

Monday, 21st September, 1931

THE
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(Official Report)

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(7th to 22nd September, 1931)

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OF THE
FOURTH LEGISLATIVE ASSEMBLY
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LEGISLATIVE ASSEMBLY.

Monday, 21st September, 1931.

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

MEMBER SWORN.

Rao Bahadur B. L. Patil, M.L.A. (Bombay Southern Division : Non-Muhammadan Bursl).

QUESTIONS AND ANSWERS.

COMMUNAL CONSIDERATIONS IN RETRENCHMENT OF STAFF IN GOVERNMENT DEPARTMENTS.

543. *Mr. Jagan Nath Aggarwal (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that there is a great resentment amongst certain communities on account of the policy of Government of turning out permanent servants belonging to certain communities in preference to temporary employees of other communities ?

(b) Will Government be pleased to state clearly its policy in regard to communal considerations on retrenchment of staff and also lay on the table a copy of the instructions issued to various Departments in this behalf ?

The Honourable Sir James Ormerod : (a) The reply is in the negative.

(b) In regard to services under the control of the Government of India, certain principles have been laid down for observance where it is necessary to carry out retrenchment of personnel. One of these principles is that in each category of service which comes under retrenchment in a particular office or branch of an office the ratio between the various communities represented by their present numbers in the category should be maintained to the nearest practicable figure. Another is that the above principle shall apply both to permanent and temporary staff, but separately to each. I regret that the orders cannot be laid on the table, as they are departmental orders ; but I shall be glad to furnish any further information which the Honourable Member may desire, provided it is not of a confidential nature.

REPORTS OF RETRENCHMENT COMMITTEES.

544. *Mr. Jagan Nath Aggarwal (on behalf of Lala Hari Raj Swarup) : (a) When do Government expect that the various retrenchment committees will submit their reports ?

(b) When do Government expect the reports to come up before the Assembly ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the reply given to part (b) of Mr. Gaya Prasad Singh's question No. 329 on the 15th instant.

Mr. Gaya Prasad Singh : May I know, Sir, whether the Report of the Retrenchment Committee will be laid before the Assembly and an opportunity given to the Members to express their opinions before action is taken thereon by the Government ?

The Honourable Sir George Schuster : I would ask the Honourable Member not to press me on that point this morning. I am fully alive, Sir, to the views held by a number of Honourable Members on this question, and I can assure them that we are giving it the fullest consideration, and we are anxious to meet their wishes.

Mr. Gaya Prasad Singh : Thank you.

REVENUE REALISED BY THE GOVERNMENT OF INDIA.

545. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) How have the finances of the Government of India progressed during the five months of the year that have passed ?

(b) Do their incomes under various heads come up to the estimated amounts ? If not, how much deficit do Government expect under the various heads ?

The Honourable Sir George Schuster : (a) and (b). The progress of actuals up to date indicates that the budget expectations, particularly as regards Customs, will not be realised. I will refrain from giving at this stage figures which would purport to be an exact estimate of the receipts under the various heads.

COST OF THE LEE COMMISSION'S RECOMMENDATIONS IN THE CENTRAL GOVERNMENT AND THE PROVINCES.

546. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the total amount of money payable yearly as a result of the Lee Commission's recommendations in :

(a) the Central Government, and

(b) the Provinces ?

The Honourable Sir George Schuster : Information is being collected.

INTRODUCTION OF COMPULSORY PRIMARY EDUCATION IN AJMER-MERWARA.

547. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Anwar-ul-Azim) : With reference to starred question No. 999 asked in this House on the 18th March, 1931, by Rai Sahib Harbilas Sarda (regarding introduction of compulsory primary education in Ajmer-Merwara) and the reply given thereto, will Government please now state the action, if any, taken by them on the report of the Primary Education Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Government of India have examined the report of the Primary Education Committee and the various recommendations made therein. They recognise, with regret, that until the financial situation improves it is not possible to give effect to such recommendations of the Committee as involve additional expenditure. They see no reason, however, why proposals of reorganisation which do not involve such expenditure should

not be examined and adopted. With these remarks the report has been commended to the Local Administrations concerned, which have also been asked to study carefully the facts and figures which the Committee collected, and the opinions which they formulated, with a view to their submitting schemes for putting into effect, as soon as the financial position improves, recommendations on which action has now necessarily been postponed. The Local Administrations have been further informed that the Educational Commissioner with the Government of India, who was Chairman of the Committee, will be glad to give them any assistance that he can in their examination of the report.

HYDRO-ELECTRIC INSTALLATIONS IN BRITISH INDIA.

548. ***Mr. Bhuput Sing** : Will Government be pleased to state :

- (a) the names of the places where there are hydro-electric installations in British India ;
- (b) whether all the hydro-electric installations in British India are financed by and are under the direct control of the Central Government ;
- (c) whether the hydro-electric scheme at the Pykara Falls in the Nilgiris has been financed by them and is under their direct control and management ;
- (d) whether facilities for learning practical work are afforded to non-provincial engineering students from recognised colleges outside the province under that scheme ; and
- (e) whether Bihari, Punjabi and Bengali qualified electrical engineers will be acceptable for service in that scheme on the same terms as equally qualified Madras engineers ?

Mr. J. A. Shilldy : Government are not in a position to give the information asked for under (a), (d) and (e) as the replies to (b) and (c) are in the negative.

PROSCRIPTION OF A BOOK ENTITLED "THE CASE FOR INDIA" BY DR. WILL DURANT.

549. ***Mr. Bhuput Sing** : Will Government be pleased to state :

- (a) whether the book entitled "*The Case for India*" by Doctor Will Durant of the U. S. A. has been proscribed either by the Central Government or by any Provincial Government ;
- (b) if so, the particular Gazette or Gazettes in which such notice of proscription on behalf of the Central Government or the Provincial Government appeared ;
- (c) whether they are prepared to lay a copy of the book on the library table for the perusal of the Honourable Members ;
- (d) whether they are aware that copies of the book could be bought in the book-shops in Bombay in April and May last ; and
- (e) whether it has been brought to their knowledge that some people who ordered that book from America direct did not get its delivery from the Indian Post Offices although advice

of its despatch had duly arrived to them from book-sellers abroad ?

The Honourable Sir James Grerar : (a) and (b). The book entitled "*The Case for India*" has not been proscribed as such but, as it contains substantial reproductions of the matter contained in the book entitled "*India in Bondage*", it falls within the scope of the Government of India, Finance Department Notification No. 26, dated the 12th July, 1930, published in the Gazette of India of that date.

(c) The facts being as stated above, I regret that I am unable to comply with the Honourable Member's request.

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

FACILITIES FOR INDIAN STUDENTS JOINING UNIVERSITIES IN ENGLAND.

550. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether their attention has been drawn to the complaints made by Mr. J. C. Chaudhury in the Senate meeting of the Calcutta University held on the 15th August, 1931, regarding the High Commissioner who has just vacated that office and his agents putting obstructions in the way of and creating no facilities for Indian students going to England to join the Universities there ;

(b) whether their attention has also been drawn to what Dr. S. N. Das Gupta, Principal, Sanskrit College, Calcutta, said on that occasion in support of Mr. Chaudhury's allegations ;

(c) whether they are prepared to cause an inquiry to be made on the subject matter of the complaint and let the Honourable Members know the result thereof at an early date ?

The Honourable Khan Bahadur Mian Sir Fasil-i-Husain : (a) and

(b). Government have seen newspaper reports on the subject.

(c) The matter will be considered on receipt of a copy of the minutes of the Senate meeting, which have been called for.

APPOINTMENT OF INDIANS AS MANAGERS OF MILITARY DAIRY FARMS.

551. ***Nawab Naharsingji Ishwarsingji :** (a) Will Government be pleased to state :

(i) how many military dairy farms are there in India ;

(ii) out of these how many dairy farms are managed with Indians as Managers ;

(iii) if the number is small what is the reason for it ;

(iv) whether Government do not get qualified Indians to take up that post ;

(v) if so, whether Government are prepared to take up qualified hands if obtainable ; and

(vi) what is the highest qualification required for a Manager's post ?

(b) Are Government prepared to reserve 25 per cent. of the posts referred to in part (a) (i) for Indians ?

Mr. G. M. Young : (a) (i) 27 dairy farms, 12 branch dairies, 5 young stock farms, 3 branch young stock farms and 2 creameries.

(ii) 10 dairy farms, 11 branch dairy farms, and all young stock farms, branch young stock farms and creameries.

(iii) If all kinds of dairy farms are included, the number is not small.

(iv) Indian Managers are not recruited direct. They are generally taken in the grade of "Apprentices" and are trained in Government dairies. Those who pass the prescribed examinations and are found suitable are promoted to Managers.

(v) Does not arise.

(vi) No academical qualification is required.

(b) 63 per cent. of the posts are already held by Indians.

APPOINTMENT OF SIKHS AS HEAD CLERKS ON THE NORTH WESTERN RAILWAY.

552. *Sardar Sant Singh : Will Government kindly state the total number of posts of Head Clerks and Sub-Heads on the North Western Railway ? How many of these posts are held by the Sikhs ? How many of the Sikhs are permanent and how many officiating ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 552, 553 and 558 together. The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

Sardar Sant Singh : Will the Honourable Member kindly place a copy on the table ?

Mr. A. A. L. Parsons : It is a voluminous document, and I don't think it would be desirable to print it along with the records of the House.

APPOINTMENT OF SIKHS AS TRAFFIC INSPECTORS, ETC., ON THE NORTH WESTERN RAILWAY.

†553. *Sardar Sant Singh : Will Government kindly state the total number of Traffic Inspectors, Claims Inspectors, Commercial Supervisors on the North Western Railway ? How many of these posts are held by Sikhs in each cadre ?

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

554. *Sardar Sant Singh : (a) Will Government kindly state the total number of the Assistant Superintendents (Senior Sub-Heads) and Sub-Heads in the Accounts Department of the North Western Railway in all its branches, viz., General Traffic, Stores, Workshops and Constructions ?

(b) How many of these appointments are held by Sikhs in each branch ? How many Sikhs are permanent and how many are officiating in each branch ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : With your permission, Sir, I shall answer questions Nos. 554, 555 and 556 together. For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†555. ***Sardar Sant Singh :** Will Government kindly state the number of posts in all the three grades of clerical establishment of the Accounts Department of the North Western Railway in all its branches and the number of appointments held by the Sikhs in each ?

APPOINTMENT OF SIKHS IN THE CLEARING ACCOUNTS OFFICE.

†556. ***Sardar Sant Singh :** Will Government kindly state the total number of posts filled up by the recruitments from the Punjab from 16th November, 1925 to 31st December, 1928, in the Clearing Accounts Scheme ? How many of these new recruits were confirmed in Classes 1, 2, 3 and Office Boys ? How many of them were promoted to the posts of Sub-Headship ? What was the number of Sikhs ? How many Sikhs were confirmed for each Class ? How many of them were promoted to the post of Sub-Headship ?

APPOINTMENT OF SIKHS AS STAFF AND ASSISTANT STAFF WARDENS ON THE NORTH WESTERN RAILWAY.

557. ***Sardar Sant Singh :** (a) Will Government kindly state the total number of posts of Staff and Assistant Staff Wardens in the North Western Railway and how many of these posts are held by Sikhs in permanent and also in officiating capacity ? What is the number held by other communities ?

(b) Is it a fact that the posts of Staff and Assistant Staff Wardens were created with a view to watch the interests of the staff ? Is it a fact that no Sikh has been appointed so far ? Who watches the interests of the Sikhs in these days of retrenchment ? Are Government aware that all communities are making efforts to watch their respective interests ? Do Government propose to appoint immediately a Sikh to watch the interests of his community ?

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b) The reply to the first part is in the affirmative. Government have no information with regard to the second part. With regard to the remainder of the question, staff officers and wardens are required as a part of their duties to watch the legitimate interests of all railway employees, irrespective of race or community, and Government do not propose to appoint immediately a Sikh specially to watch the interests of his community.

†For answer to this question, see answer to question No. 554.

APPOINTMENT OF SIKHS AS CONTROLLERS ON THE NORTH WESTERN RAILWAY.

†558. ***Sardar Sant Singh** : Will Government kindly state the total number of Controllers on the North Western Railway ? How many posts are held by Sikhs in this cadre ?

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

559. ***Sardar Sant Singh** : Is it a fact that Muhammadans form a majority community in the Punjab and the Sikhs are a minority community ? Are Government prepared to instruct the North Western Railway authorities to treat the Sikhs as a minority community in all its appointments and promotions and the Muhammadans as a majority community on the North Western Railway ?

Mr. A. A. L. Parsons : The Honourable Member's attention is invited to my reply on the 11th September to his question No. 219.

CLERKS TRAINED AT THE TRAINING SCHOOL FOR ACCOUNTANTS AT CALCUTTA.

560. ***Sardar Sant Singh** : (a) Will Government kindly state how many clerks were sent for training to the Training School for Accountants at Calcutta in 1928, and 1929 ? How many of them were permanent, how many temporary, and how many were newly recruited ?

(b) Is it a fact that the lien of the temporary clerks so deputed was kept in the various offices under the special instructions of the Railway Board (*vide* their letter No. 5217-F., dated 7th August, 1928. Extract of para. 12, Auditor General's Note) ?

(c) Is it a fact that with the exception of new recruits all clerks, whether temporary or permanent, were given the same post for which they were drawn from their respective offices ?

Mr. A. A. L. Parsons : (a) 18 permanent, 33 temporary and 8 outsiders were sent in 1928 and the examination was held in 1929.

(b) and (c). Under the rules temporary clerks can retain no lien on any posts, but temporary men on return from the Training School were re-appointed to the temporary posts which they held before they went to Calcutta. Permanent clerks, of course, retained a lien on their posts and returned to them.

RETRENCHMENT OF A SIKH FROM THE AGENT'S OFFICE, NORTH WESTERN RAILWAY.

561. ***Sardar Sant Singh** : (a) Is it a fact that in the compilation of the Agent's office on the North Western Railway there are 135 posts out of which only 5 are held by the Sikhs ?

(b) Is it a fact that out of those 5 Sikh incumbents, one has been brought under reduction on the score of juniority ?

(c) Is it a fact that 3 days later a Muhammadan was to be brought under reduction on the score of juniority when he was retained on the ground that he belonged to a minority community ?

(d) Is it a fact that the said Sikh clerk made representations of his belonging to a minority community, which were ignored ; while in the case of a Muhammadan the same ground was upheld ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b), (c) and (d). Government have no information. I regret that I cannot undertake to give information as to the effect of reductions in individual offices.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether it will be very difficult for the Honourable Member to take out an extract from these big books and lay it on the table ?

Mr. A. A. L. Parsons : Yes, Sir. (Laughter.)

PROTECTION OF SIKH INTERESTS ON THE NORTH WESTERN RAILWAY.

562. *Sardar Sant Singh : Will Government kindly state if it is a fact that on the North Western Railway most of the Sikh employees were taken after 1928 and hence they are junior in service ? If so, do Government propose to take steps to protect Sikh interests in the coming reductions ?

Mr. A. A. L. Parsons : As regards the first part, Government have no information. As regards the second part, Government have already issued instructions that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of communities not adequately represented in railway services.

I should like to add that we watch these figures very carefully in the Railway Board, and the last figures that we have got show that the proportion of Sikhs on the North Western Railway remains exactly the same after retrenchment as before.

RETRENCHMENT OF A SIKH FROM THE TRAFFIC ACCOUNTS BRANCH OF THE NORTH WESTERN RAILWAY

563. *Sardar Sant Singh : Is it a fact that Bawa Gian Singh, a clerk in the Traffic Accounts Branch on the North Western Railway, was senior to six persons of his office ? Is it a fact that he has been brought under reduction while his juniors in service have been retained ? If so, why ?

Mr. A. A. L. Parsons : Government have no information.

Sardar Sant Singh : Will the Honourable Member be kind enough to try and verify the facts mentioned in this question ?

Mr. A. A. L. Parsons : I would ask the Honourable Member to excuse me. If I undertook to supply information in the case of all individuals who have been brought under retrenchment, the amount of work that would be thrown on my own office as well as on that of the Railway would be almost intolerable. If any individual has any particular grievance, because he has been retrenched in place of another, he always has the right of appeal.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

564. *Sardar Sant Singh : Is it a fact that in the Audit and Accounts Departments of the Government of India, out of a total strength of 189

gazetted officers in the office of Auditor General in India, only two are Sikhs ? Is it a fact that there is no Sikh in the office occupying the post of Superintendent and Assistant Superintendent in the same office ? Is it a fact that the two Sikhs are mere clerks in the same office ?

The Honourable Sir George Schuster : The information is being collected and will be communicated to the Honourable Member in due course.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

565 *Sardar Sant Singh : (a) Is it a fact that in the Audit Accounts Office of the Government of India out of the total strength of 774 there are only 14 Sikhs ? What is the total amount of salary drawn by all the hands in that office ? What is the total amount of salaries drawn by the Sikhs ? Is it not a fact that the Sikhs are not adequately recruited in this particular office ? If so, what steps do Government intend to take in order to increase the representation of the Sikhs in this particular office ?

(b) Do Government intend to effect retrenchment in this office ? If so, what steps have been taken by Government in order to protect the Sikh interest at the time of retrenchment ?

The Honourable Sir George Schuster : (a) On the supposition that the Honourable Member refers to the Office of the Accountant General, Central Revenues, the information is being collected and will be communicated to the Honourable Member in due course.

(b) Government are now considering the possibility of reducing the strengths of all Audit Offices on the basis of the Report of the Retrenchment Sub-Committee which has been investigating the matter. General orders have already been issued that reductions in staff should be so regulated as to preserve, as far as may be, the proportion existing in each grade between the majority and the sum of minority communities in that grade.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

566. *Sardar Sant Singh : (a) Will Government kindly state the total number of (i) Europeans, (ii) Anglo-Indians in the Commercial and Engineering Superior Services of the North Western Railway in the years 1920 to 1924 ?

(b) What university educational qualifications were prescribed to be essential for direct recruitment to the aforesaid service before 1922 ?

(c) How many Indian graduates, under-graduates and matriculates were thus recruited before 1922 ?

(d) What were the starting pay and the annual increment ?

Mr. A. A. L. Parsons : (a) A statement giving the information for the years 1923 and 1924 is laid on the table. That for earlier years is not readily available.

(b) As a rule candidates were required to possess for appointment to the superior service of the Traffic Department in India, B.A. or B.Sc. degree of an Indian University. Recruitment in the Engineering

Department was made through the Roorkee and Sibpore Engineering Colleges.

(c) During the decade preceding the year 1922-23 Indians were recruited for the superior service in the Traffic Department, almost all of whom were graduates. As I have mentioned, recruits for the Engineering Department were taken from two engineering colleges and not from the Universities.

(d) Selected candidates for the Traffic Department started as probationers on an initial pay of Rs. 200 and the annual increment was Rs. 50 per mensem. In the Engineering Department selected candidates were recruited as apprentices on Rs. 150 per mensem and after a year's training they started on an initial pay of Rs. 300 in the time scale.

Statement showing the number of Europeans and Anglo-Indians in the Traffic and Engineering Departments of the Superior Service on the North Western Railway on the 1st April, 1923 and 1st April, 1924.

	Engineering.		Traffic.	
	1923.	1924.	1923.	1924.
Europeans	78	76	47	44
Anglo-Indians	9	7	1	1

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

567. *Sardar Sant Singh : I. Is it a fact that :

- in the response to Indian demand for Indianisation of the Commercial and Engineering Superior Services of the North Western Railway, a new scheme named the Local Traffic Service, etc., on Rs. 150—50—250 and Rs. 30 annual increment was created in or about the year 1922 ;
- university degree qualifications, success in an oral examination by a selection board and two years' training were made necessary for recruitment and confirmation ;
- the salaries of the Anglo-Indian subordinates were much higher than the salaries of the said Indian entrants ;
- these Indian confirmed officers performed the same duties as their colleagues in the Superior Service did ;
- what was the number of Hindus, Muhammadans and Sikhs recruited under the said Local Traffic Services during the period 1922—25 ?

II. Are Government aware that the said anomalous and unsatisfactory condition, etc., of the said Local Traffic Services roused strong protest ?

Mr. A. A. L. Parsons : (i) (a). The Local Traffic and Provincial Engineering Services were introduced in 1921 on a scale of pay of

Rs. 250—20—750. Selected candidates were appointed as apprentices in the first instance for a period of two years in the Traffic and one year in the Engineering Department, and the allowance given to apprentices was Rs. 150 in the first year and Rs. 200 in the second year in the Traffic Department, and Rs. 150 in the Engineering Department. These services were intended to man sub-district charges, and their introduction had nothing to do with the demand for Indianisation.

(b) Candidates with suitable qualifications, academic and professional, were selected by the Railway Board after an interview and had to undergo a two years' training.

(c) Only the minimum of the scales of pay of these services was lower than that of certain grades of upper subordinate staff, whether Indian or Anglo-Indian.

(d) They performed similar duties to those performed by officers in the junior scale of the Superior Service.

(e) 7 Hindus, 4 Muslims, and 1 Sikh.

(ii) It is correct, I think, to say that the services were not popular and they have now been abolished.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

568. *Sardar Sant Singh : (a) Is it a fact that in order to show that the Local Service Indian Officers of the North Western Railway, were members of the Superior Service, their number was actually shown to the Lee Commission in proof of Indianisation of the Superior Service and that the said Commission has shown it as such in their report ?

(b) Is it a fact that in pursuance of the object referred to in part (a) the annual quota of Indians to the said Superior Services as laid down by the Lee report and accepted by Government was not filled, nor was direct recruitment for the purpose resorted to for about two or three years ?

(c) Is it a fact that Local Traffic Indian Officers were led to believe that they would be drafted into Superior Service on confirmation ; if so, how many of them were in fact so drafted and how many were not ?

(d) How many of the remaining of the said Local Traffic Indian Officers have been promoted to the Superior Service, viz., how many Hindus, Muhammadans and Sikhs, respectively ; and in what years ?

(e) What starting salary on this promotion was fixed and who fixed it ?

Mr. A. A. L. Parsons : (a) The number of officers of the Local Traffic and Provincial Engineering Services was communicated to the Lee Commission, but not as a part of the cadre of the Superior Services.

(b) Recruitment, both in India and from the United Kingdom, was suspended only for the Superior Service of the Transportation (Traffic) and Commercial Departments, as the question of revising the rules of recruitment for those departments was then under consideration.

(c) The answer to the first part is in the negative ; the second part does not arise.

(d) and (e). A statement showing the number of officers of the Local Traffic Service promoted to the Superior Service and the initial pay allowed in each case is being sent to the Honourable Member. The initial pay in each case was fixed by Government.

SALARIES OF LOCAL TRAFFIC SERVICE OFFICERS.

569. *Sardar Sant Singh : (a) Is it a fact that about two years ago, immediately on promotion, the initial salary of two Muhammadan and some Anglo-Indian Local Traffic Officers was fixed at Rs. 450 per mensem ?

(b) Is it a fact that the salary of Hindus and Sikhs promoted along with the former or later on, has not yet been fixed ? Has the Railway Board received any representations on the matter ?

(c) Will Government be pleased to state the reasons for this discrimination ?

(d) When do Government intend to fix the initial salary of such officers ?

(e) Will Government kindly lay all papers connected with it on the table ?

(f) Is it a fact that the said initial salary of promotion of the afore-said two Muhammadan and Anglo-Indian Officers was fixed by the Railway Board itself ?

(g) Is it a fact that the Auditor General took the objection that under the cumulative effect of Fundamental Rules 8 and 19 the matter was beyond the competence of the Railway Board ?

(h) Is it a fact that the said initial salary has still been maintained in spite of the objection ?

Mr. A. A. L. Parsons : (a) Two Muslim officers of the Local Traffic Service promoted to the Superior Service in 1928 were allowed an initial pay of Rs. 450 per mensem. No such case of an Anglo-Indian has occurred.

(b) The initial pay of officers of the Local Traffic Service promoted in 1930 and 1931 and of officers of the Provincial Engineering Service promoted in 1928, 1930 and 1931 has not yet been finally fixed. Certain representations have been received on the subject.

(c) The delay in the cases referred to above was caused by the necessity of framing proper rules on the subject which would be fair both to direct recruits and to promoted officers.

(d) Government expect to issue orders very shortly.

(e) Government do not propose to lay the papers asked for on the table.

(f), (g) and (h). The initial pay of the Muslim officers referred to in reply to part (a) was fixed by Government. No objection was taken by the Auditor General.

Mr. Lalchand Navai : Will the Honourable Member be pleased to state what effect has been given to the representations on the subject referred to in part (b) of the question ?

Mr. A. A. L. Parsons : They are under consideration.

POWERS OF THE RAILWAY BOARD OF FRAMING RULES FOR THE DETERMINATION OF SALARIES.

570. ***Sardar Sant Singh :** Will Government kindly state what legal authority and power the Railway Board possess for framing rules regarding determination of initial salary, seniority, etc. ? Have the copies of these rules been supplied to any subordinate officers or departments ? If so, when ? If not, why not ? Will Government be pleased to lay a copy of these rules on the table ?

Mr. A. A. L. Parsons : It is presumed that the question relates to persons promoted to superior services. The initial pay of such persons on promotion is fixed in accordance with the Statutory Rules. Rules regulating the seniority of officers promoted to the superior services have been drawn up, but are not yet in final form and have, therefore, not yet been communicated to Railway Administrations. Until they are finally settled, Government are not prepared to put copies in the Library.

ABOLITION OF THE LOCAL TRAFFIC SERVICE AND CREATION OF A NEW SERVICE.

571. ***Sardar Sant Singh :** (a) Is it a fact that the Local Traffic Service on the North Western Railway has been abolished ; and that a new service, with much better emoluments than the said service has been created ? Why was this done ?

(b) Will Government kindly lay on the table copies of the despatch to the Secretary of State regarding the abolition of the former and creation of the latter on the table ?

Mr. A. A. L. Parsons : (a) and (b). The Local Traffic Service has been abolished in consultation with the Central Advisory Council for Railways and a Lower Gazetted Service with a slightly better scale of pay introduced to afford deserving subordinates a fair prospect of advancement to the gazetted rank. The reasons for the change are stated in paras. 5—8 of the Government of India Despatch No. 1-Ry., dated 18th January, 1930, a copy of which is being placed in the Library.

ALLEGED FAVOURITISM OF ANGLO-INDIAN OFFICERS AND SUBORDINATES ON THE NORTH WESTERN RAILWAY.

572. ***Sardar Sant Singh :** (a) Is it a fact that recently several senior Indian subordinates officiating as A. T. Os. on the North Western Railway have been reverted, but junior Anglo-Indians kept on ?

(b) What residential Government bungalows occupied by Subordinate Anglo-Indians were not taken away in spite of their reversion ?

(c) Will a list of such reversions and bungalows taken away during the first two months in Lahore, Ferozepore, Multan, and Delhi divisions be laid on the table ?

Mr. A. A. L. Parsons : I have called for certain information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

METAL RAILWAY PASSES LOST OR MISUSED.

573. ***Sardar Sant Singh :** (a) Since when has the privilege of metal passes been enjoyed by the gazetted officers of the North Western Railway ?

(b) How many of such passes were lost during the period ?

(c) Who were the officers who lost them and what amount, if any, under the pass rules was realized as penalty ?

(d) How many of the said passes were misused and how much penalty for them has been charged, and what are the names of the officers who so misused them ?

(e) How many of the officers referred to in parts (b) and (c) were Europeans and Anglo-Indians and Indians, respectively ?

(f) Will Government be pleased to lay on the table a list of the passes so lost and misused with the names of their holders, which was sent to the Auditor General from time to time, as required by the pass rules ?

Mr. A. A. L. Parsons : (a) Metal passes have been issued to gazetted officers of the North Western Railway for many years, but the actual year from which these passes have been issued is not readily ascertainable.

(b) A census of metal passes taken in 1929 on the North Western Railway showed that 189 could not be accounted for.

(c), (d), (e) and (f). The compilation of the information asked for would involve a considerable amount of work which would not be commensurate with any use to which the information could be put. I would add, however, with reference to the latter portion of part (f) of the Honourable Member's question, that there is nothing in the Pass Rules requiring the submission to the Auditor General of a list of passes lost and misused.

DEFINITION OF "FAMILY" IN THE NORTH WESTERN RAILWAY PASS RULES.

574. ***Sardar Sant Singh :** Is the definition of "family" in supplementary Rule No. 2 (8) binding on the Railway Board ? If so, is its definition in North Western Railway pass rule 25 authorised ? Are Government aware of the Indian feeling that the said variation has been interpreted to grant greater privilege and concession to Europeans and Anglo-Indians and denial of the same to Indians ?

Mr. A. A. L. Parsons : The definition of "family" in Supplementary Rule No. 2 (8) is binding on the Railway Board in cases which come under the Supplementary Rules. There is no reason why a different definition should not be adopted in an entirely different set of rules ; and the definition adopted in the North Western Railway Pass Rules is authorised. In fact this is the definition adopted by the Indian Railway Conference Association to govern the issue of passes over foreign railways. As it applies to all classes of railway employees on the North Western Railway, I am unable to see how it can be held to give greater privileges and concessions to Europeans and Anglo-Indians than to Indians.

CHANGE OF RULES FOR METAL PASSES.

575. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Board intend to change the rules regarding metal passes ? If so, will these changes affect Indians alone or equally Indians, Europeans and Anglo-Indians ?

(b) If the answer to part (a) is in the affirmative, what are the grounds for such a step ?

Mr. A. A. L. Parsons : (a) The question of revising the rules for the issue of passes, including metal passes, is under consideration. The revised rules, if and when issued, will apply equally to all communities.

(b) The reasons for the contemplated changes are the possibility of a metal pass being used by a person not entitled to it and the necessity for restricting the number of metal passes issued, as it was found that a large number of those issued had been lost.

POWERS OF ASSISTANT TRAFFIC SUPERINTENDENTS.

576. ***Sardar Sant Singh :** (a) What were the powers of the Assistant Traffic Superintendents, before 1922, regarding promotion, appointment, transfer, suspension, fine, etc., of their subordinates ?

(b) Have these powers been affected on the introduction of the new rules ? If so, in what way ?

(c) If these powers have since been taken away, what are the reasons for the step ?

Mr. A. A. L. Parsons : Government have no information. Such matters are within the competence of Railway Administrations.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

577. ***Sardar Sant Singh :** (a) Is it a fact that probationers (Transportation and Commercial Departments) on the North Western Railway have hitherto been paid travelling allowance when sent to outside stations for training ? Has it now been stopped ? If so, under what authority ?

(b) Is it a fact that it is still paid to them on the Eastern Bengal Railway and the Great Indian Peninsula Railway ?

(c) What is the number of such probationers—Indian and European, respectively—posted to the North Western Railway since January, 1931, for such training ?

Mr. A. A. L. Parsons : (a) Yes. It has not been stopped.

(b) Yes.

(c) Two Indians and one European.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

578. ***Sardar Sant Singh :** (a) Is it a fact that the probationers on the North Western Railway posted to the Lahore and the Rawalpindi Divisions, were sent to small wayside stations for training for days varying from 5 to 25 days but that the Railway Board have been informed that that period exceeds one month in each station ; and that their travelling allowance should be stopped as the period of stay exceeds one month ?

(b) Will Government be pleased to lay on the table a statement of the postings of each of the said probationers on various outside stations with the period at each station ?

Mr. A. A. L. Parsons : (a) The Agent of the North Western Railway has informed the Railway Board that Transportation (Traffic) and Commercial probationers have been posted to wayside stations for training for over one month, and has asked what travelling allowance they should get during that period.

(b) Government regret that they cannot undertake to collect this information.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

579. ***Sardar Sant Singh :** (a) Is it a fact that the probationers on the North Western Railway will, when confirmed as officers, have the facilities of a reserve carriage, a chaprasi, free porters, etc., and will also get travelling allowance when out on tour to such outside stations ?

(b) Is it a fact that, as probationers, they have no such facilities and the proposal is to stop their present travelling allowance ?

(c) Is it a fact that, in many cases, these probationers cannot take their families with them to such small stations and have to maintain a separate establishment for them at the Headquarters ?

Mr. A. A. L. Parsons : (a) Railway officers are allowed a peon, and, if and when circumstances permit, a carriage and are eligible for travelling allowance under the rules, when travelling on duty.

(b) Probationers under training are treated under the rules applicable to them which Government consider liberal.

(c) Government have no information.

DIFFERENCE IN PAY OF LOCAL TRAFFIC SERVICE OFFICERS.

580. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Board gave Rs. 450 per mensem to Mr. B. A. Khan, Local Traffic Service Transportation Officer, when promoted to the Superior Service about two years ago ?

(b) Is it a fact that the Agent, North Western Railway, has called the attention of the Railway Board to this fact and has asked them to give Messrs. Berry, Kaul, Puri and Shah, promoted this year, the same amount of Rs. 450, minimum, as their initial pay but that the Board proposes to make it at Rs. 400 only but Rs. 800 per mensem in the case of two subordinates, Messrs. Chandwani and Petrie, promoted also this year direct to the Superior Service ?

(c) Will the Railway Board be pleased to state the reasons for the said distinction between the said three cases ?

Mr. A. A. L. Parsons : (a) Yes.

(b) and (c). The Honourable Member has apparently been informed of the contents of a letter sent by the Agent to the Railway Board, which is a privileged document, and is still under their consideration. I am not prepared to supply the information for which he asks, and shall be grateful

if he will let me know the source of his information so that necessary action can be taken.

PROMOTION OF ANGLO-INDIAN SUBORDINATES TO THE SUPERIOR REVENUE ESTABLISHMENT.

581. ***Sardar Sant Singh** : (a) How many subordinates, Anglo-Indian and Indian respectively, have been promoted to the Superior Revenue Establishment since 1920 ; and how many of them have been placed in seniority above Indians recruited direct to the gazetted Local Traffic Service or to the Superior Service since the same year ?

(b) What is the number of such Anglo-Indian subordinates on all the State Railways ?

(c) Is it the intention that the said precedent of comparative seniority followed in the case of the said promoted subordinates will be followed in the case of the other Anglo-Indian subordinates on promotion ?

Mr. A. A. L. Parsons : I regret that I cannot agree to impose on Railway Administrations the very laborious task of compiling all the information for which the Honourable Member asks, but I can assure him that the rules regulating the seniority of officers promoted to the superior services, which the Railway Board have drawn up, will be applied to both Anglo-Indian and Indian subordinates without any differentiation.

CONCESSIONS AND PRIVILEGES ALLOWED ON STATE RAILWAYS TO ANGLO-INDIANS AND INDIAN SUBORDINATES.

582. ***Sardar Sant Singh** : Will Government be pleased to lay on the table a statement of the various concessions and privileges allowed on all State Railways to (a) Anglo-Indian, and (b) Indian subordinates ?

Mr. A. A. L. Parsons : Apart from pay and allowances, leave, provident fund and gratuity, the principal concessions allowed to the subordinate staff on State Railways, consist in the grant of free passes and privilege ticket orders, free medical attendance, assistance towards the education of their children, grants to institutes and under certain conditions free uniforms and free quarters or an allowance in lieu. These concessions are given to both Indians and Anglo-Indians.

APPOINTMENT OF SIKHS AS DEPUTY POSTMASTERS-GENERAL AND POSTMASTERS.

583. ***Sardar Sant Singh** : (a) Will Government kindly state if there has ever been any Deputy Postmaster General belonging to Sikh community ? If not, why not ?

(b) Is it a fact that out of the Postmasters in the grade of Rs. 800 and Rs. 850 there is not a single Sikh ? If so, why ?

Mr. J. A. Shillidy : (a) Government regret that they are not prepared to undertake an investigation of all the old records necessary to enable them to reply to the first part of this question. There is no Deputy Postmaster-General at present who is a Sikh. Appointments to posts of Deputy Postmaster-General are made by the promotion of senior officers who are considered suitable from the lower eligible ranks and not on communal considerations.

(b) There is no grade of Rs. 800—850 amongst the Postmasters. No Sikh holds the rank of a gazetted Postmaster.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

584. *Sardar Sant Singh : (a) What is the total strength of non-gazetted Postmasters in the Punjab, in the grade of Rs. 150—10—250 and how many of them are Sikhs ?

(b) Will Government kindly state the number of Inspectors, in the Punjab, in the grade of Rs. 160—10—250 and the number of Head Clerks in the same grade ? What is the strength of the Sikhs in this grade ?

(c) Will Government kindly state the number of clerks on time-scale pay in the grade of Rs. 35—5—135 and Rs. 45—5—145 ; and how many of them are Sikhs ?

Sir Hubert Sams : (a), (b) and (c). The information is being compiled and will be supplied to the Honourable Member when ready.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

585. *Sardar Sant Singh : (a) What is the total number of clerks in the grade of Rs. 45—5—145 (selection grade), in Lahore post offices, Postmaster General's Office, and Dead Letter Office ? How many of them are Sikhs ?

(b) Is it a fact that Sikhs are not represented in the postal services in proportion to their population even ?

	Total number of clerks.	Number of Sikhs.
Sir Hubert Sams : (a)		
Lahore Post Office	231	21
Postmaster-General's Office, Lahore ..	134	8
Dead Letter Office, Lahore ..	52	4

The scale of pay of Rs. 45—5—145 is not a selection grade, as stated by the Honourable Member.

(b) Recruitment is not made on a population basis.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

586. *Sardar Sant Singh : Is it a fact that circulars have been issued to make up the proportion of the Sikhs in the higher services ; if so, will Government kindly state the number of Sikhs taken in these services during the last two years ?

Mr. J. A. Shillidy : On the assumption that the Honourable Member refers to the higher services in the Posts and Telegraphs Department, the reply to the first part is in the negative and the latter part does not arise.

SAFEGUARDING OF THE INTERESTS OF SIKHS IN THE POSTAL SERVICE.

587. *Sardar Sant Singh : (a) Will Government kindly state what steps do Government propose to take to safeguard the interests of Sikh employees in the Post Office in the coming retrenchment ?

(b) Is it a fact that in Rawalpindi Post Office all the Inspectors so far belong to the Muhammadan community ? If so, why ?

(c) Is it a fact that one Hindu was appointed as an Inspector of Post Offices in Rawalpindi but the powers of filling the vacancies enjoyed by Muhammadan Inspectors was taken away from him ? If so, why ?

Mr. J. A. Shillidy : (a) Pending receipt and consideration of the recommendations of the Retrenchment Advisory Committee, Government are not in a position to make any statement.

(b) Government have no information. Postings of Inspectors are made by Heads of Circles according to the exigencies of the service and not on communal considerations.

(c) Government have no information. If the official concerned has a grievance, it is open to him to represent it through the proper official channel.

POSTMEN AND PACKERS EMPLOYED AT THE RAWALPINDI POST OFFICE.

588. ***Sardar Sant Singh :** Will Government kindly state the number of postmen and packers employed in the Rawalpindi Post Office ? How many of them are Hindus, Muhammadans and Sikhs ?

Sir Hubert Sams : 77 postmen, of which 17 are Hindus, 59 Muhammadans and 1 Sikh : 11 packers, of which 3 are Hindus, 7 are Muhammadans and 1 is a Sikh.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

589. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that tenders for roofing of the Shanan Power House, Jogindarnagar, were invited by the Indian Stores Department ?

(b) If the reply to part (a) be in the affirmative, will Government please state whether the tenders called for were public or private ?

(c) If the tenders were open to public, will Government be pleased to name the newspapers and journals in which the call was published ?

(d) If on the other hand the tenders were called for privately, will Government state reasons for their doing so, and give the name of the firms to whom the tenders were issued together with the quotations received from them ?

Mr. J. A. Shillidy : (a) Yes.

(b) and (c). Tenders were not called for by advertisement in the Press, but thirteen selected firms were invited to tender.

(d) The demand could not be advertised in the ordinary way, because the indenting officer required the roof most urgently.

The names of firms invited to tender were as follows :

- (1) Messrs. Balmer Lawrie and Company, Calcutta.
- (2) Messrs. Jesop and Company, Limited, Calcutta.
- (3) Messrs. Richardson and Cruddas, Bombay.
- (4) Messrs. Asbestos Cement (India) Limited, Bombay.
- (5) Messrs. B. R. Herman and Mohatta, Karachi.

- (6) Messrs. Williams Jacks, Karachi.
- (7) Messrs. T. Cosser and Company, Karachi.
- (8) Messrs. Ellerman's Arracan Rice and Trading Company, Limited, Calcutta.
- (9) Messrs. Heatly and Creshman, Limited, Calcutta.
- (10) Messrs. A. and J. Main and Company, Howrah.
- (11) Messrs. Burn and Company, Limited, Howrah.
- (12) Messrs. The General Engineering Supply and Utility Company, Lahore.
- (13) Messrs. Craig Adams, Lahore.

Three tenders only were received as follows :

- (1) Balmer Lawrie and Company tendered price Rs. 49,900.
- (2) Asbestos Cement (India), Limited, tendered price—
Alternative A—Rs. 49,981.
Alternative B—Rs. 41,063.
- (3) The General Engineering Supply and Utility Company tendered price—
Alternative A—Rs. 29,800.
Alternative B—Rs. 33,100.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

590. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that there was a difference of about Rs. 20,000 between the lowest and the highest tenderer for roofing of the Shanana Power House, Jogindarnagar ?

(b) Is it also a fact that the order has been placed with the firm who quoted Rs. 20,000 or 80 per cent. higher than the lowest tendering firm ?

(c) If the reply to part (b) be in the affirmative, will Government please explain why the order has been placed at such a big difference, ignoring the lowest tender ?

Mr. J. A. Shillidy : (a) and (b). Yes.

(c) The lowest tender did not comply with the specification. The class of material offered as an alternative to that specified was not considered suitable for the purpose.

ROOF OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

591. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that an order has been placed for a teak under-roof for the Shanana Power House, Jogindarnagar and that an alternative under-roof of asbestos or any other similar material was specified in the tender ?

(b) If the order has been placed for teak under-roof, will Government please state reasons for this selection ? Will it not cost an extra Rs. 20,000 ?

Mr. J. A. Shillidy : (a) Yes.

(b) The order was placed for a teak-wood under-roof as it was decided that an under-roof of asbestos or similar material would not serve the

purpose so well nor give the same assurance of continuous and satisfactory service.

The engineer responsible for the construction of the building was consulted before the order was placed and the three tenders were submitted to him for his examination. He decided that a teak-wood under-roof would be the most satisfactory type of construction to adopt.

The extra cost incurred by the acceptance of the teak under-roof in place of the alternative asbestos sheet under-roof amounted to Rs. 8,918.

PROVISION OF A CHILDREN'S WARD IN THE PESHAWAR HOSPITAL IN
MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

592. ***Bhai Parma Nand :** (a) Is it a fact that on the sudden death of the wife and two children of S. Ganga Singh, Supervisor, Military Dairy Farm, Peshawar Cantonment, by the bullet shot of a soldier, the Chief Commissioner had made it known that a children's ward would be constructed to commemorate them ?

(b) If the answer to part (a) is in the affirmative, what practical steps, if any, have been taken to fulfil that promise ? If so, what are those steps ?

Mr. E. B. Howell : (a) and (b). No, Sir, the wife of Sardar Ganga Singh was not killed, as suggested in the Honourable Member's question. In this connection I would invite the Honourable Member's attention to the reply (which was laid on the table) to Mr. B. R. Puri's question No. 266, dated the 2nd February, 1931.

RESTORATION OF PROPERTY LOST IN THE AKBARPURA DACOITY.

593. ***Bhai Parma Nand :** (a) Is it a fact that after the Akbarpura dacoity during the last summer the Deputy Commissioner, Peshawar District, had assured the Hindus of the place, whose loss exceeded forty thousand, that the dacoits have been traced and that the plundered property would be restored to the owners ?

(b) If the answer to part (a) is in the affirmative, what practical steps have been taken in the matter ?

Mr. E. B. Howell : (a) and (b). The Hindus of Akbarpura were given no assurance that the dacoits had been traced, nor is it established that the loss was as high as is alleged. The complainants were informed that suspicion rested on a certain transborder tribe and were urged to co-operate in the investigation. This they failed to do ; and no evidence sufficient to establish a *prima facie* case against anybody has yet been secured. Efforts to trace the offenders are, however, still being made.

COMMUNITIES AFFECTED IN REDUCTIONS MADE IN THE FOREST RESEARCH
INSTITUTE AND THE SURVEY OF INDIA DEPARTMENT AT DEHRA DUN.

594. ***Bhai Parma Nand :** (a) How many Hindus and Muhammadans have been brought under reduction in the Forest Research Institute, Dehra Dun, as a retrenchment measure ?

(b) Is there any one belonging to the depressed classes among those thus brought under reduction ?

(c) How many Hindus and Muhammadans have been brought under reduction in the Survey of India Department, Dehra Dun ?

(d) Are there any members of the depressed classes among those thus brought under reduction ?

(e) If the answers to parts (b) and (d) are in the affirmative, will Government please say what special concession is shown to protect the rights of the depressed classes in getting them into the public services ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) None.

(b) No.

(c) and (d). So far 15 Hindus, 8 Muhammadans and 2 members of the depressed classes have been discharged as a retrenchment measure in the various superior and inferior establishments of the Geodetic Branch, Survey of India, Dehra Dun.

(e) None in connection with this retrenchment of personnel.

TRANSFER OF CONTROL OF THE CIVIL ADMINISTRATION OF ADEN FROM THE GOVERNMENT OF BOMBAY TO THE GOVERNMENT OF INDIA.

595. *Sir Cowasji Jehangir : (a) Is it a fact that the Government of India are considering the question of the transfer of control of the civil administration of Aden from the Government of Bombay to the Government of India ?

(b) If the answer to part (a) above is in the affirmative, will Government be pleased to state the reasons underlying such a proposal ?

Mr. E. B. Howell : (a) Yes.

(b) I cannot do better than repeat in this House the answer given by the Bombay Government to a similar question in the Bombay Legislative Council on 1st August, 1931 :

" In reply to a question put by Mr. Husseinbhai Laljee in the second session of the Bombay Legislative Council, 1929, on the subject of the transfer of Aden control he was informed as follows :

' The question of the transfer has been mooted and is under discussion with the Government of India. While no decision has been arrived at regarding it, the Government of Bombay consider that from the point of view of the administration of Aden and of the finances of the Presidency the scheme has considerable advantages.'

Since then the Government of Bombay have been in correspondence with the Government of India on the subject. The administrative difficulties with which the Resident at Aden and the Government of Bombay have been confronted are summarised in paragraphs 2 and 6 of the memorandum on the Civil Administration of Aden, copies of which have been supplied to the Members of the Legislative Council, the Press and certain public bodies in Bombay. A copy of the memorandum is now placed on the Council table.

After consideration of various alternatives, the Government of Bombay have come to the conclusion that the most direct and satisfactory solution of the difficulties arising from divided control is that Aden while retaining its special connection with the Bombay Government to whom it would look, as in the past, for a supply of officers and administrative personnel, should cease to form part of the Bombay Presidency, and should be formed into a Chief Commissionership under the direct control of the Government of India.

Before taking definite steps in this direction it was considered desirable to place all the implications of the position before the public specially interested in the matter and to that end the memorandum on Aden referred to above was prepared and issued to the Press, to all Members of this House and the Associations and bodies concerned both here and in Aden. Apart from the administrative difficulties which the present arrangement entails, and which are discussed in the memorandum, one of the main considerations for the Government of Bombay at the present time is dictated by the

extreme financial stringency which makes it difficult to view with equanimity the probability of an extra two lakhs or more of expenditure being transferred almost immediately from Central to Provincial Revenues under the existing constitution. The delay in placing the full facts before the House has been mainly due to the fact that Aden has no separate budget and that it has been found necessary to prepare special *pro forma* accounts for the purpose.

Now that the financial position has been clarified the Government of Bombay, supported it is hoped by all responsible opinion in the Presidency, propose to press for the transfer of Aden at once under the powers vested in the Governor General in Council with the approval of the Secretary of State, under section 59 of the Government of India Act.

The Government of India have nothing to add to this reply except that they are in entire accord with the Government of Bombay. The memorandum referred to in it is placed on the table and has already appeared in the Press.

Memorandum on the Civil Administration of Aden.

1. *Introductory Remarks.*—Some years ago considerable excitement was aroused in political circles in India by the rumour that the connection between Aden and India, which began in 1839, was to be severed by order of His Majesty's Government and that the control of Aden affairs was to be transferred to the Colonial Office. Assurances were consequently given both in the Legislative Assembly at Delhi and the Bombay Legislative Council that no change in the position affecting Indian interests would be made until an opportunity had been given for discussion of any project which might be under consideration.

2. The connection between Aden and British India began in 1839 when an expedition under Major Baillie took possession of what was then only a barren rock, and founded a Settlement there. This was treated as part of British India and included for administrative purposes in the Presidency of Bombay. But since the Settlement commanded the harbour, which is the natural centre of trade for the adjoining parts of Arabia and Africa, it was impossible for its affairs to be conducted without relation to the Arab tribes dwelling in the hinter-land. The Resident at Aden consequently entered into relations with these tribes and with the rulers of remoter places such as Makalla and Shehr, Socotra, etc. To the tribes of the hinterland were extended guarantees of favour and protection in return for reciprocal undertakings. In those days Turkey claimed sovereignty over nearly the whole of the Arabian Peninsula and the development of relations between Aden and the adjoining peoples and rulers consequently brought His Majesty's Government into contact with the Turkish Empire. As a result of prolonged negotiations a joint Anglo-Turkish boundary Commission was appointed and in 1904-05 the boundary of the Hinterland or Protectorate, as it now began to be called, was demarcated. It was agreed on the one side that the Aden authorities should have no dealings with any indigenous ruler under Turkish suzerainty beyond the boundary then fixed, and on the other, that the Turks should not concern themselves with affairs inside that boundary. Matters continued thus until the outbreak of the Great War in 1914, when the Turks invaded the Protectorate and endeavoured to blockade the Settlement. For strategic reasons the direction of operations against this menace was transferred from Army Headquarters in India to the London War Office in 1917 and control of political relations with the Aden tribes and rulers necessarily accompanied this strategic transfer. The civil Administration of the Settlement as part of the Bombay Presidency was in no way affected by this change. After the war it was suggested that this too might be transferred, but the Indian Government objected and the project was dropped. Matters remained there, until 1927, when after much correspondence about the incidence of Aden expenditure, the arrangements of 1917, originally adopted as a war measure, were confirmed, and administrative as well as strategic control of the units composing the Aden garrison was also vested in His Majesty's Government. The present position, therefore, is :

- (1) the Aden Settlement to which Indian interests are confined, remains part of British India, included in the Bombay Presidency,
- (2) the affairs of the Protectorate, in which India is not concerned, are dealt with by the Resident, who is also chief executive officer of the Settlement and Commander-in-Chief of the forces, under orders from the Colonial Office in London.

- (3) administrative and strategic control of the military and air forces in Aden is under the War Office in London.

The Resident is consequently under three authorities, namely :

- (1) the Government of Bombay,
- (2) the Government of India, and
- (3) His Majesty's Government in London,

an arrangement which makes smooth and efficient working very difficult.

3. The area of the Settlement of Aden is 75 square miles, the population in 1921 was about 53,000. The racial composition of the population is as under :

Arabs	31,612
Indians	5,594
Jews	4,408
Somalis	6,551
Miscellaneous	4,867
Total	53,032

The Island of Perim has an area of about 5 square miles and a population of 2,075. The Aden Protectorate comprises an area of about 9,000 square miles and has an estimated population of 656,400.

4. *Administration.*—The chief executive officer (*i.e.*, the Resident and Commander-in-Chief) has under him three Assistant Residents, the first and the third being officers of the Indian Political Department, and the second, an officer appointed by the Colonial Office in London, who is also the Protectorate Secretary. Judicial work is performed by a Judicial Assistant who is a member of the Indian Civil Service and is an Additional Sessions Judge. The Police are under the control of an officer of the Indian Police Service. The Island of Perim is also under the administration of the Resident. The civil administration generally follows the lines in force in India.

5. *Finances.*—Until 1900 the entire civil and military expenditure in connection with Aden was borne by India, although as early as 1886, the Government of India urged the propriety of the expense of Aden being divided between Great Britain and India. In 1895 the Welby Commission was appointed to examine the question. They recommended that the equity of the case would perhaps be met if the United Kingdom were to contribute one-half of the military charges. As a result of these recommendations His Majesty's Government made with effect from the 1st April, 1901 a net annual contribution of £72,000 to Indian revenues towards the military charges of Aden, which continued up to 1927. With effect from 1st April, 1927, His Majesty's Government have become responsible for the whole of the political and military expenditure of Aden, subject to an annual contribution of £250,000 from the Government of India for the first three years, to be reduced thereafter to £150,000 or a third of the total cost whichever may be less.

Civil expenditure in Aden is borne partly by the Government of Bombay and partly by the Government of India. The figures of revenue and expenditure (Provincial and Central) are as follows :

(a) *Provincial.*

	Accounts.		Revised Budget.		Average.
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	4,20,900	4,73,100	5,20,000	4,78,000	4,75,300
Expenditure	3,74,000	4,78,400	4,94,400	5,22,400	4,67,300
Surplus	55,900	—5,300	25,600	—44,400	8,000

(b) *Central.*

	Accounts.		Revised Budget.		Average.
	1927-28	1928-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	3,16,600	6,12,700	6,29,600	5,54,600	5,28,400
Expenditure	9,95,200	7,44,600	6,72,600	8,75,900*	8,22,100
Deficits	6,78,600	1,31,900	43,000	3,21,300	2,93,700

*Includes Hospital Scheme not in budget.

In the above figures "Interest on ordinary Debt"—Central—has been excluded, and due allowance made for pensionary liabilities accruing against Government and for items of expenditure in 1930-31 sanctioned after the Budget was passed.

The Provincial expenditure includes a sum of Rs. 2.26 lakhs (roundly) on police, in addition to which His Majesty's Government have agreed to contribute a sum of £8,000 per annum and the Government of India a sum of Rs. 42,000 per annum towards the reorganised police force. This point will be adverted to later.

The expenditure charged under 'Central' includes at present certain heads such as Education, Medical, Public Health and General Administration. These items are being booked under the head '29—Political'. The amount involved in these items varied approximately Rs. 2,26,000 to Rs. 8,65,000 during the years 1927-28 to 1930-31. The propriety of debiting to the Central Government items of expenditure which are really 'Provincial' in nature is under consideration, and the adjustments which may become necessary will convert the small precarious Provincial surplus to a substantial deficit varying from 2 to 3 lakhs or more.

	Rs.
1927-28	2,25,920
1928-29	2,20,283
1929-30	2,18,447
1930-31	3,65,880*

*Including Rs. 60,000 for Civil Hospital under 41 C. W.—Central.

6. *Difficulties of the position.*—As already explained the relation of the Resident to three different authorities leads to delay and diffusion of energy. Moreover the strategic and political importance of Aden renders it obligatory from an imperial point of view that a high standard of civil administration should be maintained there. It is necessary to spend on the Police, in view of the isolation of Aden from the rest of India, and its peculiar geographical position, considerably more than would have been required had Aden been on the mainland of India. A contribution towards this expenditure has no doubt been secured from His Majesty's Government and the Government of India, but the administration of the force involves unnecessary correspondence, as the Resident has often to obtain the sanction of three different authorities. Proposals for aid from Central Revenues are constantly put forward and although the Government of India are convinced in some of these cases that there is justification for regarding a portion at least of the expenditure as of Central rather than provincial concern, difficulties arise under the present constitutional arrangements as the Government of India cannot incur expenditure on provincial subjects. Experience has shown that the overlapping of responsibilities and functions under the present system can only lead to delay and has resulted in what one authority called 'the stagnation of Aden'. It is unfair to expect the Government of Bombay, whose interest in Aden arises largely out of historical association, to spend their provincial revenues for the improvement of a distant out-post and raising its administration to a standard befitting a nodal point of the Empire. The present small surplus which the Government of Bombay secures from Aden is doubtful and is likely to be converted into a substantial deficit as a result of the investigation into the classification of some of the items of expenditure now charged to Central Revenues. With the growing demands of Aden, Aden is therefore bound to become an increasing burden on provincial revenues.

Sir Cowasji Jehangir : Have the Government consulted the Indian mercantile community of Aden ?

Mr. E. B. Howell : Not directly, Sir. They published the memorandum.

Sir Cowasji Jehangir : Are Government aware that the Indian mercantile community at Aden are strongly against the transfer of the administration of Aden from the Bombay Government to the Government of India ?

Mr. E. B. Howell : I have seen the memorandum from the body to which the Honourable Member alludes.

Sir Cowasji Jehangir : Will Government then consider the matter in view of the opinion expressed by the Indian mercantile community of Aden, which is supported by the Indian mercantile community at Bombay ?

Mr. E. B. Howell : Government will give full consideration to all expressions of opinion from all quarters, directly interested or not.

Sir Cowasji Jehangir : Before coming to a decision ?

Mr. E. B. Howell : Certainly, Sir.

Mr. Gaya Prasad Singh : May I know to what specific points the control of the Government of Bombay will be limited over Aden after this arrangement is effected ?

Mr. E. B. Howell : I am afraid I do not quite follow the question.

Mr. Gaya Prasad Singh : To what specific points will the control of the Government of Bombay over Aden remain after this arrangement is effected ?

Mr. E. B. Howell : No control at all will remain with them.

Mr. Gaya Prasad Singh : Absolutely none ?

Mr. E. B. Howell : None.

Mr. H. P. Mody : Is it the policy of the Government of India that if a district or area under the jurisdiction of a Provincial Government is a drag on the revenues of that Government, the Provincial Government should on that account be at liberty to transfer that area or district to the Government of India ?

Mr. E. B. Howell : I am not aware of any such policy.

Mr. H. P. Mody : Then on what grounds can the Government of India justify the Government of Bombay's decision to transfer Aden to the Government of India, in spite of the undoubted feeling against the transfer on the part of the commercial community most concerned, and to which Aden owes a great measure of its prosperity ?

Mr. E. B. Howell : The Honourable Member is perhaps aware that Aden is separated from the rest of the Bombay Presidency by about 1,800 miles of salt water, which does not apply to any other part of Bombay.

Mr. H. P. Mody : Do I understand that the Government of India really think that they will be able to administer Aden from Simla and Delhi better than the Government of Bombay would from Bombay. (Hear, hear.) Does the Honourable Member know that Aden is separated from Simla not only by 1,800 miles of salt water but by an additional thousand miles of dry land ? I should like an answer to that question, Sir.

Mr. E. B. Howell : What the Government of India thinks must be a matter of opinion.

Mr. H. P. Mody : But surely it must be based on some reasoning which might appeal to this House. I should like to have an answer to that question. Do the Government of India think that it will tend to administrative convenience if Aden is administered from Simla and Delhi rather than from Bombay ? (Hear, hear.)

Mr. E. B. Howell : Sir, under the proposed arrangement Aden will be administered by a Chief Commissioner on the spot ; and the Government of India have no doubt that the future arrangements will be in every way more satisfactory than they have been up-to-date.

Mr. B. Das : May I inquire if the financial commitments of the Government of India will be confined to the two lakhs of rupees after the creation of the Chief Commissionership of Aden ?

Mr. E. B. Howell : I am afraid I can give no prediction on that point, Sir.

Mr. B. Das : May I inquire from the Honourable the Finance Member if he can enlighten me on the point whether the financial commitment of the Government of India will be confined to 2 lakhs of rupees if Aden is transferred to the Government of India and a Chief Commissionership is created for that area ?

The Honourable Sir George Schuster : I am afraid I must ask for notice of that question.

Mr. B. Das : May I ask if any Member of the Government of India can answer that question as to whether they considered that aspect of the case before issuing that memorandum which the Foreign Secretary has placed on the table ?

(No answer was given.)

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if any public opinion or the opinion of the several institutions in Bombay has been collected on this point of transferring Aden to the Government of India ?

Mr. E. B. Howell : One institution in Bombay has expressed its opinion and the object of issuing this memorandum is to secure expressions of opinion from all other quarters.

Mr. Lalchand Navalrai : Which is that one institution ?

Mr. E. B. Howell : The Indian Merchants' Chamber.

Mr. H. P. Mody : Is it or is it not a fact that the only reason for the transfer is the question of a couple of lakhs of rupees which is involved in it ?

Mr. E. B. Howell : It is not a fact.

Sir Cowasji Jehangir : Have Government considered this question from the point of view of making up this suggested loss to the Government of Bombay in some other way and therefore relieving the Government of Bombay of the further burden of these two lakhs and keeping the administration of Aden with the Government of Bombay ?

Mr. E. B. Howell : Yes, Sir ; that has been considered.

Mr. H. P. Mody : Have the Government of India received applications from any other Provincial Governments to transfer parts of their territories to the Government of India on the score of financial considerations ?

(No reply was given.)

DEGREES IN MECHANICAL ENGINEERING AND METALLURGY.

596. ***Mr. Bhuput Sing :** Will Government be pleased to furnish a list of colleges or universities in India that confer a degree in mechanical engineering as well as metallurgy, and state :

- (a) whether any of those institutions have prescribed an honours course in their two branches of studies ; and
- (b) whether they have knowledge and information that in England an English student trained in America or in the Continent is treated with more preference than one trained locally ?

Mr. J. A. Shillidy : The following Universities in India confer a degree in Mechanical Engineering :

Madras, Bombay, Calcutta (Mechanical and Electrical Engineering), Benares (Civil, Mechanical and Electrical Engineering), Mysore, Patna (Civil, Mechanical and Electrical Engineering), Rangoon (Civil, Mechanical and Electrical Engineering).

The Benares Hindu University is the only University in India which confers a degree in Metallurgy (Mining and Metallurgy), though the Calcutta University confers a degree in Mining Engineering.

- (a) No.
- (b) Government have no information.

DEPUTATIONS TO SOUTH AFRICA ON BEHALF OF INDIAN SETTLERS.

597. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the number of times a deputation or delegation was sent out to South Africa in order to intercede on behalf of or plead for the rights and privileges of Indian settlers residing there during the last two decades ;
- (b) the names of the persons Indians or Europeans who led each of such deputation or delegation ; and
- (c) the results that were achieved by each of such delegation or deputation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The Government of India have sent four official deputations to South Africa during the last two decades. In 1914 Sir Benjamin Robertson, K.C.M.G., K.C.S.I., C.I.E., I.C.S., was deputed to watch the proceedings of, and to give evidence before, the Indian Enquiry Commission which was appointed by the Union Government to hold a public judicial enquiry into the disturbances in connection with the strike of Indians in Natal. Effect was given to such recommendations of the Commission as required legislation, in the Indian Relief Act of 1914. Sir Benjamin Robertson was deputed again in 1920 to give evidence before the

Asiatic Enquiry Commission. A copy of the Commission's Report is available in the Library of the House. The third deputation was led by the late Sir George Paddison, Kt., C.S.I., I.C.S., and the results achieved by that deputation were set forth in a Press communiqué, dated the 23rd April, 1926. A copy of the communiqué has been placed in the Library of the House. Towards the end of 1926 a delegation from India was sent to the Round Table Conference at Cape Town. It was led by Sir Muhammad Habibullah, K.C.I.E., Kt. The conclusions reached by the Conference were announced to this House on the 21st February, 1927.

REPORT OF THE INDIAN SANDHURST COMMITTEE.

598. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : Will Government place on the table the Report of the Indian Sandhurst Committee along with the minutes of the members in minority ?

Mr. G. M. Young : The report, with the minutes, was published in India and in England on Saturday, September 19th. Copies have been supplied to all Honourable Members through the Legislative Assembly Department.

SUPERSESSION IN THE BOMBAY CURRENCY OFFICE.

599. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state if they are aware of the supersession that took place in Bombay Currency Office as stated in the *All India Currency Union Bulletin* of May, 1931 ?

(b) Is it a fact that claims of several efficient seniors were overlooked without giving them a probation chance to work on the post ?

(c) Is it also a fact that some clerks, whose claims were overlooked, had already worked as Assistant Treasurers for even over a year and the same men were also considered fit to work on the same posts after their juniors were promoted ?

(d) Is it a fact that an interview was not granted to the Honorary Secretary of the Association by the Deputy Controller of Currency, Bombay ?

(e) Will Government be pleased to lay on the table the copies of the correspondence between the Deputy Controller of Currency and the Currency Association ?

(f) Are Government prepared to instruct the authorities of the Bombay Currency Office to avoid such supersessions in future ?

The Honourable Sir George Schuster : (a) Government have seen the bulletin in question.

(b) and (c). The posts in question are selection grade posts which cannot be filled on grounds of seniority alone. The Deputy Controller of the Currency, Bombay, selected the men whom he considered the best in consultation with the officer in immediate charge of the Currency Office. It is a fact that some clerks who were passed over for permanent promotion had already worked as Assistant Treasurers and have since worked as such. It was not considered that their work was sufficiently good to justify their permanent promotion before the clerks actually selected. The latter were considered not only fitted for work as junior Assistant Treasurers

but also able to act as senior Assistant Treasurers in due course. This was not considered to be the case with the clerks who were passed over.

(d) The Deputy Controller of the Currency, Bombay, refused very properly to discuss the merits of individual members of the staff with representatives of the Currency Association.

(e) I do not consider that any useful purpose would be served by laying copies of the correspondence on the table.

(f) No favouritism has occurred and no instructions are required.

INTRODUCTION OF A NEW GOVERNMENT PROVIDENT FUND SCHEME.

600. *Sardar G. N. Muzumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether Government are now ready with the provident fund scheme as promised in February last ? If so, will it be brought into force before the end of this year ? If not, why not ?

(b) If Government are not prepared to give effect to the scheme before the end of this year as promised, how long do they still intend to keep this important question pending ?

(c) Will Government be pleased to lay on the table for the information of the House a statement showing the progress made in that direction during the course of the last seven months ?

The Honourable Sir George Schuster : (a) The promise given by Government in the Council of State on the 18th February, 1931, was that they would come to a decision on the question of modifying the existing pension system within a year, and, so far as can be foreseen at present, that promise will be fulfilled.

(b) Does not arise.

(c) Certain tentative conclusions have been arrived at and a detailed examination is now proceeding with a view to the modification of the pension system at as early a date as possible.

REVISION OF THE PENSION RULES OF INFERIOR GOVERNMENT SERVANTS.

601. *Sardar G. N. Muzumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether it is a fact that the question of permanent revision of the pension rules of the inferior servants under the Government of India was under consideration since 1923 and was deferred till the report of the Royal Commission on Labour was available ? If so, what action have Government taken to revise the rules since the report was out ?

(b) Is it also a fact that the question of temporary increase in pensions of these servants was postponed for a further period of two years which expires on the 31st October, 1931 ? If so, what are the new pensionary benefits which Government intend to give to these inferior servants from the 1st November, 1931 ?

The Honourable Sir George Schuster : (a) Consideration of the question of revising the rules governing the pensions of inferior servants serving under the Central Government was postponed till the report of the Royal Commission on Labour became available. In the present financial

emergency further postponement is inevitable till the Report of the Retrenchment Advisory Committee is received.

(b) Temporary increases in small pensions were continued for two years from 1st November, 1929, and the period of their continuance has recently been extended up to 29th February, 1932. The question of the further continuance, or otherwise, of the temporary increases will be examined before that date.

ISSUE OF FIDELITY BONDS BY THE BOMBAY CURRENCY OFFICE CO-OPERATIVE CREDIT SOCIETY.

602. *Mr. S. G. Jog : (a) Will Government be pleased to state whether they are aware of the fact that there is a provision in the bye-laws of the Bombay Currency Office Co-operative Credit Society to issue fidelity bonds ?

(b) If so, are Government prepared to accept fidelity bonds of the Currency Office Co-operative Credit Society as is being done in the case of Post Offices ?

(c) If the answer to part (b) is in the negative, will Government be pleased to give reasons ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The total amount of the fidelity bonds obtained under existing arrangements is in the neighbourhood of Rs. 2½ lakhs, while the aggregate paid-up capital of the Co-operative Credit Society in question is rather less than Rs. 16,000. The Society is still too small to be able to undertake responsibilities of the kind suggested.

CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND AND INDIA AND THE STRAITS SETTLEMENTS.

603. *Mr. S. C. Mitra : (a) Will Government be pleased to lay on the table copies of agreements between the Government of India and the P. and O. and B. I. S. N. Companies for conveyance of mails between India and England and India and the Straits Settlements ?

(b) Will Government be pleased to state the amount which is paid to them annually as subsidy for carrying mails between India and England and India and the Straits Settlements ?

(c) Will Government be pleased further to state as to when the present agreement will terminate ?

(d) Is it a fact that although the Government of India pay to the P. and O. and B. I. S. N. Companies the required subsidy for carrying mails between India and England and India and the Straits Settlements, Governments of Great Britain and the Straits Settlements also pay them an equal amount of subsidy ?

(e) Is it a fact that very recently the fact mentioned in part (d) above was brought to the notice of the Government of India and the matter is now under correspondence with the Managing Agents of the steamship companies ?

(f) Will Government be pleased to state who is responsible for this double payment for the same work and what was the total amount paid to the companies during the last 10 years ?

(g) Do Government propose to invite competitive tenders for this purpose before entering into any further agreement with these companies ?

Sir Hubert Sams : (a) Mails between Burma and Penang are conveyed by the British India Steam Navigation Company as part of an agreement with the Government of India for the conveyance of mails by the Company on a number of services in the Bay of Bengal, Arabian Sea and the Persian Gulf and between Bombay and Durban. A copy of the agreement will be shown to the Honourable Member if he will kindly call at my office. The agreement for the conveyance of mails by the Peninsular and Oriental Steam Navigation Company is between His Majesty's Postmaster-General and the Company and it is accordingly not open to the Government of India to make it available.

(b) The subsidy payable to the British India Steam Navigation Company is for all the services covered by the agreement and no portion of it is specified as being for the conveyance of mails to Penang. In respect of the mails sent from India by the Peninsular and Oriental Steam Navigation Company, India pays to the British Post Office an approximate proportionate contribution, the amount of which is at present about £23,700 per annum.

(c) The agreement with the British India Steam Navigation Company is not due to expire before the 1st February, 1934. The Government of India understand that the agreement between the Peninsular and Oriental Steam Navigation Company and the British Post Office is not due to expire before the 31st January, 1934.

(d) As will be evident from the replies to the previous parts of this question, the case is not as stated by the Honourable Member. The Straits Settlements, also, are not parties to the agreement between the British India Steam Navigation Company and the Government of India and it is not known what amount is paid by them for the services rendered to them by the Company.

(e) and (f). The fact that the same steamers of the British India Steam Navigation Company convey mails as provided for under the agreement with the Government of India and also mails under an arrangement made with the Company by the Straits Settlements Administration has come to notice and the subject is under examination, pending which no conclusion can be arrived at.

(g) So far as services such as those now performed for the Government of India by the British India Steam Navigation Company are concerned, the Government of India propose to call for tenders in the open market as they did before the present agreement with that Company was concluded.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

604. *Mr. S. C. Mitra : (a) Will Government be pleased to state as to how many departmental telegraph offices were converted into combined offices during the years 1928-29, 1929-30, 1930-31, in the Bengal and Assam and Burma Circles ?

(b) What was the total number of telegraphists in Bengal and Assam and Burma Circles during the years mentioned above ?

(c) Is it a fact that although several departmental offices were converted into combined offices not a single telegraphist was absorbed in vacancies but they have been kept as floating staff in the Central Telegraph Offices of Calcutta and Rangoon ?

(d) If so, why is so much excess staff kept and for what purpose ?

Sir Hubert Sams : (a).

		<i>Bengal and Assam.</i>	<i>Burma.</i>
1928-29	..	2	3
1929-30	..	4	2
1930-31	..	no conversions but 2 offices worked by Postal men instead of Departmental Telegraphists.	1

(b)		<i>Bengal and Assam.</i>	<i>Burma.</i>
At the end of 1928-29	..	511	227
At the end of 1929-30	..	498	208
At the end of 1930-31	..	487	213

(c) and (d). The position is not as stated by the Honourable Member. Owing to the fall in traffic there is an excess staff. Any excess can be utilised to advantage in a large telegraph office and it is for this reason that the strength of the staff in the Calcutta and Rangoon offices does not show a considerable reduction.

TRANSFER TO ANOTHER VILLAGE OF THE CHOTKHAND SUB-POST OFFICE.

605. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state as to whether it has been proposed to shift the Chotkhand Sub-Post Office (Burdwan) to another village, from its present location ?

(b) If so, will Government be pleased to state the reason of its shifting to another village ?

(c) What is the name of the village ?

(d) Is the present post office departmental ; if so, how will this building be disposed of ?

Sir Hubert Sams : (a), (b), (c) and (d). Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of the question is being sent.

REPORT OF THE POSTS AND TELEGRAPHS ACCOUNTS ENQUIRY COMMITTEE.

606. ***Mr. S. C. Mitra :** (a) Is it a fact that the Posts and Telegraphs Accounts Enquiry Committee have finished their business and submitted their report on the 17th April, 1931 ?

(b) If so, will Government please state why their report has not yet been published ?

(c) Will Government be pleased to state what is the cause of the delay in publication of the same and by what time its publication may be expected ?

Mr. J. A. Shillidy : (a) to (c). The report was received by Government on the 4th July. It was released for publication on the 10th July.

LOWEST SELECTION GRADE EXAMINATION FOR THE POSTS AND TELEGRAPHS DEPARTMENTS.

607. *Mr. S. C. Mitra : (a) Will Government be pleased to state whether the Director General, Posts and Telegraphs, intends to hold the lowest selection grade examination in this year ?

(b) If so, when will the examination be held and what will be the syllabus of the examination ?

(c) Will Government be pleased further to state whether junior candidates will be allowed to appear at this year's examination ? If so, what percentage of such candidates will be selected ?

Sir Hubert Sams : (a) and (b). The question is still under my consideration. In reply to the second half of (b) the syllabus for the next examination will be the same as for the last examination, viz., that notified in Director General's Circular No. 16 of 18th August, 1930.

(c) The reply to the first part is in the affirmative. The reply to the second part is that it is under consideration.

PROMOTION IN THE POSTAL DEPARTMENT.

608. *Mr. S. C. Mitra : (a) Has the attention of Government been drawn to their orders No. 279-Est. 29, dated the 24th January, 1930, laying down that future appointments to posts of Accountants or Assistant Accountants included in selection grades should be confined to men who have passed the Accountant's test but that this arrangement should not interfere with the promotion to the highest selection grade of men holding posts in the lower selection grade and employed on work connected with accounts, if they are considered fit for such promotion ?

(b) Have Government defined the scope of men on work connected with accounts ?

(c) What is the number of such men connected with accounts in the post offices at Presidency towns and what is their sanctioned strength ?

(d) How have Government determined the position of all qualified Inspectors of Post Offices or Head Clerks to Superintendents of Post Offices, Head Postmasters in the grade of Rs. 160—250 or men who have worked in this capacity up to the 24th January, 1930 ?

(e) Were their duties connected with accounts on the 24th January 1930, and if so, are these men held eligible for higher posts in the Accounts Branch ? If not, why not ?

(f) Why is this date fixed in granting promotions to men who have not passed the Accountant's test as a time limit for exempting such men from the above rule ?

Sir Hubert Sams : (a) Government issued the letter cited by the Honourable Member and it included *inter alia* the orders stated by him except that these spoke of the "higher" and not of the "highest" selection grade.

(b) The scope is indicated in the letter just referred to.

(c) Government have no information.

(d) The question of so determining their position did not arise in the present connection.

(e) No, they do not come within the purview of the letter referred to in (a).

(f) In order to render the purpose of the orders in the same letter effective within a reasonable time.

PROMOTIONS IN THE POSTAL DEPARTMENT.

609. *Mr. S. C. Mitra : (a) Are Government aware that the departmental examinations held in the Accountant General's office prior to the introduction of the Fundamental Rules did not disqualify men for higher promotions on the ground that the new curriculum including the Fundamental Rules came into force ? If so, will Government please state whether men in the Post Office already qualified in departmental examinations of Inspectors and Head Clerks to Superintendents of Posts Offices held prior to the introduction of the Fundamental Rules, have been excluded from getting promotion to Accountant's posts on Rs. 250 ? If so, on what grounds ?

(b) Do Government propose to go through the Director General's circular No. 41, dated the 6th November, 1930, with his orders No. A.E.-285/27, dated the 5th May, 1927, and issue clear orders on the points ?

(c) Do the words " men holding on the 24th January, 1930, posts in the lower selection grade and employed on work connected with accounts " exclude men on work connected with accounts prior or subsequent to the 24th January, 1930 ? Is it not in contravention of the Director General's orders No. A.E.-285/27-Ruling, dated the 5th May, 1927 ?

(d) Are Government aware that several anomalies have been caused on account of the working of these orders ? If so, are Government prepared to consider the deletion of the words " on 24th January, 1930 " with a view to redress the genuine grievances and, if necessary, to adjust the promotion ?

Sir Hubert Sams : (a) Government have not the information referred to in the first part, but even if the fact were as stated by the Honourable Member it would constitute no ground for treating the Inspectors' and Divisional Head Clerks' examination, which continued to be held after the introduction of the Fundamental Rules, as answering the special requirements of the Postal Accountants' examination, which was introduced before the abolition of the Inspectors' and Divisional Head Clerks' examination.

(b) The Director-General's circular cited by the Honourable Member was based on the Government letter referred to in part (a) of the Honourable Member's starred question No. 608. These orders superseded all previous rulings on the subject.

(c) Does not arise in view of the reply to the preceding part and also of the replies to parts (e) and (f) of the Honourable Member's starred question No. 608.

(d) The reply to the first part is in the negative. The second part does not arise.

IMPORT OF AFRICAN COAL TO INDIA.

610. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of coal that was shipped from South Africa to Bombay in each of the 5 years ; 1925-26, 1926-27, 1927-28, 1928-29 and 1929-30 ;
- (b) since when and under what circumstances African coal was first begun to be imported into this country ;
- (c) whether it is a fact that the Union Government of South Africa grant some sort of bounty to the coal mining industry in that country ;
- (d) the freight per ton that the shipping companies charge for the African coal from Capetown to Bombay ;
- (e) whether it is a fact that the shipping companies carrying the coal allow some deferred rebates upon the total weight carried on behalf of a certain firm during a particular period ;
- (f) if the answer to part (e) is in the affirmative, the rate of such rebates allowed per ton shipped ; and
- (g) whether Government are aware that the unrestricted import of African coal has prejudicially affected (1) the indigenous industry, and (2) the railway revenues ?

The Honourable Sir George Rainy : (a) Imports of South African coal into the Presidency of Bombay were :

Year.	Tons.
1925-26	87,513
1926-27	73,989
1927-28	130,060
1928-29	87,135
1929-30	166,661

(b) African coal was imported into India in small quantities as long ago as 1891. Government are unaware of any special circumstances in which these imports began.

(c) An indirect bounty in the shape of a rebate on railway freight is understood to be granted by the South African railways in respect of coal shipped as cargo overseas beyond South or South-West Africa.

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

(g) No, Sir.

BENGAL AND BIHAR COAL SENT TO BOMBAY.

611. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of Bengal and Bihar coal that was sent to Bombay in each of the five years from 1925 to 1930 ; and
- (b) the freight per ton of coal per goods train from Dhanbad to Bombay (1) *via* the Bengal-Nagpur Railway and (2) *via* the East Indian and Great Indian Peninsula Railways ?

Mr. A. A. L. Parsons : (a) I regret that the information is not available.

(b) (1) Rs. 12-8-0.

(2) Rs. 12-6-0.

UNIFORMS OF POSTAL AND TELEGRAPH PEONS AND SORTERS.

612. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the amount that is spent on uniforms and liveries for Post and Telegraph peons and sorters in British India ;
- (b) the total amount that is spent for liveries and uniforms for Post and Telegraph peons and sorters in the three Presidency towns of Calcutta, Bombay and Madras ; and
- (c) whether in the interests of economy, they are prepared to consider the question of the withdrawal of the uniform and livery from all peons and sorters for the next five years substituting therefor some metal badges only ?

Sir Hubert Sams : (a) and (b). Sorters are not supplied with uniforms or liveries. It is regretted that the other information asked for is not available and could not easily be collected.

(c). Pending the examination which is being made for the purpose of economy in the Posts and Telegraphs Department as a whole by the Retrenchment Advisory Committee, Government would prefer to make no statement.

COST OF MILITARY STUDENTS AT THE CALCUTTA MEDICAL COLLEGE.

613. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the number of military students that are studying in the Calcutta Medical College at present ;
- (b) the number of (1) white drill, (2) khaki drill, (3) warm khaki suits and (4) sports uniforms that are allotted to each military student in a year ;
- (c) the amount that it costs Government for the boarding and lodging for each military student month by month ;
- (d) the total amount that is defrayed on the head of military medical students normally in a year ;
- (e) whether their travelling expenses to and from their homes when coming to College and going home are borne by Government ;
- (f) whether in case of illness, when a change is prescribed, the expenses for the change for a military student are borne by Government ;
- (g) whether the Superintendent of the hostel, in which the military students are housed, gets free boarding and lodging besides his pay ;

- (h) whether the amount that is spent on the military medical students is charged to Government of India revenues ;
- (i) if the answer to part (h) is in the affirmative, whether it is chargeable to the civil or military budget ; and
- (j) whether for the sake of economy, Government propose to suspend the recruitment of military students for that medical service for the next five years ?

Mr. G. M. Young : (a) 46.

(b) The Honourable Member is referred to Appendix E of the Prospectus of the Assistant Surgeon Branch of the Indian Medical Department, a copy of which will be found in the Library.

(c) A messing allowance of Re. 1 a day is paid to each student. The students are housed in a Government building the capital cost of which, including servants quarters, etc., is about Rs. 2,79,000. Upkeep charges amount to about Rs. 3,840 per annum.

(d) The annual expenditure on each student is about Rs. 2,150.

(e) On selection for admission to the College, each candidate is given a railway warrant from his home to Howrah, and when he passes out of the College, another railway warrant is given from Howrah to the station to which he is posted. No such concession is given while a student is in residence at the College.

(f) No, Sir.

(g) The Superintendent gets free lodging, but not free boarding.

(h) Yes.

(i) Army Estimates.

(j) Stoppage of recruitment to the Assistant Surgeon Branch of the Indian Medical Department would adversely affect the efficiency of the service, as there is already a shortage in the sanctioned strength of that Branch.

EXPORT OF MONKEYS FROM INDIA.

614. *Kunwar Raghubir Singh (on behalf of Mr. C. S. Ranga Iyer) :

(a) Will Government please state if there is a regular monkey traffic between India and foreign countries ? If so, what foreign countries ?

(b) If the answer to part (a) is in the affirmative, have Government kept a census of the monkeys transported from India across the seas ?

(c) How many monkeys were sent from India to America and Germany last year ?

The Honourable Sir James Orerar : (a) Monkeys are exported mainly to Germany and America, but they are also exported in small numbers to the United Kingdom, Belgium, the Straits Settlements, Java, Hongkong, Japan, Ceylon, Netherlands, New South Wales and Italy.

(b) and (c). The approximate number of monkeys exported in 1930-31, was 16,220 of which 6,224 and 5,178 were exported to Germany and America, respectively.

EXPORT OF MONKEYS FROM INDIA.

615. *Mr. C. S. Ranga Iyer : (a) Will Government please state if they are aware that the conditions of monkey-traffic between India and abroad are far from satisfactory ?

(b) Are Government aware that during the transit often times these monkeys die (i) because of the scorching heat of the Red Sea, (ii) because of the unhygienic conditions at docks connected with the consignments, (iii) because of want of proper accommodation on board the ships, and (iv) because of conditions of internal transit in India ?

(c) Is it a fact that in cargo ships carrying monkeys from India to America each monkey is allotted only one cubic foot of space and that nearly two dozens are crowded into each crated cage ? Is this in accordance with the regulations that govern the accommodation for animals on board the ships ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer questions Nos. 615 to 618 together. There is much in them on which I have not the requisite information. They raise a general question which I desire to assure the Honourable Member, evokes my sympathy, and I should like to give the Honourable Member a fuller answer than I am at present in a position to give him. The subject is strictly one for Local Governments in most of its aspects, but I will make enquiries and send the Honourable Member a reply to his questions as early as possible.

Mr. K. P. Thampan : May I know, Sir, how we are interested in the export of monkeys ?

The Honourable Sir James Crerar : An Honourable Member has raised the question and I am prepared to make inquiries.

EXPORT OF MONKEYS FROM INDIA.

†616. *Mr. C. S. Ranga Iyer : (a) Will Government please state if they are aware that monkeys are exported to New York only to serve the purpose of victims for the laboratories of vivisection and for the supply of monkey glands for the new fashion in medicine connected with thyroid glands ?

(b) Will Government please state if they are aware that the monkeys are held sacred by the Hindus ?

(c) Are Government prepared to stop the export of monkeys from India ?

(d) Until the monkey traffic is stopped, do Government propose to take proper steps to see that the export of monkeys is done under hygienic conditions and that torture and death that take place during transit is avoided ?

EXPORT OF MONKEYS FROM INDIA.

†617. *Mr. C. S. Ranga Iyer : (a) Have any correspondence and letters or representations been received by Government from societies

†For answer to this question, see answer to question No. 615.

or individuals drawing their attention to the question of Indian monkeys taken out for torture ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

EXPORT OF MONKEYS FROM INDIA.

†618. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the article entitled " Indian monkeys taken out for torture ", " Caught in Sri Rama's Place ", " Terrible life in transit and after ", by Margaret E. Cousins published in *New India* and reproduced by the *Sunday Times*, Madras, dated Sunday, August 9th, 1931 ?

(b) Have Government drawn the attention of the Steam Ship Companies to the conditions disclosed in that article by Mrs. Cousins ? If not, why not ? If yes, when ?

(c) Are Government aware of the widespread indignation in the country against the treatment accorded to the monkeys as disclosed in the said article ?

(d) Has any communiqué been issued by the Publicity Department of the Government of India in regard to the torture of monkeys during transit ? If not, why not ?

UNSTARRED QUESTIONS AND ANSWERS.

OVERWORKED POSTAL STAFF.

55. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) if they are aware that the subordinate staff of the postal and R. M. S. are over-worked, and the application of Mr. Bewoor's time-test shows the necessity for supply of a large number of additional hands to the postal and R. M. S. offices ;
- (b) if it is a fact that Government are unable to undertake a general revision in the subordinate staff in the postal and R. M. S. according to Mr. Bewoor's time-test due to present financial stringency ;
- (c) if it is a fact that Government have sanctioned in the Budget for the year 1930-31 (Demand No. 23) 234 additional telegraphists who were recruited during 1930-31 ;
- (d) if this sanction was made in spite of the fall in telegraph traffic : and
- (e) why the Telegraph Department should be given a treatment different from the treatment given to the Postal Department ?

Mr. J. A. Shillidy : (a) Government are not aware that the case is as stated by the Honourable Member.

(b) The Honourable Member's attention is invited to the reply given on the 17th March, 1931, to part (b) of Mr. S. C. Mitra's starred ques-

†For answer to this question, see answer to question No. 615.

tion No. 981 in the Legislative Assembly, as well as to the reply given on the 20th March, 1931, to parts (b) and (d) of the Honourable Member's own unstarred question No. 343 in this House.

(c) The fact is not as stated by the Honourable Member. In anticipation of normal traffic requirements, the recruitment of telegraphists was opened in 1929-30, and 147 candidates from outside the Department and 51 candidates from within the Department were engaged for training. As the training of a telegraphist takes a year, provision for the employment of the above number of telegraphists was made in the Budget for the year 1931-32.

(d) No. As stated above, the recruitment was made in 1929-30, before the fall in traffic in 1930-31 could be foreseen.

(e) Does not arise.

RETRENCHMENT IN THE POSTAL SERVICE.

56. **Mr. C. S. Ranga Iyer :** Will Government please state :

- (a) if it is a fact that the Director General, Posts and Telegraphs, has decided to retrench 3 Superintendents, 42 assistants, 2 Head Clerks, and 24 clerks in his office and the office of the Post Master General, Bengal and Assam ;
- (b) if it is a fact that provision was made in the Budget for 1930-31 for a substantial increase in the scales of pay for one Deputy Director-General and all Postmasters General ;
- (c) whether in the despatch to the Secretary of State for sanction of this revision, it was specifically stated that the savings arising from retrenchment of clerical staff mentioned in part (a) would be available and sufficient for giving effect to the revision ;
- (d) if so, whether Government intend retrenchment in the subordinate staff only ;
- (e) whether Government contemplate further increase of pay of the highly paid officers ; and
- (f) whether Government have no intention to effect economy ?

Mr. J. A. Shillidy : (a), (b) and (c). The Honourable Member's attention is invited to the reply to parts (c), (a) and (b) of Mr. S. C. Mitra's starred question No. 173 in this House on the 11th September, 1931.

(d), (e) and (f). No.

NECESSITY FOR POST OF PUBLICITY OFFICER IN THE POSTS AND TELEGRAPHS DEPARTMENT.

57. **Mr. C. S. Ranga Iyer :** Will Government please state :

- (a) the reasons for maintaining the post of the Publicity Officer in the Posts and Telegraphs Department ;
- (b) whether the Publicity Officer has been able to secure sufficient advertisements to cover the cost of his appointment and his travelling allowance ; and

- (c) whether they have considered the question of entrusting the work of canvassing advertisements, etc., to the local officers of the department at their respective places ?

Mr. J. A. Shillidy : (a) and (b). The post of Publicity Officer has recently been created as an experimental measure with the approval of the Standing Finance Committee in order to exploit and utilise the advertising resources of the Indian Posts and Telegraphs Department to their fullest extent. It is not possible to estimate at present the amount of additional revenue likely to be derived, but it is hoped that it will be substantial. After less than five months' working, including a large amount of spade-work, the Publicity Officer has been able to place orders for Rs. 10,000 and has orders for another Rs. 8,000 in view, against an estimated cost of approximately Rs. 13,000 per annum.

(c) Yes.

OFFICERS OF THE INDIAN BROADCASTING COMPANY MAINTAINED BY GOVERNMENT.

58. **Mr. C. S. Ranga Iyer :** Will Government please state :

- (a) whether a subsidy of 2 to 3 lakhs is given to the Indian Broadcasting Company ;
- (b) whether Government also maintain a set of officers for the same ;
- (c) whether they propose to abolish the latter : if not, why not ?

Mr. J. A. Shillidy : (a) No : the Company went into liquidation last year.

(b) Yes : Government are at present conducting the broadcasting service which they took over from the Company.

(c) The question is understood to be engaging the attention of the Retrenchment Advisory Committee, and Government do not propose to make any statement pending the receipt and consideration of the Committee's Report.

REDUCTION OF SUPERINTENDENTS OF POST OFFICES.

59. **Mr. C. S. Ranga Iyer :** Are Government aware of the following observations of a Superintendent of Post Offices with 17 years of service in the cadre. in the May 1931, issue of *Monthly Notes*, the official organ of the Postal Officers' Association, India ?

" Then, postal divisions are unequal, some have six districts (and some Indian States to boot) and some have only three. One Superintendent is busy with work another works for only two hours a day. With our inspections cut down to an average of one inspection a month or even less, and our feet chained to headquarters, can we not control more offices ? But it is against our grain to say we are underworked. Anyway, I do know that here one division with all its paraphernalia of Head Clerk on selection grade, three time-scale clerks, two peons, house rent, hot weather establishment, etc., can easily be done away with. Result saving of about Rs. 12,000 a year."

(b) Do Government propose to reduce the total number of Superintendents ?

Mr. J. A. Shillidy : Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government prefer to make no statement.

POSTAL SIGNALLERS AND DEPARTMENTAL TELEGRAPHISTS.

60. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) if the postal signallers are not doing the same work as Station Service telegraphists ;
- (b) if the total percentage of mutilations generally is not smaller in the messages signalled by the combined offices than in those signalled by the departmental telegraph offices ;
- (c) what was the opinion of the committee formed by Mr. Booth, Mr. Ryan, and Mr. G. P. Roy, the late Director-General, as regards the percentage of mutilations ;
- (d) if the percentage of mutilations is smaller in combined offices, why should there be a differentiation in pay, prospects and promotions between the postal signallers and the departmental telegraphists ;
- (e) why do not Government recruit postal signallers into the Telegraph Department in Station Service instead of continuing direct recruitment ;
- (f) if any recruitment to the Telegraph Department has been done from the postal signallers till now ; if so, how many ; if not, why not ; and
- (g) where is the necessity for direct recruitment ?

Sir Hubert Sams : (a) The fact is not as stated.

(b) Such statistics as are available tend to show that the percentages of mutilations in combined offices are less than in departmental offices owing probably to the fact that there is a much greater pressure of work in departmental offices than is the case in combined offices.

(c) The opinion was that there was no appreciable difference.

(d) The different scales of pay were sanctioned in consideration of different kinds and conditions of work. All these questions, however, are embraced by the examination which is being made by the Retrenchment Advisory Committee.

(e) and (g). There is a considerable difference in the qualifications of departmental telegraphists and postal signallers and the direct recruitment of some men is essential.

(f) Recruitment of specially selected postal signallers to the Telegraph Branch is made. The number of postal signallers recruited as telegraphists in 1930-31 was 35. Information in respect of previous years is not readily available.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

61. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if it is a fact that as per annual report of the Posts and Telegraphs of India, 1923-24, conversion of 12 departmental telegraph offices into combined offices effected a saving of Rs. 33,696 ; and
- (b) if so, why Government did not convert rapidly many such small departmental offices ?

Sir Hubert Sams : (a) Yes.

(b) The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. C. Mitra's starred question No. 180 on the 11th September, 1931.

TENDERS FOR THE CONVEYANCE OF MAILS BETWEEN BOMBAY AND ENGLAND.

62. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if they ever called for tenders for the conveyance of the foreign mails between Bombay and England ;
- (b) if the P. and O. Company is the only company that is given the sole monopoly of the foreign mails ; and
- (c) whether they propose to call for tenders and try the lowest tender ; if not, why not ?

Mr. J. A. Shillidy : (a) No. The conveyance of mails between Bombay and England is effected by the steamers of the Peninsular and Oriental Steam Navigation Company under contract with His Majesty's Postmaster-General who called for tenders.

(b) No. Mails for other foreign countries from India are also carried by the British India Steam Navigation Company's steamers under contract with the Government of India as well as by other steamers.

(c) Tenders will no doubt be called for and be considered on their merits by the authority dealing with the matter when occasion for entering into fresh contracts arises.

FUEL ALLOWANCE FOR THE KODAIKANAL OBSERVATORY POST OFFICE.

63. **Mr. C. S. Ranga Iyer** : (a) Are Government aware that the firewood allowances for the Kodaikanal Post Office and Kodaikanal Observatory Post Office have been reduced from eight months to five months ? If so, why ?

(b) Are Government aware that Kodaikanal is very cold for eight months in the year and that it is exposed both to the North-East and South-West monsoons ?

(c) Are Government prepared to restore the old fuel allowance for eight months for both the offices ?

Sir Hubert Sams : (a) to (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

WITNESSES EXAMINED IN BOMBAY BY THE POSTS AND TELEGRAPHS RETRENCHMENT SUB-COMMITTEE IN BOMBAY.

64. Mr. C. S. Ranga Iyer : Is it a fact that the sittings of the Posts and Telegraphs Retrenchment Advisory Committee were held *in camera* at Bombay ? If so, why ? If not, was scope given to the representations of the All-India Postal and R. M. S. Union and were any witnesses examined by the Committee as representatives of the Union and the subordinate staff ? If so, how many witnesses were examined ?

The Honourable Sir George Schuster : The sittings of the Posts and Telegraphs Sub-Committee of the Retrenchment Committee (like those of the other Sub-Committees) were not public. This was in accordance with the decision of the main Advisory Committee that the Sub-Committees should in no case publish or disclose their recommendations which must be kept for the consideration of the full Committee. The All-India (including Burma) Postal and Railway Mail Service Union, along with other Associations of Posts and Telegraphs employees recognised by Government, was invited to submit suggestions for economy and retrenchment. The Sub-Committee also issued a questionnaire to these Associations and received replies to it. Seven representatives of the All-India (including Burma) Postal and Railway Mail Service Union were examined orally on the 31st August, 1931.

PAY OF OFFICERS AND STAFF OF THE POSTS AND TELEGRAPHS DEPARTMENT.

65. Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state if it is a fact that the following proportion exists between the average pay of officers and that of the subordinate staff in the Posts and Telegraphs Department : .

DESIGNATION.	AVERAGE PAY.
	Rs.
Director-General	3,750
Postmaster-General	2,500
Deputy Postmasters-General	1,250
Assistant Directors-General	1,375
Superintendents of Post Offices	550
Divisional Telegraph Engineers	1,000
Superintendents, Telegraph Traffic	550
<i>Subordinate Staff—</i>	
Postal Clerks and Sorters	87
Postman	28
Lower grade staff	14

(b) Are Government aware that considerable feeling exists among the subordinate staff as to the disproportion between the average pay of officers and themselves ?

(c) Will Government be pleased to state if they propose to curtail the number and salaries, etc., of the high officers ?

Mr. J. A. Shillidy : (a) No. The average pay shown in the question is not correct either in the case of the officers or in that of the subordinate staff. The Honourable Member has omitted from his statement the higher grades of the non-gazetted staff.

(b) No.

(c) Government are not prepared to make any statement on a question which may come within the scope of the investigation of the Retrenchment Sub-Committee.

RETRENCHMENT OF TELEGRAPHISTS.

66. Mr. C. S. Ranga Iyer : (a) Did the Indian Retrenchment Committee of 1922-23 in their Report on page 94 point out that the Telegraph Department has an excess of staff ?

(b) Has the attention of Government been drawn to the following observations of the Inchcape Committee :

“ The basis on which staff is fixed is one telegraphist for every 42,000 signalling operations representing an average hourly out-turn of messages per operator during day and night, taking the busy and slack seasons together. On this basis the number of telegraphists required for 100,455,194 signalling operations would be only 2,392 *plus* the standard leave reserve of 17½ p. c. making a total of 2,810 whereas the actual number employed is 3,436, an excess of 626.”

(c) Will Government be pleased to state if it is not a fact :

- (i) that in 1924-25 there were 325 Telegraph Masters and 3,092 telegraphists ;
- (ii) that in the year 1930-31 there were 3,014 telegraphists and 326 Telegraph Masters ;
- (iii) that the number of telegraph offices is decreasing year by year, and the number of telegraphists and Telegraph Masters does not show a corresponding decrease ; and
- (iv) that while the number of selection grade appointments in the post offices is only 7 per cent. it is nearly 16 per cent. in the Telegraph Branch ?

(d) Will Government be pleased to state whether they will be in a position to carry out the recommendations of the Inchcape Committee quoted in part (b) ? If so, when ; if not, why not ?

Sir Hubert Sams : (a) It pointed out that it had, at the time, an excess of signalling staff.

(b) Government are aware of the observations.

(c) (i). The Annual Report for 1924-25 shows that on March 31st, 1925, there were 352 Telegraph Masters and 3,092 departmental telegraphists.

(ii) The figures are being verified and the result will be intimated to the Honourable Member separately.

(iii) and (d). Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government would prefer to make no statement.

(iv) The facts are not as stated.

REDUCTION OF NUMBER OF DEPARTMENTAL TELEGRAPH OFFICES.

67. **Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if they contemplate reducing the total number of departmental telegraph offices to combined offices in accordance with the recommendations of the Tupper Committee, so that the departmental telegraph offices will be reduced to half the existing number ?

(b) If so, by when do Government hope to bring about the said reduction ? If not, why not ?

Sir Hubert Sams : (a) and (b). The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. C. Mitra's starred question No. 180 on the 11th September, 1931.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

68. **Mr. C. S. Ranga Iyer :** Will Government be pleased to state if their attention has been drawn to the memorandum submitted by the All-India Postal & R. M. S. Union to the Chairman of the Retrenchment Advisory Committee regarding Posts and Telegraphs, and, if so, what steps do Government propose to take to fulfil the recommendations in that memorandum ?

Mr. J. A. Shillidy : With your permission, Sir, I propose to reply to questions Nos. 68 and 69 together. Pending receipt and consideration of the Retrenchment Advisory Committee's recommendations, Government are not in a position to make any statement.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

†69. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to the following observations in para. 113 of the memorandum submitted by the All-India (including Burma) Postal and R. M. S. Union, Delhi, to the Chairman, Posts and Telegraphs Retrenchment Advisory Committee, on the 10th July, 1931, as reproduced in page 216 of the *Madras Circle General Letter* of the Union of August, 1931 :

“ The progressive fall in Postal and Telegraph traffic during the past two years is manifestly due to trade-depression ascribed by Sir Montague Webb and others to the introduction of the 18d. ratio which by impoverishing the agricultural classes has considerably reduced their purchasing power.”

(b) Do Government propose to take any steps to change the ratio ? And, if so, when ?

(c) Have Government examined the correctness of the statement of the said Postal memorandum that the acceptance of their recommendations

†For answer to this question, see answer to unstarred question No. 68.

would mean a saving of, speaking approximately, Rs. 1,15,36,900, per year ?

(d) Has the attention of Government been drawn to the approximate savings which could be effected by way of retrenchment in the Postal and Telegraph Department ?

(e) Do Government propose to accept those suggestions, if not, why not ? If yes, to what extent ?

ALLOWANCES OF THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA OFFICES IN DELHI.

70. Mr. Muhammad Anwar-ul-Azim : Will Government please state :

- (a) when, and the consideration on which, the following allowances were sanctioned for the ministerial staff of the Government of India :—(i) the separation allowance ; (ii) the Delhi conveyance allowance ; and (iii) the Delhi house-rent allowance ;
- (b) whether those considerations still operate ;
- (c) whether Government have since modified the scale of any of these allowances ;
- (d) the reasons for the modifications ;
- (e) whether they propose to make any further modifications therein, and the grounds therefor ; and
- (f) whether Government will announce their decision sanctioning these allowances for the next Delhi season at an early date, at least along with the allotment of quarters for the next winter in New Dehli ?

The Honourable Sir James Crerar : (a) (i). The separation allowance was originally granted in 1912. It is given to men who, for want of accommodation, do not bring their families to Delhi, and is intended to be compensation for the inconvenience and extra expenditure involved in maintaining a dual establishment and also for transporting the family to some place other than Delhi.

(ii) Conveyance allowance was originally sanctioned in 1918 and is given to those who apply for, but are not provided with, accommodation at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance.

(iii) House-rent allowance was originally sanctioned in 1918 and is granted for the inconvenience and extra expenditure entailed in engaging private accommodation. It is given on the basis of the excess that a man pays over 10 per cent. of his emoluments and is subject to a maximum.

(b) Not to the same extent.

(c) and (d). Yes, the scale of conveyance allowance was reduced last year by 12½ per cent. as a measure of economy.

(e) and (f). The question is under consideration and any changes that may be made, will be intimated as early as possible.

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. President : I have received a notice from Mr. S. C. Mitra that he proposes to ask for leave to make a motion for adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

12 Noon. “ The shooting to death of two detenues and severely wounding 20 other detenues in the Hijli Detention Camp.”

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir James Orerar (Home Member) : Sir, I regret that I must raise an objection to this motion. I should like to inform the House that the circumstances of this occurrence are not yet fully known either to the Local Government or to the Government of India. An inquiry is now proceeding, and I hope to hear very shortly from the Local Government about the result of their inquiry and their own views upon it. Until that is done it is impossible for the Government of India to form its own views. In these circumstances, I submit to the House that a debate on the motion for adjournment while the question is still under investigation would not be a proper course to take, and I trust the House will not grant permission.

Mr. President : As objection has been taken, I would request those Honourable Members who are in favour of leave being granted to rise in their places.

(Not less than 25 Members rose in their places.)

As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

THE INDIAN PRESS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir James Orerar (Home Member) : Sir, I present the Report of the Select Committee on the Indian Press Bill.

STATEMENT ON THE FINANCIAL POSITION.

The Honourable Sir George Schuster (Finance Member) : With your permission, Sir, I wish to make a very short statement on the financial position. In view of the announcement that His Majesty's Government have decided to relieve the Bank of England of the obligation to sell gold, which was received this morning, it was decided that it would be in the public interest to provide for a temporary suspension, until the situation becomes clearer, of the statutory obligation of the Government of India to sell sterling or gold against rupees. An Ordinance suspending, until further notice, the operation of the appropriate section of the Currency Act, 1927, was accordingly signed by His Excellency this morning.

Mr. Arthur Moore (Bengal : European) : May I ask, Sir, in view of the Honourable the Finance Member's very important statement whether he is in a position to tell us if steps will be taken to link the rupee with sterling during the period when it may be temporarily divorced from gold ?

The Honourable Sir George Schuster : I hope the Honourable Member will excuse me if I make no statement on the matter this morning. We only received the news of this event this morning. We have not had time to settle our detailed plans, but I would like to take this opportunity to assure everybody that, as far as we know anything of the situation, there is no cause for panic or anxiety of any kind. It is probable that arrangement will be made for the suspension of business in London, New York and other important centres for two or three days while discussions on the situation proceed. It is obviously, I think—and I hope all Honourable Members will agree with me—right for the Government of India to allow nobody to take advantage of the situation until it is possible to make a definite plan. Our first duty at the present moment, as we see it, is to preserve intact the reserves of the Government of India which still stand at a very substantial figure, particularly our gold reserves, and I would remind Honourable Members that, although we have lost a certain amount of our currency reserve in the last two months, we have not lost a single penny of our gold reserves and that our actual gold reserves stand at about £7 millions sterling higher than they did about a year ago, owing to receipts of gold from up-country.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : In view of the enormously important implications of the policy just announced by the Honourable the Finance Member.....

Mr. President : I should like to bring to the notice of Honourable Members that no discussion will be allowed on the statement : but if any Honourable Member wishes to ask questions to elicit further information I will certainly permit him to do so.

Mr. H. P. Mody : Thank you, Sir : it was merely a question that I was going to put to the Honourable Member : I was asking him whether in view of the enormously important implications of the policy announced by him, will he be pleased to make a detailed statement some time later, in the course of this week, on the effects of the policy just announced on Indian trade and industry and the position generally ? I think it is due to the House that the Honourable Member should put the House and the country in possession of the full facts, because as I have said already, the policy announced just now may have very far-reaching consequences which are not contemplated at the moment.

The Honourable Sir George Schuster : I shall do my best to comply with the Honourable Member's wishes, though I am sure he will understand that I cannot make any definite promise now ; but I entirely appreciate his desire to have an opportunity for discussing this matter, and I think he is quite justified in asking the Government to make some sort of statement on the position. As regards the facts, I can only assure him that he is in possession of all the facts of the case. There are no facts to be further disclosed. What has to be considered is what is to be the future policy.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I know whether the purchase of gold that is made just now at the Mint will be stopped ?

The Honourable Sir George Schnster : No, the purchase of gold will not be stopped. The only obligation which is temporarily suspended by the Ordinance to which I have just referred is the obligation to sell gold or sterling.

Mr. B. Das (Orissa Division: Non-Muhammadan) : May I know if the Honourable Member is going to allot a day and make a statement on the financial and economic position arising out of the Ordinance which he has just mentioned and the assurance he gave previously that he will make a statement on the economic and financial position of the country and which was foreshadowed in the speech of His Excellency the Viceroy.

The Honourable Sir George Schnster : I think the question asked by my friend is identical with that asked by Mr. Mody. I have already informed the House that I shall do my best to comply with that request.

THE HEAVY CHEMICAL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to provide for the protection of the heavy chemical industry be taken into consideration.

The original application from certain manufacturing firms, which was referred to the Tariff Board was in respect of three acids and eight salts, and of these salts the basis is sulphuric acid. In chapters I to VI of their Report the Tariff Board have considered what is desirable and necessary so far as these particular products are concerned, and they have made certain definite recommendations. But there are four other chapters in the Report which enter into a wider field and which at first sight might seem not directly relevant to the applications which the Board was investigating. Chapter VII deals with the question whether the manufacture of artificial manures in India, and particularly of superphosphates, should be encouraged by the grant of bounties, and Chapters VIII to IX discuss a possible reorganisation of the industry by which the manufacture, instead of being carried on in 6 or 7 different places, would be carried on at one centre in order to bring about a reduction of manufacturing costs. In this connection, the Board has discussed the reduction of transport charges which would be necessary if such a plan were to be contemplated.

Any Honourable Member who has read the Report will have appreciated the fact that, so far as the manufacturing of these chemicals in India is concerned, it is the cost of making sulphuric acid that is the key of the whole position. The Board have devoted a large part of their Report to that question, and they constantly revert to it. It is indeed the vital point in their investigation of the cost of production. The Board make it clear that sulphuric acid (and the same is true of the other two acids) requires no protection by way of duties because it enjoys the natural protection arising from the fact that the transport of acids in bulk is a difficult and expensive matter. But when you come to the salts which are made from the sulphuric acid the position is quite different.

[Sir George Rainy.]

They enjoy no such natural protection, and since the cost of making sulphuric acid is high in India to-day compared to the cost in other countries, the result is that the manufacturer of these salts has considerable difficulty in meeting competition from abroad.

If Honourable Members will examine the earlier chapters of the Tariff Board's Report, they will find that they make three separate estimates of the cost of production. In the first place, they took as their basis the actual production of one of the firms in Bombay in the year 1926-27. That production was equivalent to about 1,200 tons of sulphuric acid, but they estimated the overhead charges on an output of 2,000 tons because they held that an estimate based on 1,200 tons would be unreasonable, since the small output was due not only to the competition from abroad but also to the internal competition between the Indian firms themselves. The result of that calculation was to show—Honourable Members will find a summary of it in paragraph 48 of the Report—that the acids required no protection, but that the various salts did require protection the amount of which varied from 20 and 200 per cent. The Board said definitely and at once that they could not consider recommending protection on that scale. At page 30 they say :

" It will be seen that the lowest duty required is over 20 per cent. and the highest over 200 per cent. Even in the case of a key industry we could not contemplate the imposition of protective duties on this scale, nor would it be fair to the numerous industries dependent on the use of chemicals to inflict so heavy a burden on them."

In Chapter IV, the heading of which is " Estimate of Future Costs ", the Board make a second calculation, this time of the probable cost of production if a firm could attain an output equivalent to 4,000 tons of sulphuric acid in a year. A firm in Bombay manufacturing on that scale would not be in a position to supply the whole of the needs of the Bombay market, but it would be possible for it by concentrating on a few of the salts,—given economical production and subject to the imposition of duties—to capture the Bombay market in these salts. I am not going into the details of the calculation, Mr. President ; indeed it would hardly be possible to do so on the floor of this House. But the final results of the calculation are to be found in paragraph 68 of the Report. The sum and substance of it is this, that given an output of 4,000 tons of sulphuric acid a year, the Board believed that a moderate scale of duty would be all the protection required. I will revert to this particular matter in a moment, but before I do so, I would like to mention briefly the third calculation. The Board having shown that a moderate scale of duties would give the protection which could reasonably be given to the manufacturer, they had still to show that eventually the industry could dispense with protection and meet world competition unaided, for this was one of the conditions laid down by the Fiscal Commission. For that purpose, they estimated what the cost of production would be if the amount of sulphuric acid produced in a year could be raised to 8,000 tons, and they show—I think successfully—that if this could be done there would be every reason to expect that for the great majority of these salts no protection would be required and that if some protection was still necessary in one or two cases, it was not very heavy. On the assumption that an annual output of 8,000 tons of sulphuric acid is possible, I think the Board have made out their case that the conditions laid down by the Fiscal Commission are satisfied, and therefore, on that assumption there is a good case for protection.

If Honourable Members will turn to paragraph 68 of the Report, they will find that their conclusions are as follows. On copper as no protection at all. On all the acids and two of the salts, the Board recommended nothing beyond such protection as might be afforded by the 15 per cent. revenue duty. On three salts, the duty recommended by the Board, on the prices at the time the Report was written, varied from 17 to 19 per cent. *ad valorem* and on only three others was the duty at all substantial. These three are sodium sulphide, where the specific duty was equivalent to 24 per cent., zinc chloride, 34 per cent. and Epsom salts, 44 per cent.

While I am on this subject I might mention that, since the Board reported, there has been a drop in the price of chemicals. As far as we have been able to ascertain, the fall is entirely due to the fall in the prices of raw materials. The effect of that fall of course is that the specific duties recommended by the Board, if taken *ad valorem*—on the value—become a higher percentage. On the other hand, last March a general surcharge of 5 per cent. was added to the 15 per cent., so that the revenue duty for the time being is 20 per cent. and not 15 per cent. Substantially the position is not very much changed. There are still three of the chemicals on which the protective specific duty recommended by the Board will be substantially higher than the duties which would be leviable under the revenue tariff. I might perhaps mention that we worked out, on the basis of the Tariff Board figures as regards these three chemicals, what the burden on the consumer would be and on the quantity which the Board found to be the probable consumption in the year the total burden on the consumer in respect of the three duties was only about Rs. 1,50,000.

Now, Sir, let me very briefly sum up what I have been saying. First of all the Board estimated the cost of production on the basis of an annual output of 1,200 tons. They found that the cost was enormously high and on that basis, the duty required would be so exorbitant that they could not recommend protection on that scale. Then they examined the question again and found on the basis of a production of 4,000 tons, a moderate scale of duty would suffice. Finally, they examined the question a third time on the basis of a production of 8,000 tons and found that practically no protection was needed. The point I want to bring out is this, that in the case of this industry it is absolutely vital to get production on an adequate scale if you are to have a reasonably low cost. It is an industry in which small and scattered firms can have very little prospect of success, and if the industry wants to establish itself firmly, then that cannot be done except on the basis of production, at any rate, on a reasonable scale, up to say, 8,000 or 10,000 tons of sulphuric acid a year, although the Board themselves point out that ; in Europe and America, even an output on that scale would be regarded as comparatively small.

Now, I should like to draw attention to two paragraphs in the Board's Report, which are very significant. The first is on page 9, paragraph 20:

“ One of the most important aspects of the problem before us is the possibility of so organizing the chemical industry as to admit of the production of sulphuric acid at an economic cost and, since in modern conditions, the chemical industry perhaps more than any other depends for its success on large scale production, it is necessary to consider the market available in India for the class of chemicals at present manufactured in this country.”

[Sir George Rainy.]

And the other passages occur on page 30, paragraph 49 :

“ We wish to say definitely that in our opinion the chemical industry in India can have no future so long as that manufacture is carried on in small units with low production.”

That is to say, the Board condemn unhesitatingly the present organisation of the industry, which means production by units too small to be economic, and it looks forward to some drastic reorganisation of the industry in the future if the industry is to establish itself successfully. I thought that point worth emphasising, Mr. President, because it must be decisive with any one who seriously approaches the question, and it supplies an answer to an inquiry which Honourable Members may have felt disposed to make—why did the Board, who were not bound under their terms of reference to do so, discuss the manufacture of artificial manures and the lowering of transport charges in order to make it possible to manufacture the whole of the country's demand at a single centre ? It also supplies an answer to the question why Government have placed their proposals before the House in the precise form embodied in the Bill. Why did the Board having proposed their scale of duties, not leave the matter there, and why did they go on to other matters ? Well, the plain fact of the matter is that with Indian consumption on the scale it is to-day, 8,000 tons is not a possible output for any firm in Calcutta or Bombay or in other area, even if there were only one firm at each centre. The consumption of these chemicals is not large. I have examined the growth of consumption during the last few years, and found that there has been some increase, but it is not very rapid, and apart from things which we cannot foresee, such as the possible manufacture of artificial silk in India, it is not likely that the consumption will expand at all quickly. Therefore, the Board were faced with this difficulty. They could show that on a production of 8,000 tons a year, the industry would eventually be able to dispense with protection. But they could not show, on the basis that there must be one firm in Bombay, one firm in Calcutta and possibly a firm in Madras, they could not show that any one of them could attain a production of 8,000 tons, because the demand for their products to that extent did not exist. And that was a very serious difficulty, because the one thing that protection cannot do for an industry is to create a demand for its products. Therefore, the Board, faced by this difficulty, had to consider the matter again from a somewhat wider point of view ; and they found that there were two ways in which the difficulty might be overcome. If the manufacture of super-phosphates in India could be undertaken successfully, then, making allowance for the probable growth of consumption of this form of manure, it would enable the chemical manufacturer to increase his output of sulphuric acid and in that way to bring down his costs. For example, if he could find in his own area a market for 5,000 tons of super-phosphates every year in addition to the other chemicals to be manufactured, that would absorb 1,750 tons of sulphuric acid. On that basis it might not be a very long time before a firm in Bombay or a firm in Calcutta could obtain an output of 8,000 tons ; and since super-phosphates are used most largely in the Southern part of India, that might enable the industry to establish itself at Madras also.

The other solution which suggested itself to the Board was this. The total consumption in India of the chemicals with which they were con-

cerned was the equivalent of some 12,000 tons of sulphuric acid a year. Let us suppose that the manufacture of these chemicals could be concentrated in the hands of a single firm at one centre, then at once you would have an economic unit of production. But India is a very large country, and it is practically impossible to supply the entire public demand for any commodity from a single manufacturing centre because the transportation costs are prohibitive. Therefore, they went on to say that, in order to bring down the cost of transport, it would be necessary to make a very heavy reduction in railway freight rates not only on the manufactured chemicals but also on the various raw materials which the industry would have to use. It is impossible, I think, Mr. President, to consider the Board's proposals in isolation from each other. You cannot say properly, "we will first consider the question of the duties proposals; we will decide about that. Then there is a separate question which we will consider about super-phosphates; and finally, we will consider the question about the railway freight rates". They are all integral parts of a single scheme, the point being that, if the attempt is made now, by protection, to encourage the control of this industry, the protection will have to be continued for a very long time unless we can find a solution in one or both of the two directions which the Board have explored, that is, the manufacture of artificial manures, on the one hand, which might enable the manufacture to be carried on successfully at two, three or four centres, or, in the alternative, that the industry should be so organized that the whole of India's requirements would be produced at a single centre.

Now, Sir, the House will see that Government was confronted with a somewhat difficult problem in deciding what the right line to take was in connection with the proposals of the Tariff Board. If we imposed the duties and simply left the matter at that, I do not contend that the burden on the consumer would be very high, but the advantage to the country would be very small. All that it could serve to do would be to perpetuate this imperfect organization of the industry, which in the opinion of the Tariff Board it is absolutely necessary to change if the industry is to have a chance of success. Therefore the question was, what was to be done about the other two branches of the Board's proposals? First of all, as regards the grant of bounties to encourage the manufacture of super-phosphates in India, what Government felt about it was this. It will be a somewhat difficult thing to put forward a scheme of bounties to encourage the development of an industry which does not yet exist, and that proposal definitely offends against one of the canons laid down by the Fiscal Commission. The underlying reason for that is that, until production has been started and it has been going on for some little time, you can get no really satisfactory data as to what the cost of production is likely to be. Therefore, it was clearly impossible I think for Government to adopt that part of the proposal at the present juncture, and the matter requires further exploration, especially in two directions. We want to get further information, and I believe we can, by consulting experts who exist in India, as to the probable cost of manufacturing super-phosphates from rock phosphates. That has not yet been tried in India before; a small quantity of super-phosphates has been made in India from bones but not from rock phosphates as the Tariff Board recommend. In the second place, there is another side of the question to be explored, namely, what the prospects are of a reasonably rapid growth in the demand for super-phosphates in India; and that

[Sir George Rainy.]

is complicated in this way, that whereas what the Board hoped to see was the combined use of ammonia sulphate and of super-phosphates to supply the deficiencies in the soil, in quite recent years there has been a new development in chemical manufacture by which what are called compound fertilisers have been put on the market, and these contain both elements which the soil requires, that is, both nitrate and phosphorus. If it were found that these compound fertilisers were the more satisfactory and the more acceptable to the cultivator, that would put the whole question entirely in a new position. For then, we could not expect that the demand for super-phosphates would develop. Another point which has got to be explored is the question, how far the Board are justified in hoping that if the manufacture were established in India, it would lead to lower prices and so would benefit the cultivator. I have every hope that we shall have the co-operation of the Council of Agricultural Research in exploring that side of the question.

But that brings me to the point why we have proposed in the Bill that the duties recommended by the Tariff Board should be imposed for a period of 18 months only. Before the end of that period, our inquiries ought to be complete, and we ought to be in a position to form a definite judgment as to the prospects of the successful establishment of a manufacture of artificial manures in India. Until we have that information, a final decision as to whether the industry should be protected can hardly be taken. But in the intervening period the imposition of the duties will give for that period to the industry the amount of assistance which the Tariff Board thought would be justified without putting a heavier burden on the consumer than they thought was reasonable. This interval of 18 months also will give time for the firms engaged in the industry to consider the very cogent argument,—as I think they are—which the Tariff Board have advanced in support of the view that, if the industry is to have any success at all, it will have to reorganise. The firms will I think be well advised to get together to discuss and consider the matter and to see whether any scheme of the kind contemplated by the Tariff Board is a practical proposition.

And that brings me to the very little I have to say to-day about the question of the reduction of railway rates. I think the view of the Government has been very clearly stated in the Resolution. If the authorities responsible for the management of the railways had before them a definite proposal for the establishment of the manufacture of chemicals at a suitable centre, and were satisfied that the firm in question had adequate capital, proper financial backing and adequate technical advice, then the question of reduction in freight rates becomes a pure matter of business. And just as the railways did at the time when the steel works were first established at Jamshedpur about the years 1910 to 1912 when substantial reductions of railway rates were given then for perfectly sound business reasons, so the authorities responsible for the railways, I have not the least doubt, if a concrete proposition were presented to them, would be prepared to consider it on the same lines. But what we have explained we cannot do is to reduce the railway freights in the manner recommended by the Tariff Board on the off chance of a hypothetical capitalist turning up to take advantage of it, because there the loss to the railways is certain and the advantage to anybody else is entirely problematical. We have explained also in the Resolution that a close examination of the figures

shows that, although the Tariff Board hoped that the reductions in freight which they recommended would be sufficient to bring about the reorganisation of the industry at one centre, it is pretty clear, I think, that in themselves these reduction would not be adequate. A firm manufacturing on a large scale in the coalfields might still find it impossible to get into the Bombay market, because the Bombay firm, even though its costs were a little higher, would still have enough in hand to compete owing to the difference in the freight. Therefore it does not appear that the reorganisation advocated by the Board would in fact result from the reductions of railway freights in themselves. Therefore what the Government have put before the House to-day, Sir, so far as the chemicals dealt with in the Tariff Board's Report on the chemical industry are concerned, is the imposition of the duties recommended by the Board for a period of 18 months. And before the end of that period it will be necessary to take a final decision in the light of the inquiries to be made into the manufacture of super-phosphates, and any discussions that may take place between the manufacturers or between the manufacturers and Government as to the possibility of a reorganisation. All that the House is being asked to do to-day is to agree provisionally, for a comparatively short period, to these duties leaving a final decision to be taken at a later period.

Before I sit down, Sir, I must refer very briefly to another chemical which is included in this Bill, namely, magnesium chloride, although the recommendations about it are contained in a different report of the Tariff Board. The question whether magnesium chloride should be protected was considered at an earlier period by the Board at a time when I was connected with it. The Board then found that the case for protection was not made out, and the Government of India accepted that recommendation. But the re-examination of the question by the Board has I think made it clear that the firm engaged in the manufacture has succeeded in bringing down its costs to a point at which we may reasonably expect that at all normal periods when the prices have not been depressed for abnormal reasons it will in the long run be able to dispense with assistance. For that reason Government have accepted the recommendation of the Tariff Board as to the rate of duty which should be imposed and as to the period of years for which it should continue in force. I do not think that I need at this stage enlarge further upon that.

Sir, I move.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I feel I must congratulate the Honourable the Commerce Member on the exceedingly sympathetic speech which he has made on the protection of heavy chemicals. Sir, I must confess that I came in a very militant mood when I came to this House to-day, but the Honourable the Commerce Member has silenced most of the arguments that I wanted to put forward against his inaction for so long. Sir, I must trace back the history of the agitation of chemical manufacturing in India, and the Honourable the Commerce Member has said that the Tariff Board Report was submitted in 1929. At that time, the chemical industries were most anxious for protection and wanted some assurance of protection from Government. We on this side pressed upon Government to publish the Reports of the Tariff Board. Government took two and a half years or nearly three years to publish these books. I wonder if Government would at all have published these books had not the Honourable

[Mr. B. Das.]

the Finance Member come to the rescue of the Honourable the Commerce Member by putting on the heavy revenue duties that he did in the last Budget Session to meet his heavy deficit Budget. Then my Honourable friend, Sir George Rainy, found that it was no use shelving these Reports, as by these revenue duties which the Finance Member raised on heavy chemicals, there would be no objection on the side of those who objected to the grant of protection to the chemical industry in India, and therefore Government thought it worth while to publish these books.

I find that this protection that has been granted brings in only Rs. 1½ lakhs to the Government exchequer : that is a very small sum, not crores and crores as the steel protection brings to the exchequer. I am not going to quarrel with that small sum of money ; nor am I going to ask that that sum should be devoted to the development of chemical industries in India because it is a paltry sum.

In his masterly analysis the Honourable the Leader of the House said that Government have kept it in view that they will encourage the manufacture of super-phosphates and nitrates that are of so much use to the agriculturists. Of course the Tariff Board has pointed out that the soils in different parts of India vary and require different chemicals ; but whether the application of chemicals as manure will properly benefit and develop agricultural resources the Tariff Board is still doubtful. Whether the Agricultural Research Institute has got necessary staff with them and whether the different agricultural colleges in India are properly equipped to come to definite conclusions as to the utility of chemicals, phosphates and nitrates, as manures, it will take time for them to arrive at decisions and conclusions, and I still have my own doubts whether any standardised manure can be used all over India owing to the variations in soil. Yet I am glad that my friend, the Honourable the Leader of the House, has admitted that after one and a half years Government are going to look into the matter after they receive reports from the Agricultural Research Institute, and other experts, to give effect to that part of the recommendations of the Tariff Board ; and I do hope that financial conditions will permit the Honourable the Finance Member to reduce the heavy revenue duty that he put on last session, and that the Honourable the Commerce Member will see his way to introduce a Bill again in 1933 to allow the specific duties on heavy chemicals to continue, as has been done in the case of magnesium chloride, till 1939.

As to the observations of the Honourable the Commerce Member about the railway rates, although I have sympathy with him, running as the railways do at present at a loss, that he cannot induce the Railway Board or command them to reduce rates on the prospect that the new industry will be started and then certain revenue will come to the railways, I would only ask him to concede to this House and to the country the principle that the railways are public utility concerns and that whenever for the primary interest of the development of Indian industries, rates are to be reduced to the minimum, it should be the principle of the Government to reduce rates as it is done in British railways. If that is done, then I have no quarrel with him. I think the Tariff Board somewhere have mentioned that the British Government have placed a certain sum of money at the disposal of railways in England, whereby that sum goes to meet the lowering of rates in the case of chemical industries. I do hope in time, if owing to the economic crisis on the railways the Government cannot see their way

for the present to reduce the rates, the money collected through the protective duties on the heavy chemicals and magnesium chloride will be set apart and funded and that it will go to reduce the railway rates for the heavy chemicals.

Neither the Tariff Board nor the Honourable the Commerce Member is yet sure how the development of the chemical industry will take place in India. As far as I can see the future, I think the development will take place in three areas, Calcutta, Bombay and Madras. I do not think there is any possibility of Bombay selling all its chemicals to the Calcutta market or Calcutta selling all the chemicals manufactured there in the Bombay market. As provincial autonomy develops and as the economic development of the provinces gets localised, it will be difficult in future for one province or town like Bombay, situated as it is two thousand miles from Calcutta, to try to cater for the Calcutta market. So in the future development of protection of chemical industries and also fertilisers Government should so frame their protective policy that they will try to develop the chemical industries in localised centres ; and from what I know of Calcutta chemical industries, I find that chemical firms with small amounts of capital have worked very successfully and they are making both ends meet. Whether they will come up to the standard which the Commerce Member laid down, of manufacturing 8,000 tons of sulphuric acid, that point has yet to be seen. But from what I can foresee, the chemical industries will develop on a small manufacturing scale in every province, especially in Bombay and Calcutta.

With these few observations, I finally entreat the Honourable the Commerce Member that he will not, after one and a half years, drop the matter—I know he will not be here then—but whoever his successor may be, I hope the Government of India will not drop the idea of giving full effect to this Report of the Tariff Board on heavy chemicals. In the past we have had experience that unless a Report is given effect to in all its complementary parts, protection does not become effective. My friend, Sir George Rainy, has himself admitted that

1 P.M. unless all the recommendations of this Report are treated as a whole, no good will come out of it.

I hope he will leave sufficient notes for his successor to give effect to these recommendations when the time comes for it.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I am afraid, Sir, the House does not seem to be frightfully interested just now in the heavy chemical or any other industry. The only reason why I am constrained to inflict myself on the House is that I would like to point out to Government that the duties proposed in this Bill are not calculated to help the heavy chemical industry. I make an exception in the case of magnesium chloride which if passed with the amendment I am going to propose will certainly help that industry, but as regards the other industries, I am afraid the protection proposed by Government will fail to meet the situation.

Sir, the position is that, as the Government of India have pointed out in the communiqué on the Tariff Board Report, sulphuric acid is the basis of all the chemicals which are mentioned in the Bill before us. Under present conditions the production of sulphuric acid is on an uneconomic basis because of the limited quantity which is being manufactured.

[Mr. H. P. Mody.]

Therefore, what will happen will be that the chemical industry will find itself absolutely unable, until such time as it pushes up its production of sulphuric acid, to manufacture any of those other salts and chemicals for which additional duties are recommended. It was on account of this that the heavy chemical industry urged the Tariff Board to give them a bounty of Rs. 30 per ton on the production of sulphuric acid for a definite period. The Tariff Board unfortunately does not seem to have endorsed that demand and Government have not thought fit to come forward with that grant themselves. Therefore, the position is that so long as the various companies engaged in the manufacture of chemicals are in a position to make sulphuric acid on an economic basis, it will be impossible for them to manufacture the various salts and chemicals for which protection has been proposed. The period of protection is 18 months within which Government expect some sort of reorganization. I am afraid, Sir, that that period is much too short for the industry to organise itself in, and I hope that Government will not at the end of that period want to know what has actually been achieved in the way of reorganization, but what steps are being taken during this period to move towards a reorganization of the industry. If Government had thought fit to give the bounty of Rs. 30 per ton on sulphuric acid, then within the next few months the various companies engaged in the chemical industry would have found it possible to reduce their cost of sulphuric acid by increasing their production. It would have been a very substantial help to them, and that help would have materially assisted them in manufacturing the other chemicals for which sulphuric acid is the basis. That not having been done, I am afraid the heavy chemical industry is not going to derive any benefit immediately from the proposals now placed before us. It is really a matter of deep regret that Government could not see their way to help the heavy chemical industry by proposing a bounty of Rs. 30 per ton on the production of sulphuric acid, without which the industry will not be able to progress in any direction.

Mr. O. Brooke Elliott (Madras : European) : Sir, I have a few words to say, and an appeal to put to Government though I have not embodied it in the shape of a formal amendment, nor am I going to vote against the Bill. The reason why I wish to make an appeal is this. You will observe that in the Preamble to the Bill it is stated that it is expedient in pursuance of the policy of discriminating protection of industries in British India "*with due regard to the well-being of the community,*" to provide for the protection of the heavy chemical industry. Sir, amongst my constituents there is the Planting Community in Southern India which at the moment is very badly hit in rubber and is not too prosperous in tea just now. Sir, there is a chemical substance, namely, sulphate of copper embodied in the Schedule of this Bill with which I have personally not much acquaintance, but which affects large classes of Planters in Southern India. That substance is imported into Madras in considerable quantities. I might perhaps say that such information as I already possess I have placed at the disposal of Government in advance so that I should not be taking up a point for which they might be unprepared. I find that this substance is used practically for the sole purpose of spraying tea and rubber as a germicide. Any one who knows anything about the tea and rubber industries and natural products will know that they are subject to a number of pests.

In fact tea and rubber like human beings are full of disease. Sir, the object of spraying rubber and tea is not so much as to cure sickness as to procure health. That is the system in China, where you only pay the doctor when you are well and do not pay him when you are ill ; and that is the guiding principle which is adopted by Planters in Southern India. Now, Sir, this copper sulphate which has been imported in considerable quantities cannot, I understand, be used for any other purpose. I cannot imagine any one going to a Planter's bungalow and asking him for a drink, saying, " I would like a small copper sulphate ". Therefore, I don't think there is that danger. I am not inviting any one to allow this product in free of duty so that it may become more common for any purpose except as a germicide. I believe, so far as my information goes,—and that information is in the possession of Government Departments,—that this substance is used to a small extent in one or two minor industries. But, practically speaking, so far as copper sulphate is concerned, it comes into Madras in considerable quantities only as a germicidal agent. Of course when I say Madras I mean Southern India in general, and I think, coming to figures, it amounts roughly to a few hundred tons per annum. At the moment I am going to ask Government to favourably consider the cry of the distressed Planter, not merely because he is a Planter, but because he employs a great deal of labour, and at the present moment when a good deal of labour is being dispensed with on their estates in Southern India, anything which will enable a Planter,—and labour is employed to a considerable extent in spraying,—to employ labour will be a relief to that excellent person, the Tamil coolie of Southern India, to whom I always take off my hat, as he is a very fine example of what an agricultural labourer should be and one who has contributed enormously to the benefit of Ceylon,—I was in Ceylon for a long time—and also to that of Southern India. Sir, I am not going to move an amendment, nor am I going to vote against the Bill. I am only going to put in an earnest plea and invite Government to give our Planters an assurance that they will consider sympathetically this question of exempting from duty this chemical substance which is almost entirely used as a germicide. I do not know what quantity of copper sulphate is being manufactured in India. My information is that if anything, it is very small. I have read very carefully all that was said about it in the Report of the Tariff Board, but that was some time ago ; but apparently even then it was not regarded as a substance which was to be manufactured in any large quantity. Even so, if it is manufactured in Bombay or Northern India, I am informed that the cost of carriage, by sea or the railway freight, on these chemical substances from Bombay or Karachi or from any other place in Northern India to the planting districts in Southern India work out to as much as from 40 to 60 rupees per ton. That is also a matter which I would like to bring to the attention of the Honourable the Leader of the House. My appeal is simply this. This Act is merely tentative. As the Leader of the House has very clearly put it to us, the whole question is under consideration, and I would merely ask whether the Government in this time of unparalleled stress and distress in the rubber industry will give us some substantial relief, possibly under the provisions of the Sea-Customs Act, or by some other form of administrative action with which the Leader of the House is much better acquainted than I am myself. The planter is quite ready to pay the duty under ordinary conditions and do his bit to establish the chemical industry in India ; we are heartily in support of the whole of that policy,

[Mr. C. Brooke Elliott.]

and this is only a plea put in by me owing to the very real stress and distress under which the planting industries in southern India to-day are labouring.

One last point—and that is this. The rubber tree is the most magnificent vegetable product in the world, and if you injure these valuable trees and disease sets in,—and disease *does* set in, as I have seen on many rubber and tea estates both in Ceylon and in Southern India—and if disease is allowed to go on unchecked, because people cannot afford to buy copper sulphate for spraying purposes, an enormously valuable asset for future Chancellors of the Exchequer in India is going to waste. For if disease really settles in and pests once become securely established, when rubber rises again and tapping is resumed, you may find that it is not possible to recondition your most valuable asset, namely, the bark on the tree, or the tea-bushes, from which you ordinarily can get such excellent results, if the estates are healthy.

I apologise for the length of my remarks, but I have had a very urgent representation made to me to press this point upon the Government of India by the Planters in Madras, and that is my apology, if apology were needed, for pressing the claims of Madras upon the Government and for occupying the time of this House, and for asking finally for what I might perhaps call a “gleam of Rainy Sunshine” in our hour of sore trial.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. K. P. Thampan (West Coast and Nilgiris, Non-Muhammadan Rural) : I wish to make a few observations on this Bill from the viewpoint of the agriculturists, but before doing so I may at once say that I associate myself with my Honourable friend, Mr. Mody, in the remarks that he made regarding the manufacture of sulphuric acid. Sir, anyone who has read the report of the Tariff Board on the chemical industry will find that the minimum quantity of chamber sulphuric acid on the basis of which they have calculated these figures is 4,000 tons. So far as I know, there is not one single factory in the whole of this country which is at present manufacturing that minimum quantity. When the Tariff Board made their inquiries, there was only one factory in Bombay, I believe it was Dharmsey Morarjee and Co., which manufactured about 1,200 tons of sulphuric acid and they worked at an enormous loss. As long as there are no manufacturing units which turn out the minimum quantity, namely, 4,000 tons of chamber sulphuric acid this duty will not give any kind of protection. What the Government ought to do therefore is to foster that industry as it is the basis of all chemical industries, either by giving bounties or some other kind of financial help. If that is not done, the measure before the House can be treated only as one for revenue purposes.

Coming to the subjects that are of interests to agriculturists in this country, there are two kinds of artificial manures dealt with in the Report

of the Tariff Board—ammonium sulphate and super-phosphate. I am myself a practical agriculturist and I have tried demonstration plots with these two manures. They are both very useful things. I must, however, say, that with reference to ammonium sulphate, the attitude of the manufacturers towards the ryot is not fair and warranted. The cost of manufacturing one ton of ammonium sulphate is only about Rs. 100, but it is distributed at the rate of Rs. 160 a ton. Over and above this, the ryot in the villages has also got to pay trainage from the nearest port of entry and incur the charges for carrying it from the railway station to the village. I am told that in England the price of one ton of ammonium sulphate is only Rs. 136. The whole distribution is entrusted to a combine and it is they that do the mischief. There is no reason why this should be allowed and until and unless the Government interfere in the matter and make the manufacturers concerned distribute the manure at a favourable rate, they would not deserve any kind of protection at all. That is, Sir, my humble opinion.

With reference to super-phosphate, the Government in their Resolution say that :

“ It is by no means certain that the super-phosphate represents the best or the most economical form in which Indian salt deficiency in phosphates can be supplied.”

The Directors of Agriculture in the provinces have tried experiments with this, as also the fertiliser companies. I have tried them myself. The net results are shown in Appendices 4 and 5 of the Report. There is a minimum increase in the nett profit of more than Rs. 13 per acre on paddy cultivation. In my own experiment I got, after deducting the cost of fertilisers, a nett profit of Rs. 23 per acre. There are 8 million acres under paddy cultivation in this country, and you can easily imagine the benefit the nation will get if these manures are made available at a cheaper rate. At present it is beyond the reach of the ordinary ryot to go in for these artificial manures. In this unfortunate country we have been raising crops without applying sufficient manure and depending upon the bounty of mother earth. On account of deforestation that is going on on a large scale and the increasing area under cultivation, the ryots find it difficult to get an adequate supply of green manures or farm manures, and the only solution of our agricultural indebtedness is a sufficient supply of artificial manures. Until and unless the manufacture of these artificial fertilisers is encouraged and fostered, a measure of this kind will not benefit the nation. The Honourable the Leader of the House said that in the absence of any factory that makes super-phosphates in the country Government would not be justified in offering any bounty. I beg to differ from him. It is quite the other way. It is the bounty that will encourage this industry. If the Government undertake the payment of bounties at the rate of 12 annas per cwt. as recommended by the Tariff Board, then I am sure the factories will certainly take to the manufacture of super-phosphate. There are also other methods of help and unless the Government take up the matter seriously and explore all avenues for the development of this industry, as early as possible, they will not be justified in calling a Bill of this kind a measure for the protection of chemical industries.

Mr. Bhupat Sing (Bihar and Orissa : Landholders) : I beg to offer some remarks on this motion of the Honourable the Leader of the House. It is stated that the case for protection of the national chemical

[Mr. Bhuput Sing.]

industry rests primarily on sulphuric acid, for it is of supreme national importance. It is said that the civilisation of a country is measured by the consumption of sulphuric acid in that country. As a key industry whose products are used in many other local industries, it is indispensable for purposes of national defence and it provides an essential foundation for chemical research in industries, such as artificial silk, dyes and many other industries and also in agriculture. It is also stated that the market in India is sufficiently large for the production of chemicals locally on an economic scale. Again, it has been said that India possesses several of the raw materials required for the chemical industry. Again the machinery used for the manufacture of chemical products is simple in operation and can be easily handled by Indian labour. Also fuel which is an important item in the cost of many chemicals is found here in abundance, especially near coalfields and the places near them are in a position of considerable advantage. But notwithstanding all these facts, the Government have for the present turned down the recommendations of the Tariff Board in the matter of the protection of the heavy chemical industry of this country by a recent Resolution of their own. The Government have instead introduced their own proposals and have indicated some lines in which they need further light and information on the subject. The Government proposals for placing protective duties on some of the heavy chemicals enumerated in the list will, I am afraid, prove no great incentive either to the reorganization or to the development of the Indian chemical industry. Protection may for the time being afford some relief to the national industry in the competition market, but the extent of that relief will not be so great as to be widely appreciated in the present struggling position of that industry. To my mind if the proposal of the Tariff Board by which they advocated the subsidisation of the industry by reduction of railway or inland steamer freight charges were accepted, it would have gone a great way towards the reorganization of the industry, as that would have proved an impetus to the combination of the manufacturing firms at one or two big centres, from where the reduced freight charges were to have been afforded and thus have enabled the manufacturing firms to distribute their products *only* from those places. But as that proposal yet remains an uncertainty, the impetus to their combination proves quite effectual for the time being.

Next, Sir, in the present distressing condition of our finances I cannot bring forward before the House the question of giving a bounty to the industry, although I feel convinced from a study of the Report of the Tariff Board that its regeneration is impossible without direct State-aid. I hope the Honourable the Leader of the House will consider the proposal of a bounty when better times come, and will agree to some form of bounty being given to those industries.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I should like to claim the indulgence of this House just for a few moments in connection with this Bill. I would associate myself with the plea put forward by my Honourable friend, Mr. Elliott, asking for the exemption of copper sulphate from the proposed tariff. As he told this House, copper sulphate is very largely used in the planting districts as a germicide. He confined his remarks mainly to rubber and of tea. But, Sir, he did not mention that with

regard to coffee, which is another very valuable planting product in Southern India, copper sulphate is more than a germicide; the latest experiments in the Coffee Experimental Farm in Mysore show that it is a virtual panacea for all the diseases to which the coffee tree is liable. It is a preventive against leaf diseases; it is a preventive against black rot; it is a preventive against die back. ~~More than that, it is a fertiliser~~ of the highest value. Applied as a spray, experiments during the last few years show, according to Dr. Leslie Coleman, that it has the effect of increasing the production by 2 cwt. per acre. The price of coffee is about Rs. 50 per cwt., and you can imagine, Sir, that an increased production of 2 cwt. per acre means an increase of profit by Rs. 100 per acre. Sir, the results of these experiments have been so widely advertised, thanks to the efforts of the Agricultural Department in Mysore, that the effect of propaganda in favour of spraying has been that whereas the acreage which was sprayed three years ago was as low as 500 acres, to-day it is as high as 5,000 acres. Sir, when copper sulphate is so extensively employed as a curative and a fertiliser, and the planter by its means is unable to tide over a period of distress, is this the time to add to the tariff by 1 think Rs. 3 per cwt. ? The United Planters' Association in Southern India assembled in Bangalore....

Mr. S. G. Jog (Berar Representative) : On a point of order, Sir. Has any amendment been moved ?

Mr. President : No amendment has been moved, but that does not take away the right of Honourable Members to criticize the Bill.

Dr. F. X. DeSouza : Sir, I do not wish to vote against the Bill, but I simply want Government to take into consideration the case of coffee, in which a large number of planters in Southern India are interested. Well, Sir, the Planters' Association of Southern India, assembled in a meeting last month, I think, in Bangalore, unanimously passed a resolution praying the Government of India that they should remit the *ad valorem* import duty. I believe that their resolution and the representation which they have made to the Government of India are on the files of the Secretariat of the Government of India. While therefore the planters of Southern India are anxiously waiting for a favourable reply to their representation that the *ad valorem* duty should be removed, the Government of India are going to answer them by levying an extra duty of Rs. 3 per cwt. ! Sir,....

Mr. B. Das : There is no extra duty. This duty is already on.

Dr. F. X. DeSouza : I take it, Sir, that this tariff is to be over and above the import duty ?

The Honourable Sir George Rainy : No, Sir, I think perhaps I should make the matter plain to the Honourable Member. The specific duty proposed by the Tariff Board will be an alternative to the *ad valorem* revenue duty, and whichever is the higher will be imposed. According to my information, the two duties are almost identical in amount at present.

Dr. F. X. DeSouza : Whether it is higher or lower, the Planters' Association assembled at Bangalore asked that the import duty, whether it is *ad valorem* or protective, should be remitted. They have asked for bread, and will the Government of India give them a stone ? That is all I wish to say.

Mr. C. Brooke Elliott : I rise to make a personal explanation only. I spoke before on behalf of Planters connected with tea and rubber. But

[Mr. C. Brooke Elliott.]

I should not like it to be thought that I only spoke on behalf of tea and rubber, because I did not enumerate the other products. I spoke on behalf of all Planters and all products affected by the duty on sulphate of copper in the Madras Presidency.

The Honourable Sir George Rainy : Sir, there are only a few points in this discussion to which I need reply. My Honourable friend, Mr. Das, expressed the hope that the duties imposed on chemicals would be funded and used in aid of a reduction of railway freights on the analogy, I think he said, of what was done in the United Kingdom when the local and municipal rates on railway property were remitted on the condition that the railways passed on the benefit to certain industries in the shape of a reduction of freight. Well, I think my Honourable friend himself recognizes that the Honourable the Finance Member might find certain difficulties at the present moment in agreeing to a proposal of that kind. But in any case I am afraid that the extra revenue we are likely to get from the duties will only be a drop in the bucket compared with what we should lose if we reduced freights on the lines recommended by the Tariff Board. I am afraid therefore that at the moment it is not a practical proposition. Then my Honourable friend made it clear that he thought that it would be on the whole better if the industry remained localised rather than become centralised so that we should have not one manufacturing firm at one centre, but a number of firms established at two, three, four, five or six different centres. The only reply I can make is to repeat again what the Tariff Board said, namely, that they had no hope for the future of the industry if that state of things continued. At any rate this much is true that if we are to proceed on those lines, then almost everything depends on the practicability of manufacturing super-phosphates in India, so as to get a larger output of sulphuric acid. In that case the question of the reduction of railway rates loses a great deal of its importance.

My Honourable friend, Mr. Mody, pressed the view that the Bill would do very little to help the manufacturing firms, and what he wanted was a bounty of Rs. 30 per ton on the production of sulphuric acid. Whatever the merits of that proposal may be, they certainly did not commend themselves to the Tariff Board, for I do not find that the Tariff Board had much, if anything, to say on the subject. I know my Honourable friend will recognise that it is impossible for Government to adopt an entirely new plan of this kind in substitution for what the Tariff Board has recommended. Another point that he made was that he doubted whether, within a period of 18 months, the industry would have sufficient time to reorganise itself on the lines suggested. That I think is very likely true. But what I hope to ascertain during that period is whether the will to reorganise is present. If it appears that there is a real desire and intention to reorganise, subject no doubt to certain conditions as to the assistance that Government might be in a position to give, then the position would be hopeful; and whoever may fill my place when that time comes would, I have very little doubt, take that view.

Now, Sir, my Honourable friend, Mr. Thampan said—and he emphasised a point taken by my Honourable friend, Mr. Mody—that there was very little hope that these duties would do much good to the industry because these duties implied that the manufacturing firm could reach an output of 4,000 tons a year of sulphuric acid, and that no firm could do that at present. But the point I should like to put is this. What is the reason why

no firm in Bombay can reach that output ? As far as I can see, the reason is that there are more firms than one. If there was only one firm efficiently managed, and they pushed their production, they could reach that output, and on that basis the Tariff Board made their recommendation. The protection was not calculated on the scale of keeping two or three firms alive in an area where there is room for only one.

Then again my Honourable friends, Mr. Thampan and Mr. Bhuput Singh had a good deal to say about manures and criticised Government for not taking immediate action to grant a bounty to the manufacturers wherever possible. I should like to explain in a sentence or two why I am doubtful whether this scheme for the manufacture in India would result in lower prices for the cultivator. The point is this, that if you start on the basis that Government assistance is required to enable a firm in India to carry on manufacture at all, obviously in the interests of their shareholders the Directors must try to obtain the highest prices they can for their products. And, therefore, unless competition comes from some other quarter, it does not seem very likely that the bounty scheme will result in a reduction of prices.

Finally, I must turn to the point which was raised by my Honourable friend, Mr. Brooke Elliott and was also touched upon by my Honourable friend, Mr. DeSouza. I think it would be extraordinarily difficult in connection with this Bill to agree to an amendment leaving copper sulphate out of the scheme. And I say so particularly for this reason that we have to consider not only the new specific duty which is definitely protective, but also the old *ad valorem* duty, but it is quite definitely revenue. That duty has been in force for a long time. Undoubtedly any industry is entitled to come to Government and say that this particular duty is pressing hard upon them and ask Government to see if they can do anything to lighten the burden, and most certainly it is the duty of Government to give such representations the fullest consideration. But in connection with this particular Bill, if I were to accept any suggestion for removing the duty now, I should certainly be interfering with the protective scheme, and I should also be giving up revenue which Government can ill spare.

My Honourable friend, Mr. DeSouza referred to a Resolution of the United Planters of Southern India, and I can promise him that that will be fully considered, but to the best of my knowledge and belief it has not yet come before me while I am clear that the question cannot be dealt with in connection with this Bill, I can certainly promise that the matter will be very carefully and fully considered, for we recognise that the rubber industry at present is in special difficulties and no one desires that the rubber plantation should fall into a condition which would make it very difficult for them to start again if there was a recovery in the price of rubber. I cannot say more than that at present, but I do promise that the matter will be fully considered.

Finally, as I have already explained in reply to my Honourable friend Mr. DeSouza, so far as this particular chemical is concerned, the addition in the tariff schedule of the specific duty to the revenue duty makes practically no difference at all in the level of the duty at present prices.

Mr. President : The question is :

“ That the Bill to provide for the protection of the heavy chemical industry be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. H. P. Mody : Sir, I beg to move :

“ After clause 3 of the Bill, the following new clause be inserted :

“ 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that magnesium chloride chargeable with duty under item No. 141B, as above inserted in the second Schedule to the Indian Tariff Act, 1904, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the *Gazette of India*, increase such duty to such extent as he thinks necessary.”

I bespeak the sympathy of the House for my amendment and I hope the very feeling heart of my Honourable friend, the Commerce Member, will respond actively to my appeal on behalf of an Indian industry. I should like to make it clear that the increases which have been sanctioned this afternoon in the heavy chemical industry and the particular increase in the duty on magnesium chloride will affect the industry which I represent in that it will send up the price of such chemicals and acids as the mill industry is using. But I must recognise, as every millowner

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does, that if the mill industry comes before the House on occasions to plead for a measure of protection, other industries have a like claim, and even though the mill industry may be affected to a certain extent by such claims on behalf of other industries, it has to pay the price, and has to support such claims.

Sir, all that my amendment seeks to do is to carry out the recommendation of the Tariff Board and to make the protection proposed by my Honourable friend the Commerce Member effective. The Tariff Board say at page 13 of their Report :

“ But more important than the imposition of a substantial protective duty is the necessity of providing against violent fluctuations in import prices, whatever may be their cause. As we have already indicated the course of future prices is entirely uncertain, and we therefore recommend that as we have proposed in the case of the heavy chemical industry, legislative provision may be made for the imposition of additional duties to offset any decline in import prices.”

The position is briefly this : that there is a very powerful organisation which controls the output of chemicals. That organisation is established in India, as it is established throughout the world, and its position is impregnable. That organisation since the establishment of the magnesium chloride industry in India has continually brought down its prices, with a view to offset the competition of the Indian industry ; and as a matter of fact it will interest the House to learn that the price charged in Great Britain by the same combination is much higher than the price charged in British India, in spite of the fact that the freight and other charges to Great Britain should ordinarily be much less than those which would apply to imports into British India. I will read one or two extracts from the Report of the Tariff Board : the first one says :

“ It will be observed that the price in India is by far the lowest and it appears not improbable that an abnormally low price has been fixed in India in order either to destroy or to bring to terms the Indian industry.”

And they say further on :

“ We have been informed by the representative of the Haverø Trading Company that the present price of imported magnesium chloride is not a remunerative price to the manufacturer and it is doubtful whether a c. i. f. price of £3-19-0 per 1,000 kilos leaves the manufacturer any margin of profit. This is borne out to some extent by the

proposal contained in the draft agreement, dated September, 1927, between the Haverro Trading Company on behalf of the Syndicate and the Pioneer Magnesia Works."

Still further on they say :

"We are, however, satisfied that the price is considerably below what would be charged, were it not considered necessary to restrict the activities of the Indian industry."

The sum and substance of these and other expressions of opinion on the part of the Tariff Board is that the price in India is regulated by the necessity of meeting Indian competition, that in Great Britain and other places it is much higher, and that the powerful organisation which is in control of magnesium chloride and other chemicals is in a position not only to bring down its price to Rs. 3-4-6, but even to Re. 1-4-0, if it so chooses, which would be a matter of very little moment to them, but would be a matter of life and death to the Indian industry. Further, if Members have studied this Report, they will find that in a very recent case this has actually happened, when the foreign manufacturers submitted to a firm outside Bombay a price which was ruinous, and to which the Indian industry had to bring itself down in order to retain its custom. Therefore, all that my amendment seeks to do is that in the event of dumping, in the event of this combination bringing down its price in order to snuff out of existence the Indian industry, the Government of India should have the power without further reference to the Legislature to raise the duty to the extent of the reduction in price. I am not suggesting anything very novel. That precedent has been established in the case of a much bigger industry, namely, the steel industry ; and I think it is very essential, if the Government of India desire that the protection that they are seeking to offer to the magnesium industry should be effective, that they should also have the power to prevent dumping. As the House is aware, it is not possible for the legislature to take early action in the event of ruinous prices being quoted in the Indian market ; and under those circumstances I plead that the House, and more particularly in this case the Honourable the Commerce Member, will see not the slightest objection to my amendment which seeks to make effective the protection which is being offered to the magnesium chloride industry.

Mr. B. Das : I rise, Sir, to second the amendment which my Honourable friend, Mr. Mody, has moved. He has advanced such well reasoned arguments in support that I have nothing to add. I hope my Honourable friend the Leader of the House will accept it.

The Honourable Sir George Rainy : Sir, I am deeply touched by the great confidence the Honourable the Mover and his supporter have in the wisdom of those of us who sit on these Benches, and their belief in our capacity to administer a power which most Legislatures would jealously reserve for themselves. It makes me feel that some of the attacks which we occasionally hear are intended in a purely Pickwickian sense and that we need not take them too seriously.

I am not going to oppose this amendment on any ground of principle. It would be impossible for me to do so. The power to impose additional duties first found a place in the Steel Industry (Protection) Act, 1924, and a recommendation was made to that effect by the Tariff Board when I was the President of the Board. It is a power that has only once been used in connection with steel, when an additional duty was imposed on galvanised sheets last year. I was not very sure from the debates which then took

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place whether a number of Members did not think that the power had not been wisely used. However there it is. But I would like to make this clear to the House, that it is not a power that the Government are anxious to have in their hands and they think it is better that the power should not find a place in the Act, unless there are very cogent and convincing reasons why they should have that power. One main argument in support of vesting a power of that kind in the executive Government is that irreparable damage might be done to an industry by a sudden fall in the prices before the Legislature could be assembled to deal with the matter. It is quite true that in the past in the case of magnesium chloride there have been very wide fluctuations in prices. But I believe that during the last three years the prices have been comparatively steady, and that there have been very few changes. Also Government took into account the fact that the magnesium chloride industry is not one in which irreparable damage can be inflicted by a comparatively brief period of low prices, and since the Indian Legislature commonly meets twice in the year, the longest period that could elapse would be about six months. I should like to read a very brief extract from the Report of the Tariff Board in 1925 on this subject. In paragraph 28 it is said :

“ Nor can it be pleaded that the continuance of the industry is necessary on national grounds. If, for any reason, supplies from Germany were cut off, there would be no difficulty in re-starting the industry at short notice. This was abundantly proved in 1915-16, and there is no part of the necessary plant which could not readily be improvised from materials obtainable in India.”

It is a comparatively minor industry in which the amount of capital invested is quite small. As the Tariff Board said, even if it had to shut down for a year or two, it could easily start again.

Now, having said so much, I do not feel that I can fully accept my Honourable friend's amendment. But I will say this that if it is the general desire that Government should have the power, and this may be shown by the result of the division, Government will accept the decision of the House.

Mr. S. G. Jog : Sir, though the subject under discussion before the House is not in my line, yet I have been taking an interest in magnesium chloride, and I have brought myself into line with the subject. So far as the amendment moved by my Honourable friend, Mr. Mody, is concerned, it is a very good provision, and it has been recommended by the Tariff Board. In fact, the recommendation of the Tariff Board is the soul of the recommendations that have been proposed. The Government of India have readily accepted the first and the second proposals, but they have rejected the third one. Now, I find from the sympathetic attitude of the Honourable the Commerce Member that if the House agrees, the Government will have no hesitation in incorporating in the Bill the power of making inquiries from time to time as circumstances arise, and this is very satisfactory indeed. I must particularly thank the Commerce Member for this attitude, because on the last occasion the Assembly desired that in any of Government's measures the Government, who are often described as the wicked Government, or the wicked executive, should not reserve to themselves the executive powers of interfering with other things. Now an amendment has been brought forward by an Honourable Member from the popular side, by a prominent commercial magnate, and when he makes the proposal that such a power should be reserved to the executive Government, I think the Government ought to accept the proposal, and even in this

wicked Government I am prepared to put my faith so far as the incorporation of this measure goes. If the Government are actuated by the real motive of giving protection to this industry, let the protection be real and effective. If you will read the Report of the Tariff Board, you will find what sort of attempts have been made by foreign companies to crush the Indian industries. It is a story worth reading, worth studying, as to how these foreign companies have tried to crush the small industries, and the necessity of Government coming forward and granting liberal and real protection to these small industries is all the greater. I have no hesitation, therefore, in requesting the House to support the amendment of my friend, Mr. Mody, particularly when the Government are also willing to accept it.

Mr. President : The question before the House is :

“ That after clause 3 of the Bill the following new clause be inserted :

“ 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary that magnesium chloride chargeable with duty under item No. 141B as above inserted in the second Schedule to the Indian Tariff Act, 1894, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks necessary.”

The amendment was adopted.

New clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE PROVISIONAL COLLECTION OF TAXES BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise, be taken into consideration. This, Sir, is a Bill which amends and replaces the existing Act on the subject. I have already explained that the chief purpose of the Bill is to extend the period during which collection can be made provisionally at enhanced rates from 30 days, which is the period under the present Act, to 60 days. I have already explained to the House the reasons for asking for this extension, and I trust that Honourable Members from their own experience will agree with us that the extension is desirable.

Apart from this, the Bill effects certain very minor changes in the existing law. There are four changes effected by the Bill. In the first place, the existing Act could be applied to a complete Bill, but not to individual provisions of the Bill, or when I say the existing Act I should have said the original Act of 1918. By an amendment of 1923 a new section was introduced to enable the Act to be applied to individual provisions. The present Bill is drafted so as to make that particular provision clearer. It defines a “ declared provision ” in clause 2 and provides for the immediate effect of any declared provision that is provided in clause 3. That is the first point.

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The second point is that in the present Act "immediate effect" implies effect from the date of introduction, and there has been some doubt as to the exact legal meaning of the words "from the date of introduction". Therefore, in the present Bill we make it clear that "immediate effect" means effect immediately on the expiry of the date of introduction. There was, as I say, some doubt on the subject. It was formerly held that "from the date of introduction" included the actual day on which the Bill was introduced, but two years ago a contrary interpretation was given, and it was held that the expression excluded the actual date on which the Finance Bill was introduced. We wish now to clear up any possibility of doubt on the subject, and therefore we have made it quite clear that from the date of introduction means from the next day to the day on which the Finance Bill is introduced. That is the second point.

The third point is that the existing Act, if applied to all the provisions of a Bill, as in fact it must be applied if the Bill is declared to be a Bill for application under the Act,—if so applied it affects any imposition or variation of a tax so that it would give immediate effect to a reduction of a tax as well as to the increase of a tax. It is inconvenient that the reduction of a tax should come into effect at once, and there is no reason from the revenue point of view that it should be so. So, in the new Bill the provision is designed only to apply to the imposition or increase of a tax; the provision reducing a tax cannot be made a declared provision. That is my third point.

The fourth point is that under the existing Act, if a Bill is so modified in the Legislature as to reduce the tax to a rate lower than that which was in force prior to the introduction of the Bill, refunds are made on the basis that the tax had been reduced on the date of the introduction of the Bill to that lower level. Under the new Bill, refunds are limited to the difference between the rate proposed and the rate actually in force when the Bill was introduced. That again is a provision the reasons for which would be apparent to every one. That, Sir, is all that I need say in explanation of the Bill at this stage. I therefore move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster : Sir, I move that the Bill be passed.

The motion was adopted.

THE FOREIGN RELATIONS BILL.

Mr. E. B. Howell (Foreign Secretary) : Sir, I beg to move that the Bill, to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of Foreign States, be taken into consideration.

It always seems to me, Sir, that when the force of circumstances compels the representative of the Foreign and Political Department to come before the House with a request, as I do now, he must necessarily appear before them at a considerable disadvantage. If I may, I will try to explain why he is at a disadvantage. He stands before them as the representative of the Foreign and Political Department. I should like with your permission to examine that departmental label a little more closely. Let us take the second half first, Political.

The word has, somehow, in current usage in this country, acquired a somewhat sinister connotation. (Laughter.) That connotation is, as I think, wholly undeserved, but the fact is undeniable. The word has passed into other languages, and in some of these this tinge stands out perhaps more clearly than it does in English. If I have your permission, I would like to give an instance or two. In that delightful dialect which is spoken in the streets and *mohallas* of Peshawar city and, so far as I know, is practically confined to them, if one man says of another "*O Vada political shakhas hai*", the expression is highly defamatory. I cannot put it into English otherwise than bluntly. It means, "He is a great rogue". (Laughter.) If the House will bear with me, I will give one other illustration, drawn from my experiences in Iraq. An Arab Shaikh of my acquaintance in that country, whom I knew well, once regaled me with a recital of the steps by which he had gradually risen to the position that he then held, that of the head of his tribe. It was, impartially considered, an appalling catalogue of blood and treachery, but he did not seem to think that it required any apology. He brought his narration to a crisis in his fortunes, when he had induced a party of very doubtful supporters to follow him into action against a band of undoubted opponents. Battle had been joined and the bullets had begun to fly. At that point he made a dramatic pause in his story. I said—in the funny Arab—*i.e.*, that obtains in Mesopotamia—"*Wa ba'd dhâlik enta 'she suwait, ya Shaikh?*". It means, "Well, Shaikh, what did you do then?" He replied, "*Ana Suwait politik, Amhazamat*". That means, "I did a great political stroke, I ran away". (Laughter.)

Well, Sir, there may be no moral turpitude in the act of running away, but it is not the sort of thing about which most of us, especially in such circumstances as those depicted, would care to boast. So much for Political. But before I leave that half of my label, I should like to explain that the Bill to which I have the honour of standing sponsor has nothing whatever to do with the Indian States and in no way affects the publication of any statements regarding their rulers.

Having thus disposed of Political, we now come to Foreign. Well, Sir, what does the average citizen of this country or any other country in the British system know or care about foreign affairs except that if he wishes to travel abroad he has to acquire a thing called a passport? He does not understand the necessity for this, and he thinks that it is rather a nuisance. Having got his passport, he has to go through other formalities in connection with the procuring of endorsements and *visas*, to obtain admission to the countries to which he desires to go. As I say, these things generally seem to him unnecessary, tedious and vexatious. But if he should make up his mind that there is perhaps more in this matter of foreign affairs than this and try to learn about them and take

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an intelligent interest in them, I am bound to admit that this House, under its present constitution, he finds very little encouragement. The rules of the House do not permit him to put a question or frame a Resolution in any way affecting foreign relations—or for that matter political relations with Indian States either—and yet though he has thus been as it were warned off the ground, and perhaps has learnt to look askance at those who tread on it, the high priest of these mysteries apparently thinks himself justified in coming forward, as I am compelled to do on the present occasion, and in the name of foreign and political relations, extending to him a bland invitation to do something of which he has had no opportunity to judge the expediency for himself and which he may be not naturally disposed to do. That, Sir, is the position and that is why I feel myself at a disadvantage on the present occasion. I will be completely frank, for that, I think, is the best remedy for this state of affairs and by adopting an attitude of complete frankness I shall, I hope, be able to dispel the fog of suspicion which I think,—I hope I may be wrong—I see hanging over some of the Benches in this House.

In the first place let me explain that according to constitutional theory, if I understand it correctly, diplomacy and foreign relations are an appanage of the Crown, and technically all foreign relations, no matter to what extent they may be conducted through or guided by the views of a high officer like the Viceroy and Governor General of India, are the foreign relations of His Majesty and of His Majesty's Government, and fall within the sphere of His Majesty's Principal Secretary of State for Foreign Affairs. If I may anticipate for a moment, Sir, under the new constitution of India, as foreshadowed at the Round Table Conference, it was agreed that external affairs should for a time be a reserved subject for which, as for defence, the Governor General should be responsible, but that he should have a representative in the Federal Chamber for the exposition of his policy and his views on this subject. The Prime Minister himself declared that it would be a primary concern of His Majesty's Government to see that the reserved powers were so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government. In this debate therefore and in calling upon Members of this House, as they must in weighing the Bill before them, to take into account considerations of foreign policy, I am as it were asking them to take a mortgage on the future and to anticipate the expressed intentions of His Majesty's Government.

Next, let me run through the provisions of the Bill. It is a very simple measure containing only five clauses, and the effect of them is to render liable to prosecution, but only on the complaint of Government, any person who publishes any statement likely to promote unfriendly relations with foreign governments. Any person convicted of this offence may be sentenced to undergo two years imprisonment and to fine, and any published matter which may be declared to promote such relations may be forfeited and its passage through the post may be prevented. The last clause of the Bill makes it take effect from the 6th April last,

the date on which the Foreign Relations Ordinance, which it supersedes, was promulgated. The Bill contains no provision for the taking of security, for the suppression of any newspaper or the confiscation of any press.

In a recent debate in this House, my friend the Honourable Mian Sir Fazl-i-Husain pointed out to an Honourable Member, whom I see sitting opposite, following my remarks with an attention, which I suppose means that he is shortly going to challenge everything that I have said,—Sir Fazl-i-Husain pointed out to that Member that if he were suddenly told that he had been condemned to death, the Honourable Member would, as they say in cinema circles, probably register resentment and annoyance. But if he were merely told that death is the common lot of humanity in which he and all of us must share alike and that we together with “Golden lads and lasses must, like chimney sweepers, come to dust”, he would probably accept being condemned to death in this sense quite good-naturedly and contentedly.

Well, Sir, the same is the case with regard to the provisions of this Bill. It is based upon the common law of England which, so I am told, usually prevails in the Dominions and Colonies. I speak with diffidence on this aspect of the matter, as I am no lawyer, and there are others in the House who will deal with the legal issues in a far more competent fashion than I can. I have however been more than once asked by Honourable Members of this House in conversation “Under what statute would such action as the Bill now before the House proposes to penalise be punishable in England?”. To this I can only reply that there is no statute in England which deals with this, but it is none the less an offence punishable under the common law. The absence of a statute does not mean that the offence is regarded as trivial or negligible. There is no statute in English law, I believe, making punishable the offence of murder which, I suppose, is the most serious crime that any human being can commit. Part of the common law of England has been reduced to statute form, but part has not, and the fact that any given offence, such as the making of malicious attacks upon the head of a foreign government or committing murder does not figure in any statute, does not mean that these acts are regarded as trivial or unimportant. The common law of the United States of America is the same as that of the United Kingdom. In Canada the common law has been reinforced by specific enactment, which was brought into force so recently as 1927. As regards foreign countries, I have found that similar provisions exist in the legal systems of Brazil, China, Columbia, Costa Rica, Egypt, Finland, France, Greece, Guatemala, Holland, Italy, Japan, Persia, Portugal, Rumania, Siam, Sweden and Yugo-Slavia. I do not pretend for a moment that this list is exhaustive. If I had had more time I could have produced one double as long, but these instances are perhaps enough for my purpose. For it must be remembered that it is only the more advanced countries which require a statute of this nature.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You are paying a compliment to India by bringing this forward ?

Mr. E. B. Howell : Precisely so. In the many countries in which the powers of the executive are undefined and the Press consequently

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has no liberty, the need of these powers is not felt. The desired object can easily be secured without them.

In a good many of the countries above mentioned the law is based on reciprocity. Protection will only be given to those Governments which in turn accord it. Nor is the safeguard one of those obsolete or obsolescent weapons of which plenty are to be found in the legal armoury of most States. As I said above, Canada made specific provision for this offence as recently as 1927. Even more recently Egypt, Greece, Persia and Turkey—all national Governments—have done something similar. I have not full details about the other three countries, but Persia affords an interesting example. In May of this year Article 81 of the Persian Penal Code was amended as follows :

“ Article 81. Whosoever in any way slanders the Head of the State will be condemned to correctional imprisonment for a period of from three months to three years.”

“ Part II : Whosoever in any way openly slanders the Head of a Foreign State or the diplomatic representative of a Foreign State in Persia will be condemned to correctional imprisonment for a period of from three months to two years, subject to the condition that the Foreign State accords reciprocal treatment in such matters to Persia.”

You see, Sir, that, subject to the condition of reciprocal treatment, the Persian Government affords practically the same measure of protection to foreign Governments as to itself. There is a difference only of one year in the maximum sentence.

So, Sir, if this measure spells death and martyrdom to the Indian Press, as no doubt we shall be told before the debate is finished, we shall at least be going to the stake in good company.

And now, Sir, having concluded my review of what other countries have done and are doing, let me turn to our own country. It is true that for many years we got on without a measure of this nature. The Press Act of 1910 contains nothing of the same content as the present Bill. But I submit, Sir, that of late years circumstances have entirely changed. It is only recently that any portion of the Indian Press has devoted attention to foreign affairs. Of late years, with the growth of such a Press, the growth of interest in what is being done in other countries, the advance of literacy and the promotion of means of communication, the inconvenience, not to use a stronger word, of this lacuna in our legal system has been more and more acutely felt. I need not dwell on any earlier instances, but I may perhaps call to mind that only three years ago my distinguished predecessor, Sir Denys Bray, introduced in this House a Bill for the amendment of section 505 of the Indian Penal Code, of which the effect, had it become law, would have been pretty much the same as this Bill is designed to achieve. That Bill, Sir, did not become law. I am, I think, betraying no secrets when I say that it was allowed to drop, partly at least because of the stubborn opposition which it was anticipated it would encounter in this House. That opposition, Sir, I should characterise, for reasons which will shortly appear, as no less short-sighted than stubborn. (Hear, hear.) However that may be, Sir, the measure was allowed to drop. And now, Sir, mark a curious circumstance. When the Bill was introduced, a certain potentate was sitting on the throne of an adjoining country. If that Bill had

become law, he would have derived the benefit of the protection which it afforded. But it did not become law. Since then the wheel has turned and now three years later there is another Ruler sitting where the potentate, to whom I have just alluded, formerly sat. I submit, Sir, that this is clear proof that, as I said when I introduced the Bill, it is not designed for the protection of any particular person.

The Bill, then, Sir, is a general measure. It constitutes no doubt some restriction on the Press, and as such might be described by some persons as an evil. But it is not intended to stifle reasonable criticism or the temperate expression of adverse opinions. Nor is it intended to have any bearing upon the utterance of sentiments expressed on the course of *bona fide* religious controversy. You may be sure, Sir, and the House may rest assured that it will never be used for any such purpose. And, Sir, I would ask you and I would ask the House to consider and weigh carefully, against this small measure of restriction, the very much greater evils to which this lacuna in our system, to which I have alluded, might at any time give rise. Speaking with full responsibility and weighing my words carefully, I warn the House that the lack of means to prevent attacks of such a nature on a foreign Government or the Head of a foreign State might, in circumstances which may be easily imagined, but which I will ask you to excuse me from attempting to depict, mean either an outbreak of civil war in an adjoining country, which is a sufficiently serious calamity for us, or at the worst it might even lead to international war, the destruction of numerous lives and the waste of incalculable treasure, perhaps even to an overthrow of the whole ordered state of things which we know. I would ask the Members of this House one question. Do they think it worth while that we should maintain good relations with our neighbours or not? If not, they have no right to grumble at the high cost of the military Budget. If so, let them swallow my prescription and support this Bill, without which the maintenance of good relations is, as I can assure them, rendered more difficult and in some cases well nigh impossible.

But, Sir, some Honourable Member may say, "He has made out a fairly good case for his Bill. But why is there such a hurry? Why is it necessary that it should be brought into force at once? Why can we not have a little time to look round before placing a measure of this nature permanently on the Statute-book?" Sir, we are here treading on delicate ground, even more delicate than that over which I have hitherto been trying to pick my way. If any Honourable Member should feel scruples such as these, I would remind him that the Foreign Relations Ordinance expires on the 5th of next month. Government would be reluctant to renew that Ordinance, but circumstances, as they did last Spring, might again compel such action. During the period for which the Foreign Relations Ordinance has been in force, six prosecutions against journals—all of them published in Lahore—have been instituted on the complaint of Government. In three of these the case in the Court of first instance has reached its conclusion, but the period of appeal has not yet expired. All these cases are therefore still *sub judice* and no discussion of them can be undertaken in this House. It is, however, I believe in order for me to refer to publications which appeared before the Ordinance was brought into force. I will not quote from these at

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length. But if any Member of this House has sufficient curiosity on the subject, he can refer to the files of certain journals published in Lahore and to the matter which appeared in them on various dates in March last. He will see there appeals of a most inflammatory nature purporting to emanate from a claimant to the throne of an adjoining and friendly country. These are addressed primarily to the subjects of that country, but also secondarily to all and sundry, and the gist of them is to urge the readers of the paper to take part in a concerted movement against the ruler of that country, who is assailed with every sort of abuse and against whom the paper makes all the most damaging insinuations that the editor can think of, and attempt to drive him from the throne. That ruler, Sir, has been adopted as King by the suffrages of of his countrymen. He has been recognised by foreign Governments as the *de facto* and *de jure* head of his nation. What right has any foreigner to take sides in a domestic quarrel and urge the subjects of that monarch to rise and revolt against him?

What I have said, Sir, may perhaps leave the impression that this Bill, though apparently of general scope and purport, may yet be intended for application to the affairs of one particular country and for the benefit of one particular person. I assure the House that it is not so. I have already shown strong evidence against any such supposition, but I will add here and now that one of the six cases above mentioned was undertaken at the request of the representative in India of another and a totally different country. That case has not yet been concluded and I cannot therefore do more than refer to it in general terms.

I should like to add, Sir, a word of caution and to ask you to use your authority to induce the Honourable Members who may follow me in taking part in this debate to imitate also my example and to avoid the use of names in their references to certain subjects, lest quite inadvertently they may cause offence where I am sure it is not their intention to do so.

Finally, Sir, before I resume my seat, I would like to recapitulate certain points. The Bill has nothing whatever to do with the Indian States, nor has it any bearing on statements made with regard to the rulers of those States. In adopting this measure, India, so far from striking out a new line of repression for herself, will only be following the general example and putting herself in line with all the more important civilised countries of the world. An attempt was made to do this three years ago, but abandoned. If that attempt had succeeded, the benefit of it would have been reaped by the very person whose propaganda has recently come within the mischief of the Ordinance at present in force, which the Bill is intended to replace. The Bill is of general scope, adequately provided with safeguards and of a very gentle character. It has no provision for the taking of security, the suppression of any paper or the confiscation of any Press. It is not intended to stifle reasonable criticism or the utterance of opinions expressed in the course of religious controversy. In so far as it is a restriction upon the liberty of the Press, the subject matter of the Bill will no doubt give rise to regret in certain quarters. Yet it is a restriction which the Press in many other countries has found extremely tolerable, the obligations

of which should be no more irksome to the editor of a well-conducted journal than the obligations of public decency are to a normal individual. The absence of such a measure on the other hand might at any time have disastrous consequences, and in asking the House to weigh these, I am asking them to assume responsibilities perhaps more appropriate to a time when external affairs will come more fully within the purview of this House than they do at present. Finally, Government have no option but to press on with this measure with all speed, since the lapse of the Ordinance, if it is not replaced by a statute, will inevitably lead to fresh outbursts. The Press of India, to its great credit, has in general abstained from offending in this way. The imposition of the restriction will therefore do them no harm. The mischief which can be done by the few irresponsible journals who have thus smirched the reputation of the Indian Press as a whole is however so great that I confidently appeal to the House, and through them to all responsible members of the great profession of journalism, to rise above the parochial outlook, to take up the mortgage of the future and to give an earnest of their capacity to deal with external affairs. Let them think internationally and if they will do that, Sir, I have no fears for the measure which I now advocate.

Sir, I move that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States be taken into consideration. (Loud applause.)

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932.

Perhaps India is the only unfortunate country where the liberties of the Press have been very much restricted by the legislature. I think my Honourable friend, the Foreign Secretary, can create no parallel of such severe enactments in any other country.

Sir, I tried my best to know something about similar enactments in other countries. The small library below could in no way help me in doing so. And after all efforts of mine, I came to know that this is an unwritten law of England, that is, English common law. Then, Sir, may I ask my Honourable friend why should it be a written law in India ?

Sir, let us take it, for a moment as the Honourable Member said, that such a law is in force in England. But then this cannot make us forget that there is a world of difference between the political condition of England and that of India. England is governed by the representatives of the masses. The ministry there consists exclusively of those who owe their office to the people and who are personally responsible to their electors for voicing their sentiments. In short the friends of the Government are nevertheless the friends of the public. There the Government is of the people and for the people. In India the state of affairs is just the contrary. The interests of Government are often in conflict with those of the people. On many occasions the interests of Indians are very much in jeopardy, the Government having the upper hand in every matter.

Sir, coming to the Bill itself we have many causes which compel us to oppose its enactment into law.

Mr. President : Order, order. In view of the adjournment motion to be now discussed, the Honourable Member should continue his speech on the next official day.

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Mr. President, I move that the House do now adjourn to discuss a matter of urgent public importance, that is to say, the death of two detenus and the mortally wounding of five others, and also injuring 15 other detenus at Hijli, in the district of Midnapore, in Bengal. Before I deal with the case, I must say that I do not know the full details of the occurrence ; and in fact the Honourable the Home Member opposed my motion at the very beginning on the ground that he had to get more facts. The occurrence happened at 9-30 P.M. on the 16th instant. To-day is the 21st ; full five days have passed and in the meantime the Government, if they wished, could certainly have put the House in possession of all the facts. We have tried in our own way to get them ; but all our efforts have been frustrated owing to limitations being put on visits to that place and on seeing those people. I think you will find later on that the Honourable the Home Member is in possession of more facts than he professed to have.

I find a statement in the *Pioneer* that it is understood that, " The official inquiry into the shooting at Hijli is expected to be completed to-day by the District Magistrate of Midnapore, who will shortly submit his report to Government ". Of course, it is for the Home Member to say whether he has got the report or any more details ; and if he does not, I must claim that he is only to be blamed and that it is not through any fault of mine, because I have given him twenty four hours' notice of this motion and I expected, if he had not got all the facts of the case, that he would explain the reasons that stood in his way. I shall now read the communiqué issued by the Government of Bengal, whence I got some of the facts :

" Shortly after 9 P.M., on Wednesday, the 16th September, determined attacks were made on four sentries by bands of detenus at Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants and another sentry was with difficulty saved by the timely approach of a patrol. The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp. Two detenus were killed and twenty injured four being seriously injured. Three police officers were also injured. Order was restored in less than half an hour. An inquiry is being held by the District Magistrate of Midnapore."

Hence the House will see that there was an inquiry on the 17th—I understand there was an inquiry twenty-four hours after the event, and this communiqué is so laconic that we cannot get much of the facts out of it. One thing is however clear. There is no charge from the Government side that these people attempted to get out of their camps. If my time were not limited, I could explain to you the policy of the Government underlying all these events. I could give a description of this camp itself. As I say, I hold the Government of India responsible, because the Home Member went all the way to Calcutta only the other day and instructed the Bengal Government deliberately to follow this course. I do not care whether we win or lose, but the House must be told what is happening in Bengal. That Government's policy is now determined at the instigation

of the Anglo-Indian Press. I must say that I do not hold the other European members of the mercantile community responsible for that; we have no quarrel with them. We know that if we get a better constitution it is to our mutual interest to help each other; but unfortunately they are now being led by people who are unlike their predecessors like Sir Darcy Lindsay and others. They are now instigating the Government. I can quote passage after passage to show that it is at the instigation of the Anglo-Indian Press that the Government of India are now determined to have a policy of crushing down these people.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

The other day the House was resounding with the eloquence of these people against the principle of assassination. I quite agree with that; but I wish they had the courage of their conviction and condemned assassination whether it came from the emissaries of law and order or others. I shall see how they vote on this motion and how far they carry their principle of condemning assassination whether it comes from the Government or from the young misguided youths.

I shall show from the communiqué that it is clear that under the rules and regulations this detention camp having barbed wire all round and sentries.....

Mr. B. B. Puri (West Punjab : Non-Muhammadan) : Are you speaking from experience? If so, you had better explain to the House.

Mr. S. C. Mitra : Yes, I am speaking from experience, and I am glad that I have this opportunity to explain the position. I know these places even better than the Home Member.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You are an authority on this matter.

Mr. S. C. Mitra : This occurrence took place at night. There is not the least doubt that these people were wholly unarmed—because they are in a detention camp—and there were sentries posted round the fences of electrified barbed wire on a raised platform, with guns loaded. What is the reason then for the discreet silence of the Government on this point? Ordinarily these young men are locked up at night before 9 by these sentries. I thought the Honourable the Home Member would enlighten us on these points, but if he has got nothing more to say than the communiqué, I can only say that the communiqué is discreetly silent on this point. We next hear that within less than half an hour, to be accurate—within ten minutes—everything was quiet. During this period, two detenues were killed outright. According to the papers one detenu's hand had to be amputated; one more had a bullet lodged in his abdomen; three more are in an extremely precarious condition. And what happened to the police? "Three police were also injured." How much are they injured? What is their injury? There is no mention about it whatsoever.

I shall now tell you who these people are. They are not ordinary convicts. They are not convicted of any crime. It has been stated in this House by the predecessor of the Honourable the Home Member that these are not penal sections under which our boys are detained; they are merely preventive. It is merely on police suspicion that these young men are arrested; if they have no case to take them before a regular court, they are kept in this sort of detention. It is needless to say that this sort of detention should be abhorrent to any gentleman,

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to any Englishman. The idea is certainly abhorrent to me that these people should be kept day after day, month after month in jail without any trial whatsoever. Perhaps the Honourable the Home Member may say that they are charged; I can say from my personal experience that that is not the case. What are the charges? It is a misnomer to call them charges. Any lawyer can tell you they are not charges. They say, "You are a revolutionary". That is one charge. How can you disprove it? Another charge is, "You are an associate of some revolutionary or public man"—in my case it was, "You are an associate of Mr. Subhas Chandra Bose and Professor Anil Baran Boy". In some cases they are charged with having attempted to smuggle arms between the years 1922 and 1925. No date is given. I appeal to the lawyer Members of this House to say according to what code of law these can be called charges. It may not be known to the administrative officers, but there are rulings of the Privy Council that the charges must be definite and such that a man can answer them. These so-called charges are brought against these people behind their backs, and they are asked to explain; and a decision is given that so and so will be put for an undefined term under restraint. This is what happens. Assuming but not admitting that in this case there was some provocation, are these people justified in killing in a cowardly fashion these unarmed detainees? I ask you to consider the matter dispassionately and to look at the psychological aspect of their mind. Any man would tell you that if a person is kept for a long time under restraint, it naturally strains his nerves. Even in ordinary cases that is so; if a man is kept for a long time under restraint even a reasonable man becomes, to a certain extent, unreasonable. If a man is convicted and knows that he will be released, say after two or four or five years, then even his temper becomes bad. But if he is kept on for an indefinite time and he never knows when he is going to be released or if he is going to be released at all, it is bound to tell upon his nerves and make an ordinarily reasonable man unreasonable to a certain extent. I appeal to the House to go into the matter. There is nothing in the communiqué; but assuming there was some provocation, are these sentries entitled to kill these young men, who were never convicted of any offence, who were detained merely because some police took it into their heads that these men were suspects, and to kill them like pariah dogs. Is that civilised Government? Are these the ways to be adopted by a civilised Government? You are speaking of incitement to murder and assassination. I say to the House that it is the Government which is inciting people to commit murders and assassinations. Sir, I warn the Government through you that it is Government itself which is creating or provoking people to commit murders and assassinations. It is not the writings in the press or the speeches on the platform which are responsible for these evil deeds, but it is this Government that is provoking people or inciting people to commit murder and assassinations. Our Anglo-Indian friends might say that Government are investigating these things. It is otherwise about the Anglo-Indian Press and blood is thicker than water, and therefore I put a question to the Honourable the Home Member the other day why the *Statesman* should not be prosecuted under section 153-A, for setting class against class and he bluntly replied "No". I shall just quote a passage from the *Statesman* to prove how they incite people,—but section 153 is meant for only the coloured people and not

for the Anglo-Indian papers. On the 30th July the *Statesman* wrote this in its columns :

"A vigorous policy of reprisals and summary punishments will for ever drive terrorism....."

Mr. Arthur Moore (Bengal : European) : Will the Honourable Member kindly read the context ?

Mr. S. C. Mitra : It has appeared in your paper dated the 30th July. My time is limited, and so you will please excuse me.

Sir, with your permission, I may warn the Honourable Member, I mean also my friend, Mr. Arthur Moore, not to speak of reprisals. India is not Ireland. India is not made up of a handful of people. Do you think you can crush the Indian people in that manner ? I may tell the House that even in Ireland the Government have failed to crush the people, and here they are sure to fail to their complete ruination when they would realise the results. Now then it is said that the criminal law was insufficient and they press for more repressive laws. I say, Sir, the Criminal Law Amendment Act has failed. The Honourable the Home Member will be able to tell the House the total number of young men who have been thrown into jails, and yet he says that these things are occurring every day. According to his own admission, therefore, the Criminal Law Amendment Act has failed, and in spite of getting hold of young men and throwing them into jail and indirectly provoking them, activities of anarchists are matters of almost daily occurrence. One would have desired that the Government had exercised greater judgment in dealing with Indians, had they dealt with the public in a more reasonable and statesmanlike manner as the Congress suggested—but as the Government are not amenable to reason,—we Indians are naturally anxious to have Dominion or self-government which is the only cure for all our present ills and troubles.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : The Congress says you must not be violent.

Mr. S. C. Mitra : My idea of non-violence is much better than yours. Then as regards these two young men who have been killed, I may say just one word. One man is Mr. Santosh Mitra—a brilliant Graduate, he was an accused in the Alipore Conspiracy trial. After a prolonged trial, he was acquitted because nothing was proved against him. When he was coming out of jail, he was again arrested immediately and put under restraint, though he was in jail for the prolonged period during which his trial took place. Yet as soon as he came out, he was arrested under the Criminal Law (Amendment) Act. Then what happened ? He was put in a Darjeeling jail. Then the Governor of Bengal—Lord Lytton was the Governor,—though he was a short-sighted politician, was a sympathetic person, he had a sympathetic heart. He talked with this young man and permitted him to sit for the examination. He appeared for the examination in the jail and passed the M. A.

Mr. S. G. Jog (Berar Representative) : M. A. means a member of the Alipore conspiracy (Laughter).

Mr. S. C. Mitra : Then the young man was released after a time, and he married and settled in life.

Then as regards the other man, I find from the papers that he comes from Barisal and he was arrested for picketing a *ganja* shop, a very humanitarian object. But I may tell the House what is the policy underlying the actions of this soulless Government. They have no definite

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policy, and these young men are roused to commit murders and assassinations on account of the wicked policy pursued by Government ; Government acts up to the incitement and instigation of the Anglo-Indian Press. What happens ? Whenever there is a crime, anybody who had been detained for an indefinite period of time and then released is again arrested and kept under restraint. That is the policy of Government.....

Mr. Deputy President : I must remind the Honourable Member that his time is up, and so he must now conclude in a minute.

Mr. S. C. Mitra : Since my time is up I cannot say much now. But I appeal to those Honourable Members who are against assassination and murder and those who want to put an end to this kind of thing, to calmly think over these events. I am quite agreeable even to withdraw the motion if there is an assurance given to hold a regular inquiry by non-officials and sift the evidence and ascertain the real facts. So far there is nothing mentioned in the reports which have appeared in the papers about instituting any such non-official inquiry. I have not much faith in the Magisterial inquiry. I hope therefore all Honourable Members will vote for the motion, because it is really a surprise to us that even five days after the occurrence Government are not in full possession of the facts of the case.

The Honourable Sir James Ormer (Home Member) : Mr. Deputy President, when the Honourable Member asked for the permission of the House to make the motion which he has now made, I ventured to point out that in view of the fact that the circumstances of this case had not yet been fully ascertained, in view more particularly of the fact that an investigation was proceeding, it would in all the circumstances of the case be inadvisable for the House to embark upon a discussion of this character, and it would be better to suspend judgment, to avoid arriving at any premature and probably erroneous conclusions until far more information was in our hands, until we knew what the results of a careful and thorough investigation would be, until we knew what conclusions the Local Government, which is primarily concerned, had arrived at on those results, and until the Government of India had on their own part been able to arrive at considered conclusions of their own. Now, Sir, these being the preliminary facts of the case, I deprecate very strongly a debate being carried on upon lines which might impute blame to the officers of the Government concerned ; on the other hand, and possibly equally incorrectly to those who are alleged to have been concerned in the disturbance.

(At this stage Mr. President resumed the Chair.)

For my own part, and speaking for the Government of India, I must frankly decline to commit myself to any views upon this subject at all until I have ascertained the results of the inquiry and until I have been able to exercise a reasonable and considered judgment upon it.

I think, however, I should do my best to lay before the House such facts as are in my possession. The Honourable Member was inclined, a little hastily I think, to impute to me blame for not having more expeditiously ascertained the facts of the case. As a matter of fact, when I first heard of the occurrence, I lost no time in asking the Government of Bengal for the fullest report that they could let me have upon the subject. But I should like to impress upon the House that the details

which I now propose to lay before them must be regarded as entirely provisional. This is the report from the Government of Bengal, and I reiterate once more that it is entirely provisional; it is the result of purely preliminary reports received from the District Magistrate of Midnapore in accordance with the evidence which he has so far taken. The inquiry is still proceeding; further evidence has still to be taken, and I must ask the House to regard this recital as provisional and subject to confirmation or otherwise:

“The detention camp at Hijli consists of a two storied pucca building, originally designed for a Collectorate Office, surrounded by a rectangular wire fencing enclosing a compound averaging 200 yards in width from the centre to the perimeter. Inside this perimeter are subsidiary temporary buildings comprising four groups of cells, latrines, wash-houses, feeding rooms and kitchens. The subsidiary buildings are of a temporary character. Sentries were originally posted at night between the inner and outer fences of the outer perimeter, but their disposition was altered on the night of the occurrence for the following reasons. When news of the murder of the late Mr. Garlick was received in the camp, the detenus, who are issued with lanterns for use at night, no electricity being available at the camp, illuminated portions of the camp building, a proceeding which was visible from the neighbouring town of Kharagpur. On this being reported to the Local Government, Government ordered disciplinary measures to be taken. Shortly after this order was issued there occurred a series of outbreaks of fire among the subsidiary buildings at night. On one occasion a block of cells was partially destroyed, and, on subsequent occasions fire was set to another block of cells and to one of the wash-houses. Again on the occasion of the murder of Khan Bahadur Ahsanullah of Chittagong, a further illumination of the building took place. The Commandant was of the opinion that the detenus were responsible for the outbreaks of fire and made repeated attempts to secure the co-operation of the more responsible detenus to put a stop to such offences. His attempts proving abortive it became clear that measures were necessary to secure more effective control of the camp at night. Sentries were therefore introduced inside the outer perimeter and posted on or close to groups of subsidiary buildings. Their presence however did not succeed in preventing another attempt at arson being made without the offender being apprehended, and it was accordingly decided to place an inner ring of sentries at night in such a manner as to prevent access to any subsidiary buildings except under the watch of the sentries. The sentries were posted in this manner on the night of the 15th for the first time.

The account of the actual occurrence which follows is based on preliminary reports received from the District Magistrate, who commenced an enquiry under Police Regulations, Bengal, on the morning after the occurrence. His enquiry is not complete and he has not finished the examination of all witnesses. The detenus on being asked to appear before him in this enquiry declined to do so. From reports hitherto received, after the examination of a large number of witnesses whose statements have so far been recorded, the following appears.

At about 9-20 P.M., on the night of the 16th September, a group of detenus, variously estimated at between 10 and 25, approached sentry No. 3 posted to the south-west of the main building and a little in front of a building containing cells. They were challenged and ordered to halt. They disregarded these orders, surrounded the sentry on three sides and abused him. They then attempted to snatch away his rifle and the sentry fired one shot in the air. At that a detenu approached the sentry from behind and put his arms round him. The sentry then shouted ‘Guard turn out’. A patrol which was at a distance of some 80 yards came running to the sentry’s rescue, shouting to the detenus to disperse as they ran. As they were not obeyed each in turn fired one round. This group of detenus then turned and fled in the direction of the main building. A minute or two later another body of detenus came from the direction of the cookshed, due north of the main building, and distant some hundred of yards from sentry No. 3. They moved in a south-easterly direction and approached sentry No. 7, who was posted almost at the extreme opposite end of the compound from sentry No. 3. Their numbers were estimated at between 15 and 20, and they appear to have been a quite distinct body from that which attacked sentry No. 3. Sentry No. 7 challenged them and ordered them to halt. They replied that they had power to come there. The sentry warned them several times but they surrounded him, seized his rifle, and one of them succeeded in detaching the bayonet. The sentry fired one round, but even then the detenus did not disperse. He succeeded in reloading and fired a second shot when his assailants retired a yard or two, flourished

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the bayonet and abused him. He fired a third time whereupon the group of detenus retreated. Either the same body as attacked sentry No. 7 or another body advanced on sentry No. 8, who was posted close to the south-east corner of the main building. This sentry states that he saw 15 or 20 detenus coming towards him armed with brickbats and iron mosquito curtain poles. The sentry thinks a considerable number of these approaching him came from the main building. However that may be, brickbats were thrown at him and he challenged them and called them to halt. In his own words he quotes their reply as '*Sala hum tum ko jan marega. Tum hum par goli chalaao*'. He had not up to this fired but then fired one round. This sentry carries the mark of an injury from a brickbat.

All the three sentries and the two patrol constables think their shots caused no casualties. From examination of the ground this would appear to be true.

The Guard on duty is stationed outside the main gate of the camp. They turned out on the warning of the gate sentry, who had heard the call for assistance from sentry No. 8. As soon as the warning to turn out was received the Guard Havildar turned out the Guard, sounded the alarm and ordered the second Havildar to go with 14 men to the space between the inner and outer gates of the main entrance. The latter took his party there and found that a number of the alarm party, that is to say, men not on guard duty, but present in the lines had already assembled there. He went back and reported this to the senior Havildar in the Guard Room. The senior Havildar ordered him to remain in the Guard Room, and proceeded himself to the main entrance. On arrival there he found some 30 to 40 men between the gates and also a third Havildar. This last mentioned Havildar ordered the inner gate to be opened and the whole body doubled into the compound and proceeded up the road leading to the main building. The Guard Havildar being at their rear. The other Havildar instead of staying with the constables whom he had led into the compound moved off in the direction of sentry No. 7 whose bayonet had been seized. The Guard entered the compound just after sentry No. 8 had fired his shot.

What follows is drawn from the statements of the Guard Havildar and the sepoys of the main body. They declare that there was a large crowd of detenus outside the south-east corner of the main building armed with mosquito curtain poles with which they struck at several of the constables, inflicting minor injuries. The constables were also greeted with a shower of missiles, including at least two chairs, mosquito curtain poles, soda water bottles and brickbats. A struggle ensued and fire was opened. The question of the control of this firing is one of those now under investigation. It was of very brief duration and the Guard Havildar states that he ran up and ordered the constables to cease firing, which order was immediately obeyed. He at once ordered the whole party back to the Guard Room and recalled the other Havildar. The whole outbreak from start to finish appears to have lasted at the most ten minutes.

Investigation goes to show that few, if any, serious injuries were inflicted on the detenus outside the main building. The gunshot cases appear to have occurred among persons who were standing in the verandah over-looking the affray, the fire of the constables being towards the main building. There is nothing to indicate that fire was specifically aimed at persons on the verandahs.

At the time of the outbreak the Commandant was in Kharagpur, and the Assistant Commandant in his quarters but sick. The Commandant was summoned by telephone on the alarm being sounded, and together with Inspector Marshall reached the camp within ten minutes. He entered the camp with the Inspector and found that everything was quiet. The sentries were at their posts and the Guard was back outside the camp. They had gone some distance on their rounds before they received intimation that any detenu had been seriously injured, a detenu calling to them to ask for medical assistance. Reports indicate that this was at once rendered. The Commandant himself went to the Railway Hospital to get the assistance of the Chief Medical Officer. The latter being out on the line, he brought back Dr. Majumdar and the injured were removed in motor cars to the Railway Hospital, where such as were seriously injured have been detained and the remainder after treatment were returned to camp.

The Local Government will consider action to be taken on receipt of Magistrate's report."

Now, Sir, I suggest that the Honourable Member would be well advised not to press his motion in view of the fact that this investigation is not yet complete and we cannot be in full possession of the facts until it is completed. But some of the expressions which fell from the Honourable

Member compel me to make one or two remarks before I conclude. It is very unfortunate that I should be compelled to deal with allegations in a matter which is still in a sense *sub judice*. I must point out to the House.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadian Rural) : If the subject is *sub judice*, can it be referred to ? My Honourable friend took no exception when the Member was speaking. My point of order is this. The Honourable Member states that it is *sub judice*. He did not raise his objection at that time. According to his own admission.....

Mr. President : How is it a point of order ? Certain statements have been made and a reply is being given.

The Honourable Sir James Orerar : What I said was that these matters were in a certain sense *sub judice* and that it would be highly inadvisable, and I venture to say highly improper, on the part of this House to express any opinion at this stage. It is a course of action which I myself would certainly decline to take—to pronounce a decision while the matter is still under inquiry. Nevertheless I think I must point out that the *prima facie* facts of this case indicate that the police officers acted only on two grounds, namely, they acted in the discharge of their immediate duty of maintaining peace and order in this place. They acted promptly, and fortunately a situation which might have proved even more serious was checked at an early stage and consequences which might otherwise have taken place were averted. In the second place on the *prima facie* aspect of the case, which is the only aspect before the House, it appears that they acted in discharge of the lawful privilege of private defence. Beyond that I do not intend to go. I say that these are *prima facie* inferences that can reasonably be drawn from the provisional account, which is all that I can at this stage lay before the House. I say that no further inferences can reasonably be drawn than that and I once more suggest to the House that while this inquiry is proceeding it would be highly undesirable for us to come to any conclusions which might inculpate either the officers concerned or the other parties concerned in this affair. It would be extremely inadvisable for the House to arrive at any conclusion whatever on this matter.

Mr. Amar Nath Dutt : Sir, I rise with a sense of grief to support the motion. I shall not use any words of anger or any words that are likely to offend any one. I shall in the first place lay the facts before this House. From Chittagong to Hijli is a far cry though the interval of time is too short. It is only the other day that we had the painful story of depredation and murder by the licensed *goondas* in Bengal. Now, comes the same sorrowful tale from Midnapore. It seems to me Chittagong and Midnapore have more attention from the Government which happens to rule this country at the present moment. Let me read to you the *communiqué* which has been issued by the Government of Bengal, which is vague in the extreme. It reads :

“ Shortly after 9 P.M.” (I ask the House to mark these words), “ on Wednesday, the 16th September, determined attacks were made on four sentries.”

Now it is not mentioned what sort of attacks they were. It simply says determined attacks. “ Determined attacks were made on four sentries by bands of detenus.” With an imperfect knowledge of the English, I understand, that the word “ bands ” is used only for bands of ruffians

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or *hooligans*. It is never used for respectable people. We never say, "bands of Executive Councillors". I would not use the word in that sense. These detenus are as respectable as any of us here. They are men of culture, and education with a lofty sense of patriotism and love of their Motherland. The *communiqué* states :

"Determined attacks were made on four sentries by bands of detenus at the Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants."

We do not find anything which brings it within the purview of the Indian Penal Code or any other penal code in the world :

"Another sentry was with difficulty saved by the timely approach of a patrol."

I do not know how he was attacked :

"The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp."

How was it grave ? That is not mentioned. You condemn murder as any of us, yet you do not take heed of these things and you want us to believe that our countrymen are always in the wrong and that you are always right and therefore we must co-operate with you.

The Honourable Sir James Crerar : Sir, on a point of order, I think that the Honourable Member's suggestion that I was deliberately endeavouring to mislead this House—"mislead" is, I think, the word he used—is entirely unwarranted in face of the account that I read out to them, which was the purport of the latest information I received from the Local Government on the subject. (Hear, hear.)

Mr. Amar Nath Dutt : The Honourable Sir James Crerar thinks that we are to take him at his word and that we are to believe every word which he receives through the wires from interested individuals. Sir, there is a limit to human credulity. Let me refer to his exact words ; these are the words he used :

"Would any reasonable man believe that * * * these are provisional details, they may be correct or they may not be correct."

Sir, besides those documents, I have other documents in my hand. If you will have a little patience, I shall convince you and the Honourable the Home Member if he wishes to be convinced that the whole wrong was on the side of those men who fired and killed the unfortunate detenus.

Mr. S. C. Mitra : Yes.

Mr. Amar Nath Dutt : The *communiqué* further states :

"Two detenus were killed and 20 injured * * * The situation was grave."

Two detenus were killed ! Alas !

"Three police officers were also injured."

Three police officers were injured ! The gravity of the situation lies here. Of course we do not know the nature of their injury.

"Order was restored in less than half an hour."

After these unfortunate men were shot, it was long, long after that they were given any medical aid. Here it is :

"The Commandant wanted an assurance from these detenus that they should remain silent and create no disturbance and before they could be given medical aid"—and this occurrence took place at 9.30 a.m. and medical aid was given at 3.30 p.m.—"two of them were dead."

Here are two lines in that much-maligned paper *Advance* to which I invite the Honourable the Home Member's attention ; let him prosecute the Editor if he thinks the account is false :

" It now transpires that Sj. Santosh Mitra was nursing Sj. Satyendranath Basu of Furidpur who was ill of high fever in the latter's room when on hearing reports of firing he came out to see what the matter was. As he stood before the door, he was shot dead." ! !

Here are two stories ; one published in the newspapers widely, another submitted to higher officials who are far away from the scene of occurrence by interested parties. If I am right, Sir James Crerar was once a Judge ; and as a Judge, would he believe the statements of the nature which have come to him ? He should certainly not.

The Honourable Sir James Crerar : As a Judge, I should defer my judgment until I heard the evidence.

Mr. Amar Nath Dutt : Sir, I appreciate Sir James Crerar's judicial frame of mind, and I wish him to retain it in this discussion too. When I give my facts from newspapers, he says " Wait, let the full particulars come up here ". It is very nice, but, Sir, he forgets that there are Standing Orders and rules governing the procedure of this House that if we are to censure the Government—it is nothing but a censure, the moving of a motion for adjournment—it must be a definite matter of recent occurrence, and it must not be too late. My Honourable friend asks us to defer our judgment, so that after fifteen days he may employ other weapons which are in his hand and then say, " Oh, you are too late, it is not urgent and of immediate importance ". Sir, I only wish Sir James Crerar to remember it.

Sir, I shall not relate the pathetic scene of the poor widow and of the old parents when their corpses were brought to Calcutta. I hope you have all read, in the Calcutta newspapers, a description of the pathetic scenes when their dead bodies were brought from Midnapore to Calcutta. I do not speak in anger, Sir James, excuse me ; all we would like to submit to this House is that such things should not be allowed to occur. Sir, it were better if the Honourable the Home Member had come before the House and said : " The reports I find in the newspapers are certainly heart-rending and will be inquired into ". He made a promise of an inquiry but a magisterial inquiry, to whitewash the very men who were responsible for the tragedy. That is a thing with which we will not be satisfied. I expected something better from you, Sir James ! Sir, I see that my time is going to be up and therefore I shall hurry up. Sir, it has been said that there are obligations resting on well-conducted journals. No doubt, Sir, that is so, but there are also obligations resting on a civilized administration too. So I ask you, Sir James, to start a competent and impartial committee of inquiry which will command respect and confidence of all.

Mr. President : The Honourable Member should address the Chair.

Mr. Amar Nath Dutt : Sir, both of us have come to co-operate with the Government. We on this side offer our criticisms, and they on that side suggest constructive methods. At times we have to use hard words no doubt, and anyhow.....

Mr. President : The Honourable Member's time is up.

Mr. Arthur Moore : Sir, it seems to me very unfortunate that whenever there is an outbreak of violence in this country, some attack upon the maintenance of law and order and authority, and whenever some action has to be taken in consequence, there is always some Member of the House who comes forward, without even waiting for the evidence, to condemn the Government, and thereby to indicate his sympathy with the outbreak of murderous violence. We had an example of this in the last session in Delhi, when riots broke out in Cawnpore because the Congress volunteers tried to enforce a *hartal* on account of the execution of Bhagat Singh. I do not think that, looking back on the debate that took place, Members of this House can feel any great pride or satisfaction, in the light of all the facts that were subsequently revealed, at some of the speeches that were made.

Mr. B. E. Puri : Which incident is the Honourable Member referring to ?

Mr. Arthur Moore : I was referring to the Cawnpore riots. But, Sir, with reference to to-day's motion, had my Honourable friend worded it in a more non-committal fashion, I am not at all sure that he might not have enlisted the vote of the European Group against the Government, but for entirely opposite reasons, and because we take this question of the detenu camps very seriously. We have had an outbreak, and we feel that there may be more outbreaks and I would remind the House that the Bengal Government sent us a Bill in the beginning of last session asking for powers to extern these detenus outside Bengal. In view of the first results of the Round Table Conference, the Government, instead of pressing that Bill, agreed to send it for circulation,—a dilatory motion. It was sent for circulation. The opinions of other Local Governments are naturally hostile, in so far as they fear that the detenus of Bengal may be sent to them. But the situation in Bengal itself is becoming an impossible one, and while we recognise that it is not fair to ask that other Governments in India should be asked to take charge of these detenus, we feel that they should be sent outside Bengal, and outside the main land of India. According to our information these detenu camps are simply dangerous revolutionary clubs.

Mr. Gaya Prasad Singh : Have they been proved to be so ?

Mr. Arthur Moore : I would remind my Honourable friend, Mr. Gaya Prasad Singh, of what view the Government themselves take of these men.

I understand that subsequent to the Delhi settlement every single one of these men would have been released unless in every case there was reason to connect him with a terrorist organisation or with violence ?

Mr. S. C. Mitra : Why don't you bring them to trial ?

Mr. Arthur Moore : I believe the case of every one was in the first instance reviewed by two Sessions Judges, and that therefore the authorities at any rate have convinced themselves that these men are of violent tendencies. Our information is that it is impossible to exercise proper control over them, and I must say that the report which was read out to-day gives us some insight into the Government's difficulties. They are always in touch with their friends outside. My Honourable friend has apparently in some way diverted the attack to the European community, or rather to the Anglo-Indian Press. My Honourable friend

appears in some way to blame the Anglo-Indian Press, because Indian sentries when attacked in large numbers by these detenus defended themselves. It seems to me that these Indian sentries are rather like the European community, and like a certain animal of whom it was once said, "This animal is very wicked; when he is attacked he defends himself". And I should like my Honourable friend genuinely and sincerely to understand that when he attempts to draw a distinction between the European community and expressions of public opinion which are supposed to represent their views, he is himself making a profound mistake. I wish to assure him, and I wish him genuinely to understand, that the feeling in the European community throughout Bengal, with regard to the present situation and the apparent inability of Government to preserve law and order and to protect its own servants, is far greater, far deeper, and far more determined than he realises. Only this morning I was looking at report summarising the European views from different parts of Bengal, and the expression there used was that they were reaching a point at which their feelings could no longer be controlled. I would point out that only this week the European Association of Chittagong in a series of Resolutions has demanded the application of the summary Frontier law to Bengal; and I would remind Honourable Members that they are not doing that merely as a gesture, but they do mean what they say, and that it is not possible for us to go on continually in this atmosphere of suggested violence.

Sir, I oppose the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to offer my deep sympathy to unhappy and unfortunate Bengal. Sir, I am a neighbour of Bengal and I feel at every stage the repercussions that my Bengal friends undergo at the high-handedness of the Government of Bengal. Sir, everybody knows, non-official India knows, and the public knows that the Government of Bengal have become panic-stricken. I never thought that the panic would invade the Government of India. Sir, my Honourable friend the Home Member was describing the incidents inside the barriers where the detenus are kept at Hijli. I was surprised, I was amazed, I was astounded, to hear that sentries were placed inside those compounds. If these detenus illuminated the place, Government could have put the sentries on the top of those houses. Why does a Government which calls itself civilised adopt systems which were known only in the barbaric days of Roman civilisation? In those days a prisoner was kept in one cell and a sentry was put near that cell. That was what the Bengal Government adopted in this case. They put sentries inside that barrier and those sentries were allowed unlimited power. On the Honourable the Home Member's own reading of the telegram from the Government of Bengal, it is clear that while a dozen detenus were moving about, the sentries fired; and we have heard what my Honourable friend Mr. Amar Nath Dutt read out from the first *communiqué* of the Government of Bengal which was issued in quite a different spirit. What has happened to the Government of India and the Provincial Governments that they should be so panic-stricken? I know the Government have enough cause to be panic-stricken: they have introduced the Press Bill; we heard what the Finance Member said to-day of the financial bankruptcy of the Government of India and the Gov-

[Mr. B. Das.]

ernment of England. That does not mean that the Government should be so bankrupt that they should take a back place among the civilised nations, that they should put sentries inside a jail to shoot down innocents who are kept there without trial under the Bengal Criminal Law Amendment Ordinance—I call it an ordinance because this House did not pass it. I respect my friend, Mr. Arthur Moore's feeling as a European that they are undergoing a severe strain in Bengal through the terrorist movement. No doubt he voices the sentiment of Bengal Europeans, but he could not say one word as representative of a civilised nation, as an Englishman, as a Britisher, that he condemns this attitude of the Government of Bengal in putting sentries inside the jail compound to shoot down innocent persons. If the Bengal Government wanted that there should be no illumination or anything of that sort by these young men who are kept there day and night without any trial, who have no amusements, it may be that they played a few pranks. But that is no excuse for putting sentries there inside the compound and shooting them down. As we have heard from Mr. Amar Nath Dutt, while a detenu came out from the sick bed of his friend to see what was happening, he was shot down. Is that civilised government? Will even the present national Government in Britain, consisting mostly of Conservatives, condone the action of the Bengal Government? Will the Honourable the Home Member condone that action of the sentries and the policy of the Bengal Government? My Honourable friend the Home Member spoke of an inquiry, and my friend Mr. Mitra suggested that there should be an impartial inquiry; but nobody in India believes that any inquiry by a District Magistrate is an impartial inquiry. Who are the two parties to this case? The detenus on one side and the sentries and Commandant on the other. Either the detenus should be at once removed from that place to another place under another Commandant and another batch of sentries, or the Commandant and sentries of that place should be changed. I am not passing any remarks upon the attitude of the Commandant or the sentries. But unless the two sides are kept separate, no impartial tribunal can give any judgment. My Honourable friend the Home Member is smiling. I am not condemning the Commandant or the sentries; I am condemning the policy of the higher authorities, the Government of Bengal; and if the Government of India are a party to that policy which the Government of Bengal are adopting, then I am condemning that policy. I am not interested in the sentries or the Commandant.....

The Honourable Sir James Orerar : What is the policy which the Honourable Member is condemning? I have not been able to make out quite what policy he is referring to.

Mr. B. Das : The policy that sentries should be placed inside the jail and that sentries should be allowed to shoot, that sentries should be the final arbiters of the policy of the Government of Bengal and of the Government of India and of the British Government. (Mr. K. Ahmed here made an interruption.) We would all like to hear what my friend, Mr. K. Ahmed, as a representative of Bengal will have to say on the subject, and the House would welcome his views in the matter. If he does not feel offended, insulted, humiliated by what has been done to his Bengal countrymen, then I am ashamed that another Bengali should,

while his nationals are being brutally shot down, feel amused at it. I am not for challenging this motion to a division. I would be very glad if the Honourable the Home Member or the Honourable the Leader of the House gives us an assurance that there will be an inquiry by impartial judges. They must be High Court Judges, because we still have some faith in the Judges presiding in our High Courts. Let them take up this inquiry, and I from this side of the House will not challenge this motion to a division.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to deal merely with this incident and not to enter upon the question of policy regarding these detenus. So far as the incident is concerned, the facts available are these. There were these detenus confined in a building surrounded by electrified barbed wire and on the 16th September at 9 o'clock at night this incident took place as a result of which two of these detenus were killed and a number of others wounded, and two or three police officers are also alleged to have received injuries. This affair undoubtedly is a most serious one. I take it these detenus were unarmed men. They were confined in a place which was strictly guarded, and I take it that the shooting that took place can only have been justified if they tried to escape or to overpower the sentries. The Honourable the Home Member has quite rightly refused to express any opinion one way or the other on the merits of the matter. He says that all the facts are not before him, and the matter is receiving inquiry at the hands of the District Magistrate. He treats it as *sub judice*, and I should like to know—I believe the House would like to know from him whether this is a judicial inquiry.

The Honourable Sir James Orerar : No.

Sir Abdur Rahim : It is not a judicial inquiry. It is an inquiry of an executive nature by the District Magistrate, in whose jurisdiction this occurrence took place. The demand on this side of the House is that there should be a proper inquiry into this incident, and I think the Honourable the Home Member ought to give us a definite assurance whether there will be a proper judicial inquiry into the matter or not. As regards the inquiry that is now going on, it is merely departmental, and I understand that the detenus have refused to take any part in it. They are in fact on hunger strike. Their excuse is that this is not a proper inquiry, that it is merely an executive departmental inquiry. They want a judicial inquiry, an independent and impartial inquiry. I do think on the facts of a case like this, the inquiry ought to be one which will command the general confidence of the public. A departmental inquiry is between the District Magistrate of the place and the Government. But when an incident of such serious character has occurred, surely it is only right that there should be a proper judicial inquiry in which all the evidence on both sides should be sifted so that it may command the confidence of the public. I believe if the Honourable the Home Member is in a position to assure us that there will be a proper judicial inquiry of the kind we have suggested as soon as possible, my friend Mr. Mitra will not press his motion to a division. I think it is a fair request, and I would ask the Honourable the Home Member to accede to it.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, coming as I do from the fortunate or unfortunate, as my friend Mr. Das might call it, province of Bengal, which has been

[Pandit Satyendra Nath Sen.]

made the special target of oppression by the benign Government, I feel it my duty to stand up and take part in the discussion of this important subject. While the province could not yet shake off the troubles of the atrocities committed during the riots at Chittagong which are believed to have been inspired by the Government themselves, the sympathetic Government have come forward to add another injury to the injury, and not insult to the injury as is usually the case, by the shooting incident at Hijli. The Honourable the Home Member has supplied the House with some details, but there are other details which have been published in most of the Calcutta papers except perhaps in the "Friend of India"—(An Honourable Member : "The Friend of India?"), and these details stare us in the face, and I am afraid they will fire up the blood of even the most callous individual.

Mr. K. Ahmed : What have they published in the other papers ?

Pandit Satyendra Nath Sen : If I am allowed to read it out.....

Mr. K. Ahmed : It can be expunged.....

Pandit Satyendra Nath Sen : My time is short. I am not going to take the risk.

President : Order, order.

Pandit Satyendra Nath Sen : It is a well known fact that there are ample police precautions in these detention camps and the police generally far outnumber the detenus. The police could easily overpower the detenus physically if there was any necessity for it. Therefore, even assuming that the first offence was given by some of the detenus, can the action of the Government be justified by any right-thinking man ? The Government have thrown into prison these young men without any trial, and, in some cases, young men who have been honourably acquitted by law courts. Are they not bound to treat them as human beings ? Are they justified in treating them as cats and dogs ? I do not think such an occurrence could take place in any other civilized country. The accounts to hand tell us that most of the detenus were eating their meals at the time and were at a distance from the actual scene of occurrence. We are also told that the lights were put out by the attendants and that no further shooting could go on. If the lights had not been put out, one could imagine that the casualties might have been much more appalling. Some of these detenus are brilliant young men who might shed lustre on any country. We know that this vote of censure can have no effect on this callous Government, but still we insist on having it passed for maintaining the prestige of this House which they are sometimes pleased to describe as the National Assembly of Indians. Sir, I hope that the Government will yet take a warning and appreciate the true spirit of these motions of adjournment and realise that true patriotism cannot be suppressed by indiscriminate shooting.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I cannot bring myself to agree to the proposition enunciated by the Honourable the Home Member. He said that, unless we had the evidence of witnesses at the inquiry, we would not be in a position to form a judgment as to who has been in the wrong, whether

the detenus or those who killed the detenus. It is an acknowledged fact that where the detenus were stationed there were also some sentries stationed. If it is contended that the number of sentries stationed for guarding the detenus was not sufficient, then the fault lies at the door of the Government ; but if on the other hand it is held that there were a sufficient number of sentries, then it means that a number of unarmed detenus were attacked by armed men with the result that two have been killed and about 20 wounded. The very fact that two have been killed and 20 wounded shows that there has been a predetermined attack by the sentries, and unless very good reasons are forthcoming, which I can say can never be forthcoming from the circumstances placed before us, I must say that these sentries had taken the law into their own hands in a most unwarranted manner, and the Government should take a note of their action. I cannot conceive of a situation where, without the orders of a Magistrate or of any other judicial authority, sentries placed in the position they were could take the law into their own hands and go the length of shooting down two of the detenus who had not been armed and who were helpless, and as has been brought to our notice, at a time when they were taking their meals. Sir, I suggest that the action of the sentries is wholly unwarranted, and I am sure the Honourable the Home Member will take every necessary step to see who are actually responsible and deal with them adequately and in a manner which might serve as an object lesson to other officers.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I wish to add a few words to those that have fallen from my friend Sir Abdur Rahim. I feel with him that this side of the House would be fully satisfied if the Honourable the Home Member would give us an assurance that there would be an impartial inquiry into this unfortunate occurrence. It is true that a departmental inquiry is being made, but it is equally true that that does not command the same confidence that an impartial and judicial inquiry is likely to command. We are not in a position to commit ourselves, and we do not know as to whether the shooting was justified or whether it was not. We are as much in the dark as the Honourable the Home Member, and I think therefore that it will be conducive to the ends of justice that the Honourable Member should advise the Government of Bengal that, because there has been the shooting down of two persons and the maiming of 20 and at the same time 3 police sentries have been wounded, it is necessary that the enquiry should be by an outside agency rather than by the head of the district police. I think that is the crux of the whole question and the Honourable the Home Member should have no difficulty in meeting us on that point.

Sir, I support the request made by the Honourable the Leader of the Independent Party.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, I wish to associate myself with the motion made by my Honourable friend Mr. S. C. Mitra. Sir, that those sentries whose duty is to protect the camp and the lives and liberties of the inmates there,—that those members of the police placed on duty there should have taken the law into their own hands and that the Government should be silent, as a matter of fact for five days depending on a report of 100 or 200 words

[Sirdar Harbans Singh Brar.]

sent by a local Magistrate or by the Local Government, does not sound very creditable to a civilized government of the western type. Had a European been shot, all the telephone lines from Simla and Delhi to Calcutta and to Hijli would have been cleared for all the five days. All the necessary details, minute by minute and second by second, would have been obtained and the House would have been in possession of the full details. Not merely that, but a Public Safety Bill would probably have been justified on the floor of this House this very evening. But it is the poor lot of the black skinned Indian that unarmed, with absolutely nothing in their hands, men of the most brilliant type, well educated, the cream of the land, detained in those camps, who were having an evening walk or fresh air outside their rooms in the jail compound, guarded all round,—perhaps every inch of ground was guarded—were pounced upon by these guardians of law and order whose duty it is not to persecute but to defend and protect and aid those persons whom it is their duty to guard. The Government have taken six days ; for days nothing in the nature of a judicial enquiry so far has been contemplated, without its being asked for from this side of the House. A Magistrate, who is the head of the police and without whose assent nothing of a repressive type could be done in his jurisdiction, is placed on duty to hold an enquiry more or less of a whitewash nature. Can a person, who himself is responsible and whose subordinates have committed these heinous deeds of assassination, be expected to give us an impartial view of the case ? Can justice be expected from him ? Certainly not. And are the Government justified in keeping those detenus in those jails without any chance being given to them to prove their innocence ? It would not have happened in any other civilised country but this foreign-oppressed India. Those persons who with the immunity of the Government commit these crimes are rewarded by titles and by medals, and every day they are encouraged to do these deeds. Nothing is done to condemn their action ; they are always condoned on the floor of this House and outside. These are the persons who most deserve to be in these detention camps rather than the present occupants of the camps. Is it fair that those persons, whose liberties have been forfeited, should not even be spared their lives, or given liberty within the jail compound, or not have fresh air outside their rooms, or free association amongst themselves in the open compound ? It is nothing but the most fair demand on this side of the House that after such a scandalous occurrence, a fair and impartial judicial enquiry commanding the confidence of the public as well as of the Government should be held without the least delay, and the public be satisfied of the truth or otherwise of the allegations. With these few words, I associate myself with my Honourable friend Mr. S. C. Mitra, in the motion that he has moved.

Mr. K. Ahmed : Before the motion was allowed by the verdict of 25 or more Members standing up in their places in favour of this motion, I was not quite sure whether the policy adopted by you, Sir, in granting permission was correct. I am not here to criticise the action of the Chair. The Leader of the Independent Party said that he wanted an impartial judicial enquiry and that a Magistrate's enquiry is only departmental.

Mr. B. B. Puri : So does the Home Member.

Mr. K. Ahmed : But I may say this. If Sir Abdur Rahim or my Honourable friend Mr. Puri had taken the trouble to appear on behalf of the public or the relations of the deceased and cross-examine the witnesses.....

Mr. B. B. Puri : Get me permission and I will do so.

Mr. K. Ahmed :....then that would have been perfectly judicial, and there would have been no objection to such an enquiry. Sir, a Magistrate's enquiry is perfectly reliable. Sirdar Harbans Singh from the Punjab put the question, how can a Magistrate, having under him the police, having under him those sentries and others who by the way took the initiative and put a stop to those riots within half an hour—how can you expect him to make an impartial judicial enquiry? Can he suggest, or did he suggest while he was on his legs, what sort of enquiry would be an impartial judicial enquiry. Sir Abdur Rahim, the Leader of the Independent Party, suggested that the enquiry should be some recognised person. My friend was in charge of the portfolio of law and order in 1924. Since then Sir Abdur Rahim has changed his position. The Mover of this motion was in the Mandalay jails as a detenu. His nomination paper was filed during the last election and people thought a hero would come to this Assembly. I agree he has acquired experience of jail life which the Home Member does not know. The report of the Government shows that these sentries were attacked. What is the source of the information of my friend Mr. Mitra? He cannot expect us to accept all that he says as gospel truth. What are his facts and figures? I may tell you, Sir, that I have had the honour of passing through Hijli many times. The camp is surrounded by walls and there is enough room there for the detenus to take fresh air. My friend Sir Abdur Rahim says that there should be a judicial inquiry. He did not suggest that he wanted to move a Resolution. I was surprised to see in this Assembly my friend Mr. S. C. Mitra, and my friends from Orissa and from Burdwan who made gestures supporting this motion against the rules and Standing Orders of the House. My friends have not authentic information with them. None of the Honourable gentlemen who supported this motion could contradict a line contained in the *Statesman*. The facts show that these sentries were caught hold of and mercilessly assaulted. Otherwise what was the reason for the patrol and the police to fire at them? It seems to me, Sir, that this motion is not a motion that should be carried by this House. The facts read out to the House by the Honourable Member are now before us. My friend Sir Abdur Rahim and Sir Hari Singh Gour wanted a judicial inquiry.

Mr. President : The Honourable Member is simply repeating himself.

Mr. K. Ahmed : I ask, Sir, what Government can do at this juncture. The full facts are not before us. If my friends appear on behalf of the accused and cross-examine the witnesses, that will be a perfect judicial inquiry. With these words, Sir, I oppose the motion.

Several Honourable Members : The question may now be put.

The motion was adopted.

Mr. S. C. Mitra : I wish only to say a few words. I find that my Honourable friend Mr. Arthur Moore is not here. I should like to tell him in one word that the High Court of Calcutta refused to appoint two Judges for examining the cases of these detenus only because they said it was not according to their idea of propriety to arrive at a judgement on untested evidence. I have no time and I shall say only one word to the Honourable the Home Member. My only ground is that this inquiry is only an inquiry in name. The men concerned, as has been said by my learned leader, refused to have any connection with this inquiry and they are on hunger strike. So this inquiry is a shame. The Home Member said more than once that he had not got all the details. In fact we have all the details and I repeat that I shall be grateful if there is an impartial inquiry. If such an assurance is given, I shall withdraw my motion. Otherwise I shall press it to a division for the verdict of this House.

The Honourable Sir James Crerar : Mr. President, I must confess that the course of this debate, though I followed it with great attention and endeavoured in my own mind to give it some substance of consistency, has nevertheless left a very confused impression upon my mind. The Honourable Member opposite, my Honourable friend from Bengal, Mr. Amar Nath Dutt, in the course of his eloquent and moving speech, appealed to me to adopt a judicial attitude. At the same time it was quite apparent that his conception of a "judicial attitude" was that I should arrive at certain presumptions and certain conclusions without having before me the evidence to enable me to do so. I think he rather betrayed himself when he pathetically pointed that, even though the matter was not yet ripe, I will not say for decision but hardly even for discussion, he felt that he could not resist the luxury of taking part in a motion for the adjournment of the House and the opportunity of exercising those rhetorical, poetical and imaginative qualities with which we are so familiar. But I do put to the Honourable Member that the present is not an occasion for the exercise of imagination but for a reasonable suspension of judgment. An Honourable Member has made an appeal to the House, that since the passing of a motion of adjournment would be of no effect.....

Mr. Amar Nath Dutt : On a point of personal explanation, I may be permitted to point out that I did not speak from imagination. I quoted from newspapers facts about which no contradiction has been published even in any other newspaper. I only suggest that these are as much trustworthy as, if not more than, the papers read out by the Honourable Member. I did not say a single word from my imagination. Of course, I was deeply moved at the unfortunate occurrence.

The Honourable Sir James Crerar : I think that was the effect of an operation of the imagination. An Honourable Member threw out the suggestion that the House would be well-advised to pass this motion and that that would also add to its prestige, because the motion would be of no effect. I do not think that that is an argument which ought to appeal or which will appeal to the House. A motion for the adjournment of the House is a censure upon Government; and, if the House passes a motion of that kind, either on entirely unsubstantial grounds or against the weight of evidence, or at an

entirely premature stage, then I do not think that the majority of this House would consider that, in taking that course of action, they would be adding to their authority or to their prestige. Now, Sir, an appeal has been made to me to adopt a judicial attitude. I intend to adopt a judicious attitude. But I do not think it is very reasonable to make an appeal of that character to me ; at any rate it does not lie very gracefully in the mouth of Honourable Members who have such expressions in this debate as "heinous deeds of assassination" and so forth. I only desire, Sir, in conclusion to deal with one point which was raised by the Honourable and learned gentleman from Bengal, Sir Abdur Rahim, and by the Honourable the Leader of the Nationalist Party. The appeal was made to me that I should give an assurance to the House that a judicial inquiry should be set on foot.

Sir Abdur Rahim : I think I said "judicial or impartial inquiry".

The Honourable Sir James Crerar : Well, Sir, in the first place I cannot admit that the Magistrate of the District, one who is placed in that position of authority, is an officer who is incapable of conducting an honest and impartial inquiry (Loud applause from the Official Benches). Indeed, Sir,—and I am sure Honourable Members sitting behind me will endorse my assertion—I think that there is no more common experience of a District Magistrate than a constant succession of applications from various persons aggrieved to hear their cases himself (Ironical cheers from some non-official Benches, and applause from the Official Benches). Now, Sir, I will make this reply to Sir Abdur Rahim. It is with some diffidence that I make the suggestion which I make to an Honourable Member who has occupied a distinguished position on the Bench ; but I think, if he will examine his own mind a little bit closely, he will realize that it involves a presumption and a prejudice which cannot properly arise upon the facts before Government or the facts before this House. I have little doubt myself that if the results of this preliminary executive inquiry are of a character to indicate that offences have been committed which require a judicial investigation, I have no doubt myself that that step will be taken. But I do say that it is premature, it is unreasonable, and it is not logical to ask me or Honourable Members on this side of the House, on the basis of the statement of affairs which I frankly and fully read out before the House, to draw premature presumptions or to deal with the case with a premature and unwarranted prejudice. (Applause.)

Sir Abdur Rahim : May I ask one question of the Honourable Member ? Will there be an open, public inquiry into this matter, or is it merely departmental ?

The Honourable Sir James Crerar : I think, Sir, I have already made it clear to the House that I cannot at this stage make any premature presumption or act upon any prejudice. It is impossible for me to say whether the results of this preliminary inquiry will lead to a judicial inquiry or not, nor can I commit the Local Government or the Government of India to any such premature judgment of the position. (Applause.)

Mr. President : The question is :

"That the House do now adjourn."

AYES—38.

Abdur Bahim, Sir.
Aggarwal, Mr. Jagan Nath.
Ashar Ali, Mr. Muhammad.
Badi-us-Zaman, Maulvi.
Bhuput Singh, Mr.
Chandi Mal Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhri.
Jadhav, Mr. E. V.
Kyaw Myint, U
Lalchand Navalrai, Mr.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur Mr. Muhammad.
Murtuza Sahab Bahadur, Maulvi Sayyid.
Pandian, Mr. B. Rajaram.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath
Shah Nawaz, Mian Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Tun Aung, U
Ziauddin Ahmad, Dr.
Zulfqar Ali Khan, Sir.

NOES—58.

Ahmed, Mr. K.
Allah Baksh Khan, Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. B. S.
Banerji, Mr. Rajnarayan.
Crapper, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Fazl-i-Husain, The Honourable Khan
Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarasingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lal Chand, Captain Rao Bahadur.
Lall, Mr. S.
Leach, Mr. F. B.
Montgomery, Mr. H.

Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Puri, Mr. Goswami M. R.
Rafuddin Ahmad, Khan Bahadur Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rama Rao, Rai Bahadur U.
Rastogi, Mr. Badri Lal.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrwardy, Sir Abdullah.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd September, 1931.