHAI—**

Criminal Law Amendment Bill—

Motion to consider. 667, 668, 912, 913.

**PARMA NAND, BHAI—contd.**Question *re—*

Duties of number-takers on the North Western Railway. 89-90.

Electricians on the North Western Railway. 91.

Increase in the proportion of Muslim candidates on the waiting list of inferior cadre in the Agra Post Office. 637.

Number takers on the North Western Railway. 90-91.

Preponderance of Muslim Extra-Departmental Sub-Postmasters in Agra. 637.

Promotion of a clerk of the routine division to the second division in the Departments of the Government of India. 114.

Right of appeal to the High Court against the decisions of the Commissioners of Income-tax. 45.

Train examiners on the North Western Railway. 90.

**PASS(ES)—**

Cancellation of certain gallery — by Mr. President. 1414.

Question *re—*

Free — for the inferior servants on State Railways. 1767-69.

— given to Isa Brothers and Kapoor and Company by the East Indian Railway administration. 1772.

**PASSAGE(S)—**

Question *re* rebate allowed by the leading shipping companies for — to Europe for railway servants. 622-25.

**PASSENGER(S)—**Question *re—*

Accommodation allowed to a deck — in the Coastal — Steamers. 778-79.

Baggage free allowance for third class — from Ceylon to India. 1163-64.

Census of third class — on the Madras and Southern Mahratta Railway. 868-69.

Grievances of the — at Ghutku Station on the Bengal Nagpur Railway. 634.

Imposition of duties on personal effects carried by — from Ceylon to India. 1169-72.

Inconvenience caused to Indian — on account of European soldiers travelling in ordinary second class compartments. 693-94.

**PASSENGER(S)**—*contd.*Question *re*—*contd.*

Inconvenience to — at Raja-ki-Mandi railway station in Agra. 1026.

Luggage allowance given to third class —. 952-53.

Separate restaurant cars for the use of third class —. 1709-12.

Unwholesome food supplied to — on the Bengal and North Western Railway. 1189-90.

Weight of luggage of third class —. 954.

**PASSENGER STEAMER(S)**—

See "Steamer(s)".

**PASSPORT(S)**—Question *re*—

Cancellation of the — of Mr. Masani of Bombay. 860-62, 1384-85, 1402, 1407, 1697.

Instructions regarding —. 1407.

**PATDI DURBAR**—

Question *re* ceding of jurisdiction over certain villages in Viramgaon to the —. 61.

**PATNA**—Question *re*—

Rest available to the ticket checking staff at Gaya, — and Dinapore. 88.

Withdrawal of the jurisdiction of the Income-tax Officer of — from the income-tax cases of the Shahabad District. 1783.

**PAY**—Question *re*—

Applicability of old scales of — to the travelling ticket checking staff on the East Indian and North Western Railways. 1902-03.

Difference in the scales of — of the goods clerk and booking clerk. 621-22.

Different grades of — for the supervising staff in the East Indian Railway Workshops. 164.

Different limit of — for allotment of orthodox and unorthodox quarters in Simla. 1621-22.

Fixation of the initial — of staff in the East Indian Railway Press. 1605-06.

Non-revision of the — of the Indian Railways Conference Association staff. 195-96.

— of certain Railway Staff. 172.

— of the staff in the office of the Indian Railways Conference Association. 193-94.

**PAY**—*contd.*Question *re*—*contd.*

— of Travelling Ticket Inspectors, etc., on the East Indian Railway. 1904-05.

Payment of interest on security amount deducted from the — of the Railway employees. 1387.

Rates of — and other privileges of certain apprentices of State Railways. 93.

Reduction of — of graduates in Commerce in the Posts and Telegraphs Department. 638-39.

**PAYMENT OF WAGES BILL**—

See "Bill(s)".

**PEASANT(S)**—Question *re*—

Bill *re* exemption of a portion of the lands owned by — from the properties liable to be attached for the payment of debts. 959-60.

Loss sustained by the — in the Quetta Earthquake. 958.

**PEASANTS INSTITUTE**—

Question *re* refusal to grant concession tickets to the students of the —, Andhra. 866.

**PENSION(S)**—Question *re*—

Double disability war — cases. 1027.

Eligibility of telephone operators to —. 1898.

Exemption of disability — from the income-tax. 1027.

Increase in — of lower-paid postal employees. 1697-98.

Increase in the rate of — paid to the inferior Government Servants. 1706.

Interest allowed in calculating commutation value of —. 625.

**PENSION FUND**—

Question *re* Indian Military Service Family —. 421-23.

**PERCENTAGE(S)**—

Question *re* — fixed for Muslims on the Assam Bengal Railway. 859-60.

**PERMANENT SERVICE**—

See "Service(s)".

**PERMANENT WAY INSPECTOR(S)**—

See "Inspector(s)".

**PERMIT(S)**—

Question *re* — for motor transport between Dehra Dun railway station and Mussoorie. 9-10.

**PERSIA**—

Question *re* prohibition of certain imports from — and Afghanistan into certain parts of India. 535-36.

**PERSON(S)**—

Question *re* returned or exiled — not allowed to return to India. 982-83.

**PERSONAL ALLOWANCES**—

See "Allowance(s)".

**PERSONAL EFFECT(S)**—

Question *re* imposition of duties on — carried by passengers from Ceylon to India. 1169-72.

**PERSONNEL**—

Demand for Excess Grant in respect of "Expenditure on Retrenched — charged to Capital". 1941.

Demand for Excess Grant in respect of "Expenditure on Retrenched — charged to Revenue". 1940.

Question *re*—

— and other details of the Delimitation Committee. 687-89.

— and reports, etc., of the Tariff Board. 1874-81.

— of the Indian Lac Research Committee. 84.

Retrenched and retained — in the Railway Rates Advisory Committee. 1042-43.

**PETITION(S), COMMITTEE ON**—

See "Committee(s)".

**PETROL**—

Question *re* manufacture of — from coal in India. 1600-01.

**PETROL FUND**—

Question *re*—

Proposed diversion by the Madras Government of the grant from the — towards rural reconstruction. 1865.

Utilisation of the — for the development of roads. 1866-67.

**PETROL TAX FUND**—

See "Fund(s)".

**PETROLEUM**—

Question *re* monopoly of supplying — products in the Madras Presidency held by the Burma Oil Company. 521-22.

**PIG(S)**—

Question *re* wagons filled with — booked for Kishanganj. 1191-92.

**PILGRIM(S)**—

Question *re*—

Grievances of the — to the Hedjaz. 776-77.

Hardship caused to — attending the Kanduri festival, Nagore, by the Customs Officers, Sannamangalam Chowki. 1088.

**PILGRIMAGE TO THE HEDJAZ**—

Election of a Member to the Standing Committee on —. 434.

**PLANT**—

Question *re* equipment of the Ajmer Railway Workshops with additional — and machinery for the manufacture of locomotives. 976.

**PLANTERS' ASSOCIATION**—

Question *re* Assam Valley —. 966-67.

**PLATFORM(S)**—

Question *re*—

Absence of overbridges and raised — on the Burdwan-Howrah section of the East Indian Railway. 204-05.

Bringing in of trains near the — at certain stations on the Madras and Southern Mahratta Railway. 293-94.

Covered and raised — for important stations on the Assam Bengal Railway. 632.

Offers for sinking or constructing wells or Myer's pumps on railway — or within railway compounds. 118.

— at certain stations on the Madras and Southern Mahratta Railway. 292-93.

**POINT(S) OF ORDER**—

— as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of (Ruling to be given afterwards). 1760-66.

— raised by Mr. S. Satyamurti as to whether an Honourable Member can make a serious personal charge against another Honourable Member. 1733.

POINT(S) OF ORDER—*contd.*

- raised by Mr. S. Satyamurti as to whether it is right on the part of any Honourable Member to characterise any Resolution of the House as unreasonable. 1702.
- raised by Mr. S. Satyamurti as to whether there has not been a breach of privilege of the House inasmuch as the contents of a Bill (i.e., the Criminal Law Amendment Bill) were communicated to a section of the Press before the motion for leave to introduce it was made in the House. 144-47.
- raised by Sir Cowasji Jehangir as to whether the motion *re* the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion *re* the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1124-25, 1132-36.
- raised by the Honourable Sir Muhammad Zafrullah Khan as to whether comments made by Honourable Members should form part of the printed record of questions and answers. 1693.
- raised by the Honourable Sir Nripendra Sircar as to whether an Honourable Member can move a motion for adjournment giving notice of it after the Leader of his party has withdrawn the notice of the motion which he sent previously. 1311-13.

## POLICE FORCE—

- Question *re*—
- Employees of the — and Baluchistan Civil Service killed in the earthquake. 1270-71.
- in the Criminal Investigation Department in the Centrally Administered Areas. 106-07.

## POLICE INFORMER(S)—

- Question *re* testing of the information supplied by —. 1899.

## POLICY—

- Question *re*—
- Government's — towards Communism. 954-57.
- Government's — with regard to the Tribes on the North-West Frontier. 1688-89.

## POLITICAL AGENT—

- Question *re* wound received by Mr. L. W. B. H. Best, — in the Malakand Agency. 534.

## POLITICAL AGENCY—

- Question *re* position of the — in the territories of Yob and Khatrano in Baluchistan. 304.

## POLITICAL OFFENDER(S)—

- Question *re* Secretary of State's conception of — of the Civil Disobedience class and bomb-throwers. 852.

## POLITICAL PRISONER(S)—

- See "Prisoner(s)".

## POLITICAL PROPAGANDA—

- Broadcasting should be made available for — under reasonable condition. (Discussed under "Demands for Supplementary Grants"). 1823-40.

## POOL(S)—

- Question *re*—
- Formation of coffee — in Kenya with a view to drive out the Indian Settlers. 962.
- Refusal of admission to Indian students in England to a swimming —. 1596.

## POOR RELIEF—

- Question *re* benefit of — to the Indians in Natal. 427-28.

## PORT(S)—

- Question *re* negotiations with the Gaekwar of Baroda in respect of Kathiawar —. 1623.

## PORT BLAIR—

- Question *re* refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at —. 699-702, 761-64.

## PORT TRUST(S)—

- Question *re*—
- Appointment of an Indian as the Chairman of the Bombay —. 967-68.
- Appointment of Indians as Chairmen of — in India. 1694-96.
- Appointment of non-Indians as Probationary Assistant River Surveyors in the Calcutta —. 488-89.
- Appointment of one Mr. Hogan as a Yard Master in the Traffic Department of the Calcutta —. 480-88.
- Demand for Indianisation of Indian —. 1083-84.
- Indianisation of services in — in India. 490-91.

**PORT TRUST(S)—contd.****Question re—contd.**

Indianisation of the posts of Chairmen of the — in India. 841-42.

Indians, Anglo-Indians and Europeans serving in — in India. 490, 1890-94.

Recruitment of Indians in the Calcutta —. 488.

Recruitment of probationers in the Traffic Department of the Calcutta —. 431-33, 479-80.

**PORT TRUST ACT—**

See "Bombay —" under "Act(s)".

**POST OFFICE(S)—****Question re—**

Alleged monopoly of non-Sindhis in the Karachi General —. 305.

Certain information in respect of the Bombay, Calcutta and Madras General —. 229.

Inadequacy of selection grade Posts in the Calcutta General —. 199.

Increase in the proportion of Muslim candidates on the waiting list of inferior cadre in the Agra —. 637.

— and Telegraph Offices in the Chota Nagpur Division. 231.

— and telegraph offices maintained for military purposes. 116.

Selection grade appointments in the — and the Railway Mail Service. 223.

Selection grade posts abolished or converted into time-scale appointments in the — and the Railway Mail Service. 222-23.

Staff employed in Bombay, Calcutta, and Madras General —. 230.

Supervisors and clerks in the Amherst Street — Calcutta. 201-02.

Time test for correspondence work in first class Head —. 228.

**POSTAGE(S)—**

Question re grant of concession rates of — on printed marriage invitation cards. 35.

**POSTAL CASH CERTIFICATES—**

See "Cash Certificate(s)".

**POSTAL CIRCLE(S)—****Question re—**

Recruitment of the qualified sons and dependants of the postal employees in the Bengal and Assam —. 1034.

Selection grade posts in certain —. 199-201.

**POSTAL DEPARTMENT—**

Question re position of the Indian employees of the — in Burma after the separation. 1402-03.

**POSTAL EMPLOYEE(S)—**

See "Employee(s)".

**POSTAL OFFICIAL(S)—**

See "Official(s)".

**POSTAL SERVICE(S)—**

See "Service(s)".

**POSTAL UNION(S)—**

See "Union(s)".

**POSTS AND TELEGRAPHS, ACCOUNTANT GENERAL OF—**

See "Accountant General, Posts and Telegraphs".

**POSTS AND TELEGRAPHS DEPARTMENT—**

Election of a Member to the Standing Advisory Committee for the Indian —. 883.

**Motion re—**

Election of a member for Standing Advisory Committee for the Indian —. 642.

**Question re—**

Certain benefits for mistries and mechanics of the —. 883.

Contemplated creation of a post of Assistant Director of Posts and Telegraphs and retrenchment in the —. 35-36.

Institution of the system of job analysis in the —. 298.

Reduction of pay of graduates in Commerce in the —. 638-39.

**POSTS AND TELEGRAPHS, DIRECTOR(S) OF—**

See "Director(s) of Posts and Telegraphs".

**POSTMASTER(S)—****Question re—**

Preponderance of Muslim Extra-Departmental Sub- — in Agra. 637.

Responsibility of a supervising — for the work done by his subordinate clerks. 1781.

**POTATO(ES)—**

Question re condition of — growers in Sind. 8.

**POWER—****Question re—**

Factories employing fifty persons or more but not using —. 1707-08.

Factories using — but not coming under the Factories Act. 1706-07.

**"POWER-ALCOHOL"**—  
Question *re* article in the *Sind Observer* entitled "—". 1293-95.

**PREFERENCE(S)**—  
Question *re* — for Indian rice in British Malaya and Ceylon and for Indian paddy in the United Kingdom. 1157-58.

**PREFERMENT(S)**—  
Question *re* claims for promotions and — of Assamese soldiers. 965-66.

**PREPARATION(S)**—  
Question *re* — in India for a war. 602.

**PRESIDENCY ALLOWANCE**—  
See "Allowance(s)".

**PRESIDENT(S)**—  
Motion for adjournment *re* appointment of an European businessman as the — of the Indian Tariff Board. 796.  
Question *re*—  
Acting Military Officers as — of the Lahore Cantonment Board. 221.  
Allegations against the — of the Lahore Cantonment Board. 220  
Appointment of the — of the New Delhi Municipal Committee. 1106-08.  
Non-appointment of an Indian as — of the Tariff Board. 980.  
Presiding over the meetings of the Lahore Cantonment Board by Vice —. 221.

**PRESIDENT, MR. (THE HONOURABLE SIR ABDUR RAHIM)**—  
A certain reply, which was ordered to be expunged, restored on the record by —. 1924.  
A question not in a proper form disallowed by —. 1410.  
An Honourable Member permitted by — to put his supplementary questions on the following day. 702.  
Application of Standing order 46 requiring two clear days' notice for an amendment to a Bill suspended by — in connection with an amendment of Mr. James on the Payment of Wages Bill. 1004.  
Asking of supplementary questions on a subsequent day permitted by —. 761  
Cancellation of certain gallery passes by —. 1414.  
Circular regarding Governor General's Address to the Members of the Indian Legislature. 986.

**PRESIDENT, MR. (THE HONOURABLE SIR ABDUR RAHIM)**—*contd.*  
Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 7-8.  
Observation by — not to discuss personalities. 685.  
Remarks by — on the point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of (Ruling to be given afterwards). 1761, 1762, 1763, 1766.  
Remarks by — that an Honourable Member must not repeat himself or refer to what has already been said by other speakers. He must conform to the Rules and Standing Orders. 1720.  
Remarks by — that Honourable Members must not make insinuations or reflections while putting supplementary questions, and that questions must be confined to obtaining information. 1719.  
Remarks by — that no Honourable Member of the House is allowed to make a personal charge against another Honourable Member. 1733.  
Remarks by — that reflections and criticisms in supplementary questions are contrary to Rules and Standing Orders. 1169.  
Remarks by — that the Honourable Member for Government in charge of a motion ought to be present in the House when there is a discussion on it. 733.  
Remarks by — that words like "deliberate lies" cannot be allowed to be used. 1729.  
Significance of a token Demand explained by —. 1830, 1851.  
Time limit fixed for debate by —. 1566.

**PRESS(ES)**—  
Question *re*—  
Alleged compulsion for overtime work in the Government of India —, New Delhi. 1033-39.  
Appointment of the relatives of retired employees in the Government of India —. 1608-09.  
Classification of the employees of the reading branch of the Government of India —, New Delhi 1038.

**PRESS(ES)—contd.****Question re—contd.**

- Classification of the staff of the Reading Branch of the Government of India — 1596-97.
- Communal composition of the Industrial Employees of the Government of India —, Calcutta. 1383
- Compositors, binders and distributors discharged from the Government of India — Calcutta 1607-08.
- Construction of more quarters for the employees of the Government of India — New Delhi. 1037.
- Exemption of Muslim employees of the Government of India —, New Delhi, from working overtime on Fridays. 1039.
- Fixation of the initial pay of staff in the East Indian Railway — 1605-06.
- Grievances of the Compositors in the Government of India —, Calcutta. 1382.
- Grievances of the employees of the East Indian and Eastern Bengal Railway —. 1603-04.
- Grievances of the industrial employees of the Government of India —, Calcutta. 1380-82.
- Indent for two Mono machines for the East Indian Railway — at Calcutta. 1604.
- Laws restricting the liberty of the —. 1406.
- Nature of duties discharged by the readers and copyholders in the Government of India —. 1606-07.
- Number of Muslims and non-Muslims employed as Assistant Manager and heads of branches in the Government of India — and in the Central Publication Branch. 108.
- and newspapers punished in connection with articles on the Silver Jubilee Fund or the Quetta Earthquake Relief. 978-79.
- Rules governing the allotment of quarters to the employees of the Government of India —, New Delhi. 1038.
- Want of smoke-chimneys in the Duftay type quarters of the Government of India —, New Delhi. 1038.
- Works Committee in the Government of India —, Calcutta. 1382-83.

**PRESS (EMERGENCY POWERS) ACT—**

See "Indian —" under "Act(s)".

**PRICE(S)—****Question re—**

- Fixation of — of articles of food for sale at railway stations. 1772-75.
- High — of articles charged by an Army contractor at Rawalpindi. 1898-99.
- Issue — of the latest Rupee Loan. 1630.
- Prevention of the export of silver and a rise in its —. 705-06.
- charged at the Railway book-stalls of Messrs. A. H. Wheeler and Company. 1306-08.

**PRINCE(S)—****Question re—**

- Amendments of the Government of India Bill in the House of Commons regarding the — and the Federation. 689.
- Negotiations with the — in regard to the coming Federation. 20-21.

**PRINCIPLE(S)—**

- Question re different — for allotment of Government quarters in New Delhi and Simla. 1619.

**PRISONER(S)—****Question re—**

- Books for — in the Cellular Jail, Andamans. 1589-90.
- Censor Centres for censoring the letters of State — and Detenus. 1395-96.
- Certain particulars in connection with State — at present confined in India. 231.
- Complaints by — in the Cellular Jail, Andamans, against the treatment of Dr. Todd. 1588-89.
- Facilities for playing games outside the jail compounds allowed to State —. 1392-93.
- Grant of general amnesty to political — before the introduction of new constitution. 1407.
- Hardships of — in the Cellular Jail, Andamans. 1410-12.
- Newspapers subscribed for the — in the Cellular Jail, Andamans. 1590-91.
- convicted in connection with the Civil Disobedience Movement not yet released. 1407.
- Scale of diet given to certain — in the Cellular Jail, Andamans. 1587.
- State — in bad health. 1397-98.
- State — in different provinces. 1388-91.
- State — in the Central Provinces Jails. 1391-92.

**PRISONER(S)—contd.**Question *re—contd.*

State — in the Damoh Sub-Jail in the Central Provinces. 1393-95.

Supply of morning tea to — in the Cellular Jail, Andamans. 1595.

**PRIVATE HOUSE(S)—**

See "House(s)".

**PRIVATE SECRETARY(IES)—**

See "Secretary(ies)".

**PRIVILEGE(S)—**Question *re* rates of pay and other — of certain apprentices of State Railways. 93.**PROBATIONARY ASSISTANT****RIVER SURVEYORS—**

See "River Surveyors".

**PROBATIONER(S)—**Question *re* recruitment of — in the Traffic Department of the Calcutta Port Trust. 431-33, 479-80.**PROCLAIMED LAND—**Question *re* Futham Commission Report on the occupation of coloured persons of — in Transvaal. 1696-97.**PRODUCT(S)—**Question *re—*

Alleged discrimination against Indian — by British concerns in India. 161-62.

Protective duty on import of dairy —. 1159.

**PROHIBITION—**Question *re —* of Women from working underground. 1686-87.**PROMOTION(S)—**Question *re—*

Claims for — and preferments of Assamese soldiers. 965-66.

Interview for — of "B" grade guards on the East Indian Railway. 1634.

— and seniority of travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.

— and seniority of the travelling ticket inspectors of the Account and Audit Department transferred to the Traffic Department of the East Indian Railway. 121.

**PROMOTION(S)—contd.**Question *re—contd.*

— and seniority of the travelling ticket inspectors on the East Indian Railway. 123-24.

— in the Indian Medical Department. 1598.

— of certain Controllers on the East Indian Railway to relieving guardships. 1634.

— of Indian guards on the Great Indian Peninsula Railway. 82-83, 84-85.

— of old travelling ticket examiners on the North Western Railway. 77-78.

— of typists to the clerical cadre on the East Indian Railway. 46-47.

— to administrative grades on the East Indian Railway. 1864, 1899-1900.

— to the posts in headquarters offices of the Transportation and Commercial Departments. 233-34.

— to the relieving guardship on the East Indian Railway. 1633.

Tests imposed on the ticket checking staff on the East Indian Railway at the time of —. 106.

**PROPAGANDA(S)—**Question *re —* against India through films like "Bengali" and "India speaks" in Europe and America. 1027-29.**PROPERTY(IES)—**Question *re—*Bill *re* exemption of a portion of the lands owned by peasants from the — liable to be attached for the Payment of Debts. 959-60.

Casualties during the earthquake at Quetta and value of the — lost. 714-15.

Distribution of — to their owners in Quetta. 775-76.

Salvage of — at Quetta after the earthquake. 715-16.

**PROSECUTION(S)—**Question *re* performance of marriages by the people of Sind in the Khairpur State to evade — under the Child Marriage Restraint Act. 26-28.**PROTECTION—**Motion for adjournment *re* refusal of grant of — to the Glass Industry. 343-47.

**PROTECTION—contd.**Question *re*—Applications for — of industries.  
401-02.Prohibitive duty on clove imports  
and — against indefinite morator-  
iums demanded by Indians in  
Zanzibar. 980.**PROTECTIVE DUTY—**

See "Duty(ies)".

**PROTEST(S)—**Question *re* — by the South African  
and Natal Indian Congress against  
certain sections of the Natal Rural  
Dealers' Licensing Law Amend-  
ment Ordinance. 1296-97.**PROVIDENT FUND(S)—**Question *re*—Amount credited to Railway  
Revenues under fines, forfeiture  
of — etc., and income and dis-  
bursements of the Staff Benefit  
Fund of each Railway. 626-30.Contribution by the East Indian  
Railway Permanent Staff to the  
— 46.Interest allowed on — deposits of  
railway servants. 624.**PROVIDENT INSURANCE SOCIETIES—**Question *re* — in Sind. 289-90.**PROVINCE(S)—**Question *re*—Enquiry into the Financial Resources  
of the — on the eve of the New  
Constitution. 1690-91.Introduction of reforms in the —.  
1161-62.**PROVINCIAL FINANCE(S)—**

See "Finance(s)".

**PROVINCIAL GOVERNMENT(S)—**Motion for adjournment *re* allocation  
of certain resources between the  
Central and —. 1194-97, 1221, 1310-  
13.Question *re* schemes for Rural Deve-  
lopment received from the —. 492-  
514.**PROVINCIAL INSOLVENCY  
(AMENDMENT) BILL—**

See "Bill(s)".

**PROVINCIAL LOAN(S)—**

See "Loan(s)".

**PROVINCIAL PUBLIC SERVICE  
COMMISSION(S)—**

See "Public Service Commission(s)".

**PROVINCIAL SMALL CAUSE  
COURTS (AMENDMENT) BILL—**

See "Bill(s)".

**PUBLIC—**Question *re* possibility of giving warn-  
ings to the — about impending  
earthquakes. 611.**PUBLIC ACCOUNTS COMMITTEE—**Consideration of the Report of the —.  
1969-70.Presentation of the report of the —.  
1415-1547.**PUBLIC SERVICE(S)—**

See "Service(s)".

**PUBLIC SERVICE COMMIS-  
SION(S)—**Question *re*—Bill in connection with the Federal  
Railway Authority and setting up  
of Provincial —. 780-81.Delay in the announcement of the  
appointments to the Listed Posts  
of the United Provinces Judicial  
Service by the —. 1398-99.**PUBLIC SERVANT(S)—**Question *re* relief to the families of  
the — killed in the Earthquake  
at Quetta. 963-64.**PUBLIC WORKS BRANCH—**Question *re* Government quarters in  
Simla occupied by the staff of the  
— 1618.**PUBLIC WORKS DEPARTMENT—**Question *re*—Certain subordinates of the Central  
—, New Delhi. 120.Communal composition of inferior  
establishment of the Central —  
including Central India and Raj-  
putana, at the end of 1934. 113.Communal composition of technical  
and non-technical men employed  
in the Central —. 100.Contractors in the Central —. 1108-  
09.Superintending Engineer of the  
Central —. 1104-05.**PUBLICATION(S)—**Question *re*—Defamatory passages about Indians  
in a — entitled "Souvenir Pro-  
gramme of Malayan Celebra-  
tions". 1401-02.

**PUBLICATION(S)—contd.**Question *re*—*contd.*

— distributed free to the Members of the Central Legislature. 1713-14.

**PUBLICITY OFFICER(S)—**Question *re* — working on State Railways. 100-02.**PUMP(S)—**Question *re* offers for sinking or constructing wells or Myer's — on railway platforms or within railway compounds. 118.**PUNJAB—**Question *re* scheme for the utilisation of the grant for rural development in the —. 1050-51.**PUNJAB SAHUKARA ACT—**

See "Act(s)".

**PURCHASE(S)—**Question *re*—— of iron and steel materials by Indian Railways. 970.  
— of stores made abroad. 412-13.**PURI—**Question *re* imposition of penalties under section 28 of the Income-tax Act in Cuttack, — and Balasore Circles. 120.**PUSA INSTITUTE—**Question *re* cultivators affected by acquisition of land for the — in Delhi. 854-55.**Q****QASIM, HAJI ABDULLA HAJI—**

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and —. 2-8.

**QUALIFICATION(S)—**Question *re*—

Positions under Government (including Railways) requiring outstanding technical — to serve as heads. 109-10.

Technical — of the Superintendent of Archæology, Southern Circle, Madras. 769-70.

**QUARTER(S)—**Question *re*—

Accommodation in "B" type — in Simla. 1859.

Allotment of Government — in Simla. 1801-03.

**QUARTER(S)—contd.**Question *re*—*contd.*

Allotment of Summer Hill —, Simla. 1861-62

Assessed rent of "B" and "C" type unorthodox — in New Delhi. 1622.

"B" and "C" class — in Kaithu, Simla. 1620-21.

Basis of allotment of Government — in Simla. 1619.

Basis of rent for Members' —. 1801.

Construction of more — for the employees of the Government of India Press, New Delhi. 1037.

Different limit of pay for allotment of orthodox and unorthodox — in Simla. 1621-22.

Different principles for allotment of Government — in New Delhi and Simla. 1619.

Differential treatment in the allotment of Government — in New Delhi and Simla. 1617-18.

Free — for the commercial staff at certain stations in the Moradabad Division. 621.

Government — in Simla occupied by the staff of the Public Works Branch. 1618.

House-rent allowance drawn by persons sharing Government — in Simla. 1618.

Lien on a lower type of — of the Government of India staff. 1623.

Maximum assessed rent for Government — in Simla. 1800.

Money invested in the building of — in Simla and Delhi and interest paid on such debts. 1800.

Permission to Government employees with college-going children to retain their — in New Delhi on payment of rent on a 10 per cent. rent basis. 1622-23.

Racial discrimination in the supply of uniforms and occupation of —, etc., in the Moradabad Division, East Indian Railway. 76-77.

Rent charged from Members of the Indian Legislature for — in Summer Hill, Simla. 1619-20.

Rent collected from the officers and staff of the Government of India in Delhi and cost of maintenance, etc., of —. 1863.

Rules for allotment of Government — in Simla. 1620.

Rules governing the allotment of — to the employees of the Government of India Press, New Delhi. 1038.

QUARTER(S)—*contd.*Question *re—contd.*

Shortage of Government — in Simla. 1613-14.

Want of smoke-chimneys in the Duffery type — of the Government of India Press, New Delhi. 1038.

## QUESTION(S)—

An Honourable Member permitted by Mr. President to put his supplementary — on the following day. 702

A — not in proper form disallowed by Mr. President. 1410.

Question *re* customs — relating to the Kathiawar and Maritime States. 963.

## QUESTION(S), SUPPLEMENTARY—

Asking of — on a subsequent day permitted by Mr. President. 761.

## QUETTA—

Motion for adjournment *re—*

Refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of —. 125, 127.

Question *re—*

Allegations against certain people in the reports published in certain newspapers about — after the earthquake. 1888-89.

Allegations of looting, etc., against the soldiers at — after the earthquake. 1085-87.

Alleged disappearance of certain persons after the earthquake at —. 713-14.

Applications from Mahatma Gandhi and Babu Rajendra Prasad for permission to enter the earthquake area in —. 1040.

Casualties during the earthquake at — and value of the property lost. 714-15.

Casualties in the — Earthquake. 514.

Casualties in the Suburbs of —. 515.

Certain facilities provided in — after the earthquake. 516.

Children secured after the earthquake at —. 714.

Damage by earthquake and rebuilding of —. 793-95.

Distress of — merchants. 1905-06.

Distribution of properties to their owners in —. 775-76.

Earthquake at — in 1931. 707-08.

QUETTA—*contd.*Question *re—contd.*

Enquiry into the allegations of discriminations between Indians and Europeans in the matter of rescue and salvage operations in —. 1632.

Excavation work at — after the earthquake. 711-13.

Loss sustained by the peasants in the — Earthquake. 958.

Losses caused to Government in the — Earthquake. 514.

Losses to civil population in —. 535.

Newspaper articles on the — Earthquake relief and the Silver Jubilee Fund against which action was taken. 1907-24.

Newspapers punished for adversely commenting on Government's policy in —. 1405-06.

Official watch over news and editorial comments in newspapers relating to the — earthquake disaster. 1045-46.

Presses and newspapers punished in connection with articles on the Silver Jubilee Fund or the — Earthquake Relief. 978-79.

Prevention of Congressmen from visiting —. 845.

Prohibition of relief parties in — and Baluchistan after the earthquake. 775.

Re-building of —. 515, 717, 1084-85.

Recent earthquake at —. 708-10.

Refusal of permission to certain persons to enter — for affording relief to the earthquake sufferers. 704-05, 707.

Refusal of permission to public organisations to proceed to — for earthquake relief work. 611-12.

Refusal of permission to visit — for Earthquake Relief Work. 788-91.

Regulation issued in respect of the — Earthquake disaster. 1057-58.

Relief to the families of the public servants killed in the Earthquake at —. 963-64.

Salvage of property at — after the earthquake. 715-16.

Resolution *re* — Earthquake. 1313-78.

## QUININE—

Question *re—*

Increase in the quantity and value of — sold. 225-27.

Production of — and cinchona. 636.

QUININE—*contd.*Question *re—contd.*

Sale of —. 871-81.

Sale of surplus stock of —. 1088-91.

## R

## RACIAL DISCRIMINATION—

Question *re—*

— in the East Indian Railway Hospital, Tundla. 984-85.

— in the matter of promotions in the Mechanical Department of the East Indian Railway. 1276-87.

— in the recruitment of Assistant Surgeons in the Indian Medical Department. 1176-77.

— in the supply of uniforms and occupation of quarters, etc., in the Moradabad Division, East Indian Railway. 76-77.

— on the North Western Railway. 1088-1100.

## "RAHMANI", S.S.—

Question *re* complaints against the officers on —. 777.

## RAILWAY(S)—

Assam Bengal—

Question *re—*

Covered and raised platforms for important stations on the —. 632.

Percentage fixed for Muslims on the —. 859-60.

Bengal and North Western—

Question *re—*

Absence of fencing on certain sections of the —. 1190.

Latrines in third class carriages on the —. 1190-91.

Lavatories in the third class carriages on the — and the Bombay, Baroda and Central India Railways. 81.

Lighting arrangements at stations of the —. 1241.

Reconstruction of certain bridges between Madhubani and Jayanagar on the —. 118-19.

Supply of water at stations of the —. 1241-42.

Unwholesome food supplied to passengers on the —. 1189-90.

Bengal Nagpur—

Question *re* grievances of the passengers at Ghutku Station on the —. 634.

Bombay, Baroda and Central India—

Question *re—*

Grievances of the staff on the —. 620-21.

RAILWAY(S)—*contd.*Question *re—contd.*

Lavatories in the third class carriages on the Bengal and North Western and —. 81.

Relief of the staff granted leave in the Kotah district of the —. 115.

Staff to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the —. 631.

Burma—

Question *re* contracts for the supply of ballast stones to the —. 115.

Calcutta Chord—

Question *re—*

Opening of the — for regular train traffic. 203-04.

Willingdon Bridge of the —. 203, 1309.

Company-managed—

Question *re* transfer of the management of the —. 631.

Dacca-Aricha—

Question *re* construction of the —. 1162-63.

East Indian—

Question *re—*

Absence of ladies waiting rooms on stations on the Burdwan-Howrah Section of the —. 277.

Absence of overbridges and raised platforms on the Burdwan-Howrah Section of the —. 204-05.

Absorption of the permanent staff in the Moody-Ward System on the —. 223.

Acceleration of the suburban services on the — and Eastern Bengal Railways. 1032.

Action taken on the resolutions adopted at the Conference of the — Employees' Association. 543.

Allegations against the contractors of coolies on the —. 63.

Alleged hostile attitude of the — Administration towards Trade Unions. 290-91.

Amalgamation of the — and Eastern Bengal Railways. 1291-92.

Applicability of old scales of pay to the travelling ticket checking staff on the — and North Western Railways. 1902-03.

Appointment of apprentices on the —. 165-66.

Appointments of successful ex-apprentices of the — Workshop, Lilloah, in other Workshops. 1633-34.

RAILWAY(S)—*contd.*East Indian—*contd.*Question re—*contd.*

- Appointments of time-expired apprentices of Jamalpur Technical School to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, —, 103-06.
- Appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical Engineer, —, 103.
- Authority giving contracts to the contractors at stations of the —, 1772.
- “B” grade Controllers promoted to relieving guardship on the —, 1633-34.
- Certain particulars regarding — employees, 81.
- Confirmation of certain mechanical ex-apprentices under the Chief Mechanical Engineer, —, 111.
- Consolidated allowance of the ticket checking staff on the —, 121-23.
- Contracts for the supply of coolies on the —, 63.
- Contribution by the — Permanent Staff to the Provident Fund, 46.
- Dealing of appeals against discharge on the —, 42.
- Demotion of certain drivers on the —, 76.
- Demotion of electrical linesmen and wiremen on the —, 166-68.
- Demotion and supersessions in certain Divisions of the —, 541-42.
- Different cadres of the establishment of the —, 82.
- Different grades of pay for the supervising staff in the —, 164.
- Duties and responsibilities of the system in the Howrah and Lucknow Divisions, —, 121.
- Duties of the Deputy Agent (General), —, 43.
- Union at Dinapore, 88.
- Enhancement of the beat of the keymen on the —, 171-72.
- Examination in Leave Rules held by the — authorities, 1897-98.
- Examinations in establishment duties passed by the Superintendents and Assistant Superintendents, Staff, on the —, 43.
- Ex-apprentices of Jamalpur Technical School, —, 111.
- Experience gain required for running Express and Mail Trains on the —, 1633.
- Facilities given to the New Vending Contractors at Railway Stations on the —, 192.
- Filling up of posts of transportation inspectors and train controllers on the —, 89.

RAILWAY(S)—*contd.*East Indian—*contd.*Question re—*contd.*

- Filling up of relieving vacancies on the —, 88.
- Fixation of the initial pay of staff in the — Press, 1605-06.
- Food-stuff sold by vendors on the —, 220.
- Grant of certificates to guards by the District Medical Officer of the Moradabad Division, —, 1634-35.
- Grievances of employees of the — and Eastern Bengal Railway Press, 1603-04.
- Grievances of Travelling Ticket Examiners on the —, 231, 117-18, 882.
- Hearing of appeals by the Divisional Superintendent of Allahabad Division, —, 548.
- House rent allowance of travelling ticket examiners on the —, 91.
- Increments to staff in the Moradabad Division, —, 1635-36.
- Indent for two mono machines for the — Press at Calcutta, 1604.
- Interview for promotion of “B” grade guards on the —, 1634.
- Licence granted to Isa Brothers for opening Muslim Refreshment Rooms on stations on the —, 1770-71.
- Licence granted to Kapoor and Company for opening Hindu Refreshment Rooms on stations on the —, 1771-72.
- Mileage allowance paid to the old travelling ticket inspectors on the —, 92.
- Monthly allowance paid to the travelling ticket inspectors on the —, 173.
- Non-grant of house allowance to certain relieving clerks on the —, 106.
- Notification of the rules regulating the discharge and dismissal of State Railway non-gazetted servants to the — employees, 42-43.
- Passes given to Isa Brothers and Kapoor and Company by the — administration, 1772.
- Pay of Travelling Ticket Inspectors, etc., on the —, 1904-05.
- Posting of Assistant Surgeons to Hospitals on the —, 86.
- Posts of Transportation Inspectors sanctioned by the —, 44.
- Procedure followed in filling up of vacancies in the Electrical Department of the —, 638, 1310.

**RAILWAY(S)—contd.****East Indian—contd.****Question re—contd.**

- Promotion and seniority of the travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the North Western and —, 124.
- Promotion and seniority of the travelling ticket inspectors of the Account and Audit Department transferred to the Traffic Department of the —, 121.
- Promotion and seniority of the travelling ticket inspectors on the —, 123-24.
- Promotion of assistant station masters on the —, 87.
- Promotion of certain Controllers on the — to relieving guardships. 1634.
- Promotion of typists to the clerical cadre on the —, 46-47.
- Promotion to the relieving guardship on the —, 1633.
- Promotions to administrative grades on the —, 1864, 1899-1900.
- Racial discrimination in the — Hospital at Tundla. 984-85.
- Racial discrimination in the matter of promotions in the Mechanical Department of the —, 1276-87.
- Racial discrimination in the supply of uniforms and occupation of quarters, etc., in the Moradabad Division, —, 76-77.
- Recovery of house-rent from Ticket Collectors on the —, 548.
- Representation from certain drivers of the Moradabad Division, —, 848.
- Representation of the staff in the electrical Department of the — the Welfare Committee. 678.
- Seniority list of travelling ticket examiners and ticket collectors on the —, 108.
- Seniority of subordinates officiating in the transportation inspector's grade on the —, 93.
- Service conditions of the — employees. 45.
- Staff classified as intermittent on the —, 86-87.
- Sub-letting of vending contracts on the —, 190-91.
- Successful mechanical ex-apprentices of the Lilloah Workshops, —, 110.
- Tests imposed on the ticket checking staff on the — at the time of promotion. 106.
- Transfer of control of the Railway School of Transportation, Chandausi, to the Agent, —, 82.

**RAILWAY(S)—contd.****East Indian—contd.****Question re—contd.**

- Treating of Locomotive Assistant Running Shed Foremen as continuous workers on the —, 542.
- Treatment of Indian staff in the — Hospital at Tundla. 86.
- Uniforms supplied to Indian assistant station masters on the —, 88.
- Vending contracts on the —, 183-87.
- Working hours of station masters on certain stations on the —, 87.
- Eastern Bengal—**
- Question re—**
- Acceleration of the suburban services on the East Indian and —, 1032.
- Amalgamation of the East Indian and —, 1291-92.
- Appointment of apprentice permanent way inspectors on the —, 114.
- Appointment of inexperienced crew inspectors on the —, 106.
- Case of Mr. K. C. Das, an assistant station master at Naihati, —, 93-94.
- Differential treatment in re-employing the discharged Ticket Checking Staff on the —, 174-75.
- Filling up of the posts of Sub-Divisional Officers on the —, 182-83, 1907.
- Grievances of the employees of the East Indian and — Press. 1603-04.
- Non-filling up of vacancies in the Engineering Department of the —, 183.
- Recruitment of temporary Assistant Executive Engineers on the —, 182.
- Great Indian Peninsula—**
- Question re—**
- Drivers in the Jhansi Division of the —, 1300-02.
- Fuel Inspectors on the —, 1796.
- Loco. Inspectors on the —, 1796-97.
- Non-issue of week-end intermediate and third class tickets on the —, 1788-89.
- Promotion of Indian guards on the —, 82-83, 84-85.
- Re-employment of — strikers. 91, 208.
- Station Masters on the —, 1796.
- Transportation, Commercial and Traffic Inspectors on the —, 1795-96.
- Vacancies in the Engineering Department of the —, 634-35, 1637.

RAILWAY(S)—*contd.*

## Kalka Simla—

Question *re* bringing of idle sentinel coaches from certain railways to the —, 1863-64.

## Madras and Southern Mahratta—

Question *re*—

Bringing in of trains near the platforms at certain stations on the —, 293-94.

Census of third class passengers on the —, 868-69.

Closing of level crossings on the — between Arkanam and Amattur. 231.

Employment of a watchman on the Shedrah Lakin Road Level Crossing of the —, 84.

Platforms at certain stations on the —, 292-93.

Staff to implement the Hours of Employment Regulations on the — and the Bombay, Baroda and Central India Railways. 631.

Third class carriages on mail trains on the — Railway. 951-52.

Train service between Gudur and Katpadi and Dharmavaram on the —, 702-03.

Water basin arrangement in some of the bath rooms of second class compartments on the —, 1305-06.

Weighing machines on the —, 953-54.

## North Western—

Question *re*—

Alteration in the date of birth of literate staff on the —, 71-72.

Applicability of old scales of pay to the travelling ticket checking staff on the East Indian and —, 1902-03.

Compulsory contributions from the — employees to Indian Institutes. 1098.

Duties of number-takers on the —, 89-90.

Electricians on the —, 91.

Employees failing in night vision tests on the —, 1100-01.

Ignoring of the claims of old travelling ticket examiners on the —, 77.

Muslims in certain categories on the —, 1268-69.

Non-maintenance of the strength of the old travelling ticket examiners on the —, 77.

Number takers on the —, 90-91.

Option to elect new leave rules to the staff on the —, 83.

Permanent Way Inspectors on the —, 975-76.

RAILWAY(S)—*contd.*NORTH WESTERN—*contd.*Question *re*—*contd.*

Promotion and seniority of travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the — and East Indian Railways. 124.

Promotion of old travelling ticket examiners on the —, 77-78.

Racial discrimination on the —, 1098-1100.

Reckoning of seniority on the —, 1097-98.

Seniority list of assistant station-masters on the —, 88.

Staff area councils formed on the —, 71.

Train examiners on the —, 90.

Vacancies in the commercial group on the —, 102-03.

## Oudh and Rohilkund—

Question *re* mileage allowance of train despatch clerks, etc., on the old —, 81.

Question *re*—

Amount credited to Railway Revenues under fines, forfeiture of Provident Fund, etc., and income and disbursements of the Staff Benefit Fund of each —, 626-30.

Bringing of idle sentinel coaches from certain — to the Kalka Simla Railway. 1863-64.

Constitution of a Joint Standing Machinery on —, 626.

Cost of repair and maintenance incurred on rolling stock on —, 623-24.

Facilities for the education of the children of the Indian and European Staff of the Indian —, 1386-87.

Improvement in third class carriages on — in India. 863-64.

Locomotives on Class I —, 47-49.

Motor buses run by the —, 626.

Persons discharged on disciplinary grounds on —, 631.

Positions under Government (including —) requiring outstanding technical qualifications to serve as heads. 109-10.

Proposal to construct a funicular — from Tirupati to Tirumalai Mills in the Madras Presidency. 703.

Purchase of iron and steel materials by Indian —, 970.

Purchase of scales by the —, 173-74.

Reduction in the number of classes on Indian —, 1159-50.

RAILWAY(S)—*contd.*Question *re—contd.*

Removal of travelling ticket collectors from the category of train (traffic) or running staff on certain — 120.

Renewal of Wagons on Indian — 977-78.

Revision and classification of goods transported on — 1601-92.

Revision of the maximum and minimum charges on the Indian — 405-06.

Saloons and Inspection Carriages on each — 977.

Scrap value on condemned locomotives, coaching and wagon stock on each railway. 49.

Stores for — purchased through the Indian Stores Dept. 1700-02.

Trains on different — not carrying third class carriages. 1708-09.

Wagon requirements of Indian — 49-50.

Wagons re-conditioned on Indian — 51.

Rohilkund and Kumaon—

Question *re* acquisition of the — 1889.

State—

Question *re—*

Additional appointments and re-trenched employees on — 625-26.

Amount earned by — by sale of application forms. 1775.

Applicability of certain paragraphs of the State Railway Open Line Code, Volume II, on — 548, 1903.

Applicability of Finance Department Circular No. F-78-XI-Ex. I/31, to the staff of — 111-12.

Appointment of Employment Officers on — 637-38, 1637-38.

Box *Khalasies* for European and Anglo-Indian Drivers on — 225.

Change of the nature of an allowance by the Agent of a — 1901.

Class of employees on — who are paid Presidency allowance. 881-82.

Constitution and working of staff committees on — 63.

Depreciation fund rules of — 49.

Free passes for the inferior servants on — 1767-69.

Income and expenditure of — 1883-87.

Leave reserve for each category of employment on — 540-41.

RAILWAY(S)—*concl'd.*

State—*contd.*

Question *re—contd.*

Mileage or running allowance paid to the staff on — 1902.

Non-adoption of short time method of spreading work in — Workshop. 83.

Notification of the rules regulating the discharge and dismissal of — non-gazetted servants to the East Indian Railway employees. 42-43.

Number of excess officers and subordinates on — 423-24.

Publicity officers working on — 100-02.

Rates of pay and other privileges of certain apprentices of — 93.

Recruitment from within Divisional Circles on — 287-88.

Recruitment of Muslims in the Engineering Department of — 860.

Re-employment of retrenched staff on — 63-64.

Resolution *re* manufacture of locomotive requirements in — Workshops. 348-77.

South Indian—

Question *re* seats in the third class carriages on the — 115.

## RAILWAY ADVISORY COMMITTEE—

Question *re* supply of the Legislative Assembly Debates to — 1191.

## RAILWAY AUTHORITY—

Question *re—*

Bill in connection with the Federal — and setting up of Provincial Public Service Commission. 780-81.

Inclusion of provisions for a Statutory — in the Government of India Act. 310.

## RAILWAY BOARD—

Question *re* purchase of articles required by the — 160

## RAILWAY BOOK-STALL(S)—

See "Book-Stall(s)".

## RAILWAY BUDGET—

See "Budget Railway".

## RAILWAY COMPOUND(S)—

See "Compound(s)".

## RAILWAY CONCESSION TICKETS—

See "Ticket(s)".

## RAILWAY CONFERENCE ASSOCIATION—

See "Association(s)".

**RAILWAY CROSSING—**

Question *re* want of a bridge at the — near the Agra Cantonment Station on the Agra-Jognar Road. 1026-27, 1638.

**RAILWAY EARNINGS—**

Question *re*—  
Fall in —. 1047-48.  
—. 1297-99.

**RAILWAY EMPLOYEE(S)—**

See "Employee(s)".

**RAILWAY FARE—**

Question *re* distinction in the payment of — by an Indian Major and a British Captain. 305.  
See also "Fare(s)".

**RAILWAY GOODS—**

See "Goods".

**RAILWAY HOSPITAL(S)—**

See "Hospital(s)".

**RAILWAY LABOUR—**

See "Labour".

**RAILWAY LINE(S)—**

Question *re*—  
Construction of a — between Johi in the Dadu district and other places in Sind. 8-9.  
Construction of a — between Tirupati and Madras. 703.  
Proposed — from Sylhet to Chhatak. 631-32.

**RAILWAY MAIL SERVICE—**

Question *re*—  
Selection grade appointments in the Post Offices and the —. 223.  
Selection grade posts abolished or converted into time-scale appointments in the Post Offices and the —. 222-23.

**RAILWAY OFFICIAL(S)—**

See "Official(s)".

**RAILWAY PLATFORM(S)—**

See "Platform(s)".

**RAILWAY RATE(S)—**

Question *re* special — for special crops. 1158-59.

**RAILWAY RATES ADVISORY COMMITTEE—**

See "Committee(s)".

**RAILWAY REVENUE(S)—**

See "Revenue(s)".

**RAILWAY SCHOOL(S)—**

See "School(s)".

**RAILWAY SERVANT(S)—**

Question *re* rebate allowed by the leading shipping companies for passage to Europe for —. 622-23.  
See also "Servant(s)".

**RAILWAY SERVICE(S)—**

Question *re* Hindus and the —. 1799-1800.

**RAILWAY STAFF(S)—**

See "Staff(s)".

**RAILWAY STATION(S)—**

Question *re*—  
Construction of new — at Luhathaha and Dumra. 1626.  
Fixation of prices of articles of food for sale at —. 1772-75.  
Licensed coolies on —. 1794-95.  
Lighting arrangements at — of the Bengal and North Western Railway. 1241.  
Supply of water at — of the Bengal and North Western Railway. 1241-42.  
See also "Station(s)".

**RAILWAY STRIKER(S)—**

See "Striker(s)".

**RAILWAY UNION(S)—**

See "Union(s)".

**RAILWAY WORKSHOP(S)—**

Question *re*—  
Manufacture of locomotive boilers in —. 1637.  
Output capacity of the Tatanagar — and other workshops for manufacture of carriage and wagon under-frames. 624.  
See also "Workshop(s)".

**RAJA-KI-MANDI—**

Question *re* inconvenience to passengers at — railway station in Agra. 1026.

**RAJAH, RAO BAHADUR M. C.—**

Removal of Civic Disabilities Bill—  
Motion for leave to introduce. 1967.  
Question *re* recruitment of depressed classes in the Central services. 277-78.

**RAJAN, DR. T. S. S.—**

Question *re*—  
Bombay-Lancashire Pact. 1872.  
Indo-British Trade Agreement. 1872-73.  
Re-imposition of excise duty on cotton. 1871-72.

**RAJAN, DR. T. S. S.—contd.****Question re—contd.**

Selection of candidates for the Indian Research Fund. 1180.

Transfers back to India of Indians serving in All-India Services and cadres in Burma. 1181.

**Question (supplementary) re—**

Circulation of counterfeit coins in India. 39.

Countries with banned or restricted imports from India. 14.

Effect of the fixation of import duty on broken rice. 538.

Excavation work at Quetta after the earthquake. 712.

Improvement in third class carriages on railways in India. 864.

Increase in the import duties on paddy and food stuffs imported from India into Ceylon. 19.

Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 27, 28.

Report and recommendations of the coconut industry committee. 972.

Result of the imposition of an import duty on broken rice and prohibition of imports of rice from Siam, Indo-China etc. 792.

**RAJENDRA PRASAD BABU—**

Motion for adjournment *re* refusal of permission to Mahatma Gandhi and — to enter into the earthquake area of Quetta. 125, 127.

Question *re* applications from Mahatma Gandhi and — for permission to enter the earthquake area in Quetta. 1040.

**RAJPUTANA—**

Question *re* communal composition of inferior establishment of the Central Public Works Department, including Central India and —, at the end of 1934. 113.

**RAJU, MR. P. S. KUMARASWAMI—**

Resolution *re* Quetta Earthquake. 1313-16, 1376.

**RANGA, PROF. N. G.—**

Code of Civil Procedure (Amendment) Bill—(Amendment of section 51)—

Motion to refer to Select Committee. 987-93.

Criminal Law Amendment Bill—

Motion to consider: 819, 822, 885, 887, 918.

**RANGA, PROF. N. G.—contd.**

Demand for supplementary grant in respect of—

“Expenditure on the development of Broadcasting met from the fund”. 1836-37.

“Expenditure on the development of Civil Aviation met from the fund”. 1814-15.

“Miscellaneous”. 1851-54.

Indian Coffee Cess Bill—

Motion to consider, to circulate and to refer to Select Committee. 1673.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1146.

Motion for adjournment *re* bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 389, 390, 391.

Motion *re* election of two members for the Central Advisory Board of Education. 139-40.

Payment of Wages Bill—

Motion to consider. 1004.

**Question re—**

Acts passed by Provincial Legislatures to relieve the burden of Agricultural Indebtedness. 960-61.

Bill *re* exemption of a portion of the lands owned by peasants from the properties liable to be attached for the payment of debts. 959-60.

Cancellation of the passport of Mr. Masani of Bombay. 860-62.

Census of third class passengers on the Madras and Southern Maharashtra Railway. 868-69.

Claims over the waters of the Tungabhadra river. 960.

Contemplated retrenchment in the Madras Dead Letter Office. 209.

Development of the Rural Credit Department of the Reserve Bank of India. 867-68.

Examination for recruitment of typists and routine grade clerks in the Government of India Offices. 1775-76.

Government's policy towards Communism. 954-57.

Grant for the development of the handloom weaving industry to the Madras Presidency. 958-59.

Improvement in third class carriages on railways in India. 863-64.

Indians and Europeans in the Women Medical Service. 1179.

Inferior quality of food served in the Vizagapatam Indian Refreshment Room. 865-66.

Intermediate and third class waiting rooms at Sitamarhi railway station. 1188, 1189.

RANGA, PROF. N. G.—*contd.*Question *re—contd.*

- Loss sustained by the peasants in the Quetta Earthquake. 958.
- Luggage allowance given to third class passengers. 952-53.
- Marketing of agricultural produce in Foreign countries. 957.
- Offers for sinking or constructing wells or Myer's pumps on railway platforms or within railway compounds. 118.
- Placing of complaint books in guards' carriages and at Junctions Stations. 864-65.
- Protection to the Indian Sericultural Industry. 862-63.
- Refusal to grant concession tickets to the students of the Peasants Institute, Andhra. 866.
- Third class carriages on mail trains on the Madras and Southern Mahratta Railway. 951-52.
- Trade treaties with Italy and Roumania. 957.
- Weighing machines on the Madras and Southern Mahratta Railway. 953-54.
- Weight of luggage of third class passengers. 954.
- Question (supplementary) *re—*
- Accommodation for officers and staff in New Delhi and Simla. 1186.
- Affairs in the Cellular Jail, Andamans, under the present Superintendent. 1593, 1594.
- Allegations against one Ballavdas Isardas, vending contractor for Railway Stations from Howrah to Bandel. 189.
- Alleged discrimination against Indian products by British concerns in India. 162.
- Alleged impersonation and mal-practices employed in elections to the legislatures and local bodies. 695.
- Amount sanctioned to conduct the case of Mr. Doran, late staff Superintendent of the Dinapur Division. 171.
- Application of a system of control over imports by the Japanese Trade Council. 692.
- Applications for protection of industries. 402.
- Appointment of a Board of non-official visitors to the Andamans. 610 611.
- Appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 849.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Appointment of an Indian in place of the late Mr. A. C. Chatterjee, a Member of the Information Section of the League of Nations Secretariat. 523.
- Books for prisoners in the Cellular Jail Andamans. 1589.
- Cancellation of the Passport of Mr. Masani of Bombay. 1384, 1385.
- Censor Centres for censoring letters of State Prisoners and Detenus. 1396.
- Census of the unemployed persons in British India. 775.
- Circulation of counterfeit coins in India. 39, 40.
- Combine for working the gold mines in the Nilgiris. 706.
- Committee for the classification of Railway Goods. 608.
- Compilation of statistics for agricultural and industrial wages. 520.
- Compulsory contributions from the North Western Railway employees to Indian Institute. 1098.
- Constitution of a permanent Tariff Board. 844.
- Countries restricting the free flow of gold. 1410.
- Countries with banned or restricted imports from India. 14, 529.
- Cultivators affected by acquisition of land for the Pusa Institute in Delhi. 854.
- Decrease in the Indian exports to certain countries. 853.
- Deficit in the Railway Budget. 429.
- Demand and forfeiture of securities of newspapers. 1626-27.
- Disabilities of Indian residents in Singapore. 408.
- Disabilities suffered by match manufacturers in British India. 539-40.
- Disposal of the discarded articles of the army. 285.
- Distribution of the grant for rural uplift. 1408, 1409.
- Earthquake at Quetta in 1931. 708.
- Effect of the fixation of import duty on broken rice. 538.
- Enquiry into the production and trade of rice in the Madras Presidency. 690-91.
- Enquiry regarding the working of the Children (Pledging of Labour) Act. 1706.
- Establishment of a London Branch of the Reserve Bank of India. 412.
- Establishment of rural libraries. 524.
- Excise duty on steel. 791.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Facilities for playing games outside the jail compounds allowed to State Prisoners. 1393.
- Factories employing fifty persons or more but not using power. 1707, 1708.
- Factories using power but not coming under the Factories Act. 1707.
- Fall in railway earnings. 1048.
- Free passes for the inferior servants on State Railways. 1768.
- Gold exported from India since England went off the Gold Standard. 597.
- Grievances of Indians domiciled in South Africa. 783.
- Hindu, Buddhist and Muhammadan monuments in the Southern Circle, Madras. 767.
- Inconvenience caused to Indian passengers by soldiers and sepoy travelling in third class. 694.
- Increase in the British imports into India. 424.
- Increase in the import duties on paddy and food stuffs imported from India into Ceylon. 18, 19.
- Imposition of duties on personal effects carried by passengers from Ceylon to India. 1171, 1172.
- India's membership of the League of Nations. 1779.
- Indian Trade Commissioners in foreign countries. 1079, 1790-91.
- Instructions regarding passports. 1407.
- Lease of land between Delhi and Shahdara to Mr. Waugh. 854.
- Monopoly of supplying petroleum products in the Madras Presidency held by the Burma Oil Company. 521-22.
- Negotiations for a trade agreement with the Irish Free State. 415.
- Negotiations for Trade Agreements with the Irish Free State, Canada and Italy. 785.
- Nomination of Indians to the Board of Film Censors in India. 1794.
- Nomination of members to the Industrial Research Bureau. 1797.
- Outlay on the Imperial Council of Agricultural Research. 310.
- Performance of marriages by the people of Sind in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 28.
- Personnel and other details of the Delimitation Commission. 688.
- Platforms at certain stations on the Madras and Southern Mahratta Railway. 293.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Private houses rented for certain offices of the Government of India in Simla. 1095.
- Private houses rented for the Office of the Imperial Council of Agricultural Research and the Reforms Office in Simla. 1186.
- Prohibition of women from working underground. 1687.
- Protection of Indians from air raids. 704.
- Provision of creches in factories. 1706.
- Publicity given to the part-delivered speech of the Law Member on Mr. B. Das's Indian Criminal Law Amendment (Repeal) Bill. 850.
- Purchase of articles required by the Military Department. 159.
- Purchase of scales by the Railways. 174.
- Question of placing the Safety Inspec or directly under the Government of India. 1713.
- Railway concession tickets issued to students. 866.
- Railway earnings. 1298, 1299.
- Raising of new loans. 614.
- Rate-war between the British Indian Steam Navigation Company and the Aparwal Steam Navigation Company. 595.
- Recommendations of the Hilton-Young Currency Commission. 519.
- Regulation of the barter of imported goods against exports in Italy. 1700.
- Re-imposition of excise duty on cotton. 1871.
- Re-opening of salt works in certain places in the Madras Presidency. 527.
- Report and recommendations of the cocoanut industry committee. 972.
- Report on the Co-operative Movement in India submitted by Mr. M. L. Darling. 491.
- Report on the working of the Ottawa Trade Agreement. 1292.
- Resignation by certain countries of their membership of the League of Nations. 1779.
- Resolutions passed at the Indian Deck Passengers Conference held at Vizagapatam. 779, 780.
- Restrictions on the import of Indian goods into Italy. 11.
- Results of excavations at Nag-rjuna-konda in the Guntur District. 769.
- Revision of exchange —. 520.

**RANGA, PROF. N. G.—concl'd.**

Question (Supplementary) *re—concl'd.*

Revision of Railway Tariff. 1687.

Rice, broken-rice and paddy imported into India from Siam and Indo-China. 1165.

Scheme for the development of the internal markets. 1112.

Schemes for Rural Development received from the Provincial Governments. 513, 514.

Schemes for Rural Development Work. 778.

Separate restaurant cars for the use of Third Class Passengers. 1711.

State Prisoners in bad health. 1398.

State Prisoners in the Central Provinces Jails. 1392.

State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1394, 1395.

Sub-letting of vending contracts on the East Indian Railway. 191.

Supply of water at stations of the Bengal and North Western Railway. 1242.

Taking out of India some important Archaeological finds. 1305.

Train service between Gudur and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway. 703.

Unemployment problem. 851.

Unsatisfactory conditions of Provident Insurance Societies in the Madras Presidency 290.

Unwholesome food supplied to passengers on the Bengal and North Western Railway. 1189, 1190.

Value of imports from, and exports to, the United Kingdom. 161.

Resolution *re—*

Position of Indian nationals settled in Zanzibar. 1234-37.

Ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 155-56.

**RANGOON—**

Question *re—*

Resolutions passed at the meeting of the — Postal Union. 1403.

Rice, broken-rice and paddy imported into India from Siam, Indo-China and —. 1183-85.

**RANGOON DEVELOPMENT TRUST**

Question *re* demolition of a Hindu temple by the —. 1869-71.

**RATE-WAR—**

Question *re—*

— between the British Indian Steam Navigation Company and the Agarwal Steam Navigation Company. 594-96, 616-17.

— in the coasting trade of India. 400-01.

**RATIO—**

Question *re* revision of the exchange —. 520.

**RAU, MR. P. R.—**

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 356, 357.

**RAWALPINDI—**

Question *re—*

Consideration of the claims of guards of the — Division who failed in the night vision test. 73-75.

High prices of articles charged by an Army contractor at —. 1898-99.

**RAXAUL—**

Question *re* absence of a third class waiting room at — railway station. 1189.

**READER(S)—**

Question *re* nature of duties discharged by the — and copyholders in the Government of India Presses. 1606-07.

**READING BRANCH—**

Question *re* classification of the employees of the — of the Government of India Press, New Delhi. 1038, 1596-97.

**REBATE(S)—**

Question *re* — allowed by the leading shipping companies for passage to Europe for railway servants. 622-23.

**RE-BUILDING—**

Question *re* — of Quetta. 515, 1084-85.

**RECOMMENDATION(S)—**

Question *re—*

Governor General's — with regard to the supplementary demands under the General and Railway Budgets. 416-17.

— of the Drugs Enquiry Committee. 973-74.

**RECOMMENDATION(S)—contd.**

- Question *re*—  
 — of the Hides Cess Committee. 306.  
 — of the Hilton-Young Currency Commission. 518-19.  
 — of the State Railway Workshops Committee. 58-60.  
 Report and — of the cocoanut industry committee. 972.

**RECRUITMENT—**

- Question *re*—  
 Racial discrimination in the — of Assistant Surgeons in the Indian Medical Department. 1176-77.  
 — from within Divisional Circles on State Railways. 287-88.  
 — in the subordinate postal service. 1032, 1034-35.  
 — of qualified sons and dependants of the postal employees in the Bengal and Assam Postal Circle. 1034.  
 — of staff for the Reserve Bank of India. 1628-29.  
 — of temporary Assistant Executive Engineers on the Eastern Bengal Railway. 182.

**REFERENCE. TERMS OF—**

*See* "Terms of Reference".

**REFORM(S)—**

- Question *re* introduction of — in the provinces. 1161-62.

**REFORMS OFFICE—**

- Question *re*—  
 Officer on Special Duty in the —. 1077-78.  
 Private houses rented for the Office of the Imperial Council of Agricultural Research and the — in Simla. 1186-87.

**REFRESHER COURSE(S)—**

- Question *re*—  
 Degradation of persons who fail to pass the — of the Chandausi and Asansol railway schools. 76.  
 — at Kot Lakhpat. 37-38.

**REFRESHMENT ROOM(S)—**

- Question *re*—  
 Inferior quality of food served in the Vizagapatam Indian —. 865-66.  
 Licence granted to Isa Brothers for opening Muslim — on stations on the East Indian Railway. 1770-71.  
 Licence granted to Kapoor and Company for opening Hindu — on stations on the East Indian Railway. 1771-72.

**REFUND—**

- Question *re* rules for the — of issuing or lost currency notes. 1784-85.

**REGIMENT(S)—**

- Question *re* Baluchi — and soldiers employed during the Great War. 1269-70.

**REGISTER(S)—**

- Question *re* production of books and — by income-tax assesses in Sind and fixation of minimum and maximum time-limit for the payment of income-tax. 25-26.

**REGISTRATION—**

- Question *re* — of properties of Indians in Abyssinia. 1413-14.

**REGULATION(S)—**

- Question *re*—  
 — issued in respect of the Quetta Earthquake disaster. 1057-58.  
 — of the barter of imported goods against exports in Italy. 1699-1700.  
 Staff to implement the Hours of Employment — on the Madras and Southern Mahratta and the Bombay Baroda and Central India Railways. 631.

**RELATIVE(S)—**

- Question *re* appointment of the — of retired employees in the Government of India Presses. 1608-09.

**RELIEF—**

- Question *re*—  
 Presses and newspapers punished in connection with articles on the Silver Jubilee Fund or the Quetta Earthquake —. 978-79.  
 Refusal of permission to certain persons to enter Quetta, for affording — to the earthquake sufferers. 704-05, 707.  
 — to the families of the public servants killed in the Earthquake at Quetta. 963-64.

**RELIEF MEASURE(S)—**

- Question *re* earthquake — in Baluchistan. 776.

**RELIEF PARTIES—**

- Question *re* prohibition of — in Quetta and Baluchistan after the earthquake. 776.

**RELIEF WORK(S)—****Question re—**

Refusal of permission to public organisations to proceed to Quetta for earthquake —. 611-12.

Refusal of permission to visit Quetta for Earthquake —. 788-91.

**RELIEVING CLERK(S)—**

See "Clerk(s)".

**RELIEVING GUARDSHIP—**

See "Guardship".

**RELIEVING VACANCY(IES)—**

See "Vacancy(ies)".

**REMOUNT DEPARTMENT—**

Question re transfers of British Officers in the —. 15.

**REMOUNT DEPOT—**

Question re Hapur — at Babugarh in the Meerut Division. 232.

**REMOVAL OF CIVIC DISABILITIES BILL—**

See "Bill(s)".

**RENT—****Question re—**

Assessed — of "B" and "C" type unorthodox quarters in New Delhi. 1622.

Basis of — for 'Members' quarters. 1801.

Maximum assessed — for Government quarters in Simla. 1800.

Payment of the — of land by leaseholders in Delhi. 1111.

Permission to Government employees with college-going children to retain their quarters in New Delhi on payment of — on a 10 per cent. — basis. 1622-23.

— charged from Members of the Indian Legislature for quarters in Summer Hill, Simla. 1619-20.

— collected from the officers and staff of the Government of India in Delhi and cost of maintenance, etc., of quarters. 1863.

Water meter — realised from Government servants in New Delhi and Simla. 1614-16.

**REPAIR(S)—****Question re—**

Cost of — and maintenance incurred on rolling stock on railways. 623-24.

Heavy — and cost of — in workshops per unit of rolling stock. 51-57.

**REPEALING AND AMENDING BILL—**

See "Bill(s)".

**REPORT(S)—**

Consideration of the — of the Public Accounts Committee. 1969-70.

Consideration of the — of the Tribunal on Financial Settlement between India and Burma after separation. 1548-86, 1942-67.

Presentation of the — of the Public Accounts Committee. 1415-1547.

**Question re—**

Delay in the publication of the — of the Tariff Board on the Glass Industry. 784-85.

Feetham Commission — over the occupation of coloured persons of proclaimed land in Transvaal. 1696-97.

Personnel and —, etc., of the Tariff Board. 1874-81.

— and recommendations of the cocoanut industry committee. 972.

— of Mr. K. P. S. Menon on the effect of the Marketing Ordinances on Indian Settlers in East Africa. 781.

— of the Assam Flood Enquiry Committee. 89.

— of the Burma Tribunal on the Financial Adjustment. 1777.

— of the Indian Delegation to the League of Nations. 1160-61.

— of the Tariff Board on Protection to the glass industry. 1288-89.

— of the Tariff Board on the Wool-len Industry. 1081-82.

— on the Co-operative Movement in India submitted by Mr. M. L. Darling. 491-92.

— on the Indian Company Law. 1295-96.

— on the question of the manufacture of locomotives in railway workshops in India. 631.

— on the working of the Ottawa Trade Agreement. 1292-93.

— on the working of the scheme of preferences resulting from the Ottawa Trade Agreement (laid on the table). 1807.

**REPRESENTATION(S)—****Question re—**

Direct — of Indians on the Fiji Central Legislature. 427.

— from certain drivers of the Moradabad Division, East Indian Railway. 848.

— of Buddhists in the Archaeological Department. 1705.

**REPRESENTATION(S)—contd.**

- Question *re*—  
 — of Buddhists in Government services. 1704-05.  
 — of the staff in the Electrical Department of the East Indian Railway in the Welfare Committee. 638.

**REPRESENTATIVE(S)—**

- Question *re* — to the Industries Conference. 1798.

**REPRESSIVE LAW(S)—**

- Question *re* appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of — in Bengal. 848-49.  
 See also "Law(s)".

**REPRESSIVE LEGISLATION—**

- Question *re* Indian and European Associations consulted about the extension of —. 605.

**RESCUE OPERATIONS—**

- Question *re* enquiry into the allegations of discriminations between Indians and Europeans in the matter of — and salvage — in Quetta. 1632.

**RESEARCH—**

- Question *re*—  
 Establishment of an Institute for Animal and Human nutrition —. 1685-86.  
 Progress of sugar — in India. 1055.  
 — conducted under the Lac Cess Committee. 1308-09.

**RESEARCH BUREAU—**

- Question *re* nomination of members to the Industrial —. 1797-98.

**RESERVATION—**

- Question *re* — of a certain percentage in Government service for the Assamese. 1623-24.

**RESERVE BANK OF INDIA—**

- Question *re*—  
 Allotment of certain shares of the — to the employees of the Imperial Bank of India. 417.  
 Communal composition of the staff of the —. 1597.  
 Development of the Rural Credit Department of the —. 867-68.  
 Establishment of a London Branch of the —. 411-12.  
 Recruitment of staff for the —. 1628-29.  
 See also "Bank(s)".

**RESIDENT(S)—**

- Question *re* refusal by the Nazul Officer, Delhi, to accept money from the — of Naiwala, Karol Bagh. 1616-17.

**RESIDENTIAL ACCOMMODATION—**

- See "Accommodation".

**RESIGNATION(S)—**

- Question *re*—  
 — by certain countries of their membership of the League of Nations. 1779-80.  
 — of the nominated members of the Lahore Cantonment Board. 221.

**RESOLUTION(S)—**

- Question *re*—  
 Action taken on the — adopted at the Conference of the East Indian Railway Employees' Association. 543.  
 — passed at the Indian Deck Passengers Conference held at Vizagapatam. 779-80.  
 — passed at the meeting of the Rangoon Postal Union. 1403.  
 — passed or rejected in the Lahore Cantonment Board. 221.  
*re*—  
 Manufacture of locomotive requirements in State Railway Workshops. 348-77.  
 Position of Indian nationals settled in Zanzibar. 1211-40.  
 Quetta Earthquake. 1313-78.  
 Ratification of the Draft Convention of the International Labour Conference concerning employment of women during night. 149-57.  
 Reduction of import duty on carbon blocks. 997-1000.

**RESPONSIBILITY(IES)—**

- Question *re* duties and — of the crew system in the Howrah and Lucknow Divisions, East Indian Railway. 120.

**RESOURCE(S)—**

- Motion for adjournment *re* allocation of certain — between the Central and Provincial Governments. 1194-97, 1221, 1310-13.  
 Question *re* enquiry into the Financial — of the Provinces on the eve of the New Constitution. 1690-91.

**RESTAURANT CARS—**

- Question *re* separate — for the use of third class passengers. 1709-12.

**RESTRICTION(S)**—

- Question *re*—  
 — of imports into India. 15-17.  
 — on the import of Indian goods into Italy. 10-11.

**RESULT(S)**—

- Question *re*—  
 Delay in the declaration of — of Registered Accountants' Degree Examination. 1804-06.  
 — of the Ottawa Trade Agreement. 1082-83.

**RETIREMENT**—

- Question *re* compulsory — of persons who have completed 25 years of their permanent service. 1597.

**RETRENCHED EMPLOYEE(S)**—

See "Employee(s)".

**RETRENCHED PERSONNEL(S)**—

See "Personnel(s)".

**RETRENCHED STAFF(S)**—

See "Staff(s)".

**RETRENCHMENT(S)**—

- Question *re*—  
 Contemplated creation of a post of Assistant Director of Post and Telegraphs and — in the Posts and Telegraphs Department. 35-36.  
 Contemplated — in the Madras Dead Letter Office. 209.  
 — in the Madras Dead Letter Office. 224-25.

**REVENUE(S)**—

- Question *re*—  
 Amount credited to Railway — under fines, forfeiture of Provident Fund, etc., and income and disbursements of the Staff Benefit Fund of each Railway. 626-30.  
 Difference in the customs and excise —. 1883.

**REVISION**—

- Question *re* — and classification of goods transported on railways. 1691-92.

**RICE**—

- Question *re*—  
 Constitution of a Standing Committee on —. 1157.  
 Effect of the fixation of import duty on broken —. 536-38.  
 Effects of the import of Burma — in India. 632-33.

**RICE—contd.**

- Question *re*—  
 Enquiry into the production and trade of — in the Madras Presidency. 690-91.  
 Preference for Indian — in British Malaya and Ceylon and for Indian paddy in the United Kingdom. 1157-58.  
 Result of the imposition of an import duty on broken — and prohibition of imports of — from Siam, Indo-China, etc. 792-93.  
 —, broken — and paddy imported into India from Siam, Indo-China and Rangoon. 1164-65, 1183-85.

**RIVER SURVEYOR(S)**—

- Question *re* appointment of non-Indians as Probationary Assistant — in the Calcutta Port Trust. 488-89.

**ROAD(S)**—

- Election of a Member to the Standing Committee for —. 434.  
 Motion *re* election of a member to serve on the Standing Committee for —. 136.  
 Question *re*—  
 Construction of — in Assam. 964-65.  
 Employment of a watchman on the Shedrah Lakin — Level Crossing of the Madras and Southern Mahratta Railway. 84.  
 Utilisation of the Petrol Fund for the development of —. 1866-67.  
 Want of a bridge at the railway crossing near the Agra Cantonment station on the Agra-Jognar —. 1026-27, 1638.

**ROHILKUND**—

- Question *re* khandsari sugar works in the — Division subjected to excise duty. 94-99.

**ROHILKUND AND KUMAON RAILWAY**—

See "Railway(s)".

**ROLLING STOCK**—

- Question *re*—  
 Cost of repair and maintenance incurred on — on railways. 623-24.  
 Heavy repair and cost of repair in workshops per unit of —. 51-57.

**ROUMANIA**—

- Question *re*—  
 Imports from India by —. 11-12.

**ROUMANIA—contd.****Question re—**

- Restrictions of Indian imports into —, Italy and Germany. 692-93.
- Trade treaties with Italy and —. 957.

**ROUTINE DIVISION—**

- Question re promotion of a clerk of the — to the second division in the Departments of the Government of India. 114.

**ROUTINE DIVISION CLERKS—**

See "Clerk(s)".

**ROYAL COMMISSION ON LABOUR—**

- Question re legislation for the collection of statistics as recommended by the —. 1708.

**ROYAL INDIAN MARINE—****Question re—**

- Expansion in the — and facilities for the training of Indians. 404.
- Selection of "Dufferin" Cadets from the —. 517-18.

**RULE(S)—****Question re—**

- Application of Fundamental — to the Indian Railways Conference Association staff. 197.
- Depreciation fund — of State Railways. 49.
- Non-observance of Fundamental — in the Office of the Indian Railway Conference Association. Delhi. 181.
- Notification of the — regulating the discharge and dismissal of State Railway non-gazetted servants to the East Indian Railway employees. 42-43.
- Option to elect new leave — to the staff on the North Western Railway. 88.
- for allotment of Government quarters in Simla. 1620.
- for the refund of missing or lost currency notes. 1784-85.
- governing the allotment of quarters to the employees of the Government of India Press, New Delhi. 1038.

**RULING(S) BY MR. DEPUTY PRESIDENT (MR. AKHIL CHANDRA DATTA)—****Personal Explanation—**

- An Honourable Member, who has not at all spoken already in the debate, cannot offer a — in reply to another Member's speech he will be entitled to make a speech. 668.

**RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—****Bill(s)—**

- The motion re the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion re the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1136.

**Demand(s) for Supplementary Grant(s)—**  
Broad questions of policy and general principles cannot be discussed on —. 1824, 1825, 1826, 1830, 1831, 1837.

Questions of principle cannot be discussed on a —. 1811, 1813.

**Miscellaneous—**

An Honourable Member is perfectly entitled, if he is attacked, to defend himself. If it is found necessary to point out that an Honourable Member, who made the charge, made it recklessly or without evidence or without any reference to facts, he is entitled to point that out. 1733, 1734.

Comments on the foreign policy or on the foreign powers cannot be made. 263, 264, 265, 270, 271.

Honourable Members are not allowed to make reflections on the High Courts. 729.

Honourable Members should not repeat what has already been said. If the matter has been debated in connection with the Bill under discussion, or with another Bill, it makes no difference. 1720.

Incidents in Indian States should not be referred to. 655.

It is not the proper parliamentary behaviour to be constantly interrupting. 822.

Occupants of the Official Box should not cheer. 921.

There has been no breach of privilege by the Criminal Law Amendment Bill having been communicated to a section of the Press before the motion for leave to introduce it was made in the House. 147.

When the leader of a party sends notice of an adjournment motion and subsequently withdraws it without giving any proper explanation for doing so another Honourable Member of the same party cannot move the motion notice of which was sent subsequently. 1313.

**RULING(S) BY MR. PRESIDENT  
(THE HONOURABLE SIR ABDUR  
RAHIM)—contd.****Motion(s) for Adjournment—**

On —, matters involving legislation cannot be discussed. 347.

**Question(s)—**

A big question of policy cannot be answered by — and answers; it can more appropriately be discussed on the budget. 591.

An Honourable Member is not required to give information, but he should put his —. 290.

If the answers to — given in the Council of State have been already published and made available to Honourable Members there is no reason why they should be repeated in the Legislative Assembly again. 1300.

**Questions and Answers—**

Any comment or criticisms, made after a question has been answered cannot be treated as part of the proceedings and such comments should not be embodied in the published proceedings. 1694.

There can be no reflection made by any Honourable Member on any Resolution passed by the House. 1703.

**RUNNING ALLOWANCE—**

See "Allowance(s)".

**RUNNING SHED FOREMEN—**

Question re treating of Locomotive Assistant — as continuous workers on the East Indian Railway. 542.

**RUNNING STAFF(S)—**

See "Staff(s)".

**RUPEE(S)—**

Question re effect of the rise in the price of silver on the —. 1039.

**RUPEE LOAN—**

Question re issue price of the latest —. 1630.

**RUPEE PAPER—**

Question re conversion of India Sterling Paper and —. 1295.

**RURAL CREDIT DEPARTMENT—**

Question re development of the — of the Reserve Bank of India. 867-68.

**RURAL DEVELOPMENT—****Question re—**

Scheme for the utilisation of the grant for — in the Punjab. 1050-51.

**RURAL DEVELOPMENT—contd.****Question re—**

Schemes for — received from the Provincial Governments. 492-514.

Schemes for — Work. 777-78.

**RURAL LIBRARY(IES)—**

See "Library(ies)".

**RURAL RECONSTRUCTION—**

Question re proposed diversion by the Madras Government of the grant from the Petrol Fund towards —. 1865.

**RURAL UPLIFT—****Question re—**

Distribution of the grant for —. 1408-09.

Programme for — in Madras. 1867-68.

**S****SADAR BAZAR—**

Question re amount given to the — Municipal Committee from the Cash Balance in the Cantonment Fund, Ambala. 209.

**SAFETY INSPECTOR(S)—**

See "Inspector(s)".

**SAHUKARA ACT—**

See "Punjab —" under "Act(s)".

**SAKSENA, MR. MOHAN LAL—****Criminal Law Amendment Bill—**

Motion to consider. 436, 559, 816, 832, 912.

**Indian Criminal Law Amendment (Repeal) Bill—**

Motion to consider. 1138.

Consideration of Clause 2. 1760.

Motion for adjournment re prohibition of — from entering into the district of Tippera. 125.

**Question re—**

Affairs in the Cellular Jail, Andamans, under the present Superintendent. 1591-92, 1595.

Appointment of a Committee by the Congress Party in the Assembly to enquire into and report upon the administration of Repressive Laws in Bengal. 848-49.

Books for prisoners in the Cellular Jail, Andamans. 1589, 1590.

Cancellation of the passport of Mr. Masani of Bombay. 1407.

Certain particulars in connection with State Prisoners at present confined in India. 231.

SAKSENA, MR. MOHAN LAL—  
contd.

## Question re—

Complaints by prisoners in the Cellular Jail, Andamans, against the treatment of Dr. Todd. 1588.

Countries restricting the free flow of gold. 1410.

Degradation of persons who fail to pass the Refresher Courses of the Chandausi and Asansol railway schools. 76.

Demotion of certain drivers on the East Indian Railway. 76.

Dissatisfaction among Indians in Fiji due to the proposed change in the system of representation in Municipalities and the Legislative Council. 847-48.

Distribution of the grant for rural uplift. 1408-09.

Gold exported from India since England went off the Gold Standard. 1409.

Grant of general amnesty to political prisoners before the introduction of new constitution. 1407.

Hardships of prisoners in the Cellular Jail, Andamans. 1410-12.

Imposition of a prohibitive import duty on Zanzibar cloves. 846.

Instructions regarding passports. 1407.

Introduction of the ballot system of voting. 1409.

Laws restricting the liberty of the Press. 1406.

Lifting of ban from the Khudai Khidmatgar and other Congress organizations in the North-West Frontier Province. 1627-28.

Newspapers punished for adversely commenting on Government's policy in Quetta. 1405-06.

Newspapers subscribed for the prisoners in the Cellular Jail, Andamans. 1590.

Prisoners convicted in connection with the Civil Disobedience Movement not yet released. 1407.

Promotions to administrative grades on the East Indian Railway. 1899-1900.

Protection of Indians in Abyssinia. 1595-96.

Provision of facilities for out-door games in the Cellular Jail, Andamans. 1591.

Publicity given to the part-delivered speech of the Law Member on Mr. B. Das's Indian Criminal Law Amendment (Repeal) Bill. 850.

Racial discrimination in the supply of uniforms and occupation of quarters, etc., in the Moradabad Division, East Indian Railway. 76-77.

SAKSENA, MR. MOHAN LAL—  
concl'd.

## Question re—

Refusal of permission to — to visit the Cellular Jail at Port Blair. 699-702, 761-64.

Representation from certain drivers of the Moradabad Division, East Indian Railway. 848.

Return of Mr. Subhash Chandra Bose to India. 1408.

Safeguarding of the interests of Indians in Zanzibar. 846.

Scale of diet given to certain prisoners in the Cellular Jail, Andamans. 1587.

Supply of morning tea to prisoners in the Cellular Jail, Andamans. 1595.

Treaty of commerce and navigation between Great Britain and Zanzibar. 846.

Unemployment problem. 850-52.

## Question (Supplementary) re—

Amount raised in India by subscriptions for the Silver Jubilee Celebrations. 297.

Countries with banned or restricted imports from India. 15.

Detachment of British troops stationed in certain Bikrampur villages in Dacca. 177, 178, 179.

Position of Indians in Zanzibar. 309.

Refusal of permission to — to visit the Cellular Jail at Port Blair. 764.

State Prisoners in the Central Provinces Jails. 1392.

Resolution re position of Indian nationals settled in Zanzibar. 1228-31.

## SALARY (IES)—

## Question re—

Average — emoluments and expenses on the education of the children of British and Indian soldiers. 1889-90.

— of the Indian Railways Conference Association Staff. 196-97.

## SALOON(S)—

## Question re — and Inspection Carriages on each Railway. 977.

## SALT—

## Question re—

Concession of collecting or making — in certain taluqs of the Madras Presidency. 525-26.

Factories working under the monopoly system of manufacturing — in the Madras Presidency. 525.

**SALT—contd.**

Question re—

Non-reduction of the excise duty on  
— manufactured from sea-water.  
294-95.

**SALT (ADDITIONAL IMPORT DUTY) ACT—**

See "Act(s)".

**SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL—**

See "Bill(s)".

**SALT MINES(S)—**

See "Mine(s)".

**SALT TRADE—**

Question re — of Madras. 524-25.

**SALT WORKS—**

Question re reopening of — in certain  
places in the Madras Presidency.  
527.

**SALVAGE—**

Question re — of property at  
Quetta after the earthquake. 715-16.

**SALVAGE OPERATION(S)—**

Question re enquiry into the allega-  
tions of discriminations between  
Indians and Europeans in the  
matter of rescue and — in Quetta.  
1632.

**SANCTION(S)—**

Question re refusal of — by the  
Governor General for the introduc-  
tion of a Bill to amend the Bombay  
Port Trust Act. 425-27.

**SANNAMANGALAM CHOWKI—**

Question re hardship caused to pil-  
grims attending the Kanduri festi-  
val, Nagore, by the Customs Officers,  
—, 1088.

**SANT SINGH, SARDAR—**Code of Criminal Procedure (Amend-  
ment) Bill—

Presentation of the report of the  
Select Committee. 348.

Criminal Law Amendment Bill—

Motion to consider. 434-36, 657-67,  
671, 815, 818.

Expressions of regret on the deaths  
of Sir Basil Blackett, Sir Deva Prasad  
Sarvadhikary, Lala Fakir Chand  
and Haji Abdulla Haji Qasim. 5.

Indian Criminal Law Amendment  
(Repeal) Bill—

Motion to consider. 1140, 1728,  
1729.

Motion for adjournment re despatch  
of troops from British India to  
Addis Abbaba (Abyssinia). 269.

**SANT SINGH, SARDAR—contd.**

Question re—

Abolition of the India Store De-  
partment, London. 40-42.

Accommodation for officers and  
staff in New Delhi and Simla.  
1093-94.

Alleged discrimination against  
Indian products by British con-  
cerns in India. 161-62.

Appointment of a broadcasting  
expert in England for India.  
1091-92.

Appointment of apprentice perma-  
nent way inspectors on the  
Eastern Bengal Railway. 114.

Appointment of the President of the  
New Delhi Municipal Committee.  
1106-08.

Band at the Connaught Place, New  
Delhi. 1101-02.

Budget of the New Delhi Municipal  
Committee. 1105-06.

Compulsory contributions from the  
North Western Railway employees  
to Indian Institutes. 1098.

Contractors in the Central Public  
Works Department. 1108-09.

Education of Indians in broadcasting  
technique. 1093.

Electric meter rent charged in New  
Delhi. 1109-11.

Employees failing in night vision  
tests on the North Western Rail-  
way. 1100-01.

Holidays in the Government of India  
Secretariat. 1624-26.

Income and expenditure of the New  
Delhi Municipal Committee. 1102-  
03.

Indian Broadcasting Service. 1092-93.

Inquiry into the conduct of an  
Imperial Service Officer. 975.

Lease-hold land in New Delhi. 1103-  
04.

Office of the Civil Aviation in  
India. 1096.

Overhauling of the Income-tax  
system of India. 162-63.

Payment of the rent of land by  
lease-holders in Delhi. 1111.

Permanent Way Inspectors on the  
North Western Railway. 975-76.

Power in the aerial of the Delhi  
Broadcasting Station. 1093.

Private houses rented for certain  
offices of the Government of India  
in Simla. 1095.

Purchase of articles required by the  
Military Department. 159-60.

Purchase of articles required by the  
Railway Board. 160.

Racial discrimination on the North  
Western Railway. 1098-1100.

Reckoning of seniority on the North  
Western Railway. 1097-98.

SANT SINGH, SARDAR—*concl'd.*Question *re*—

Recruitment of Sikh Khattris in the India Army. 1097.

Refusal of permission to certain persons to enter Quetta for affording relief to the earthquake sufferers. 707.

Sub-divisional officers and Assistant Garrison Engineers in the electrical and mechanical engineering branch in the Army. 1035-36.

Superintending Engineer of the Central Public Works Department. 1104-05.

Value of imports from, and exports to, the United Kingdom. 160-61.

Question (Supplementary) *re*—

Article in the *Sind Observer* entitled "Power-Alcohol". 1294.

Distress of Quetta merchants. 1906.

State Prisoners in different provinces. 1390-91.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 358-60.

## SARDAR(S)—

Question *re* allowances paid to the tribal — of Baluchistan. 298-303.

## SARMA, MR. B. S.—

Criminal Law Amendment Bill—

Motion to consider. 648-53.

Question (Supplementary) *re*—

Contributions made to the League of Nations. 1778.

## SARVADHIKARY, SIR DEVA PRASAD—

Expressions of regret on the deaths of Sir Basil Blackett, — Lala Fakir Chand and Haji Abdulla Haji Qasim. 2-8.

## SATHANA—

Question *re* produce of the land of the Istimrari area of — Ajmer-Merwara. 108.

## SATYAMURTI, MR. S.—

Consideration of the Report of the Public Accounts Committee. 1969, 1970.

Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1569, 1585, 1943.

Criminal Law Amendment Bill—

Motion to consider. 447, 449-68, 473, 474, 553, 558, 559, 651, 809, 810, 814, 815, 816, 817, 818, 820, 821, 823, 824, 826, 828, 829, 832 833-34, 819, 920, 921, 923, 924.

SATYAMURTI, MR. S.—*cont'd.*

Criminal Law Amendment Bill (As recommended)—

Motion for leave to introduce. 1059.

Demand for supplementary grant in respect of—

"Expenditure on the development of Broadcasting met from the fund." 1823, 1824, 1825, 1826-30, 1840.

Expenditure on the development of Civil Aviation met from the fund". 1818-21, 1822.

"Miscellaneous". 1841-47, 1857, 1894-33, 1935, 1936, 1937, 1938.

Election of Members to the Select Committee on amendments to Standing Orders. 1012.

Indian Coffee Cess Bill—

Motions to consider, to circulate and to refer to Select Committee. 1655, 1662.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1119, 1136, 1137, 1142, 1143, 1144, 1145, 1146, 1147, 1732, 1733, 1734.

Consideration of Clause 2. 1764.

Motion for adjournment *re*—

Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 386, 387.

Despatch of troops from British India to Addis Abbaba (Abyssinia). 265.

Lack of discipline in certain soldiers at Jubbulpore. 232-34.

Prohibition of the convener of the Congress Assembly Party Committee *re* detenues to enter into certain places in Bengal. 128.

Refusal of permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of Quetta. 127.

Rioting of British soldiers stationed at Jubbulpore. 126-27.

Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1764.

Point of order raised by — as to whether an Honourable Member can make a serious personal charge against another Honourable Member. 1733.

SATYAMURTI, MR. S.—*contd.*

Point of order raised by — as to whether there has not been a breach of privilege of the House inasmuch as the contents of a Bill (*i.e.*, the Criminal Law Amendment Bill) were communicated to a section of the Press before the motion for leave to introduce it was made in the House. 144-47.

Question *re*—

Abolition of the existing franchise enjoyed by Indians in Fiji. 609.

Accommodation allowed to a deck passenger in the Coastal Passenger Steamers. 778-79.

Administrative staff appointments held by Indians in the Indian Medical Service. 1174, 1176.

Agreement with the Kathiawar States about Customs. 961-62.

Allegations of looting, etc., against the soldiers at Quetta after the earthquake. 1085-87.

Allocation of assets and liabilities between the New Orissa Province and the Government of Madras. 783.

Allotment of certain shares of the Reserve Bank to the employees of the Imperial Bank of India. 417.

Amalgamation of the East Indian and Eastern Bengal Railways. 1291-92.

Amendment of the Indian Companies Act. 409-10.

Amendments of the Government of India Bill in the House of Commons regarding the Princes, and the Federation. 689.

Application of a system of control over imports by the Japanese Trade Council. 691-92.

Applications for protection of industries. 401-02.

Appointment of a Board of non-official visitors to the Andamans. 609-11.

Appointment of Delimitation Committees. 617-19.

Appointment of Indians as Chairmen of Port Trusts in India. 1694, 1695, 1696.

Article entitled "The Civil Service Bomb" in the *Amrita Bazar Patrika*. 608-09.

Article in the *Amrita Bazar Patrika* about the Faqir of Alingar. 534-35.

Article in the *Sind Observer* entitled "Power-Alcohol": 1293-95.

"B" Grade Controllers promoted to relieving guardship on the East Indian Railway. 1633-34.

SATYAMURTI, MR. S.—*contd.*Question *re*—

Bill in connection with the Federal Railway Authority and setting up of Provincial Public Service Commissions. 780-81.

Cancellation of the Passport of Mr. Masani of Bombay. 1697.

Committee for the classification of Railway Goods. 607-08.

Constitution of a permanent Tariff Board. 842-44.

Consumption of Indian linseed in Great Britain. 606-07.

Contract for the construction of the New Howrah Bridge. 1631-32.

Conversion of India Sterling Paper and Rupee Paper. 1295.

Cost incurred by the Government of India in the transport of British troops and officers. 402-03.

Cost of India's delegation to the International Labour Conference and the League of Nations. 399.

Creation of an additional post of Secretary in the Finance Department. 417-18.

Customs questions relating to the Kathiawar and Maritime States. 963.

Damage by earthquake and rebuilding of Quetta. 793-95.

Defamatory passages about Indians in a publication entitled "Souvenir Programme of Malayan Celebrations". 615-16.

Delay in the declaration of results of Registered Accountants' Degree Examination. 1804-06.

Delay in the publication of the Report of the Tariff Board on the Glass Industry. 784-85.

Demand and forfeiture of securities of newspapers. 1626-27.

Demand for Indianisation of Indian Port Trusts. 1083-84.

Deputation in London of Mr. E. C. Mievile, Private Secretary to His Excellency the Viceroy, to examine the working of the Cabinet Secretariat. 1058-59.

Differences between European and Indian Members of the Indian Medical Service in the matter of payment of railway fares. 786.

Disabilities of Indian residents in Singapore. 408.

Disabilities of Indians in Zanzibar. 1050.

Disabilities suffered by match manufacturers in British India. 539-40.

Discrimination against Indians by the Kenya Government. 689-90.

Dispute between the Mysore Government and the Government of Madras *re* Cauvery waters. 1083.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Effect of the fixation of import duty on broken rice. 536-38.
- Election to the All-India Medical Council. 1173, 1174.
- Enquiry into Central and Provincial Finances. 1715-16, 1717, 1718.
- Enquiry into the allegations of discriminations between Indians and Europeans in the matter of rescue and salvage operations in Quetta. 1632.
- Enquiry into the Financial Resources of the Provinces on the eve of the New Constitution. 1690, 1691.
- Enquiry into the Income-tax system in India. 1689-90.
- Enquiry into the production and trade of rice in the Madras Presidency. 690-91.
- Establishment of a German automobile factory in Bombay. 600.
- Establishment of a London Branch of the Reserve Bank of India. 411-12.
- Establishment of an Institute for Animal and Human Nutrition Research. 1685, 1686.
- Excise duty on steel. 791-92.
- Expansion in the Royal Indian Marine and facilities for the training of Indians. 404.
- Experience required for running Express and Mail Trains on the East Indian Railway. 1633.
- Facilities asked for from Government by an Automobile Factory in India. 784.
- Fall in exports and rise in imports. 1698, 1699.
- Fall in railway earnings. 1047-48.
- Feetham Commission Report on the occupation of coloured persons of Proclaimed Land in Transvaal. 1696.
- Financial adjustment for the creation of the new Provinces of Orissa and Sind. 599-600.
- Formation of coffee pools in Kenya with a view to drive out the Indian settlers. 962.
- Gold exported from India since England went off the Gold Standard. 596-98.
- Government's policy with regard to the tribes on the North-West Frontier. 532-34, 1688, 1689.
- Governor General's recommendations with regard to the supplementary demands under the General and Railway Budgets. 416-17.
- Grievances of Indians domiciled in South Africa. 781-83.
- Hardship caused to pilgrims attending the Kanduri festival, Nagore, by the Customs Officers, Sannamangalam Chowki. 1068.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Higher import duty on foreign paddy in the United Kingdom. 1053-55.
- Higher offices held by Indians in the Government of India Secretariat. 603-04.
- Imposition of duties on personal effects carried by passengers from Ceylon to India. 1169-70, 1171.
- Inclusion of provisions for a Statutory Railway Authority in the Government of India Act. 310.
- Inconvenience caused to Indian passengers on account of European soldiers travelling in ordinary second class compartments. 693-94.
- Indian and European Associations consulted about the extension of repressive legislation. 605.
- Indian and European Officers working in the Finance Department. 1692.
- Indian exports and imports and India's trade position. 601-02.
- Indian Trade Commissioners in foreign countries. 1078-80.
- Indian victims of South African floods. 1299.
- Indianisation of the Government of India Secretariat. 694-95.
- Indianisation of the Indian Army Veterinary Corps. 1051.
- Indianisation of the posts of Chairmen of the Port Trusts in India. 841-42.
- Indians and Europeans in the Women Medical Service. 1177-78, 1179.
- India's balance of trade. 786-88.
- Interests of Indians overseas. 1080-81.
- Interview for promotion of "B" grade guards on the East Indian Railway. 1634.
- Issue price of the latest Rupee Loan. 1630.
- Italo-Abyssinian dispute. 205-07.
- Manufacture of Aeroplanes in India. 408-09.
- Manufacture of guns in Indian Ordnance Factories for the use of the Indian Army. 1687, 1688.
- Manufacture of Locomotive Boilers and Locomotives in India. 1702, 1703, 1704.
- Mints at Calcutta and Bombay. 406-07.
- Murder of Khan Saheb Zangi Khan of Maddakhel, North-West Frontier. 607.
- Negotiations for a trade agreement with Canada. 415-16.
- Negotiations for a trade agreement with the Irish Free State. 414-15.
- Negotiations for the Indo-Burman Trade Agreement. 418-20.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Negotiations for Trade Agreements with the Irish Free State, Canada and Italy. 785.
- Negotiations with the Shamozi tribe on the North-West Frontier for a friendly agreement. 604.
- New type of aeroplane for operation in India. 844-45.
- Officer on Special Duty in the Reforms Office. 1077-78.
- Official watch over news and editorial comments in newspapers relating to the Quetta earthquake disaster. 1045-46.
- Organisation of sugar industry. 612-13.
- Outlay on the Imperial Council of Agricultural Research. 310-11.
- Paragraph in the *Indian Finance* entitled "Clive Street Gossip". 1299-1300.
- Passage of German aeroplanes over India. 407-08.
- Personnel and other details of the Delimitation Committee. 687-89.
- Personnel of the Indian Lac Research Committee. 84.
- Plight of Indians in regard to the clove trade in Zanzibar. 410-11.
- Position in the North-West Frontier Province. 1718.
- Position of Indian business community in Kenya. 1085.
- Position of Indians in Kenya and Zanzibar. 1289-91.
- Position of Indians in Zanzibar. 306-10, 1404-05.
- Position of the Indian employees of the Postal Department in Burma after the separation. 1402-03.
- Position on the North-West Frontier. 207-08.
- Positions of Indians in Zanzibar with regard to the clove ordinances. 593-94.
- Possibility of giving warnings to the public about impending earthquakes. 611.
- Preparations in India for a war. 602.
- Preparations in India for a war in Europe. 532.
- Prevention of Congressmen from visiting Quetta. 845.
- Progress of sugar research in India. 1055.
- Prohibition of certain imports from Persia and Afghanistan into certain parts of India. 535-36.
- Prohibition of Women from working underground. 1686, 1687.
- Promotion of certain Controllers on the East Indian Railway to relieving guardships. 1634.
- Promotion to the relieving guardship on the East Indian Railway. 1633.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Proposal to establish a swadeshi automobile industry in India. 613.
- Protection of Indians in Abyssinia. 1047.
- Protection of the interests of Indian traders in Abyssinia. 1291.
- Protest by the South African and Natal Indian Congress, against certain sections of the Natal Rural Dealers' Licensing Law Amendment Ordinance. 1296-97.
- Provincial Loans. 1052.
- Purchase of stores made abroad. 412-13.
- Racial discrimination in the recruitment of Assistant Surgeons in the Indian Medical Department. 1176, 1177.
- Railway earnings. 1297-99.
- Raising of new loans. 613-14.
- Rate-war between the British Indian Steam Navigation Company and the Agarwal Steam Navigation Company. 594-96, 616-17.
- Rate war in the coasting trade of India. 400-01.
- Re-building of Quetta. 1084-85.
- Reduction in India's contribution to the League of Nations. 311-15.
- Reform of the Indian Insurance Law. 1293.
- Refusal of permission to public organisations to proceed to Quetta for earthquake Relief work. 611-12.
- Refusal of permission to visit Quetta for Earthquake Relief Work. 788-91.
- Regulation issued in respect of the Quetta Earthquake disaster. 1057-58.
- Regulation of the barter of imported goods against exports in Italy. 1699, 1700.
- Renewal of the Trade Treaty with Turkey. 1049.
- Report of Mr. K. P. S. Menon on the effect of the Marketing Ordinances on Indian Settlers in East Africa. 781.
- Report of the Tariff Board on protection to the glass industry. 1288-89.
- Report of the Tariff Board on the Woollen Industry. 1081-82.
- Report on the Indian Company Law. 1295-96.
- Report on the working of the Ottawa Trade Agreement. 1292-93.
- Resolutions passed at the Indian Deck Passengers Conference held at Vizagapatam. 779-80.
- Resolutions passed at the meeting of the Rangoon Postal Union. 1403.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Restrictions of Indian imports into Roumania, Italy and Germany. 692-93.
- Result of the imposition of an import duty on broken rice and prohibition of imports of rice from Siam, Indo-China, etc. 792-93.
- Results of the Ottawa Trade Agreement. 693, 1046, 1082-83.
- Return on the total capital cost of New Delhi. 413-14.
- Return on the total capital cost of Sukkur Barrage. 414.
- Revision and Classification of goods transported on Railways. 1691, 1692.
- Revision of the Maximum and minimum charges on the Indian Railways. 405-06.
- Rights of Indians in Zanzibar. 598-99.
- Rise in the price of silver. 614-15.
- Safeguarding of the interests of Indians in Kenya. 591-93.
- Sale of surplus stock of quinine. 1068-91.
- Scheme for the utilisation of the grant for rural development in the Punjab. 1050-51.
- Schemes for Rural Development Work. 777-78.
- Sending of British troops to India. 539.
- Shipping companies engaged in the coastal trade of India and Burma. 1907.
- Sir George Schuster's opinion about the bombing of Indians. 1044-45.
- Statement of the Japanese Ambassador in Bombay about the Indo-Japanese Pact. 1696.
- Stores for Railways purchased through the Indian Stores Department. 1700, 1701-02.
- Subjects of Indian States against whom proceedings have been taken by Local Governments under the Foreigners' Act. 117.
- Suggestion re imposition of a prohibitive duty on Zanzibar cloves 420-21.
- System of nominations to the municipalities in Fiji. 1052-53.
- Tariff Board enquiry into the textile industry. 1055-57.
- Terms offered for the transfer of British Service Officers to the Indian Army. 793.
- Trade negotiation between the United Kingdom and Italy and India. 604-05.
- Trade negotiations with other countries. 1046.

SATYAMURTI, MR. S.—*contd.*

## Question re—

- Transfer of the Civil and Military Administration of Gilgit to the Government of India. 962-63, 1632-33.
- Transfers from the British Services to the Indian Army. 617.
- Treaty between the Sultan of Zanzibar and Great Britain. 228.
- Tribal vendetta on the North-West Frontier. 589-91.
- Trouble on the Durand Line on the North-West Frontier. 605.
- Visit of the Honourable the Commerce Member to Cochin. 1403-04.
- Walk-out by the Indian Members of the Kenya Legislative Council. 1049-50.
- Wound received by Mr. L. W. B. H. Best, Political Agent, in the Malakand Agency. 534.
- Question (supplementary) re—
- Abolition of the India Store Department, London. 40, 41.
- Action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931. 342.
- Affairs in the Cellular Jail, Andamans, under the present Superintendent. 1593, 1594, 1595.
- Allegations against British soldiers stationed at Jubbulpore. 796.
- Alleged discrimination against Indian products by British concerns in India. 161, 162.
- Amount sanctioned to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division. 170.
- Applications from Mahatma Gandhi and Babu Rajendra Prasad for permission to enter the earthquake area in Quetta. 1040.
- Appointment of a broadcasting expert in England for India. 1092.
- Appointment of an Indian as the Chairman of the Bombay Port Trust. 968.
- Appointment of an Indian in place of the late Mr. A. C. Chatterjee, a Member of the Information Section of the League of Nations Secretariat. 524.
- Appointment of one Mr. Hogan as a Yard Master in the Traffic Department of the Calcutta Port Trust. 487.
- Baggage free allowance for third class passengers from Ceylon to India. 1163-64.
- Bombay-Lancashire Pact. 1872.
- British troops in India. 284.

SATYAMURTI, MR. S.—*contd.*

- Question (Supplementary) re—  
Cancellation of the passport of Mr. Masani of Bombay. 861, 1384.  
Certain particulars in connection with State Prisoners at present confined in India. 231.  
Collection of Customs revenue by the Government of India in Kathiawar and other States. 1274.  
Commission of Enquiry to settle the Burma-Yunnan Frontier. 19.  
Consignment of goods for Indian import through Empire shipping. 981, 982.  
Countries with banned or restricted imports from India. 13, 14.  
Deficit in the Railway Budget. 429.  
Detachment of British troops stationed in certain Bikrampur villages in Dacca. 177, 178.  
Drivers in the Jhansi Division of the Great Indian Peninsula Railway. 1301.  
Effect of the Ottawa Agreement on India and the Dominions. 970.  
Employment of Indian seamen on British ships. 532.  
Expenditure on the inauguration of the New Constitution and the Delimitation Committee. 1792.  
Externed or exiled persons not allowed to return to India. 983.  
Fall in the export of oil and oil cakes from India to Great Britain 1385, 1386.  
German Government's offer with regard to the contract for the Howrah Bridge. 1804.  
Government's policy towards Communism. 957.  
Growth and development of indigenous insurance business. 1168-69.  
Imports from India banned by Roumania. 12.  
Indian Broadcasting Service. 1092-93.  
Indivision of services in Port Trusts in India. 490-91.  
Indo-British Trade Agreement. 1872-73.  
Instructions regarding passports 1407.  
Introduction of Reforms in the provinces. 1162.  
Lifting of ban from the Khudai Khidmatgar and other Congress organizations in the North-West Frontier Province. 1627-28.  
Manufacture of petrol from coal in India. 2601.  
Negotiations with the Gaekwar of Baroda in respect of Kathiawar ports. 1623.

SATYAMURTI, MR. S.—*contd.*

- Question (Supplementary) re—  
Negotiations with the princes in regard to the coming Federation. 20.  
Newspapers punished for adversely commenting on Government's policy in Quetta. 1406.  
Newspapers subscribed for the prisoners in the Cellular Jail, Andamans. 1591.  
Position of the Indian trade in Chinese Turkistan. 1379.  
Postal Mails sent by road motors between Kalka and Simla. 1864.  
Preference for Indian rice in British Malaya and Ceylon and for Indian paddy in the United Kingdom. 1158.  
Programme for rural uplift in Madras. 1867.  
Prohibition in Italy of the import of goods from India and of Indian insurance companies from carrying on business. 1869.  
Propaganda against India through films like 'Bengali' and 'India speaks' in Europe and America. 1029.  
Proposed diversion by the Madras Government of the grant from the Petrol Fund towards rural reconstruction. 1865.  
Protection to the Indian Sericultural Industry. 863.  
Publicity given to the part-delivered speech of the Law Member on Mr. B. Das's Indian Criminal Law Amendment (Repeal) Bill. 850.  
Purchase of iron and steel materials by Indian Railways. 970.  
Racial discrimination in the East Indian Railway Hospital at Tundla. 984.  
Refusal of sanction by the Governor General for the introduction of a Bill to amend the Bombay Port Trust Act. 426-27.  
Re-imposition of excise duty on cotton. 1871-72.  
Resignation by certain countries of their membership of the League of Nations. 1779-80.  
Restriction of imports into India. 17.  
Restrictions on the import of Indian goods into Italy. 11.  
Schemes for Rural Development received from the Provincial Governments. 513.  
Selection of candidates for the Indian Research Fund. 1180, 1181.

**SATYAMURTI, MR. S.—concl'd.**Question (Supplementary) *re*—

Selection of delegates to the session of the League of Nations. 1030, 1031.

Smuggling of sugar into British India from Kathiawar States. 1276.

State Prisoners in bad health. 1397.

State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1394, 1395.

Transfers back to India of Indians serving in All-India Services and cadres in Burma. 1182.

Resolution *re*—

Manufacture of locomotive requirements in State Railway Workshops. 361, 362, 370, 371, 372.

Quetta Earthquake. 1355.

**SAVING(S) BANK(S)—**

See "Bank(s)".

**SCALE(S)—**Question *re* purchase of — by the Railways. 173-74.**SCALES OF PAY—**

See "Pay".

**SCHOOL(S)—**Question *re*—

Appointments of the time-expired apprentices of the Jamalpur Technical — to posts under the Chief Mechanical Engineer and Chief Electrical Engineer, East Indian Railway. 103-05.

Degradation of persons who fail to pass the Refresher Courses of the Chandausi and Asansol railway —. 76.

Ex-apprentices of Jamalpur Technical —, East Indian Railway. 111.

Transfer of control of the Railway — of Transportation, Chaudausi, to the Agent, East Indian Railway. 82.

**SCHUSTER, SIR GEORGE—**Question *re* —'s opinion about the bombing of Indians. 1044-45.**SCOTT, MR. J. RAMSAY—**

Election of — to the Standing Advisory Committee for the Indian Posts and Telegraphs Department. 883.

**SCRAP VALUE—**Question *re* — on condemned locomotives, coaching and wagon stock on each railway. 49.**SEAMAN(MEN)—**Question *re* employment of Indian — on British ships. 531-32.**SEAT(S)—**Question *re* — in the third class carriages on the South Indian Railway. 115.**SEA-WATER—**Question *re* non-reduction of the excise duty on salt manufactured from — 294-95.**SECOND CLASS—**Question *re*—

Inconvenience caused to Indian passengers on account of European soldiers travelling in ordinary — compartments. 693-94.

Water basin arrangement in some of the bath-rooms of — compartments on the Madras and Southern Mahratta Railway. 1305-06.

**SECOND DIVISION—**Question *re* promotion of a clerk of the routine division to the — in the Departments of the Government of India. 114.**SECRETARIAT(S)—**Question *re*—

Deputation in London of Mr. E. C. Mieville, Private Secretary to His Excellency the Viceroy, to examine the working of the Cabinet —. 1058-59.

Higher offices held by Indians in the Government of India —. 603-04.

Holidays in the Government of India —. 1624-26.

Indianisation of the Government of India —. 694-95.

**SECRETARY(IES)—**Question *re*—

Creation of an additional post of — in the Finance Department. 417-18.

Deputation in London of Mr. E. C. Mieville Private — to His Excellency the Viceroy, to examine the working of the Cabinet Secretariat. 1058-59.

**SECRETARY OF STATE—**Question *re* —'s conception of political offenders of the Civil Disobedience class and bomb-throwers. 852.**SECRETARY OF STATE FOR INDIA IN COUNCIL—**

Agreement between the — and the Reserve Bank of India. 132-35.

**SECURITY (IES)—**

- Question *re*—  
 Candidates for Legislative Assembly election who lost their —. 544-57.  
 Demand and forfeiture of — of newspapers. 1626-27.  
 Fidelity — of Insurance Companies. 224.  
 Payment of interest on — amount deducted from the pay of the Railway employees. 1387.  
 Savings Bank Accounts and Government — held in custody of the Accountant General, Posts and Telegraphs. 198.

**SELECT COMMITTEE—**

- Election of Members to the — on amendments to Standing Orders. 1012.

**SELECTION (S)—**

- Question *re* — of candidates for the Indian, Research Fund. 1180-81.

**SELECTION GRADE APPOINTMENT (S)—**

- Question *re* — in the Post Offices and the Railway Mail Service. 223.

**SELECTION GRADE POST (S)—**

- Question *re*—  
 Inadequacy of — in the Calcutta General Post Office. 199.  
 — abolished or converted into time-scale appointments in the Post Offices and the Railway Mail Service. 222-23.  
 — in certain Postal Circles. 199-201.

**SENIORITY—**

- Question *re*—  
 Promotion and — of the travelling ticket inspectors of the Account and Audit Department transferred to the Traffic Department of the East Indian Railway. 121.  
 Promotion and — of the travelling ticket inspectors on the East Indian Railway. 123-24.  
 Promotion and — of travelling ticket examiners and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.  
 Reckoning of — on the North Western Railway. 1097-98.  
 — of subordinates officiating in the transportation inspector's grade on the East Indian Railway. 93.

**SENIORITY LIST (S)—**

- Question *re*—  
 — of assistant station masters on the North Western Railway. 88.  
 — of ticket collectors and travelling ticket examiners in the Moradabad and Luknow Divisions. 106.  
 — of travelling ticket examiners and ticket collectors on the East Indian Railway. 108.

**SENTINEL COACH (ES)—**

- Question *re* bringing of idle — from certain railways to the Kalka Simla Railway. 1863-64.

**SEPARATION—**

- Question *re* movement for — of certain Indian border territories from other parts of Hindustan. 1609-10.

**SERICULTURAL INDUSTRY—**

- Question *re* protection to the Indian —. 862-63.

**SERVANT (S)—**

- Question *re*—  
 Interest allowed on provident fund deposits of railway —. 624.  
 Notification of the rules regulating the discharge and dismissal of State Railway non-gazetted — to the East Indian Railway employees. 42-43.  
 Officers and — of the Trustees of the Indian Museum, Calcutta. 1182-83.

**SERVICE (S)—**

- Question *re*—  
 Acceleration of the suburban — on the East Indian and Eastern Bengal Railways. 1032.  
 Burmans employed as Officers in certain Departments and — in Burma. 78-90.  
 Compulsory retirement of persons who have completed 25 years of their permanent —. 1597.  
 Delay in the announcement of the appointments to the Listed posts of the United Provinces Judicial — by the Public Service Commission. 1398-99.  
 Departments of public — directly under the administration of the Government of India. 109.  
 Recruitment in the subordinate postal —. 1032, 1034-35.  
 Reservation of a certain percentage in Government — for the Assamese. 1623-24.  
 Transfers from the British — to the Indian Army. 617.

**SERVICE CONDITION(S)—**

Question *re* — of the East Indian Railway employees. 45.

**SETTLEMENT(S)—**

Question *re* Khewra Salt Mine — 28-34.

**SETTLER(S)—**

Question *re* report of Mr. K. P. S. Menon on the effect of the Marketing Ordinances on Indian — in East Africa. 781.

**SHAHABAD DISTRICT—**

Question *re* withdrawal of the jurisdiction of the Income-tax Officer of Patna from the income-tax cases of the —. 1783.

**SHAHDARA—**

Question *re* lease of land between Delhi and — to Mr. Waugh. 853-54.

**SHAHI JIRGA—**

Question *re* constitutional character of the — and other Jirgas in Baluchistan. 304-05.

**SHAHIDGUNJE—**

Motion for adjournment *re*—  
Destruction of the — Mosque at Lahore. 232.  
Firing by the military at Lahore over the — dispute. 343.

**SHAM LAL MR.—**

Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1118-32, 1727, 1728, 1731, 1732, 1733, 1734, 1737.

**Question *re*—**

Allowances given to Military Sub-Assistant Surgeons on transfer. 1598-99.  
Amount given to the Sadar Bazar Municipal Committee from the Cash Balance in the Cantonment Fund, Ambala. 209.  
Contract for selling sweets and other eatables at the Ambala Railway Station. 1782.  
Control over the Agra canal. 37.  
Discrimination against Indian Military Sub-Assistant Surgeons. 1599.  
Promotions in the Indian Medical Department. 1596.  
Refresher course at Kot Lakhpat. 37-38.  
Responsibility of a supervising post-master for the work done by his subordinate clerks. 1781.

**SHAMOZAI TRIBE—**

See "Tribe(s)".

**SHARE(S)—**

Question *re* allotment of certain — of the Reserve Bank to the employees of the Imperial Bank of India. 417.

**SHAUKAT ALI, MAULANA—**

Aligarh Muslim University (Amendment) Bill—  
Motion to consider. 254.  
Consideration of clause 2. 255-58, 259, 260, 261.

Motion to pass. 262, 271.  
Criminal Law Amendment Bill—  
Motion to consider. 896-901.  
Indian Criminal Law Amendment (Repeal) Bill—  
Motion to consider. 1738-43.  
Motion for adjournment *re* despatch of troops from British India to Addis Abbaba (Abyssinia). 263, 267.

Question (supplementary) *re*—  
Molasses produced in India. 1602.  
Suggestion *re* imposition of a prohibitive duty on Zanzibar cloves. 421.

Resolution *re* position of Indian nationals settled in Zanzibar. 1225-26.

**SHED FOREMEN—**

Question *re* treating of Locomotive Assistant Running — as continuous workers on the East Indian Railway. 542.

**SHEDRAH LAKIN ROAD—**

See "Road(s)".

**SHEODASS DAGA, SETH—**

Question *re* grievances of the passengers at Ghutku Station on the Bengal Nagpur Railway. 634.

**SHER MUHAMMAD KHAN, CAPTAIN SARDAR—**

Question (supplementary) *re*—  
Indian Army cadets and re-framing of the list of martial classes. 21.  
Indian Military Service Family Pension Fund. 423.

Resolution *re* manufacture of locomotive requirements in State Railway Workshops. 359.

**SHIP(S)—**

Question *re* employment of Indian seamen on British —. 531-32.

**SHIPPING COMPANIES—**

Question *re* — engaged in the coastal trade of India and Burma. 1907.  
See also "Company(ies)".

**SHOP(S)—**

Question *re* Bania — in the Market Bazar, Kasauli. 974-75.

**SHORT TIME METHOD—**

Question *re* non-adoption of — of spreading work in State Railway Workshops. 83.

**SIAM—**

Question *re*—

Result of the imposition of an import duty on broken-rice and prohibition of imports of rice from —, Indo-China, etc. 792-93.

Rice, broken-rice and paddy imported into India from — and Indo-China. 1164-65.

Rice, broken-rice and paddy imported into India from —, Indo-China and Rangoon. 1183-85.

**SIDDIQUE ALI KHAN, KHAN SAHIB NAWAB—**

Question *re*—

Communal composition of inferior establishment of the Central Public Works Department including Central India and Rajputana, at the end of 1934. 113.

Vacancies in the Engineering Department of the Great Indian Peninsula, Railway. 634-35, 1637.

**SIKH(S)—**

Question *re* recruitment of — Khatri in the Indian Army. 1097.

**SILVER—**

Question *re*—

Effect of the rise in the price of — on the rupee. 1039.

Prevention of the export of — and a rise in its price. 705-06.

Reduction in the price of — and increase in the balance of trade in favour of India. 36-37.

Rise in the price of —. 614-15.

Sale of —. 1036-37.

Sale of — by the Government of India. 1043-44.

**SILVER JUBILEE CELEBRATION(S)**

See "Jubilee Celebration(s)".

**SILVER JUBILEE FUND—**

Question *re* presses and newspapers punished in connection with articles on the — or the Quetta Earthquake Relief. 978-79.

See also "Jubilee Fund",

**SIMLA—**

Question *re*—

Accommodation for officers and staff in New Delhi and —. 1093-94, 1185-86.

Accommodation in "B" type quarters in —. 1859.

Acoustics of the Assembly Chamber in —. 434.

Allotment of Government quarters in —. 1801-03.

Allotment of Summer Hill quarters —. 1861-62.

"B" and "C" class quarters in Kaithu, —. 1620-21.

Basis of allotment of Government quarters in —. 1619.

Different limit of pay for allotment of orthodox and unorthodox quarters in —. 1621-22.

Different principles for allotment of Government quarters in New Delhi and —. 1619.

Differential treatment in the allotment of Government quarters in New Delhi and —. 1617-18.

Facilities and comforts for Government servants living outside the municipal limits in —. 1611-13.

Free conveyance by rail between Summer Hill and — and allowances of Army Headquarters staff. 1859-61.

Government quarters in — occupied by the staff of the Public Works Branch. 1618.

House rent allowance drawn by persons sharing Government quarters in —. 1618.

Maximum assessed rent for Government quarters in —. 1800.

Money invested in the building of quarters in — and Delhi and interest paid on such debts. 1800.

Private houses rented for certain offices of the Government of India in —. 1095.

Private houses rented for the Office of the Imperial Council of Agricultural Research and the Reforms Office in —. 1186-87.

Rent charged from Members of the Indian Legislature for quarters in Summer Hill —. 1619-20.

Residential accommodation for Government servants in New Delhi and —. 1610-11.

Rules for allotment of Government quarters in —. 1620.

Shortage of Government quarters in —. 1613-14.

**SIMLA—contd.****Question re—**

Water meter rent realised from Government servants in New Delhi and —. 1614-16.

**SIND—****Question re—**

Appeals decided by the Assistant Commissioner of Income-tax in —. 291-92.

Arrangements for the future administration of —. 1273.

Assessment of incomes of small income-tax payers in —. 23-24.

Barrage Canals in —. 1272-73.

Condition of potato growers in —. 8.

Construction of a railway line between Johi in the Dadu district and other places in —. 8-9.

Financial adjustment between — and Bombay. 1271-72.

Financial adjustment for the creation of the New Province of Orissa and —. 599-600.

Income derived from small income-tax and expenditure incurred in its collection in —. 24.

Income-tax assessments re-opened in —. 291.

Income-tax cases in — called for review by the Commissioner of Income-tax, Bombay. 292.

Performance of marriages by the people of — in the Khairpur State to evade prosecutions under the Child Marriage Restraint Act. 25-28.

Production of books and registers by income-tax assesses in — and fixation of minimum and maximum time-limit for the payment of income-tax. 25-26.

Provident Insurance Societies in —. 289-90.

Statement of income-tax cases laid before the Court of the Judicial Commissioner in —. 292.

**SIND OBSERVER—**

Question re article in the — entitled "Power-Alcohol". 1293-95.

**SINDHI(S)—**

Question re alleged monopoly of non— in the Karachi General Post Office. 305.

**SINGAPORE—****Question re—**

Disabilities of Indian residents in —. 408.

Indians in Cochinchina, Java, Ceylon and —. 969.

**SINGH, MR. RAM NARAYAN—****Question re—**

Absence of waiting accommodation for assesses in Income-tax Office in Bihar and Orissa. 856.

Applications made under section 30 of the Indian Income-tax Act. 119.

Grievances of the Income-tax staff in Bihar and Orissa. 856-58.

Grievances of travelling ticket examiners on the East Indian Railway. 117-18, 231, 382.

Imposition of penalties under section 28 of the Income-tax Act in Cuttack, Puri and Balasore Circles. 120.

Post and Telegraph Offices in the Chota Nagpur Division. 231.

Regulation of Income-tax assessment in Bihar and Orissa. 856.

Report called for by the Commissioner of Income-tax, Bihar and Orissa, in appeal cases. 855-56.

**Question (supplementary) re—**

Lifting of ban from the Khudai Khidmatgar and other Congress organizations in the North-West Frontier Province. 1627-28.

**SINHA, MR. ANUGRAH NARAYAN—****Question re—**

Eligibility of telephone operators to pension. 1898.

Externment of Mr. Gokuldas, son of Padarath Das, by the Government of Fiji. 1782-85.

Rules for the refund of missing or lost currency notes. 1784-85.

Withdrawal of the jurisdiction of the Income-tax Officer of Patna from the income-tax cases of the Shahabad District. 1783.

**SINHA, MR. SATYA NARAYAN—****Question re—**

Absorption of the permanent staff in the Moody-Ward System on the East Indian Railway. 223.

Allegations against British soldiers stationed at Jubbulpore. 795-96.

Reconstruction of certain bridges between Madhubani and Jaynagar on the Bengal and North Western Railway. 118-19.

## SIRCAR, THE HONOURABLE SIR NRIPENDRA—

Central Provinces Courts (Supplementary) Bill.

Motion for leave to introduce. 642.

Motion to consider. 1063, 1064.

Motion to pass. 1064.

Code of Civil Procedure (Second Amendment) Bill—

Presentation of the report of the Select Committee. 1197.

Consideration of the Report of the Public Accounts Committee. 1970.

Criminal Law Amendment Bill—

Motion to consider. 450, 454, 674, 679, 683, 734, 735, 736, 740, 743, 905-26.

Demand for supplementary grant in respect of "Miscellaneous". 1842, 1843, 1847, 1848-49.

Election of — to the Select Committee on the amendment of Standing Orders. 1112.

Expressions of regret on the deaths of Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. 2-3, 7.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1113-18.

Consideration of clause 2. 1760, 1761, 1763-64.

Indian Motor Vehicles (Amendment) Bill—

Motion to consider. 1073.

Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—

Motion for leave to introduce. 1062.

Motions to consider and to refer to Select Committee. 1678, 1679, 1681, 1683.

Consideration of clauses. 1807.

Motion to pass. 1808.

Motion for adjournment re—

Allocation of certain resources between the Central and Provincial Governments. 1310-11.

Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 380.

Despatch of troops from British India to Addis Abbaba (Abyssinia). 264-65.

Interests of Indians concerned in Zanzibar. 433, 639.

Lack of discipline in certain soldiers at Jubbulpore. 234-36.

Prohibition of the convenor of the Congress Assembly Party Committee re detenus to enter into certain places in Bengal. 128.

Rioting of British soldiers stationed at Jubbulpore. 125, 126, 127.

SIRCAR, THE HONOURABLE SIR NRIPENDRA—*contd.*

Motion for leave to amend Standing Orders. 1011.

Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1761, 1763-64.

Point of order raised by Sir Cowasji Jehangir as to whether the motion re the Criminal Law Amendment Bill discussed and decided upon previously in the same Session and the motion re the Indian Criminal Law Amendment (Repeal) Bill do not raise substantially an identical question. 1135-36.

Point of order raised by — as to whether an Honourable Member can move a motion for adjournment giving notice of it after the Leader of his party has withdrawn the notice of the motion which he sent previously. 1311-13.

Provincial Insolvency (Amendment) Bill—

Motion for leave to introduce. 147-48.

Motion to consider. 1067, 1068-69.

Motion to pass. 1069.

Provincial Small Cause Courts (Amendment) Bill—

Motion for leave to introduce. 148.

Motion to consider. 1064-65.

Motion to pass. 1065.

Repealing and Amending Bill—

Motion for leave to introduce. 148-49.

Motion to consider. 1208-09, 1210.

Motion to pass. 1210.

Statement of business by —. 157, 555-56, 993, 1412, 1684.

## SITAMARHI—

Question re intermediate and third class waiting rooms at — railway station. 1188-89.

## SMALL CAUSE COURT(S)—

See "Court(s)".

## SMOKE-CHIMNEY(S)—

See "Chimney(s)".

## SOLDIER(S)—

Motion for adjournment re—

Lack of discipline in certain — at Jubbulpore. 232-36.

Rioting of British — stationed at Jubbulpore. 125-27.

**SOLDIER(S)**—

Question re—

Allegations against British —  
— stationed at Jubbulpore. 795-96.

Allegations of looting, etc., against the — at Quetta after the earthquake. 1085-87.

Average salary, emoluments and expenses on the education of the children of British and Indian —. 1889-90.

Baluchi Regiments and — employed during the Great War. 1269-70.

Claims for promotions and preferences of Assamese soldiers. 965-66.

Inconvenience caused to Indian passengers on account of European — travelling in ordinary second class compartments. 693-94.

**"SOLDIERS THREE"**—

Question re army lent for producing the film —. 1896.

**SOM, MR. SURYYA KUMAR**—

Criminal Law Amendment Bill—

Motion to consider. 477.

Question re—

Recruitment in the subordinate postal service. 1032-34.

Recruitment of the qualified sons and dependents of the postal employees in the Bengal and Assam Postal Circle. 1034.

**SORTER(S)**—

Question re Mail — in East Bengal and Assam. 635-36.

**SOUTH AFRICA**—

Question re grievances of Indians domiciled in —. 781-83.

**SOUTH AFRICAN AND NATAL INDIAN CONGRESS**—

Question re protest by the — against certain sections of the Natal Rural Dealers' Licensing Law Amendment Ordinance. 1296-97.

**SOUTH AFRICAN FLOODS**—

See "Flood(s)".

**SOUTH INDIAN RAILWAY**—

See "Railway(s)".

**"SOUVENIR PROGRAMME OF MALAYAN CELEBRATIONS"**—

Question re defamatory passages about Indians in a publication entitled —. 615-16, 1401-02.

**SPECIAL DUTY**—

Question re Officer on — in the Reforms Office. 1077-78.

**SPECIAL FINANCIAL INQUIRY**—

See "Inquiry(ies)".

**SPECIAL TARIFF BOARD**—

See "Tariff Board".

**SPEECH(ES)**—

Question re—

Publicity given to the part-delivered — of the Law Member on Mr. B. Das's Indian Criminal Law Amendment (Repeal) Bill. 860.

— delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy. 1013-25.

**SRI PRAKASA, MR.**—

Cinematograph (Amendment) Bill—

Motions to consider and to refer to Select Committee. 241-44.

Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—

Motion to refer to Select Committee. 272-75

Consideration of the Report of the Tribunal on Financial Settlement between India and Burma after separation. 1964.

Criminal Law Amendment Bill—

Motion to consider. 451, 459, 724, 729, 747, 834, 891.

Factories (Amendment) Bill—

Motion to consider. 7211.

Indian Criminal Law Amendment (Repeal) Bill—

Motion to consider. 1138.

Indian Motor Vehicles (Amendment) Bill—

Motions to consider and to refer to Select Committee. 1206, 1072-75.

Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Bill—

Motions to consider and to refer to Select Committee. 1679-80, 1681, 1682-83.

Consideration of the Title and the Preamble. 1808.

Question re—

Contract for selling sweets and other eatables at the Ambala Railway Station. 1782.

Examination held at Chandausi for the selection of candidates for Assistant Station Masters' Course 543.

Facilities for playing games outside the jail compounds allowed to State Prisoners. 1932-93.

SRI PRAKASA, MR.—*contd.*Question *re*—

Hours of duty of ticket collectors on the Jubbulpore Railway Station. 1787-88.

Lavatories in the third class carriages on the Bengal and North Western and the Bombay, Baroda and Central India Railways. 81.

Non-issue of week-end intermediate and third class tickets on the Great Indian Peninsula Railway. 1788-89.

Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at Port Blair. 699-702, 761-64.

Responsibility of a supervising postmaster for the work done by his subordinate clerks. 1781.

State Prisoners in different provinces. 1388-91.

State Prisoners in the Central Provinces Jail. 1391-92.

State Prisoners in the Damoh Sub-Jail in the Central Provinces. 1393-95.

Question (Supplementary) *re*—

Cancellation of the passport of Mr. Masani of Bombay. 1384, 1385.

Deficit in the Railway Budget. 430.

Detachment of British troops stationed in certain Bikrampur villages in Dacca. 177-78.

Direct representation of Indians on the Fiji Central Legislature. 427.

Excavation work at Quetta after the Earthquake. 712-713.

Exhibition of the films "India Speaks" and "Bengali". 1401.

Indian Army cadets and reframing of the list of martial classes. 21.

Negotiations with the princes in regard to the coming Federation. 20-21.

Return of Mr. Subhash Chandra Bose to India. 1408.

Separate restaurant cars for the use of Third Class Passengers. 1711.

State Prisoners in bad health. 1397.

## STAFF(S)—

Question *re*—

Absorption of the permanent — in the Moody-Ward System on the East Indian Railway. 223.

Accommodation for officers and — in New Delhi and Simla. 1093-94, 1185-86.

STAFF(S)—*contd.*Question *re*—

Administrative — appointments held by Indians in the Indian Medical Service. 1174-76.

Alteration in the date of birth of literate — on the North Western Railway. 71-72.

Applicability of Finance Department Circular No. F-78-XI-Ex. I-31, to the — of State-managed Railways. 111-12.

Application of Fundamental Rules to the Indian Railways Conferences Association —. 197.

Classification of the — of the Reading Branch of the Government of India Presses. 1596-97.

Communal composition of non-gazetted — recruited in the Government of India Offices. 211-19.

Communal composition of the — of the Reserve Bank of India. 1597.

Consolidated allowance of the ticket checking — on the East Indian Railway. 121-23.

Contribution by the East Indian Railway Permanent — to the Provident Fund. 46.

Different grades of pay for the supervising — in the East Indian Railway Workshops. 164.

Differential treatment in re-employing the discharged Ticket Checking — on the Eastern Bengal Railway. 174-75.

Examinations in establishment duties passed by the Superintendents and Assistant Superintendents —, on the East Indian Railway. 43.

Facilities for the education of the children of the Indian and European — of the Indian Railways. 1386-87.

Fixation of the initial pay of — in the East Indian Railway Press. 1605-06.

Free quarters for the commercial — at certain stations in the Moradabad Division. 621.

Government quarters in Simla occupied by the — of the Public Works Branch. 1618.

Grant of certain facilities to the Indian Railways Conference Association —. 196.

Grievances of the — of the Indian Railways Conference Association, Delhi. 195.

Grievances of the — on the Bombay, Baroda and Central India Railway. 620-21.

Increments to — in the Moradabad Division, East Indian Railway. 1636-36.

STAFF(S)—*contd.*Question *re*—

Lien on a lower type of quarter of the Government of India — 1623.

Method for the redress of grievances of the railway — 92.

Non-Grant of transfer concessions to the — of the Indian Railways Conference Association. 195.

Non-revision of the pay of the Indian Railways Conference Association — 185-96.

Option to elect new leave rules to the — on the North Western Railway. 88.

Pay of certain Railway — 172.

Pay of the — in the office of the Indian Railways Conference Association. 193-94.

Recruitment of — for the Reserve Bank of India. 1628-29.

Re-employment of retrenched — on State Railways. 63-64.

Refusal of leave to the railway — of the Moradabad Division. 621.

Relief of the — granted leave in the Kotah district of the Bombay, Baroda and Central Indian Railway. 115.

Removal of travelling ticket collectors from the category of train (traffic) or running — on certain railways. 120.

Reorganisation of the superior — of the Income-tax Department in Bengal. 70-71.

Representation of the — in the Electrical Department of the East Indian Railway in the Welfare Committee. 638.

Rest available to the ticket checking — at Gaya, Patna and Dinapore. 88.

Salaries of the Indian Railways Conference Association — 196-97.

— classified as intermittent on the East Indian Railway. 86-87.

— employed in Bombay, Calcutta and Madras General Post Offices. 230.

— of the office of the Indian Railways Conference Association, Delhi. 194.

— of the offices of the Director of Wagons Interchange and Indian Railways Conference Association transferred to Delhi. 179-80.

— to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railways. 631.

STAFF(S)—*contd.*Question *re*—

Tests imposed on the ticket checking — on the East Indian Railway at the time of promotion. 106.

Treatment of Indian — in the East Indian Railway Hospital at Tandla. 86.

## STAFF AREA COUNCIL(S)—

*See* "Council(s)".

## STAFF BENEFIT FUND(S)—

*See* "Fund(s)".

## STAFF COMMITTEE(S)—

*See* "Committee(s)".

## STAFF SUPERINTENDENT(S)—

*See* "Superintendent(s)".

## STANDING ADVISORY COMMITTEE—

Election of a Member to the — for the Indian Posts and Telegraphs Department. 883.

*See also* "Committee(s)".

## STANDING COMMITTEE—

Question *re* constitution of a — on rice. 1157.

## STANDING COMMITTEE FOR ROADS—

Election of a Member to the —. 434.

Motion *re* election of a member to serve on the —. 136.

## STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ—

Election of a Member to the —. 434.

Motion *re* election of one Muslim member to sit on the —. 137.

## STANDING FINANCE COMMITTEE—

Election of a member to the —. 639.

Motion *re* election of a member to the —. 237.

## STANDING MACHINERY—

*See* "Machinery(ies)".

## STANDING ORDER(S)—

Election of Members to the Select Committee on the amendment of —. 1012, 1112.

Motion for leave to amend —. 1011-12.

## STAPLE COTTON—

Question *re* promotion of long staple and middle — in India. 246-96.

## STATE(S)—

## Question re—

Collection of Customs revenue by the Government of India in Kathiawar and other —. 1273-74.  
Subjects of Indian — against whom proceedings have been taken by Local Governments under the Foreigners' Act. 117.

## STATE PRISONER(S)—

See "Prisoner(s)".

## STATE RAILWAY(S)—

See "Railway(s)".

## STATE RAILWAY OPEN LINE CODE—

Question re applicability of certain paragraphs of the —, Volume II, on State Railways. 548, 1903.

## STATE RAILWAY WORKSHOPS COMMITTEE—

See "Committee(s)".

## STATE-MANAGED RAILWAY(S)—

See "Railway(s)".

## STATEMENT(S)—

Question re — of the Japanese Ambassador in Bombay about the Indo-Japanese Pact. 1696.

— (laid on the table) re—

Cases in which the lowest tenders have not been accepted by the High Commissioner for India in purchasing stores for the Government of India. 640-41.

— (laid on the table) showing the objects on which the Petrol Tax Fund was expended during 1934-35. 136.

— re postponement of the Payment of Wages Bill. 1075-76.

## STATEMENT OF BUSINESS—

— by the Honourable Sir Nripendra Sircar. 157, 555-56, 993, 1412, 1684.

## STATION(S)—

## Question re—

Allegations against one Ballavdas Issardas, vending contractor for Railway — from Howrah to Bandel. 187-89.

Contractors at Railway — in the Dinapore and Howrah Division. 220.

Covered and raised platforms for important — on the Assam Bengal Railway. 632.

Facilities given to the New Vending Contractors at Railway — on the East Indian Railway. 192.

STATION(S)—*contd.*

## Question re—

Free quarters for the commercial staff at certain — in the Moradabad Division. 621.

Grievances of the passengers at Ghutka — on the Bengal Nagpur Railway. 634.

Setting up of Committees to watch the fluctuations in the prices of articles of food and purity of them on Railway —. 191.

Want of a bridge at the railway crossing near the Agra Cantonment — on the Agra-Joghar Road. 1638.

Working hours of station masters on certain — on the East Indian Railway. 87.

## STATION MASTER(S)—

## Question re—

Case of Mr. K. C. Das, an assistant — at Naihati, Eastern Bengal Railway. 93-94.

Examination held at Chandausi for the selection of candidates for Assistant — Course. 543.

Promotion of assistant — on the East Indian Railway. 87.

Seniority lists of assistant — on the North Western Railway. 88.

— on the Great Indian Peninsula Railway. 1796.

Uniforms supplied to Indian assistant — on the East Indian Railway. 82.

Working hours of — on certain stations on the East Indian Railway. 87.

## STATISTICS—

## Question re—

Compilation of — for agricultural and industrial wages. 519-20.

Legislation for the collection of — as recommended by the Royal Commission on Labour. 1708.

## STATUTORY RAILWAY AUTHORITY—

Question re inclusion of provisions for a — in the Government of India Act. 310.

## STEAMER(S)—

Question re accommodation allowed to a deck passenger in the Coastal Passenger —. 778-79.

## STEEL—

Question re excise duty on —. 791-92.

## STEEL MATERIAL(S)—

Question re purchase of iron and — by Indian Railways. 970.

**STERLING PAPER—**

Question re conversion of India — and Rupee Paper. 1295.

**STORE(S)—**

Question re—

Purchase of — made abroad. 412-13.

— for Railways purchased through the Indian — Department. 1700-02.

Temporary clerks in the office of the Controller of Telegraph —, Alipore. 1166-67.

Statement (laid on the table) re—

Cases in which the lowest tenders have not been accepted by the High Commissioner for India in purchasing — for the Government of India. 640-41.

**STRIKER(S)—**

Question re re-employment of Great Indian Peninsula Railway —. 91, 208.

**STUDENT(S)—**

Question re—

Facilities for Delhi University — for admission to an Engineering College. 1787.

Railway concession tickets issued to —. 866.

Refusal of admission to Indian — in England to a swimming pool. 1402, 1596, 1785.

Refusal to grant concession tickets to the — of the Peasants Institute, Andhra. 866.

**SUB-ASSISTANT SURGEON(S)—**

See "Assistant Surgeon(s)".

**SUB-COMMITTEE(S)—**

See "Committee(s)".

**SUB-DIVISIONAL OFFICER(S)—**

Question re—

Filling up of the Posts of — on the Eastern Bengal Railway. 182-83, 1907.

— and Assistant Garrison Engineers in the electrical and mechanical engineering branch in the Army. 1035-36.

**SUB-JAIL(S)—**

See "Jail(s)".

**SUBJECT(S)—**

Question re—

Limit of exchange applied to Indian — in Abyssinia. 1413.

Plight of Indian — in Abyssinia. 1412-13.

— of Indian States against whom proceedings have been taken by Local Governments under the Foreigners' Act. 117.

**SUBORDINATE(S)—**

Question re—

Certain — of the Central Public Works Department, New Delhi. 120.

Number of excess officers and — on State Railways. 423-24.

Seniority of — officiating in the transportation inspector's grade on the East Indian Railway. 93.

**SUB-POSTMASTER(S)—**

See "Postmaster(s)".

**SUBSCRIPTION(S)—**

Question re amount raised in India by — for the Silver Jubilee Celebrations. 296-97.

**SUBURB(S)—**

Question re casualties in the — of Quetta. 515.

**SUBURBAN SERVICE(S)—**

See "Service(s)".

**SUGAR—**

Question re smuggling of — into British India from Kathiawar States. 1274-76.

**SUGAR FACTORY(IES)—**

See "Factory(ies)".

**SUGAR INDUSTRY—**

See "Industry(ies)".

**SUGAR INSPECTOR(S)—**

Question re—

Muslims appointed as —. 858-59.

Recruitment of Muslims as —. 859.

**SUGAR RESEARCH(ES)—**

See "Research(es)".

**SUGAR WORKS—**

Question re Khandasari — in the Rohilkund Division subjected to excise duty. 94-99.

**SUGAR-CANE—**

Question re grants made to provinces for the improvement in the conditions of the cultivation and marketing of —. 1265-68.

**SUKKUR BARRAGE—**

Question re return on the total capital cost of —. 414.

**SULTAN OF ZANZIBAR—**

See "Zanzibar, Sultan of".

**SUMMER HILL—**Question *re—*

Allotment of — quarters, Simla. 1861-62

Free conveyance by rail between — and Simla and allowances of Army Headquarters staff. 1859-61.

Rent charged from Members of the Indian Legislature for quarters in —, Simla. 1619-20.

**SUPERINTENDENT(S)—**Question *re—*

Affairs in the Cellular Jail, Andamans, under the present —. 1591-96.

Allegations against the Divisional —, Allahabad. 224.

Amount sanctioned to conduct the case of Mr. Doran, late staff — of the Dinapur Division. 169-71.

Examinations in establishment duties passed by the — and Assistant —, Staff, on the East Indian Railway. 43.

Technical qualifications of the — of Archaeology, Southern Circle, Madras. 769-70.

**SUPERINTENDING ENGINEER—**Question *re—*

— of the Central Public Works Department. 1104-05.

**SUPERSESION(S)—**Question *re* demotions and — in certain Divisions of the East Indian Railway. 541-42.**SUPERVISING OFFICIAL(S)—***See* "Official(s)".**SUPERVISING STAFF—***See* "Staff(s)".**SUPERVISOR(S)—**Question *re—*

Question of placing the — of Railway Labour directly under the Government of India. 1712.

— and clerks in the Amherst Street Post Office, Calcutta. 201-02.

**SUPPLEMENTARY DEMAND(S)—**Question *re* Governor General's recommendations with regard to the — under the General and Railway Budgets. 416-17.**SUPPLEMENTARY QUESTIONS—**

An Honourable Member permitted by the Honourable Mr. President to put his — on the following day. 702.

*See also* "Question(s), Supplementary".**SURPLUS STOCK—**Question *re* sale of — of quinine. 1088-91.**SWADESHI—**Question *re* proposal to establish a — automobile industry in India. 613.**SWEET(S)—**Question *re* contract for selling — and other eatables at the Ambala Railway Station. 1782.**SWIMMING POOL(S)—**Question *re* refusal of admission to Indian students in England to a —. 1402, 1596, 1785.**SYLHET—**Question *re—*

Proposed railway line from — to Chhatak. 631-32.

Re-transfer of — to Bengal. 971.

**SYLHET BAZAR—**Question *re* provision of additional openings in the embankment from Fenchuganj to —. 632.**T****TALUQ(S)—**Question *re* concession of collecting or making salt in certain — of the Madras Presidency. 525-26.**TANJORE—**Question *re* discovery of paintings at certain temples at Conjeevaram and —. 767-68.**TARIFF BOARD—**Motion for adjournment *re—*

Appointment of an European businessman as the President of the Indian —. 796.

Question *re—*

Appointment of a Special —. 1192-94.

Constitution of a permanent —. 842-44.

Delay in the publication of the Report of the — on the Glass Industry. 784-85.

Non-appointment of an Indian as President of the —. 960.

Personnel and reports, etc., of the —. 1874-81.

Reference of the question of the Indian textile industry to the —. 1881-82.

Report of the — on protection to the glass industry. 1288-89.

**TARIFF BOARD—contd.**

Question re—

Report of the — on the Woollen Industry. 1081-82.  
— enquiry into the textile industry. 1055-57.

**TATA RAILWAY WORKSHOP(S)—**

See "Workshop(s)".

**TATANAGAR—**

Question re output capacity of the — Railway Workshops and other workshops for manufacture of carriage and wagon under-frames. 624.

**TEA—**

Question re supply of morning — to prisoners in the Cellular Jail, Andamans. 1595.

**TEA CRSS COMMITTEE—**

Question re employees of the Indian —. 1243-66.

**TEA COMPANIES—**

Question re income-tax paid by — in British India owning tea gardens in the Tripura State. 1780-81.

**TEA GARDEN(S)—**

Question re income-tax paid by Tea Companies in British India owning — in the Tripura State. 1780-81.

**TEA LICENSING COMMITTEE—**

Question re Indian —. 78.

**TEACHER(S)—**

Question re appointment of Indians — in England. 522-23.

**TECHNICAL INSTITUTIONS—**

See "Institution(s)".

**TECHNICAL QUALIFICATION(S)—**

See "Qualification(s)".

**TECHNICAL SCHOOL(S)—**

See "School(s)".

**TELEGRAPH OFFICE(S)—**

Question re—

Post and — in the Chota Nagpur Divisions. 231.

Post and — maintained for military purposes. 116.

**TELEGRAPH STORES—**

Question re temporary clerks in the office of the Controller of —, Alipore. 1166-67.

**TELEGRAPH STOREYARD—**

Question re non-confirmation of certain clerks in the offices of the —, Alipore, Calcutta. 540.

**TELEPHONE LINE(S)—**

Question re connection of Chittoor with a trunk —. 35.

**TELEPHONE OPERATOR(S)—**

Question re eligibility of — to pension. 1898.

**TEMPLE(S)—**

Question re—

Demolition of a Hindu — by the Rangoon Development Trust. 1869-71.

Discovery of paintings at certain — at Conjeevaram and Tanjore. 767-68.

**TEMPORARY CLERK(S)—**

See "Clerk(s)".

**TENDER(S)—**

Question re—

— for construction of the Howrah Bridge. 1798-99.

— for wagons for 1935-36. 1040-42.

Statement (laid on the table) re cases in which the lowest — have not been accepted by the High Commissioner for India in purchasing stores for the Government of India. 640-41.

**TERM(S)—**

Question re — offered for the transfer of British Service Officers to the Indian Army. 793.

**TERMS OF REFERENCE—**

Question re — of the Income-tax enquiry committee. 1031-32.

**TERRITORY(IES)—**

Question re movement for separation of certain Indian border — from other parts of Hindustan. 1609-10.

**TERRORIST MOVEMENT—**

Question re annual cost of employment of troops in Bengal to suppress the —. 210.

**TEXTILE ENQUIRY(IES)—**

Question re Tariff Board — into the textile industry. 1055-57.

**TEXTILE INDUSTRY—**

Question re reference of the question of the Indian — to the Tariff Board. 1881-82.

**THEIN MAUNG, DR.—****Question re—**

Exclusion of the Chittagong Hill Tracts from the General Constituency for election to the Bengal Legislative Council. 1704.

Representation of Buddhists in Archaeological Department. 1705.

Representation of Buddhists in Government Services. 1704.

**THEIN MAUNG, U—**

Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1573-75.

Indiar Coffee Cess Bill—

Consideration of clause 3. 1674-75.

**Question re—**

Burmans employed as Officers in certain Departments and Services in Burma. 78-80.

Contracts for the supply of ballast stones to the Burma Railways. 115.

Question (Supplementary) re representatives to the Industries Conference. 1798.

**THIRD CLASS—****Question re—**

Baggage free allowance for — passengers from Ceylon to India. 1163-64.

Census of — passengers on the Madras and Southern Mahratta Railway. 868-69.

Improvement in — carriages on railways in India. 863-64.

Latrines in — carriages on the Bengal and North Western Railway. 1190-91.

Luggage Allowance given to — passengers. 952-53.

Non-issue of week-end intermediate and — tickets on the Great Indian Peninsula Railway. 1788-89.

Provision of electric fans in — carriages. 1709.

Separate restaurant cars for the use of — passengers. 1709-12.

— carriages on mail trains on the Madras and Southern Mahratta Railway. 951-52.

Trains on different Railways not carrying — carriages. 1708-09.

Weight of luggage of — passengers. 954.

**THIRD CLASS WAITING ROOM(S)—****Question re—**

Absence of a — at Raxaul railway station. 1189.

Intermediate and — at Sitamarhi railway station. 1188-89.

**TICKET(S)—****Question re—**

Arrest and conviction of four persons daily, found travelling without —, at Jubbulpore. 115-16.

Non-issue of week-end intermediate and third class — on the Great Indian Peninsula Railway. 1788-89.

Railway concession — issued to students. 866.

Refusal to grant concession — to the students of the Peasants' Institute, Andhra. 866.

**TICKET COLLECTOR(S)—****Question re—**

Hours of duty of — on the Jubbulpore Railway Station. 1787-88.

Recovery of house-rent from — on the East Indian Railway. 548.

Removal of travelling — from the category of train (traffic) or running staff on certain railways. 120.

Seniority list of travelling ticket examiners and — on the East Indian Railway. 108.

Seniority lists of — and travelling ticket examiners in the Moradabad and Lucknow Divisions. 106.

**TICKET CHECKING STAFF—**

Question re applicability of old scales of pay to the travelling — on the East Indian and North Western Railways. 1902-03.

See also "Staff(s)".

**TICKET EXAMINER(S)—****Question re—**

Grievances of travelling — on the East Indian Railway. 117-18, 231, 882.

House rent allowance of travelling — on the East Indian Railway. 91.

Ignoring of the claims of old travelling — on the North Western Railway. 77.

Non-maintenance of the strength of the old travelling — on the North Western Railway. 77.

Non-supply of winter uniforms to travelling — and inspectors in the Howrah Division. 87.

Promotion and seniority of travelling — and travelling ticket inspectors of the Accounts and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.

Promotion of old travelling — on the North Western Railway. 77-78.

**TICKET EXAMINER(S)—contd.****Question re—**

Seniority list of travelling — and ticket collectors on the East Indian Railway. 108.

Seniority lists of ticket collectors and travelling — in the Moradabad and Lucknow Divisions. 106.

Travelling — classed as traffic train staff. 1900-01.

**TICKET INSPECTOR(S)—****Question re—**

Mileage allowance paid to the old travelling — on the East Indian Railway. 92.

Monthly allowance paid to the travelling — on the East Indian Railway. 173.

Non-supply of winter uniforms to travelling ticket examiners and — in the Howrah Division. 87.

Pay of Travelling —, etc., on the East Indian Railway. 1904-05.

Promotion and seniority of the travelling ticket examiners and travelling — of the Accounts and Audit Department transferred to the Operating Department of the North Western and East Indian Railways. 124.

Promotion and seniority of the travelling — of the Accounts and Audit Department transferred to the Traffic Department of the East Indian Railway. 121.

Promotion and seniority of the travelling — on the East Indian Railway. 123-24.

**TIME LIMIT—**

Question *re* production of books and registers by income-tax assesses in Sind and fixation of minimum and maximum — for the payment of income-tax. 25-26.

— fixed for debate by Mr. President. 1566.

**TIME-SCALE APPOINTMENT(S)—**

Question *re* selection grade posts abolished or converted into — in the Post Offices and the Railway Mail Service. 222-23.

**TIME TEST—**

Question *re* — for correspondence work in the first class Head Post Offices. 228.

**TIPPERA—**

Motion for adjournment *re* prohibition of Mr. Mohan Lal Saksena from entering into the district of —. 125.

**TIRUMALAI HILLS—**

Question *re* proposal to construct a funicular railway from Tirupati to — in the Madras Presidency. 703.

**TIRUPATI—****Question re—**

Construction of a railway line between — and Madras. 703.

Proposal to construct a funicular railway from — to Tirumalai Hills in the Madras Presidency. 703.

**TODD, DR.—**

Question *re* complaints by prisoners in the Cellular Jail, Andamans, against the treatment of —. 1588-89.

**TOKEN DEMAND(S)—**

See "Demand(s), Token".

**TOTTENHAM, MR. J. R. F.—**

Cantonments (Amendment) Bill—

Presentation of the Report of the Select Committee. 1720.

Motion to circulate as reported by the Select Committee. 1809-10.

Indian Army (Amendment) Bill—

Motion for leave to introduce. 148.

Motion to consider. 1065-66.

Motion to pass. 1066.

Motion for adjournment *re—*

Bombing of women and children in the Trans-Frontier villages by the Indian Army (Air Force). 380-83, 394, 397.

Despatch of troops from British India to Addis Abbaba (Abyssinia). 266-67, 269.

Resolution *re* Quetta Earthquake. 1318-21, 1325, 1360.

**TRADE(S)—****Question re—**

Export and import — between India and Ceylon. 972-73.

Indian exports and imports and India's — position. 601-02.

Position of the Indian — in Chinese Turkistan. 1379.

Regulation of work in hazardous or dangerous occupations and —. 1769-70.

**TRADE AGREEMENT(S)—**

Report on the working of the scheme of preferences resulting from the Ottawa —. 1807.

**Question re—**

Indo-British —. 1872-73.

Negotiations for a — with Canada. 415-16.

Negotiations for a — with the Irish Free State. 414-15.

**TRADE AGREEMENT(S)—contd.**

- Question re—  
 Negotiations for the Indo-Burman — 418-20.  
 Report on the working of the Ottawa —, 1292-93.  
 Results of the Ottawa —, 683, 1046, 1082-83.  
 See also "Agreement(s)".

**TRADE, BALANCE OF—**

- Question re reduction in the price of silver and increase in the — in favour of India. 36-37.  
 See also "Balance of Trade".

**TRADE COMMISSIONERS—**

- Question re Indian — in foreign countries. 1078-80, 1789-91.

**TRADE COUNCIL—**

- Question re application of a system of control over imports by the Japanese —, 691-92.

**TRADE NEGOTIATION(S)—**

- Question re with other countries. 1046.  
 See also "Negotiation(s)".

**TRADE TREATY(IES)—**

- See "Treaty(ies)".

**TRADE UNION(S)—**

- Question re alleged hostile attitude of the East Indian Railway Administration towards —, 290-91.

**TRADER(S)—**

- Question re protection of the interests of Indian — in Abyssinia. 1291.

**TRAFFIC—**

- Question re opening of the Calcutta Chord Railway for regular train —, 203-04.

**TRAFFIC DEPARTMENT—**

- Question re—  
 Appointment of one Mr. Hogan as a Yard Master in the — of the Calcutta Port Trust. 480-88.  
 Promotion and seniority of the travelling ticket inspectors of the Account and Audit Department transferred to the — of the East Indian Railway. 121.  
 Recruitment of probationers in the — of the Calcutta Port Trust. 431-33, 479-80.

**TRAFFIC INSPECTOR(S)—**

- See "Inspector(s)".

**TRAFFIC TRAIN STAFF—**

- See "Train Staff".

**TRAIN(S)—**

- Question re—  
 Bringing in of — near the platforms at certain stations on the Madras and Southern Mahratta Railway. 293-94.  
 Experience required for running Express and Mail — on the East Indian Railway. 1633.  
 Third class carriages on mail — on the Madras and Southern Mahratta Railway. 951-52.  
 — on different railways not carrying Third Class carriages. 1708-09.

**TRAIN CONNECTION(S)—**

- Question re want of direct — between Muttra and Allahabad. 622.

**TRAIN CONTROLLER(S)—**

- See "Controller(s)".

**TRAIN DESPATCH CLERK(S)—**

- See "Clerk(s)".

**TRAIN EXAMINER(S)—**

- Question re — on the North Western Railway. 90.

**TRAIN SERVICE—**

- Question re — between Gudur and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway. 702-03.

**TRAIN STAFF—**

- Question re Travelling Ticket Examiners classed as traffic —, 1900-01.

**TRAIN TRAFFIC—**

- See "Traffic".

**TRAIN (TRAFFIC) STAFF—**

- See "Staff(s)".

**TRAINING RESERVE—**

- Question re recruitment to the — Women's Medical Service. 1786.

**TRANSFER(S)—**

- Question re—  
 Allowances given to Military Sub-Assistant Surgeons on —, 1598-99.  
 Periodical — of the Supervising Officials in the Madras Customs House. 620.  
 Re — of Sylhet to Bengal. 971.  
 Terms offered for the — of British Service Officers to the Indian Army. 793.  
 — back to India of Indians serving in All-India Services and cadres in Burma. 1181-82.

- TRANSFER(S)—contd.**  
 Question *re*—  
 — from the British Services to the Indian Army. 617.  
 — of Assistant Commissioners of Income-tax. 540.  
 — of British Officers in the Remount Department. 15.  
 — of cases from one income-tax officer to another in the Bombay Presidency. 27.  
 — of the civil and military administration of Gilgit to the Government of India. 1632-33.
- TRANSFER CONCESSION(S)—**  
 See "Concession(s)".
- TRANSFER TO THE FUND FOR RECONSTRUCTION OF EARTHQUAKE DAMAGE—**  
 Demand for Excess Grant. 1940.
- TRANS-FRONTIER—**  
 Motion for adjournment *re* bombing of women and children in the — villages by the Indian Army (Air Force). 348, 377-98.
- TRANSPORT—**  
 Question *re* cost incurred by the Government of India in the — of British troops and officers. 402-03.
- TRANSPORTATION DEPARTMENT—**  
 Question *re* promotions to the posts in headquarters offices of the — and Commercial Departments. 233-34.
- TRANSPORTATION INSPECTOR(S)—**  
 See "Inspector(s)".
- TRANSVAAL—**  
 Question *re* Feetham Commission Report on the occupation of coloured persons of Proclaimed Land in —. 1696-97.
- TRAVELLING TICKET EXAMINER(S)—**  
 See "Ticket Examiner(s)".
- TRAVELLING TICKET INSPECTOR(S)—**  
 See "Ticket Inspector(s)".
- TREATY(IES)—**  
 Question *re*—  
 Renewal of the Trade — with Turkey. 1049.  
 Trade — with Italy and Roumania. 957.  
 — between the Sultan of Zanzibar and Great Britain. 228.  
 — of commerce and navigation between Great Britain and Zanzibar. 846.
- TRIBAL AREA(S)—**  
 Question *re* losses in — in Baluchistan due to earthquake. 515-16.
- TRIBAL SARDAR(S)—**  
 See "Sardar(s)".
- TRIBAL VENDETTA—**  
 See "Vendetta".
- TRIBE(S)—**  
 Question *re*—  
 Government's policy with regard to the — on the North-West Frontier. 532-34, 1638-89.  
 Negotiations with the Shamozaï — on the North-West Frontier for a friendly agreement. 504.
- TRIBUNAL(S)—**  
 Consideration of the report of the — on financial settlement between India and Burma after the separation. 1548-86, 1942-67.  
 Question *re* report of the Burma — on the Financial Adjustment. 1777.
- TRIPURA STATE—**  
 Question *re* income-tax paid by Tea Companies in British India owning tea gardens in the —. 1780-81.
- TROOP(S)—**  
 Motion for adjournment *re*—  
 Despatch of — from British India to Addis Abbaba (Abyssinia). 236-37, 263-71.  
 Despatch of — to Abyssinia. 343.  
 Question *re*—  
 Annual cost of employment of — in Bengal to suppress the terrorist movement. 210.  
 British — in India. 280-84.  
 Cost incurred by the Government of India in the transport of British — and officers. 402-03.  
 Detachment of British — stationed in certain Bikrampur villages in Dacca. 175-79.  
 Sending of British — to India. 539.
- TRUNK TELEPHONE LINE(S)—**  
 See "Telephone Line(s)".
- TRUSTEE(S)—**  
 Question *re* officers and servants of the — of the Indian Museum, Calcutta. 1162-63.
- TUNDLA—**  
 Question *re*—  
 Allegations against some Railway officials at —. 92, 1172.  
 Provision of an assistant surgeon in the railway hospital at —. 92-93.

**TUNDLA—contd.**

- Question re—  
Racial discrimination in the East Indian Railway Hospital at — 984-35.  
Treatment of Indian staff in the East Indian Railway Hospital at — 86.  
Vendors at the — railway station. 1172-73.

**TUNGABHADRA RIVER—**

- Question re claims over the waters of the — 960.

**TURKEY—**

- Question re renewal of the Trade Treaty with — 1049.

**TYPIST(S)—**

- Question re—  
Examination for recruitment of — and routine grade clerks in the Government of India Offices. 1775-76.  
Promotion of — to the clerical cadre on the East Indian Railway. 46-47.

**U**

**UMAR ALY SHAH, MR.—**

- Question re certain subordinates of the Central Public Works Department, New Delhi. 120.

**UNDERFRAME(S)—**

- Question re—  
Capacity of the Tata Railway Workshops to manufacture carriage and wagon — 50.  
Equipment of railway workshops for manufacturing carriage and wagon — 50-51.  
Output capacity of the Tatanagar Railway Workshops and other workshops for manufacture of carriage and wagon — 624.

**UNDERGROUND—**

- Question re prohibition of Women from working — 1686-87.

**UNEMPLOYED PERSON(S)—**

- Question re census of the — in British India. 774-75.

**UNEMPLOYMENT PROBLEM —**

- Question re — 850-52.

**UNIFORM(S)—**

- Question re—  
Non-supply of winter — to travelling ticket examiners and inspectors in the Howrah Division. 87.

**UNIFORM(S)—contd.**

- Question re—  
Racial discrimination in the supply of — and occupation of quarters, etc., in the Moradabad Division, East Indian Railway. 76-77.  
— supplied to Indian assistant station masters on the East Indian Railway. 88.

**UNION(S)—**

- Question re—  
East Indian Railway — at Dina-pore. 88.  
Resolutions passed at the meeting of the Rangoon Postal — 1403.

**UNITED KINGDOM—**

- Question re—  
Higher import duty on foreign paddy in the — 1053-55.  
Preference for Indian rice in British Malaya and Ceylon and for Indian paddy in the — 1157-88.  
Trade negotiation between the — and Italy and India. 604-05.  
Value of imports from, and exports to, the — 160-61.

**UNITED PROVINCES—**

- Question re delay in the announcement of the appointments to the Listed posts of the — Judicial Service by the Public Service Commission. 1398-99.

**UNIVERSITY (IES)—**

- Question re—  
Establishment of a — at Gauhati. 633-34.  
Facilities for Delhi — students for admission to an Engineering College. 1787.  
See also "Aligarh Muslims — (Amendment)" under "Bill(s)".

**UNORTHODOX QUARTER(S)—**

- See "Quarter(s)".

**UNTOUCHABLE CLASS(ES)—**

- Question re employment of persons belonging to the — in the Departments under the Government of India. 1767.

**V**

**VACANCY (IES)—**

- Question re—  
Filling up of relieving — on the East Indian Railway. 88.  
Non-filling up of — in the Engineering Department of the Eastern Bengal Railway. 183.

VACANCY(IES)—*contd.*Question *re*—

- Procedure followed in filling up of  
— in the Electrical Department  
of the East Indian Railway. 638,  
1310.  
— in the commercial group on the  
North Western Railway. 102-03.  
— in the Engineering Department  
of the Great Indian Peninsula  
Railway. 634-35, 1637.  
— in the King's and Viceroy's  
Commissioned Ranks. 1887.

## VARMA, MR. B. B.—

Question *re*—

- Absence of a third class waiting  
room at Raxaul railway station.  
1189.  
Absence of fencing on certain sec-  
tions of the Bengal and North  
Western Railway. 1190.  
Construction of new railway sta-  
tions at Luhathaba and Dumra.  
1626.  
Drivers in the Jhansi Division of  
of the Great Indian Peninsula  
Railway. 1300-02.  
East Indian Railway Union at Dina-  
pore. 88.  
Employees of the Indian Tea Cess  
Committee. 1243-66.  
Filling up of relieving vacancies on  
the East Indian Railway. 88.  
Intermediate and third class waiting  
rooms at Sitamarhi railway sta-  
tion. 1188.  
Latrines in third class carriages on  
the Bengal and North Western  
Railway. 1190-91.  
Lighting arrangements at stations  
of the Bengal and North Western  
Railway. 1241.  
Non-adoption of short time method  
of spreading work in State Rail-  
way Workshops. 83.  
Non-supply of winter uniforms to  
travelling ticket examiners and  
inspectors in the Howrah Divi-  
sion. 87.  
Opening of booking office at  
Muzaffarpore. 1242.  
Periodical transfer of the Supervis-  
ing Officials in the Madras Cus-  
toms House. 620.  
Posting of Assistant Surgeons to  
Hospitals on the East Indian  
Railway. 86.  
Promotion of assistant station  
masters on the East Indian Rail-  
way. 87.  
Relief of the staff granted leave in  
the Kotah district of the Bom-  
bay, Baroda and Central India  
Railway. 115.  
Rest available to the ticket check-  
ing staff at Gaya, Patna and  
Dinapore. 88.

VARMA, MR. B. B.—*contd.*Question *re*—

- Seniority lists of assistant station  
masters on the North Western  
Railway. 88.  
Staff classified as intermittent on  
the East Indian Railway. 86-87.  
Supply of the Legislative Assembly  
Debates to Railway Advisory  
Committees. 1191.  
Supply of water at stations of the  
Bengal and North Western Rail-  
way. 1241-42.  
Treating of Locomotive Assistant  
Running Shed Foremen as  
continuous workers on the East  
Indian Railway. 542.  
Treatment of Indian staff in the  
East Indian Railway Hospital at  
Tundla. 86.  
Uniforms supplied to Indian assist-  
ant station masters on the East  
Indian Railway. 88.  
Unwholesome food supplied to  
passengers on the Bengal and  
North Western Railway. 1189.  
Wagons filled with pigs booked for  
Kishanganj. 1191-92.  
Working hours of station masters  
on certain stations on the East  
Indian Railway. 87.

## VENDETTA—

- Question *re* tribal — on the North-  
West Frontier. 589-91.

## VENDING CONTRACT(S)—

- See "Contract(s)".

## VENDING CONTRACTOR(S)—

- See "Contractor(s)".

## VENDOR(S)—

Question *re*—

- Food-stuff sold by — on the East  
Indian Railway. 220.  
— at the Tundla railway station.  
1172-73.

## VETERINARY CORPS—

- Question *re* Indianisation of the Indian  
Army —. 1051.

## VICE-PRESIDENT(S)—

- See "President(s)".

## VICEROY, HIS EXCELLENCY THE—

Question *re*—

- Aeroplane formerly in the use of  
— 772-74.  
Deputation in London of Mr. E.  
C. Mieville, Private Secretary to  
—, to examine the working of  
the Cabinet Secretariat. 1058-59.  
Speech delivered to the Council of  
State and the Legislative Assem-  
bly by —. 1013-25.

- VICEROY'S RANKS—**  
 Question re vacancies in the King's and —. 1887.
- VICTIM(S)—**  
 Question re Indian — of South African floods. 1299.
- VILLAGE(S)—**  
 Motion for adjournment re bombing of women and children in the trans-frontier — by the Indian Army (Air Force). 348, 377-98.
- VIRAMGAON—**  
 Question re ceding of jurisdiction over certain villages in — to the Patdi Durbar. 61.
- VISION TEST(S)—**  
 Question re—  
 Consideration of the claims of guards of the Rawalpindi Division who failed in the night —. 73-75.  
 Employees failing in night — on the North Western Railway. 1100-01.
- VISITOR(S)—**  
 Question re appointment of a Board of non-official — to the Andamans. 609-11.
- VISSANJI, MR. MATHURADAS—**  
 Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1563, 1575-81.  
 Question re—  
 Distress of Quetta merchants. 1905-06.  
 Employment of Indian seamen on British ships. 531-32.  
 Protection to the coconut industry in India. 699.  
 Publication of daily lists of exports and imports by Customs Houses. 529-31.  
 Recommendations of the Drugs Enquiry Committee. 973-74.
- VIZAGAPATAM—**  
 Question re—  
 Inferior quality of food served in the — Indian Refreshment Room. 865-66.  
 Resolutions passed at the Indian Deck Passengers Conference held at —. 779-80.
- VOTING—**  
 Question re introduction of the ballot system of —. 1409.

## COMMISSIONED

## W

- WAGE(S)—**  
 Question re compilation of statistics for agricultural and industrial —. 519-20.
- WAGE EARNER(S)—**  
 Question re return of Indian — from Abyssinia. 1414.
- WAGON(S)—**  
 Question re—  
 Renewal of — on Indian Railways. 977-78.  
 Tenders for — for 1935-36. 1040-42.  
 — filled with pigs booked for Kishanganj. 1191-92.  
 — re-conditioned on Indian railways. 51.  
 — requirements of Indian railways. 49-50.
- WAGON STOCK—**  
 Question re scrap value on condemned locomotives, coaching and — on each railway. 49.
- WAGON UNDER-FRAME(S)—**  
 See "Under-frame(s)".
- WAGONS INTERCHANGE, DIRECTOR OF—**  
 See "Director of Wagons Interchange".
- WAITING ACCOMMODATION—**  
 See "Accommodation".
- WAITING LIST(S)—**  
 Question re increase in the proportion of Muslim candidates on the — of inferior cadre in the Agra Post Office. 637.
- WAITING ROOM(S)—**  
 Question re—  
 Absence of a third class — at Raxaul railway station. 1189.  
 Absence of ladies — on stations on the Burdwan-Howrah Section of the East Indian Railway. 277.  
 Intermediate and third class — at Sitamarhi railway station. 1188-89.
- WALK-OUT(S)—**  
 Question re — by the Indian Members of the Kenya Legislative Council. 1049-50.
- WAR(S)—**  
 Question re—  
 Baluchi Regiments and soldiers employed during the Great —. 1269-70.  
 Preparations in India for a —. 532, 602.

**WAI: PENSION(S)**—

See "Pension(s)".

**WARNING(S)**—Question *re* possibility of giving — to the public about impending earthquakes. 611.**WATCHMAN(EN)**—Question *re* employment of a — on the Shedrah Lakin Road Level Crossing of the Madras and Southern Mahratta Railway. 84.**WATER(S)**—Question *re*—

Claims over the — of the Tungabhadra river. 960.

Supply of — at stations of the Bengal and North Western Railway. 1241-42.

**WATER BASIN**—Question *re* — arrangement in some of the bath rooms of second class compartments on the Madras and Southern Mahratta Railway. 1305-06.**WATER METER**—Question *re* — rent realised from Government servants in New Delhi and Simla. 1614-16.**WATER SUPPLY**—Question *re*—  
Of the city of Karachi. 1600.**WAUGH, MR.**—Question *re* lease of land between Delhi and Shahdara to —. 853-54.**WEEK-END TICKET(S)**—

See "Ticket(s)".

**WEIGHING MACHINE(S)**—Question *re* — on the Madras and Southern Mahratta Railway. 853-54.**WEIGHT**—Question *re* — of luggage of third class passengers. 954.**WELFARE COMMITTEE**—

See "Committee(s)".

**WELL(S)**—Question *re* offers for sinking or constructing — or Myer's pumps on railway platforms or within railway compounds. 118.**WHEELER AND COMPANY, MESSRS. A. H.**—Question *re* prices charged at the Railway book-stalls of —. 1306-08.**WILLINGDON BRIDGE**—Question *re* — of the Calcutta Chord Railway. 1308.

See also under "Bridge(s)".

**WIREMAN(EN)**—Question *re* demotion of electrical linesmen and — on the East Indian Railway. 166-68.**WOMAN(MEN)**—Motion for adjournment *re* bombing of — and children in the trans-frontier villages by the Indian Army (Air Force). 348, 377-98.Question *re* prohibition of — from working underground. 1686-87.Resolution(s) *re* ratification of the Draft Convention of the International Labour Conference concerning employment of — during night. 149-57.**WOMEN'S MEDICAL SERVICE**—Question *re*—

Indians and Europeans in the —. 1177-79.

Recruitment to the training reserve —. 1786.

**WOMEN'S RIGHT TO PROPERTY BILL**—

See "Hindu —" under "Bill(s)".

**WOOLLEN INDUSTRY**—Question *re* report of the Tariff Board on the —. 1081-82.**WORK, REGULATION OF**—Question *re* — in hazardous or dangerous occupations and trades. 1769-70.**WORKER(S)**—Question *re* treating of Locomotive Assistant Running Shed Foremen as continuous — on the East Indian Railway. 542.**WORKING EXPENSES—ADMINISTRATION**—

Demand for Excess Grant. 1941.

**WORKING HOUR(S)**—Question *re* — of station masters on certain stations on the East Indian Railway. 87.**WORKS COMMITTEE**—

See "Committee(s)".

## WORKSHOP(S)—

## Question re—

- Appointments of successful ex-apprentices of the East Indian Railway —, Lillooah, in other —. 163-64.
- Appointments of the time-expired apprentices of Lillooah — under the Chief Mechanical Engineer, East Indian Railway. 103.
- Capacity of the Tata Railway — to manufacture carriage and wagon underframes. 50.
- Different grades of pay for the supervising staff in the East Indian Railway —. 164-66.
- Equipment of railway — for manufacturing carriage and wagon underframes. 50-51.
- Equipment of the Ajmer Railway — with additional plant and machinery for the manufacture of locomotives. 976.
- Heavy repair and cost of repair in — per unit of rolling stock. 51-57.
- Locomotives manufactured in the Ajmer Railway —. 976-77.
- Manufacture of locomotives boilers in railway —. 624, 1637.
- Non-adoption of short time method of spreading work in State Railway —. 83.
- Output capacity of the Tatanagar Railway — and other — for manufacture of carriage and wagon under-frames. 624.
- Recommendations of the State Railway — Committee. 58-60.
- Report on the question of the manufacture of locomotives in railway — in India. 631.
- Successful mechanical ex-apprentices of the Lillooah —, East Indian Railway. 110.
- Resolution re manufacture of locomotive requirements in State Railway —. 348-77.

## Y.

## YAKUB, SIR MUHAMMAD—

- Aligarh Muslim University (Amendment) Bill—  
Consideration of clause 2. 255, 256.  
Motion to pass. 261-63.
- Criminal Law Amendment Bill—  
Motion to consider. 654-57.
- Indian Coffee Cess Bill—  
Motions to consider to circulate and to refer to Select Committee. 1657.

## YAKUB, SIR MUHAMMAD—contd.

- Indian Criminal Law Amendment (Repeal) Bill—  
Consideration of Clause 2. 1765.
- Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1765.
- Question re—  
Candidates for Legislative Assembly election who lost their securities. 544-47.
- Complaints against the officers on S. S. "Rahmani". 777.
- Grievances of the pilgrims to the Hedjaz. 776-77.
- Muslims appointed as Sugar Inspectors. 858-59.
- Recruitment of Muslims as Sugar Inspectors. 859.
- Resolution re Quetta Earthquake. 1357, 1366-69.

## YAMIN KHAN, MR. MUHAMMAD—

- Aligarh Muslim University (Amendment) Bill—  
Motion to consider. 255.  
Consideration of clause 2. 258-59.
- Criminal Law Amendment Bill—  
Motion to consider. 564, 562, 888-96, 900, 938.
- Oath of office. 1.
- Resolution re position of Indian nationals settled in Zanzibar. 1226.

## YARD MASTER—

- Question re appointment of one Mr. Hogan as a — in the Traffic Department of the Calcutta Port Trust. 480-88.

## YOB—

- Question re position of the Political Agency in the territories of — and Khatrano in Baluchistan. 304.

## Z.

## ZAFRULLAH KHAN, THE HONOURABLE SIR MUHAMMAD—

- Code of Civil Procedure (Amendment) Bill (Amendment of section 51)—  
Motion to refer to Select Committee. 273, 275.
- Criminal Law Amendment Bill—  
Motion to consider. 676, 809-25.
- Indian Coffee Cess Bill—  
Motion for leave to introduce. 1197.
- Motions to consider, to circulate and to refer to Select Committee. 1638-42. 1648. 1649, 1651, 1657 1663, 1671-72, 1673.

**ZAFRULLAH KHAN, THE HON. SIR MUHAMMAD—contd.**

- Indian Coffee Cess Bill—  
 Consideration of clause 3. 1675-76.  
 Consideration of clause 4. 1677.  
 Motion to pass. 1678.  
 Indian Criminal Law Amendment (Repeal) Bill—  
 Consideration of Clause 2. 1765-66.  
 Motion for adjournment *re* refusal of grant of protection to the Glass Industry. 344-46.  
 Oath of office. 1.  
 Point of order as to whether there can be a discussion on the principle of a Bill upon a consideration of a clause after the principle and the real object of the Bill has already been discussed threadbare upon the motion for consideration and when no amendment has been moved or even given notice of. 1765-66.  
 Point of order raised by the — as to whether comments made by the Honourable Members should form part of the printed record of questions and answers. 1693.  
 Report on the working of the scheme of preferences resulting from the Ottawa Trade Agreement (laid on the table). 1807.  
 Resolution *re*—  
 Manufacture of locomotive requirements in State Railway Workshops. 354, 355, 364, 365-72, 374, 375.  
 Quetta Earthquake. 1369-73.  
 Reduction of import duty on carbon blocks. 997-99, 1000.
- ZANGI KHAN, KHAN SAHEB—**  
 Question *re* murder of — of Maddakhel, North-West Frontier. 607.
- ZANZIBAR—**  
 Motion for adjournment *re* interest of Indians concerned in —. 433-34, 639.  
 Question *re*—  
 Disabilities of Indians in —. 969, 1050.  
 Imposition of a prohibitive import duty on — cloves. 846.  
 Plight of Indians in regard to the clove trade in —. 410-11.  
 Position of Indians in Kenya and —. 1289-91.  
 Position of Indians in —. 306-10, 1404-05.  
 Positions of Indians in — with regard to the clove ordinances. 583-94.  
 Prohibitive duty on clove imports and protection against indefinite moratoriums demanded by Indians in —. 980.  
 Rights of Indians in —. 598-99.  
 Safeguarding of the interests of Indians in —. 846.

**ZANZIBAR—contd.**

- Question *re*—  
 Suggestion *re* imposition of a prohibitive duty on — cloves. 420  
 21, 1165-66.  
 Treaty of commerce and navigation between Great Britain and —. 846.  
 Resolution *re* position of Indian nationals settled in Zanzibar. 1211-40.

**ZANZIBAR, SULTAN OF—**

- Question *re* treaty between the — and Great Britain. 228.

**ZIAUDDIN AHMAD, DR.—**

- Consideration of the Report of the Public Accounts Committee. 1969.  
 Consideration of the report of the Tribunal on financial settlement between India and Burma after the separation. 1559, 1566, 1581-86, 1961, 1965.  
 Demand for supplementary grant in respect of—  
 "Expenditure on the development of Broadcasting met from the fund". 1830.  
 "Expenditure on the development of Civil Aviation met from the fund". 1815.  
 Election of — to the Central Advisory Board of Education. 796.  
 Motion for adjournment *re* allocation of certain resources between the Central and Provincial Governments. 1311.  
 Motion *re* election of two members for the Central Advisory Board of Education. 140-41.  
 Question *re*—  
 Allegations against the contractors of coolies on the East Indian Railway. 63.  
 Amount earned by State Railways by sale of application forms. 1775.  
 Authority giving contracts to the contractors at stations of the East Indian Railway. 1772.  
 Contractors at Railway stations in the Dinapore and Howrah Division. 220.  
 Contracts for the supply of coolies on the East Indian Railway. 63.  
 Fixation of prices of articles of food for sale at railway stations. 1772-73.  
 Food-stuff sold by vendors on the East Indian Railway. 220.  
 Licence granted to Isa Brothers for opening Mualim Refreshment Booms on stations on the East Indian Railway. 1770-71.

ZIAUDDIN AHMAD, DR.—*contd.*Question *re*—

Licence granted to Kapoor and Company for opening Hindu Refreshment Rooms on stations on the East Indian Railway. 1771-72.

Passes given to Isa Brothers and Kapoor and Company by the East Indian Railway administration. 1772.

Percentage fixed for Muslims on the Assam Bengal Railway. 859-60.

Profit and loss account of a sugar factory. 82.

Question (Supplementary) *re*—

Amalgamation of the East Indian and Eastern Bengal Railways. 1291-92.

Article in the Sind Observer entitled "Power-Alcohol". 1294.

Collection of Customs revenue by the Government of India in Kathiawar and other States. 1274.

Contract for selling sweets and other eatables at the Ambala Railway Station. 1782.

Distribution of funds to the various Archæological Circles. 1304

Employees of the police force and Baluchistan Civil Service killed in the earthquake. 1271.

Factories using power but not coming under the Factories Act. 1707.

Financial adjustment between Sind and Bombay. 1272.

Governments' policy with regard to the Tribes on the North-West Frontier. 1688, 1689.

Grants made to provinces for the improvement in the conditions of the cultivation and marketing of sugar-cane. 1267.

Grievances of the pilgrims to the Hedjaz. 777.

ZIAUDDIN AHMAD, DR.—*concl'd.*Question (Supply.) *re*—*cont'd.*

Intermediate and third class waiting rooms at Sitamarhi railway station. 1188.

Manufacture of petrol from coal in India. 1601.

Members of the New Delhi Municipal Committee who are contractors or servants of the Public Works Department. 1108.

Molasses produced in India. 1602.

Muslims in certain categories on the North Western Railway. 1268-69.

Persoanel of the Indian Lac Research Committee. 84.

Prices charged at the railway book-stalls of Messrs. A. H. Wheeler and Company. 1308.

Question of placing the Safety Inspector directly under the Government of India. 1713.

Reduction in the number of classes on Indian Railways. 1159, 1160.

Refusal of permission to Mr. Mohan Lal Saksena to visit the Cellular Jail at Port Blair. 761.

Report of the Indian Delegation to the League of Nations. 1161.

Report on the working of the Ottawa Trade Agreement. 1292.

Separate restaurant cars for the use of third class passengers. 1710, 1711.

Superintending Engineer of the Central Public Works Department. 1105.

Supply of water at stations of the Bengal and North Western Railway. 1242.

Resolution *re* Quetta Earthquake. 1364-66.

## ZINDIYAH BEQUEST—

See "Bequest(s)".