

Wednesday, 16th September, 1931

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

Volume V, 1931

*(7th to 22nd September, 1931)*

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SECOND SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY  
1931



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1932

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# CONTENTS.

VOLUME V.—7th<sup>th</sup> September to 22nd September, 1931.

MONDAY, 7TH SEPTEMBER, 1931—	PAGES.
Members Sworn .. .. .	1
Questions and Answers .. .. .	1—29
Unstarred Questions and Answers .. .. .	29—55
Deaths of Mr. Alexander, Mr. Sahani and U Tok Kyi .. .. .	56—59
Governor General's assent to Bills .. .. .	60
Nomination of the Panel of Chairmen and the appointment of the Committee on Petitions .. .. .	60
Statement laid on the Table <i>re</i> Recruitment of Muslims on the North Western Railway .. .. .	60—61
Statement of Business .. .. .	61
Election of Members to the Standing Committee for the Department of Industries and Labour .. .. .	61
The Indian Press Bill (Old Bill)—Withdrawn .. .. .	61—65
The Indian Press Bill (New Bill)—Introduced .. .. .	65—66
The Indian Mines (Amendment) Bill—Introduced .. .. .	66
The Indian Succession (Amendment) Bill—Introduced .. .. .	66—67
The Sheriff of Calcutta (Powers of Custody) Bill—Introduced .. .. .	67
The Aligarh Muslim University (Amendment) Bill—Introduced .. .. .	67
The Land Customs (Amendment) Bill—Introduced .. .. .	67
The Foreign Relations Bill—Introduced .. .. .	68
The Heavy Chemical Industry (Protection) Bill—Introduced .. .. .	68
The Provisional Collection of Taxes Bill—Introduced .. .. .	69
The Ancient Monuments Preservation (Amendment) Bill—Introduced .. .. .	69
TUESDAY, 8TH SEPTEMBER, 1931—	
Death of Mr. K. C. Roy .. .. .	71—76
WEDNESDAY, 9TH SEPTEMBER, 1931—	
Questions and Answers .. .. .	77—110
Statement laid on the Table <i>re</i> Report of the Committee on the purchase of the Bengal and North Western and Rohilkund and Kumaon Railways .. .. .	111—112
The Indian Income-tax (Second Amendment) Bill—Discussion on the Motion to refer to Select Committee adjourned .. .. .	113—50
THURSDAY, 10TH SEPTEMBER, 1931—	
Member Sworn .. .. .	151
Questions and Answers .. .. .	151—99

THURSDAY, 10TH SEPTEMBER 1931— <i>contd.</i>	PAGES.
Resolution <i>re</i> Civil Court Decrees and proceedings against Agriculturists—Withdrawn .. .. .	199—218
Resolution <i>re</i> Agricultural Distress—Negatived .. .. .	218—54
FRIDAY, 11TH SEPTEMBER, 1931—	
Member Sworn .. .. .	255
Questions and Answers .. .. .	255—99
Statement of Business .. .. .	299—300
The Indian Press Bill—Discussion on the Motion to refer to Select Committee, not concluded .. .. .	300—340
MONDAY, 14TH SEPTEMBER, 1931—	
Address by His Excellency the Viceroy to the Members of the Council of State and the Legislative Assembly .. .. .	341—46
The Indian Press Bill—continued .. .. .	347—382
TUESDAY, 15TH SEPTEMBER, 1931—	
Questions and Answers .. .. .	383—426
Unstarred Questions and Answers .. .. .	427—38
The Code of Criminal Procedure (Amendment) Bill—Amend- ment of section 144)—Motion to refer to Select Committee, negatived .. .. .	439—73
WEDNESDAY, 16TH SEPTEMBER, 1931—	
Questions and Answers .. .. .	475—529
Election of Members to the Standing Committee for the De- partment of Industries and Labour .. .. .	529
The Indian Press Bill—Referred to Select Committee .. .. .	529—62
The Indian Mines (Amendment) Bill—Passed .. .. .	562—63
The Indian Succession (Amendment) Bill—Passed .. .. .	563
The Sheriff of Calcutta (Powers of Custody) Bill—Passed. .. .. .	563—64
The Aligarh Muslim University (Amendment) Bill—Passed .. .. .	564—65
The Land Customs (Amendment) Bill—Passed .. .. .	565—66
THURSDAY, 17TH SEPTEMBER, 1931—	
Questions and Answers .. .. .	567—615
Motion for Adjournment—Riots at Dera Ismail Khan and at Chittagaong—Ruled out of order .. .. .	615—17
Statement of Business .. .. .	617—18
Election of Members to the Standing Committee for the Depart- ment of Industries and Labour .. .. .	618
Statement laid on the Table <i>re</i> Purchase of Stores by the High Commissioner for India .. .. .	618—25
Resolution <i>re</i> High Courts—Adopted .. .. .	626—42
Resolution <i>re</i> Powers of the Governor General under the New Constitution—Withdrawn .. .. .	643—52
Resolution <i>re</i> Control of Money Lending and Rates of Interest— Discussion not concluded .. .. .	652—63

	PAGES.
MONDAY, 21ST SEPTEMBER, 1931—	
Member Sworn .. .. .	665
Questions and Answers .. .. .	665—704
Unstarred Questions and Answers .. .. .	704—12
Motion for Adjournment—Shooting of Detenus at the Hijli Detention Camp—Negatived .. .. .	713, 744—64
The Indian Press Bill—Presentation of the Report of the Select Committee .. .. .	713
Statement on the Financial Position .. .. .	713—15
The Heavy Chemical Industry (Protection) Bill—Passed as amended .. .. .	715—35
The Provisional Collection of Taxes Bill—Passed .. .. .	735—36
The Foreign Relations Bill—Discussion on the Motion to con- sider not concluded .. .. .	736—43
TUESDAY, 22ND SEPTEMBER, 1931—	
Questions and Answers .. .. .	765—825
Motion for Adjournment—Pronouncement <i>re</i> the Exchange Ratio—Disallowed by His Excellency the Viceroy and Governor General .. .. .	825—26, 839
Resolution <i>re</i> Control of Money Lending and Rates of Interest— Withdrawn .. .. .	826—55
Message from His Excellency the Viceroy and Governor General	839
Resolution <i>re</i> Rebellion in Burma—Withdrawn .. .. .	855—64
Resolution <i>re</i> The Imperial Bank of India—Discussion adjourn- ed for want of a quorum .. .. .	864—66



## LEGISLATIVE ASSEMBLY.

Wednesday, 16th September, 1931.

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

### QUESTIONS AND ANSWERS.

#### ECONOMY ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

333. \*Mr. K. P. Thampan : Has the attention of Government been drawn to an article under the title of "Samples of Economy on the Madras and Southern Mahratta Railway" on page 84 of the *Indian Railway Magazine* for April, 1931 ? Are the statements contained therein true ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative. I have called for information in respect of the second part and will communicate with the Honourable Member on its receipt.

#### DISCHARGE OF CERTAIN EMPLOYEES OF THE CORDITE FACTORY AT ARAVANKADU.

334. \*Mr. K. P. Thampan : Will Government be pleased to state :

(a) whether it is a fact that certain people who have put in long services varying between 10 and 25 years in the Cordite Factory at Aravankadu have been discharged without payment of any gratuity ;

(b) if so, how many such men were discharged ;

(c) whether they memorialized the Master General of Ordnance for payment of any gratuity, and the relief granted was only a distribution of Rs. 375, which was the accumulated amount of the Fines Fund ;

(d) whether the men concerned have memorialized the Government of India and the Commander-in-Chief ; and if so, what orders have been passed thereon ; and

(e) whether Government have any objection to pay these men gratuity on the same scale as that granted to the State Railway servants, whose services have been dispensed with under the Retrenchment Scheme ?

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**Mr. G. M. Young :** (a) and (b). 37 men of over 10 years' service have been discharged, of whom 24 have been paid small gratuities. Their cases and those of the remaining 13 are being considered.

(c) A memorandum was submitted to the Master General of the Ordnance in India on behalf of the Cordite Factory Labour Union, asking for the grant of gratuities to the discharged men.

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

(d) and (e). Memorials addressed to Their Excellencies the Viceroy and the Commander-in-Chief have been received and are at present under consideration.

#### POSITION OF MINORITIES IN SERVICES UNDER THE CONTROL OF THE CENTRAL GOVERNMENT.

335. **\*Mr. Md. Anwar-ul-Azim :** Will Government please state if they contemplate to appoint any committee or special officer to inquire into the position of the minorities in the services of the Crown in India under the control of the Central Government ? If so, when ?

**The Honourable Sir James Orerar :** Owing to the complaints of non-observance of the orders regarding the representation of minority communities in subordinate ranks, the Government of India have appointed two officers on special duty to carry out investigations in the Railway Department and to assist the Railway Administrations in securing compliance with the orders. The Government of India are examining the position in regard to other Departments and so far as the examination has proceeded it does not appear that the procedure adopted in respect of the Railway Department will be necessary for any other Department.

**Mr. K. Ahmed :** Will the Honourable Member kindly tell us whether these officers who have been appointed on special duty have any powers to issue orders themselves ?

**The Honourable Sir James Orerar :** I understand the Honourable Member to inquire whether these officers will be given power. The immediate purpose of the appointment of these officers is to make investigations. They could not be empowered to issue orders themselves.

**Mr. K. Ahmed :** Then who will be empowered to give effect to their recommendations ?

**The Honourable Sir James Orerar :** The Department, Sir.

**Dr. Ziauddin Ahmad :** Have these officers submitted any Report ?

**The Honourable Sir James Orerar :** I have no information on this point.

**Sardar Sant Singh :** Are the Sikhs also included in this inquiry ?

**Mr. A. A. L. Parsons :** Sikhs are certainly included in the sphere of these investigations.

**Mr. K. Ahmed :** Have the Government of India or my Honourable friend Mr. Parsons given these officers the terms of reference or any instructions as to the procedure they should follow in conducting their investigations ?

**Mr. A. A. L. Parsons :** If I have caught the Honourable Member's question correctly, what he is asking is whether we are prepared to give the House information as to the instructions which Mr. Hassan has received ; I will consider that point.

**Mr. K. Ahmed :** In view of the fact that the officers have been drawing their salaries from April last and they have already started their investigations, has not the Honourable Member given them any instructions as yet as to the procedure they should follow in conducting their inquiries ?

**Mr. A. A. L. Parsons :** I am speaking from memory, but I think a day or two ago I informed the House that a Report had just been received by the Railway Board from Mr. Hassan, and that is under consideration, but I should like to verify whether that is correct.

**Mr. K. Ahmed :** Will the Honourable Member kindly give particulars of the instructions he has given to these officers so that the representatives of the country may be in a position to follow their activities in the matter ?

(No answer was given.)

#### STERLING AND RUPEE LOANS.

336. **\*Mr. Md. Anwar-ul-Azim :** Will Government please state what is the policy that guides the Government in floating sterling loans in England ? How much has been floated during the last five years and at what rates of interest ? What percentage of this loan has been subscribed by Indians, or people domiciled in Great Britain, of Asiatic origin ? What are the disadvantages of a rupee loan, either in the London market, or here ?

**The Honourable Sir George Schuster :** The attention of the Honourable Member is invited to paragraphs 72 to 82 of my Budget speech on the 28th February 1929. A statement is laid on the table giving the information, as far as available, regarding loans floated during the last 5 years. No information is available as to the amounts subscribed by Indians or people of Asiatic origin domiciled in Great Britain. The statement gives the amounts applied for from India.

*Sterling loans raised from 1927-28.*

Year of Issue.	Amount.	Amount applied for from India.	Date of maturity.	Issue Price.	Nominal rate of interest per cent.	Redemption yield on the terms offered.
1927-28 .. ..	£ 7,500,000	£ 303,450	1st June, 1958 1st June, 1968	91-10-0	4½	(a) 5.053 (b) 4.993
1928-29 .. ..	10,000,000	199,150	1st June, 1958 1st June, 1968	91	4½	(a) 5.093 (b) 5.026
1929-30 .. ..	6,000,000	508,050	15th June, 1932 15th June, 1933(c)	99	6	(a) 6.473 (b) 6.627
1930-31 .. ..	7,000,000	1,937,500	15th June, 1933 15th June, 1935	99	6	(a) 6.371 (b) 6.236
1930-31 .. ..	12,000,000	1,824,200	15th October, 1935 15th October, 1937	100	6	6.000
1930-31 .. ..	12,000,000	1,886,800	15th July, 1938 15th July, 1938	97	5½	(a) 6.151 (b) 6.003
1931-32 .. ..	10,000,000	1,757,400	15th December, 1933 15th December, 1934	100	6	6.000

(a) On the basis of the earlier date of maturity.

(b) On the basis of the latter date of maturity.

(c) Repayable at 101 per cent. on the later date.

DECREASE IN CUSTOMS REVENUE.

337. \*Mr. Md. Anwar-ul-Asim : Will Government please state if their attention has been drawn to the several articles in the *Statesman* of Calcutta, during the month of June, 1931, regarding the decrease of Customs revenue ? What policy do Government follow in matters of this kind ?

**The Honourable Sir George Schuster :** The only article which the Government have seen in the *Statesman* of Calcutta for the month of June which relates to the decrease in Customs revenue is the monthly note on the Customs revenue contributed by the Director General of Commercial Intelligence to the issue of the 12th of June. At the appropriate time, the Government will put forward proposals for meeting the situation which arises from the decrease in Customs revenue.

JUDGES' REMARKS ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE.

338. \*Mr. Md. Anwar-ul-Asim : Will Government please state if their attention has been drawn to the remarks of two Judges of the Calcutta High Court, recently, with regard to the amendments of sections 526 and 528 of the Criminal Procedure Code ? If so, do they propose to do any thing in that connection ?

**The Honourable Sir James Orerar :** I have seen the judgment in the case of *Neamat Sha v. Emperor*, reported in XXXV, Calcutta Weekly Notes, to which the Honourable Member presumably refers. The question of amending section 526 (8) of the Criminal Procedure Code is still under the consideration of the Government of India.

CONFIRMATION OF TEMPORARY MUHAMMADAN EMPLOYEES IN THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

339. \*Mr. Md. Anwar-ul-Asim : (a) Will Government state the number of Muhammadan candidates, who are qualified and are working temporarily in the Government of India and its Attached Offices, and have not yet been confirmed in the division for which they have qualified ?

(b) Are Government disposed to consider the desirability of confirming these men in the vacancies reserved for Muslim candidates and which have not been filled in owing to the inadequate number of Muslim candidates qualifying in the recent examination (February, 1931) ?

**The Honourable Sir James Orerar :** (a) Three, one qualified for the First Division and two for the Second Division.

(b) The number of Muslim candidates who qualified at the examination of 1931 was sufficient to fill all the vacancies in the First and Second Divisions for which Muslims were required.

APPOINTMENT OF A MUHAMMADAN IN THE ESTABLISHMENT SECTION OF THE HOME DEPARTMENT.

340. \*Mr. Md. Anwar-ul-Asim : (a) Is it a fact that no Muhammadan assistant or clerk is posted in the Establishment Section of the

Home Department where all questions appertaining to communal adjustment are dealt with ?

(b) If the answer to part (a) above is in the affirmative, do Government propose to consider the necessity of posting at least one assistant and one clerk in that section to look after the interests of the Muhammadans ? What is the general policy of Government in these matters ?

**The Honourable Sir James Orerar :** (a) There is no Muhammadan assistant or clerk at present in the Establishment Section of the Home Department.

(b) I cannot accept the suggestions contained in this part of the Honourable Member's question that unless a community is represented in the staff of a particular section, the interests of that community are likely to suffer and that it is any part of the clerical duties of a Hindu or Muhammadan clerk to seek in that capacity to promote the interests of his own community.

#### EXPULSION FROM BARRACKPORE CANTONMENT OF JAGANNATH PRASAD SINGH.

341. **\*Mr. S. O. Mitra :** (a) Is it a fact that one Jagannath Prasad Singh, President of the Barrackpore Congress Committee, was expelled from the Barrackpore Cantonment on the 23rd December, 1921 ? If so, will Government be pleased to state the reasons for expulsion of the above-named individual ?

(b) Are Government aware that owing to this expulsion order Mr. Jagannath Prasad Singh had to take shelter in a village called Monirampore near Barrackpore and cannot use the Post and Telegraph Office courts, business firms, Hindu temples and ferry ghats which are all situated within the cantonment area ? If not, do Government propose to inquire into the matter, if not, why not ?

(c) Are Government aware, that, due to the said order of expulsion on Mr. Jagannath Prasad Singh, he cannot use the Barrackpore Railway Station or the Ichapore and the Titagarh Railway Stations on either side of Barrackpore as the roads to these stations pass through the cantonment area ? If not, do they propose to inquire into the matter ; if not, why not ?

(d) Are Government aware that for all intents and purposes the said Jagannath Prasad Singh has been in the village of Monirampore ?

(e) Is it a fact that Mr. Jagannath Prasad Singh has never been guilty of any sort of violent political crime ?

(f) Is it a fact that he has been expelled from the cantonment for his non-violent political creed ? If so, do Government propose to remove the bar on Mr. Singh and allow him to live in his native place, Barrackpore ; if not, why not ?

**Mr. G. M. Young :** (a) to (f). Mr. Jagannath Prasad Singh was expelled from the Barrackpore Cantonment on the 23rd December, 1921, for taking part in the non-co-operation movement, but was subsequently informed that he would be permitted to return to the cantonment if he gave an undertaking to refrain from propaganda in connexion with that

movement. He could therefore have returned to the cantonment at any time on giving the undertaking. He has now been permitted to re-enter the cantonment, and has already conducted a public meeting there.

#### PAY OF POSTAL CLERKS.

342. **\*Mr. S. C. Mitra :** (a) Is it a fact that the scale of pay of the postal clerks of Simla is Rs. 45—145 while that of the postal clerks of the moffussil stations in the Punjab and the North West Frontier Province is Rs. 35—135 ?

(b) Is it a fact that the scales of pay of postal clerks of Darjeeling is Rs. 40—140, which is equal to that of the postal clerks of the moffussil stations of Bengal and Assam Circle ?

(c) Is it also a fact that, prior to the recent revision, the scale of pay of Darjeeling postal clerks was higher than that of the moffussil station postal clerks in Bengal and Assam ?

(d) Is it a fact that the District of Darjeeling has been grouped with Calcutta, Alipore and Howrah by the Government of Bengal in their Notification No. 415-T.E., dated 29th May, 1920, as far as the dearness of living and excessive house rent in those places are concerned ?

(e) Is it a fact that the postal staff of Simla and Darjeeling get the same rate of allowance ?

(f) Are Government aware that the cost of living in both these places is equal ?

(g) Will Government be pleased to state why during the last revision of pay in the Posts and Telegraphs Department, Darjeeling was put in the same category as the moffussil stations of Bengal and Assam, though a higher scale of pay was sanctioned for the clerks in the Simla Post Office ?

(h) Is it a fact that under circular No. 1, dated 11th April, 1931, issued by the Director General of Posts and Telegraphs, the allowance paid to the postal staff in Darjeeling has been reduced by the same percentage as has been done in other moffussil stations ? If so, why ?

(i) Do Government propose to reconsider the case of the Darjeeling postal clerks and bring their pay to the same level as obtains in Calcutta, Alipore and Howrah post offices ? If not, why not ?

**Sir Hubert Sams :** (a) The case is not quite as stated. Simla is not alone on the first scale named, nor are all moffussil offices on the other scale.

(b) In the Bengal and Assam Circle, only Calcutta, Howrah and Alipore were placed in a special scale, viz., Rs. 50—160, while for all other offices a scale of Rs. 40—5—140 was fixed on the ground that there was no sufficient reason for discriminating between larger and smaller offices in that Circle.

(c) Yes.

(d) The Bengal Government Notification cited is not readily available. The scales of pay of Postal clerks, however, were fixed on wider principles as indicated in (b) above.

- (e) They get the same rate of compensatory allowance.
- (f) Government do not admit that the cost of living is equal.
- (g) Does not arise in view of the replies to (a) and (b).
- (h) Yes, for the reasons stated in the Government of India Resolution subjoined to the Circular cited.
- (i) No, for the reasons stated in (a) and (b).

#### CREATION OF A POST OF CONTROLLER OF FOREIGN MAILS IN BOMBAY.

343. \*Mr. S. C. Mitra : (a) Is it a fact that the Director General of Posts and Telegraphs contemplates to create a post of Controller of Foreign Mails in Bombay on a pay of Rs. 1,000—1,500 per month ?

(b) Will Government be pleased to lay a copy of the scheme on the table ? If not, why not ?

(c) Is it a fact that it has been proposed to do away with the post of the Superintendent, Foreign Mails Division and one City Superintendent of Bombay ?

(d) Will Government be pleased to state why the post of City Superintendent of Bombay is being reduced in connection with the foreign mails and in what way was the work of the City Superintendent connected with the foreign mails ?

(e) Is it a fact that there are only 40 or 50 members of the staff attached to the Foreign Mails Division ? If so, will Government be pleased to state why such a highly salaried post is being created for controlling such small staff ?

(f) Will Government be pleased to state what saving is likely to be effected by transferring the whole work of foreign mails under the proposed Controller ? Will Government be pleased to state why are they creating a post with such a high salary during these days of financial stringency ? Is it a fact that on the creation of this post it is proposed to give a lift to a European officer of the Department ?

**Sir Hubert Sams :** The Postmaster-General, Bombay, submitted a proposal to reorganise the foreign mail work at Bombay. This proposal, which would result in a considerable saving, is now under my consideration and Government are not in a position to make any statement. With respect to the concluding query, the fact is not as stated.

#### PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

344. \*Mr. Jagan Nath Aggarwal : Will Government please state whether it is a fact :

- (a) that promotions and increments in salary of members of the P. W. D. upper subordinates on Indian State Railways are still governed by the grade system as obtained generally before the reforms ;
- (b) that in almost all other services the pre-reform grade system has been replaced by time-scales of pay ; and



- (c) that there are many of the aforesaid upper subordinates who have been stationary in the same position as regards grade and salary for the last two, three, or in several cases even ten years ?

**Mr. A. A. L. Parsons :** (a) Recently the staff in question have been allowed the option of an incremental scale, as is in force for Inspectors of works, subject to certain conditions.

(b) The tendency has been as suggested.

(c) This is substantially true, but the men who have remained on the same pay for long periods are those who have attained the maximum pay of Sub-Engineer, viz., Rs. 540.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

345. **\*Mr. Jagan Nath Aggarwal :** Are Government aware that in accordance with the present distribution of grades *inter se* among the P. W. D. upper subordinates on Indian State Railways, a large number of them cannot possibly attain to the maximum of Rs. 550 *plus* Rs. 40 (for Special Sub-Engineer grade) fixed for their cadre, providing for average periods of service for men in the higher grades ?

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

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

346. **\*Mr. Jagan Nath Aggarwal :** Will Government please state :

- (a) whether they are aware that P. W. D. upper subordinates on State Railways have been greatly agitated over the question of their prospects and have been clamouring for a suitable time-scale of pay for several years ;
- (b) whether the Railway Board offered to place them on time-scale of pay with Inspectors of Works ; and
- (c) whether so far these upper subordinates have not accepted this offer and why ?

**Mr. A. A. L. Parsons :** (a) Representations have been received from them since August 1928, asking for an improvement of pay.

(b) Yes.

(c) Only one has elected for the scale applicable to Inspectors of Works. The reason why others have not done so is probably that they consider the existing scale better on the whole than the scale offered to them.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

347. **\*Mr. Jagan Nath Aggarwal :** Is it a fact that if P. W. D. upper subordinates on State Railways accept the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works, then :

- (a) they will have a lower maximum salary fixed for them than what they have now ;

(b) as many as 25 of the cadre of 40 upper subordinates will never have any chance of reaching even that smaller maximum ; and

(c) many of them will be placed in the *pro forma* seniority list in a position junior to Inspectors of Works who have put in much shorter service than the former ?

**Mr. A. A. L. Parsons :** (a) The maximum pay of the scale of upper subordinates is Rs. 540, omitting a special increase of Rs. 50 permissible in certain special circumstances, while the maximum pay of the scale of Inspectors of Works offered to them is Rs. 550.

(b) The Inspectors' scale is not a continuous time-scale and it is difficult to say how many Upper Subordinates can reach its maximum if they elect for it as this will depend upon the occurrence of vacancies in higher grades.

(c) Upper Subordinates and Inspectors of Works having hitherto been borne on separate lists, their fusion into one list would naturally lead to some Upper Subordinates ranking below Inspectors with shorter service and *vice versa*.

#### PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

348. **\*Mr. Jagan Nath Aggarwal :** Will Government please state whether :

(a) it is a fact that the Railway Board in their letter No. 7012-E., dated the 7th May, 1930, addressed to the Agent, North Western Railway, offering to place P. W. D. upper subordinates on State Railways on time-scale of pay with the Inspectors of Works, offered simultaneously to give them two years' credit for training in colleges ;

(b) in drawing up the *pro forma* seniority list of Inspectors of Works and the said upper subordinates the Agent, North Western Railway, has given all the men concerned two years' credit referred to ; and

(c) if the reply to (b) above is in the negative, Government are prepared to take steps for the preparation of a new list ?

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

(b) and (c). I have called for information and will communicate with the Honourable Member on its receipt.

#### PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

349. **\*Mr. Jagan Nath Aggarwal :** Will Government please place on the table a statement showing the scales of pay fixed for P. W. D. upper subordinates on State Railways and of Permanent Way Inspectors, Inspectors of Works, and Signal and Interlocking Inspectors on the North Western Railway since the year 1900 and up to date ?

**Mr. A. A. L. Parsons :** Government regret they cannot undertake to collect the information required, as it would entail a disproportionate expenditure of time and labour.

**PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.**

350. \***Mr. Jagan Nath Aggarwal :** (a) Are Government aware of the grave disappointment caused to P. W. D. upper subordinates on State Railways by the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works falling far short of their demand ?

(b) If so, are Government prepared to offer a distinct time-scale of pay to these upper subordinates, which will :

- (i) not interfere with their relative seniority ;
- (ii) open up a suitable maximum of salary to them commensurate with their status and qualifications ; and
- (iii) render their maximum attainable by all of them before their retirement on pension ?

**Mr. A. A. L. Parsons :** (a) A representation was recently received on this subject.

(b) No.

**PROMOTION OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.**

351. \***Mr. Jagan Nath Aggarwal :** Will Government please state :

- (a) the relative strengths of cadres of P. W. D. upper subordinates on State Railways and Punjab P. W. D. upper subordinates in 1920 ;
- (b) the number of members of each of these cadres promoted to the respective higher grades, namely, the Provincial Engineering Service, since 1st April, 1921 ; and
- (c) the number of the said State Railways upper subordinates now on the approved list of Officiating Sub-Divisional Officers ?

**Mr. A. A. L. Parsons :** 13 Upper Subordinates have been promoted in the State Railway Department to gazetted rank since 1921. Government regret they cannot undertake to collect the remainder of the information asked for.

**ESTABLISHMENT OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.**

352. \***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that in its Resolution No. 611-E.20, dated 4th April, 1921, the Railway Board decided to transform the establishment of P. W. D. upper subordinates on State Railways into a service organised on the model of the then existing Provincial Services in a manner so that the said establishment of upper subordinates is gradually reduced " until it ceases to exist " ?

(b) Will Government please state whether the establishment of P. W. D. upper subordinates on State Railways has been transformed into the Provincial Engineering or other equivalent service as decided by the Railway Board ? If not, why not ; and what steps do Government propose to take to implement the decision of the Railway Board as contained in its Resolution No. 611-E.20, dated 4th April, 1921 ?

**Mr. A. A. L. Parsons :** (a) & (b). The Resolution stated that selected members of the Upper Subordinate establishment would be promoted to the Provincial Engineering Service and those who are not selected for such promotion retained as Upper Subordinates. Steps have been taken to implement this promise, having regard to the vacancies to be filled by promotion and to the claims of the Upper Subordinates or Inspectors of Works best qualified for promotion.

**TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.**

**353. \*Mr. Jagan Nath Aggarwal :** Will Government please state if it is a fact :

- (a) that the grant of travelling allowance to Public Works Department upper subordinates employed on Indian State Railways was originally governed by Government of India circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ;
- (b) that under paragraph 3 of the said circular the said upper subordinates have been entitled to travelling allowance on the day basis of calculation as distinguished from what is generally known as night allowance ;
- (c) that this rule of grant of day allowance to these upper subordinates was re-affirmed by Supplementary Rule 82 of the Fundamental Rules in 1921, which has since been made applicable to them ;
- (d) that they have actually been getting day allowance for over half a century now for travelling on duty ; and
- (e) that the said circular has not been cancelled up to the date of this question, except for minor modifications in duration of absence and rates ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I shall answer questions Nos. 353 to 357 together. Public Works Department Upper Subordinates employed in State-managed Railways were until lately eligible for daily allowance under Supplementary Rule 82, i.e., for an absence from headquarters exceeding 8 consecutive hours from midnight to midnight ; but as there is very little difference between the duties of these subordinates and those of Inspectors of maintenance who are eligible for daily allowance only if their absence from headquarters exceeds 4 hours between 9 P.M. and 5 A.M., the Government considered it undesirable to allow the distinction between the two categories of staff in the matter of travelling allowance to continue. Government are aware that the Upper Subordinates concerned are memorialising against the orders in question. The memorials which, I have no doubt, raise all the points mentioned in these questions will be considered in due course, when received through the proper channel.

Government are not prepared to lay on the table the letter, dated the 30th October, 1930, on the subject, which they received from the Agent of the North Western Railway.

**TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.**

†354. \*Mr. Jagan Nath Aggarwal : (1) Will Government please state if it is a fact :

- (a) that practically the whole of the work to be performed on the line by the P. W. D. upper subordinates employed on Indian State Railways has to be done during the day time ;
- (b) that travelling on duty means additional expense to them ;
- (c) that day allowance for travelling has hitherto been granted to them to enable them to meet this additional expense incurred in travelling on duty ;
- (d) that the Railway Board have now decided to take away the right of day allowance for travelling from these upper subordinates and to grant them, with effect from 6th July, 1931, travelling allowance under Supplementary Rule 83 for absence from headquarters for more than four hours and that only between 21-0 hours and 5-0 hours ; and
- (e) that these upper subordinates have little occasion to go out on the line or be absent from headquarters during the said night hours ?

(2) If the answer to part (1) (d) above is in the affirmative, will Government please state the justification they have in taking away from these upper subordinates the right to day allowance to which they have been entitled for over half a century ?

(3) If the answer to part (1) above is in the affirmative, will Government please state whether the effect of the application of Supplementary Rule 83 in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways will be to throw the burden of bearing the expense of travelling on duty during the day time on the salaries of these upper subordinates ?

**TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.**

†355. \*Mr. Jagan Nath Aggarwal : Will Government please state whether they are aware that :

- (a) upper subordinates employed under Local Governments are granted day allowance for travelling ;
- (b) all other pensionable hands on Indian State Railways continue to get day allowance ;
- (c) P. W. D. upper subordinates employed on Indian State Railways are pensionable hands ; and
- (d) day allowance was one of the service conditions under which P. W. D. upper subordinates now employed on Indian State Railways joined this Department of service ?

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†For answer to this question, see answer to question No. 353.

### TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†356. \***Mr. Jagan Nath Aggarwal** : (a) Are Government aware that the decision of the Railway Board, to apply Supplementary Rule 83 with effect from 6th July, 1931, in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways has caused widespread discontent among these upper subordinates ?

(b) If so, will Government please state whether they are prepared to continue to recognise the right of these upper subordinates to be granted day allowance for travelling on duty, and whether it is a fact that this right is based on Government of India Circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ? If so, will Government please state whether they are prepared forthwith to cancel the Railway Board letter No. 7048-F, dated 6th July, 1931 ? If not, why not ?

### TRAVELLING ALLOWANCE OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†357. \***Mr. Jagan Nath Aggarwal** : Will Government please lay on the table a copy of letter No. 39-E.103, dated 30th October, 1930, from the Agent, North Western Railway, to the Secretary, Railway Board, recommending the continuance of day allowance to P. W. D. upper subordinates employed on Indian State Railways ?

### APPOINTMENT OF CHIEF PERSONNEL OFFICER, NORTH WESTERN RAILWAY.

358. \***Mr. Jagan Nath Aggarwal** : (a) Will Government be pleased to give the reasons which led to a change of the designation of Junior Deputy Agent, Personnel, to Chief Personnel Officer, North Western Railway, involving the enhancement of his salary from Rs. 1,800 to Rs. 2,500 at a time when retrenchment was the cry of the day ? Was there any change in the duties ?

(b) Is it a fact that the present incumbent of the above post has sanctioned two assistants under him drawing a salary of Rs. 500 per mensem each ?

(c) Are Government prepared to consider the desirability of abolishing the above post and reverting its incumbent to his old substantive post thus saving the pay of the two assistants as well as the increase of salary involved in the creation of the new post ?

**Mr. A. A. L. Parsons** : (a) Government consider that the growing importance and complexity of establishment and labour problems on a large railway system like the North Western Railway required, for the efficient handling of the work, the establishment of a personnel branch under the control of a principal officer. The duties and responsibilities of the post of Chief Personnel Officer, which has been created as an experimental measure for a year, are more onerous than those allotted previously to the Deputy Agent, Personnel.

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†For answer to this question, see answer to question No. 353.

(b) Government have no information. The creation of such posts is within the powers of the Agent.

(c) The entire organisation will be reviewed towards the end of this year.

# INTERMEDIATE AND SECOND CLASS NORTH WESTERN RAILWAY PASSES TO PURI.

359. \*Mr. Jagan Nath Aggarwal : Is it a fact that intermediate class passes from the North Western Railway stations to Puri are issued *via* Gomoh instead of Howrah ? If so, why are second class passes being issued *via* Howrah when the Pass Rules for both the classes are one and the same, i.e., they should be issued by the quickest and shortest route ? Do Government propose to give the same concession to intermediate class pass-holders as is given to second class pass-holders in respect of issue of the passes to Puri ?

Mr. A. A. L. Parsons : I have asked the Agent, North Western Railway, for a report and will communicate with the Honourable Member on its receipt.

## LITIGATION OFFICER OF THE NORTH WESTERN RAILWAY.

360. \*Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state if the present litigation officer on the North Western Railway is a non-technical hand being promoted from a guard or Traffic Inspector and about six B.A., LL.Bs. are working under him as lawyers to conduct cases in courts ?

(b) If so, will Government please state why an unqualified man is put in charge of legal work which involves technical training ?

(c) Are Government prepared to consider the desirability of ordering that the State Railways should entrust their legal work to competent and trained persons ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

## OFFICIATING PROMOTION OF MR. S. R. WOODMORE AT THE MOGHALPURA RAILWAY WORKSHOPS.

361. \*Mr. Jagan Nath Aggarwal : Is it a fact that Mr. S. R. Woodmore, Journeyman in Loco. Shops, Moghalpura, was given the chance to officiate as Chief Draftsman in Superintendent Mechanical Workshops, Moghalpura's Office in preference to other senior and more qualified Indians holding the diploma of Associate Member of Technical Engineers or with European qualifications and A Class apprentices ?

Mr. A. A. L. Parsons : I have called for the information and will communicate with the Honourable Member on its receipt.

## ADVERTISEMENTS OF THE PUBLIC SERVICE COMMISSION.

362. \*Mr. Jagan Nath Aggarwal : (a) Is it a fact that the Public Service Commission is giving advertisements regarding rules and appointments to certain newspapers only ?

(b) Are Government aware that such newspapers are mostly in European and Anglo-Indian hands ?

(c) Are the Public Service Commission prepared to extend its patronage to Indian papers as well ?

**The Honourable Sir James Orerar :** (a) The Commission maintain a list of newspapers advertisements in which they consider will secure adequate publicity for the notices which they issue from time to time, and confine their advertisements to this list.

(b) A copy of the list as it at present stands is laid on the table.

(c) There are already several Indian papers on the list, but the suggestion that more might be added will be conveyed to the Commission.

*List of papers in which the advertisements are issued by the Public Service Commission.*

1. *The Statesman*, Calcutta.
2. *The Leader*, Allahabad.
3. *The Civil and Military Gazette*, Lahore.
4. *The Times of India*, Bombay.
5. *The Madras Mail*, Madras.
6. *The Rangoon Gazette*, Rangoon.
7. *The Hindu*, Madras.
8. *The Hitavada*, Craddock Town, Nagpur.
9. *The Star*, Allahabad.

#### APPOINTMENT OF JANITOR OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

363. **\*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state the circumstances under which the post of Janitor in the Headquarters office of the North Western Railway has always been filled by Europeans, especially guards, when Indian guards and Indian Sanitary Inspectors are available in large numbers ?

**Mr. A. A. L. Parsons :** I have called for certain information and will communicate with the Honourable Member on its receipt.

#### APPOINTMENT OF RAILWAY OFFICERS " OUTSIDE THEIR OWN LINE OF QUALIFICATIONS ".

364. **\*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state why Engineers, Traffic, Mechanical, and Stores Officers are appointed as Director of Establishment, Secretary, Railway Board, Deputy Agent, Personnel, Divisional Personnel Officers and Assistant Personnel Officers on State Railways outside their own line of qualifications ? Is there not a considerable demand for their utilization in their own technical lines ? Do these officers possess the necessary certificates to hold such posts ?

**Mr. A. A. L. Parsons :** The posts referred to are open to members of all the branches of the railway services mentioned by the Honourable Member. They are filled by selection from among those considered qualified to discharge the duties of these posts. The sanctioned cadres of the various Branches include provision for officers to fill such posts.



**OFFICERS' AND CLERKS' GRADES ON THE NORTH WESTERN RAILWAY.**

365. \***Mr. Jagan Nath Aggarwal** : (a) Is it a fact that on the North Western Railway and other State Railways there are only two grades for officers, i.e., Junior and Senior ?

(b) Is it also a fact that there are seven grades in the clerical establishment on the North Western Railway, while in the Postal and Telegraph Department there are only two grades Junior and Senior under time-scale ?

(c) If so, why is this distinction between two services on the North Western Railway itself and between two Departments of the Government of India ?

**Mr. A. A. L. Parsons** : (a) The following are the ranks and grades for officers on the North Western Railway and other State-managed Railways :

1. Administrative.
2. Senior Scale.
3. Junior Scale.
4. Lower Gazetted Service.

(b) Yes, but the grades on the North Western Railway include Superintendents, Assistant Superintendents and Head Clerks.

(c) The distinction is justified by the varying degree of responsibility and the varying nature of work of the different ranks and grades.

**APPOINTMENT OF SIKHS AND HINDUS AS DRAFTSMEN ON THE NORTH WESTERN RAILWAY.**

366. \***Mr. Jagan Nath Aggarwal** : Is it a fact that out of 81 Draftsmen employed in the Mechanical Drawing Offices of Chief Mechanical Engineer, Superintendent Mechanical Workshops and Loco and Production Engineers on the North Western Railway, there are only 6 Hindus and Sikhs and the remaining 75 are Muhammadans ? Are Government prepared to issue orders that no more Muhammadans are recruited in this line until an equal percentage of Hindus and Sikhs and Anglo-Indians is employed ?

**Mr. A. A. L. Parsons** : I have called for certain information and will communicate with the Honourable Member on its receipt.

**Mr. Lalchand Navalrai** : Does not the Honourable Member realise that giving information hereafter will place the House at a disadvantage in putting further questions ?

**Mr. A. A. L. Parsons** : No, Sir. When we communicate information to the Honourable Member who has asked the question, we always place a copy of it in the Library, so that any other Member of this House who happens to be interested in the same subject will be able to obtain that information.

**Mr. Lalchand Navalrai** : Are we not thereby debarred from putting supplementary questions ? (Laughter.)

**Mr. A. A. L. Parsons :** The Honourable Member can always put new questions and I shall always be prepared to answer supplementary questions then.

**Mr. Lalchand Navalrai :** But it will be too late for this session.

#### APPOINTMENT OF SUPERINTENDENTS IN DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY.

367. **\*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state whether guards and Travelling Ticket Examiners are promoted as clerical Superintendent in Divisional Offices on the North Western Railway when they have no experience of the clerical line ? If so, are Government prepared to take steps to replace them by qualified clerical hands ?

**Mr. A. A. L. Parsons :** The appointments to posts of Office Superintendents are made by Selection Boards. Guards and Travelling Ticket Examiners qualified for such posts are not excluded, and Government see no reason to interfere with the present practice.

#### RACIAL DISCRIMINATION IN NEW LEAVE RULES ON STATE RAILWAYS.

368. **\*Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state why racial discrimination has been adopted by introduction of new leave rules on State Railways and whether there was any such discrimination in the Fundamental leave rules sanctioned by the Secretary of State ?

(b) Why have the new leave rules been enforced on the North Western Railway from the 1st April, 1927, when they have only been formulated in April, 1930 ?

(c) Will Government also state why the necessity of framing new leave rules was felt on the State Railways ?

**Mr. A. A. L. Parsons :** (a) The assumption made by the Honourable Member is incorrect. One of the main objects of making the new rules was to eliminate the racial discrimination obtaining in the leave rules of Companies' Railways taken over by the State and to give a similar lead to other Companies' lines.

(b) The new rules have been applied to staff who joined the service on or after the 1st April, 1930, and to those who did so earlier but on the understanding that they would come under the new rules when the latter were introduced.

(c) The Fundamental Leave Rules were considered unsuitable to a commercial Department like Railways.

#### CHRISTMAS HOLIDAY FOREIGN LINE PASSES LIMITED TO ANGLO-INDIANS AND EUROPEANS.

369. **\*Mr. Jagan Nath Aggarwal :** (a) Is it a fact that on State Railways during Christmas holidays foreign line passes are not granted to Indians but they are only given to Anglo-Indians and Europeans ?

(b) Are such passes on foreign lines, e.g., East Indian Railway, granted to Hindus during Dusehra holidays and to Muhammedans during Moharrum holidays ?

(c) If not, do Government propose to issue necessary orders on the subject in order to remove any inequality of treatment ?

**Mr. A. A. L. Parsons :** I am making enquiries from the Agents of the State-managed Railways and will communicate with the Honourable Member on receipt of their replies.

#### SLUMP IN THE TEA TRADE IN THE PUNJAB.

370. **\*Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to the slump in the tea market in the Punjab ?

(b) What steps are Government taking to rehabilitate the trade in tea in the Punjab ?

(c) Have the Russian Government placed any restriction on the import of Indian tea into Russian territory ?

**The Honourable Sir George Rainy :** (a) Government have received no information on the subject.

(b) No steps are being taken by Government in regard to the trade in tea in the Punjab.

(c) So far as Government are aware, no special restriction has been placed on the import of Indian tea into Russia.

**Mr. Jagan Nath Aggarwal :** Will the Honourable Member kindly see fit to make enquiries into this subject ?

**The Honourable Sir George Rainy :** If my Honourable friend will place before me any information that he has, it will then be possible for me to say whether I can carry the matter further. Naturally any information placed before one by a responsible Member of this House, I should be disposed to treat seriously and make enquiries.

**Mr. Jagan Nath Aggarwal :** I shall certainly be glad to place the information that I have at the Honourable Member's disposal.

#### EXTENSION OF THE INDIAN BAR COUNCILS ACT, 1926, TO THE PUNJAB.

371. **\*Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to a resolution of the High Court Bar Association at Lahore urging that the Indian Bar Councils Act, 1926 (XXXVIII of 1926) be extended to the Punjab ?

(b) What action do Government propose to take in the matter ?

**The Honourable Sir James Orerar :** (a) Yes.

(b) The Indian Bar Committee, after taking evidence at Lahore, expressed themselves as being doubtful of the advisability of setting up a Bar Council at Lahore, and the Local Government were also opposed to the proposal. The Government of India do not, in the circumstances, propose to take any action, unless the Local Government and the High Court consider any action to be necessary.

#### COST OF AIR MAIL BETWEEN ENGLAND AND INDIA.

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

(a) the cost per trip of the air mail from India to England :

- (b) the cost per trip from England to India ;
- (c) the normal cost which each letter from India to England involves the department ;
- (d) the normal cost which each parcel per lb. costs per air mail from India to England ;
- (e) the normal cost which each parcel per lb. costs per air mail from England to India ;
- (f) whether or not the in-takings in England on the head of air mail are credited to the British Treasury ;
- (g) whether or not the expenses of the outward journey from England to India of the air mail are borne by the British Treasury ; and
- (h) the amounts which the air-mail service has involved the Indian Post Office Department during the years 1928-29 and 1929-1930 ?

**Mr. J. A. Shillidy :** (a), (b), (e), (f) and (g). Government have no information.

(c) 4 annas 8 pies per half ounce.

(d) Rs. 4-14-0 for the first pound and Rs. 4 for every additional pound.

(h) The Honourable Member's question is not understood.

#### CONSTRUCTION OF A CENTRAL RAILWAY STATION IN CALCUTTA.

373. \***Mr. Nabakumar Sing Dudheria :** Will Government be pleased to state :

- (a) whether the Railway Board have decided to start a Central Station at Calcutta on the completion of the Bally Bridge on the Calcutta Central Railway ;
- (b) if the answer to part (a) is in the affirmative, the approximate date by which such a Central Station would be an accomplished fact ;
- (c) the total expenditure that would be incurred in the construction of such a station ;
- (d) whether in that event all through train services at present running up to Howrah will be diverted to the Central Station ;
- (e) the position to which the Howrah Station would be reduced in such an event ; and
- (f) if the answer to part (a) is in the negative, how the Eastern Bengal Railway are going to meet the enhanced train-service on the completion of the Bally Bridge with their present accommodation as regards platform-service ?

**Mr. A. A. L. Parsons :** (a) No.

(b), (c), (d) and (e). Do not arise.

(f) The Agent of the administration has not suggested to the Railway Board that any special arrangements will be necessary to deal with the passenger service when the Bally Bridge is opened.

CONSTRUCTION BY THE EAST INDIAN RAILWAY OF BUILDINGS AT SALKEA, HOWRAH.

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

- (a) whether the East Indian Railway have of late constructed a number of one-storeyed, two-storeyed, three-storeyed and four storeyed buildings on the Salkea side of Howrah Station yard ;
- (b) the purpose or purposes for which these buildings have been put up ;
- (c) whether or not the construction of a lot of these buildings with side-paths and avenues has not synchronized with the construction of the Bally Bridge and the Calcutta Central Railway ;
- (d) the total capacity for accommodation of the buildings that have already been completed ;
- (e) how many of those buildings are : (i) one-storeyed, (ii) two-storeyed, (iii) three-storeyed, and (iv) four-storeyed ;
- (f) the total expenditure that the buildings already constructed have involved the East Indian Railway ;
- (g) whether there are yet some buildings or portions of buildings, roads and avenues running by them not yet completed ; and
- (h) the amount that is estimated to be spent upon those incomplete items ?

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

(b) For housing Railway Staff.

(c) This scheme was started in 1928, and is now complete. The Bally Bridge and Calcutta Chord Railway was started in 1925 and is not yet complete.

(d) 588 families with servants.

(e) One storeyed—Nil.

Two storeyed—108 units servants' quarters.

Three storeyed—180 units.

Four storeyed—408 units inferior servants' quarters.

(f) Rs. 52,80,258 including the cost of land.

(g) No.

(h) Does not arise.

STUDENTS' CONCESSIONS FOR TRAVELLING BETWEEN JADABPUR AND CALCUTTA.

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

- (a) how many students of Jadabpur Technical School normally avail themselves of the students' concession, month by month,

in travelling between Calcutta and Jadabpur and between Jadabpur and other neighbouring stations on Eastern Bengal Railway ;

- (b) the students' concession rate for each 3rd class ticket between Calcutta and Jadabpur ;
- (c) the time normally allowed for stoppage of a passenger train at the Jadabpur station ;
- (d) how many stations one has got to pass before one comes to Jadabpur from Calcutta ;
- (e) whether it is a fact that ordinarily all Down trains to Calcutta come to Jadabpur much too overcrowded ; and
- (f) whether it is always possible in the short space of time allowed for stoppage of trains at Jadabpur for a party of 100 to 200 students to get themselves entrained all in 3rd class compartments along with other passengers intending to get themselves entrained ?

**Mr. A. A. L. Parsons :** (a) The information is not readily available and its compilation would involve work incommensurate with any use to which it could be put.

(b) Nine pies.

(c) Some trains are booked to stop for three minutes, others for two minutes, but the majority for one minute.

(d) Two.

(e) and (f). Government have no information as regards the overcrowding of trains to Calcutta and of the number of passengers entraining at Jadabpur. A copy of the Honourable Member's question and of this answer will be forwarded to the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

#### RETRENCHMENT IN SCIENTIFIC AND TECHNICAL DEPARTMENTS.

376. **\*Mr. Nabakumar Sing Dudhuria :** Will Government be pleased to state :

- (a) whether there were proposals before the Retrenchment Committees to restrict the activities of such scientific and technical Departments, as the Geological, Zoological, Anthropological and Archaeological Departments, during the coming years for the sake of economising expenses of the Central Government ;
- (b) if the answer to part (a) is in the affirmative, the specific nature of those proposals ;
- (c) the recommendations made by the Committees concerned ;
- (d) the resolutions arrived at by the Government of India with respect to those proposals ; and
- (e) the nature of the specific retrenchments that are sought to be effected ?

**The Honourable Sir George Schuster :** I would refer the Honourable Member to the reply I gave on the 15th September, 1931, to Mr. Bhuput Sing's starred question No. 264.

**THE Kapiandi SYSTEM IN KENYA COLONY.**

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

- (a) the details of the *Kapiandi* system as prevalent in Kenya Colony in East Africa ;
- (b) since how long the system has been in vogue in that Colony ; and
- (c) whether the system applies to the Indian settlers in that Colony ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : (a), (b) and (c). I have no information. But if the Honourable Member is referring to the *Kipandi* system, it appears from the memorandum submitted by a representative of the Indian community in Kenya to the Joint Select Committee of Parliament on East Africa that this is another name for the system of registration of natives. The registration of natives in Kenya is regulated by the Native Registration Ordinance of 1921, and the rules issued thereunder. Briefly, every native is required to carry a certificate of identification which has to be signed by the employer and shows the rates of wages both on engagement and on discharge. The system seems to have been introduced in 1919. The Ordinance does not apply to the Indian settlers in Kenya.

**APPOINTMENT OF MUSLIMS IN THE CURRENCY OFFICE, LAHORE.**

378. \***Honorary Lient. Nawab Md. Ibrahim Ali Khan** : (a) Will Government be pleased to state the number of Hindus, Muslims and others employed in the Currency Office, Lahore ?

(b) Is it a fact that not a single Muslim is working in the above mentioned office ?

(c) If the reply to part (b) is in the affirmative, are Government prepared to consider the case of the Muslims and arrange to give them their due share in the Currency Office at Lahore ?

**The Honourable Sir George Schnuster** : (a) The communal composition of the office staff of the Currency Office, Lahore, is 57 Hindus, 27 Muslims and 4 Sikhs.

(b) No.

(c) Does not arise.

**RE-ADMISSION TO CANTONMENTS OF PERSONS EXPELLED ON ACCOUNT OF POLITICAL AGITATION.**

379. \***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Azhar Ali) : (a) Is it a fact that the Military Secretary made an announcement that persons turned out from the Cantonment area on account of disturbed conditions will be re-admitted ?

(b) Are Government aware that Hukam Chand & Bros. had three shops at (i) Razmak, (ii) Lower Camp Razmak, and (iii) Wana, since 1922 and they were all turned out on account of participation of their relatives in political agitation at Bannu, 70 miles away from Razmak, in 1930 ?

(c) Are they now permitted to occupy the shops and carry on business ?

(d) If not, when will this permission be granted ?

**Mr. G. M. Young :** (a) The Honourable Member is presumably referring to my statement on the 10th March, 1931, to the effect that persons who had been expelled from cantonments under section 239 of the Cantonments Act in consequence of agitation in connection with the civil disobedience movement had been allowed to return to cantonments unconditionally.

(b), (c) and (d). I have called for a report and will communicate with the Honourable Member on its receipt. Razmak and Wana are not, however, cantonments : they are military camps situated in tribal territory : the Cantonments Act has not been applied to them : and no civilian is allowed to enter them without the special permission of the Officer Commanding.

#### CONTRIBUTIONS BY INDIA TO THE LEAGUE OF NATIONS AND THE ADVANTAGES SECURED.

380. \***Mr. Bhupat Sing :** Will Government be pleased to state :

- (a) the total amount of contributions that India as an allied and independent member of the League of Nations has got to make annually towards the maintenance of the League ;
- (b) the circumstances in which the amount of the annual contribution from India was first settled ;
- (c) who it was that represented the Government of India when the question of contributions was first fixed ;
- (d) the rights and privileges that India enjoys by reason of her contributions towards the League as emanating from the League itself ;
- (e) the specific benefits or advantages that she has obtained ever since she became a member thereof ;
- (f) whether the Indians that have led the Indian Delegation to the League year by year since India's affiliation have invariably led it ;
- (g) if so, the year in which and the names of Indians by whom such a delegation was led ;
- (h) whether the Indian Delegation ever made any recommendations to the League on behalf of India ; if so, the nature of these recommendations and how many of them were accepted or rejected by the League ;
- (i) how many Japanese and Chinese there are employed in the League Secretariat ;
- (j) how many Indians there are who are likewise employed and their names, length of service and manner of recruitment ;
- (k) what benefits or advantages India is expected to derive from the Intellectual co-operation with that aspect of the League of Nations ; and



- (l) the total amount that it costs India year by year for the Indian Delegation, delegation to the Intellectual co-operation and the like delegations from India ?

**Sir Lancelot Graham :** (a) India is at present assessed at the rate of 56 units out of a total of 986 units and her net contribution for 1931 amounts to 1,705,811.54 gold francs, which is equivalent to 8,66,419.579 rupees.

(b) The amount of the annual contribution by India and all other Member States was first settled at the First Session of the Assembly of the League in accordance with the terms of Article VI of the Covenant which originally read " The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union ".

(c) The Delegates of India to the First Session of the Assembly of the League, i.e., Sir William Meyer, His Highness the Maharaja Jam Sahab of Nawanagar and Sir Saiyid Ali Imam.

(d) and (e). The purpose of the League is declared in the Covenant to be to promote international co-operation and to achieve international peace and security. It does not exist for the purpose of conferring specific benefits and advantages on the individual members thereof. The only right and privilege accruing to any member of the League as such is the right and privilege of assisting in the fulfilment of the purpose of the League.

(f) It is regretted that this part of the question is not understood.

(g) The Indians who have led previous Delegations to the Assembly are :

Sir Muhammad Habibullah in 1929 and His Highness the Maharaja of Bikaner in 1930. Sir B. L. Mitter is leading the Delegation to this year's Assembly.

(h) The answer to the first part is in the negative and the second part does not arise. I would add that having regard to the purpose of the League as stated in the reply to parts (d) and (e) it is no part of the functions of any member of the League to make recommendations to the League on its own behalf.

(i) and (j). The latest staff list of the League and all the information available to the Government of India will be found on pages 1253 to 1267 and 1271 to 1280 of the Official Journal of the League—October, 1930—a copy of which is in the Library.

(k) The Honourable Member is referred to pages 43-45 of the publication " The Aims and Organisation of the League of Nations ", a copy of which is in the Library, for an account of the International Institute of Intellectual Co-operation and its governing body—the Committee on Intellectual Co-operation.

(l) The Honourable Member is referred to the Annual Demands for Grants.

**REPRESENTATIVES RECOMMENDED BY BIHAR AND ORISSA FOR THE ROUND  
TABLE CONFERENCE.**

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

- (a) whether any new names were sent in by the Bihar and Orissa Government to the Government of India for the forthcoming Round Table Conference ;
- (b) if the answer to part (a) is in the affirmative :
  - (i) whether any of those names was accepted by the Government of India and sent up to His Majesty's Government ; and
  - (ii) whether any of those names was accepted by His Majesty's Government ; and
- (c) whether the Government of Bihar and Orissa made any special attempts this year for the representation of Orissa interests on the Round Table Conference ; if so, the nature of those attempts ?

**The Honourable Sir George Rainy :** (a), (b) and (c). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to his unstarred question No. 18 on the same subject.

**SAD PLIGHT OF REPATRIATED INDIAN EMIGRANTS.**

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

- (a) whether or not representations have occasionally been made to them or reports have come to their knowledge of the sad and miserable plight of repatriated Indian emigrants on their return to the mother-country ; if so, the step or steps which the Government of India have themselves taken or have asked the Provincial Governments of Madras and Bengal from time to time to take for the amelioration of the distress of such emigrants ;
- (b) whether or not indentured immigration was once promoted and controlled by them ; and
- (c) whether the indentured immigration system was a voluntary and spontaneous movement on the part of Indians ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government. Some of the returned emigrants were aided by the Government of Fiji and the Government of British Guiana to go back to their respective Colonies. The Government of India made an attempt to find an outlet for some of the others in Malaya, but the attempt proved abortive. As regards the emigrants returning from South Africa, under the assisted emigration scheme, Local Governments concerned have been requested to make arrangements for their reception and for rendering them necessary assistance in finding suitable occupation. In the United Provinces, the Director of Industries is in charge of these arrangements, while in Bihar and Orissa the Registrar of Co-operative Societies has been appointed to receive and look after assisted emigrants returning to that province. In Madras, the Government of India

have appointed a Special Officer with the necessary staff. For the working of this organisation I would refer the Honourable Member to the Report of the inquiry held by Messrs. Natesan and Gray in April 1930. A copy of the Report will be found in the Library of the House.

(b) The attitude of the Government of India towards emigration was one of neutrality and not of encouragement. Their control consisted in minimising the abuses by legislating against unlicensed recruiting and by requiring a recruit to appear before a Magistrate in order to ensure that he understood clearly the terms of his engagement. They also took the necessary steps to provide for the welfare of emigrants up to the date of their embarkation as well as on the voyage.

(c) As emigration is a venture undertaken for profit, inducements have to be offered to a person to emigrate. But it is not impossible that when the system of indenture was in force, some of the recruiting agencies may have adopted undesirable methods.

#### DIRECTORY OF COMMODITIES AVAILABLE ON THE BENGAL NAGPUR RAILWAY SYSTEM.

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

- (a) whether they are aware of the existence of a directory of commodities available on the Bengal-Nagpur Railway system :
- (b) if so, whether they will send for a copy of the same and place it in the Library for the inspection of the Honourable Members ; and
- (c) the name of any State Railway that has published such a directory by which traders and consumers are brought into touch with respect to commodities which are obtained from stations on that system ?

Mr. A. A. L. Parsons : (a) and (b). The Bengal Nagpur Railway Administration have prepared a directory of commodities available on their system and a copy has been placed in the Library for the inspection of Honourable Members.

(c) State-managed and State-owned Railways that have published similar lists are the East Indian, Great Indian Peninsula, and Assam Bengal Railways, while the Eastern Bengal and North Western have a similar publication under preparation.

#### STOPPAGE OF RECRUITMENT FOR THE I. C. S. AND OTHER IMPERIAL SERVICES.

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

- (a) whether it is a fact that there will be no recruitment in India for the I. C. S. and Finance Service during the present and the coming years on the score of retrenchment ;
- (b) if the answer to part (a) is in the affirmative, whether there will be also a stoppage of recruitment for the I. C. S. in England ; and
- (c) whether there will be no recruitment in England for any of the other Imperial Services in India during the present and coming years ?

**The Honourable Sir James Oserar :** (a) and (b). There has been no decision to stop recruitment for the Indian Civil Service either in India or in England. As regards what the Honourable Member calls the Finance Service, it has been decided that no examination will be held this year for appointment to the Indian Audit and Accounts Service, the Military Accounts Department and Indian Railway Accounts Service. The decision was taken because no vacancies are expected to occur in those services next year : whether an examination will be held in subsequent years will depend upon circumstances.

(c) Recruitment will be made in England this year for the Indian Police Service and the Indian Medical Service. There has been no decision to stop recruitment in England in future years to the Imperial Services.

#### POSSIBILITY OF REDUCTIONS OF PAY AND PENSIONS OF GOVERNMENT SERVANTS.

**385. \*Mr. G. Morgan :** Will Government be pleased to state :

(a) whether it is permissible under the Regulations and whether it is the practice of Government to reduce the pay of their officers, except for misconduct ; and

(b) whether, if pay is so reduced, the pensions of officers would be affected ?

**The Honourable Sir George Schuster :** (a) If the question refers to action which might be taken in the case of an individual officer, the answer would certainly be in the negative. If, however, it refers to the possibility of general reductions affecting the whole class of Government officials, different considerations might conceivably apply.

(b) It certainly would not necessarily follow that in the case of a general reduction of pay the pension rights of the officers concerned would be affected.

**Mr. G. Morgan :** Under the new financial proposals, will the reduction of pay of an officer on the eve of retirement affect the pension of that officer ?

**The Honourable Sir George Schuster :** I have already informed the Honourable Member that it would not necessarily follow.

**Mr. B. Das :** May I inquire if it is not the paramount right of the executive of a Government to reduce the salaries of its officials in a time of national emergency ?

**The Honourable Sir George Schuster :** My Honourable friend has asked a question which raises a good many complicated considerations. The expression " paramount right " I find difficult to understand. I have no doubt the Honourable Member will have other opportunities of raising this matter.

**Mr. Jagan Nath Aggarwal :** Is it within the competence of the Indian Legislature to reduce the salary of Government servants ?

**The Honourable Sir George Schuster :** The Honourable Member is aware that there are certain officials whose rights are definitely guaranteed to them under the Government of India Act. It is certainly not within the competence of this Legislature to reduce the salaries of those officials.

**Mr. Gaya Prasad Singh :** May I take it that the salaries of these officials cannot be retrenched without the Act being modified or changed—the salaries of those officials which have been guaranteed ?

May I also inquire whether it is not open to the Retrenchment Committee to recommend the reduction of those salaries ?

**The Honourable Sir George Schuster :** The Honourable Member has raised two very different questions. It is certainly within the power of the Retrenchment Committee to make any recommendations they like, but the power to make those recommendations effective is quite a different question. On that I think my Honourable friend's statement of the position is in substance correct.

**Mr. Amar Nath Dutt :** Has any amount been guaranteed to Government servants under the Government of India Act ? I have not been able to find out anything on that point ?

**The Honourable Sir George Schuster :** Under section 96B of the Government of India Act, the officials who are protected by that section are guaranteed their existing and accruing rights.

**Mr. Gaya Prasad Singh :** May I know whether the Government of India have asked the Secretary of State whether he will allow a reduction of the salaries of those who are protected under the Government of India Act, in case the Retrenchment Committee makes those recommendations ?

**The Honourable Sir George Schuster :** That is a question to which I am afraid I can give no reply.

#### REFUND OF HAJ PILGRIM PASSAGE MONEY.

**386. \*Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

- (a) whether they are aware that owing to certain defects in the relevant regulations affecting the refund of Haj pilgrim passage money thousands of rupees were claimed and recovered by the shipping companies from the Commissioner of Police, Bombay, or directly appropriated by them as their own money, though in reality the amount belonged to the pilgrims and should have lapsed to Government for the relief and repatriation of destitute pilgrims, in the event of there being no claimants to the same ;
- (b) the amount so appropriated every year since the year 1926 ;
- (c) whether there is any provision in the Indian Merchant Shipping Act authorising Government to inspect the books of shipping companies with a view to ascertain the amount of unused and unclaimed tickets that has lapsed to them ; if not, whether Government are prepared to take necessary action in the matter ; and
- (d) whether they are aware that a certain shipping company has consistently evaded payment to the legal heirs of deceased pilgrims when they applied for refund of return passage money through the Commissioner of Police, Bombay, and, if so, whether Government will please state the name of the company and the action taken by the

Commissioner of Police, Bombay, and, if no action was taken by him whether Government propose to do the needful in the matter ?

**The Honourable Khan Bahadur Mian Sir Fazli-Husain :** (a) Yes.

(b) The information is not available as the Pilgrim Department have no means of ascertaining such figures from the books of the shipping companies concerned.

(c) The reply to the first part of the question is in the negative. The suggestion made in the second part will be considered when legislation is undertaken to amend the Indian Merchant Shipping Act in connection with the recommendations of the Haj Inquiry Committee.

(d) One of the companies referred to is Messrs. Haji Sultan Ali Shushtary and Company. In retaining sums paid on account of such tickets, the shipping companies apparently claim that they have only exercised their legal rights. It is understood that a suit is to be filed against the Company by the Bombay Haj Committee.

#### COST OF ROYAL COMMISSIONS AND COMMISSIONS.

387. **Mr. G. Morgan :** Will Government be pleased to furnish a list and state the total cost to India of all Royal Commissions and other Commissions since and including the Incheape Committee ?

**The Honourable Sir George Schuster :** The information asked for by the Honourable Member is being collected and will be supplied as soon as it is complete.

#### CONVICTIONS OF CONGRESSMEN AFTER THE IRWIN-GANDHI AGREEMENT.

388. **Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) the total number of convictions under different offences of Congressmen in various parts of India after the Irwin-Gandhi agreement ;
- (b) the different sections of the Penal Code under which the convictions have been made and the names of the persons who have been convicted and their official connection with the Congress ; and
- (c) whether any of these convictions were for breaches of the Delhi truce terms on the part of Congressmen ; if so, the total number of these ?

**The Honourable Sir James Orerar :** (a), (b) and (c). The Settlement of the 5th of March, 1931, involved no suspension or abrogation of the ordinary law and, in so far as members of the Congress have been convicted under the law for offences committed by them, they stand on the same footing as other members of the public. It may be similarly observed that the individuals, if any, in question have been convicted, not as members of Congress, but because of the commission of offences. This being so, the Honourable Member will doubtless agree with me that no conclusion of value could be derived from the figures for which he has asked, and, since their collection will be a matter of great difficulty to

Local Governments, I regret that I am not prepared to place this burden on them.

### EXPORTATION OF MONKEYS AND BIRDS TO AMERICA.

**389. \*Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the letter of Miss Margaret E. Cousins, International Representative of the Women's Indian Association from New York, U. S. A. on the subject of "The Cruelty of Exporting Monkeys" as published in the *Leader* of 6th August, 1931 ;
- (b) if so, whether any steps are being taken to inquire into the allegations contained therein regarding the export of monkeys and pretty birds from India to America and the sufferings of these creatures while on transit and their use on reaching their destination ; and
- (c) if it is proposed to secure the enactment of some law to prevent the exportation of such monkeys and birds for commercial purposes ?

**The Honourable Sir James Orerar :** (a) Yes.

(b) and (c). As the Honourable Member is aware the prevention of cruelty to animals is a provincial subject under the Devolution Rules and the matter is essentially one for the Local Governments concerned to take action. I propose to send copies of the question and this answer to all Local Governments.

### SEVERANCE AND EXHIBITION OF THE HEADS OF CERTAIN BURMESE REBELS.

**390. \*Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) whether any punishment has been meted out to those officers who were guilty of cutting off the heads of Burmese rebels and exposing these to public view, a photograph of which appeared in the papers ;
- (b) if so, what is the nature of the punishment and what steps have been taken to prevent the recrudescence of such an incident in future ?

**The Honourable Sir James Orerar :** I would refer the Honourable Member to the Resolution issued by the Government of Burma on the subject on the 8th July, 1931. A copy of it has been placed in the Library.

### JAIN HOLIDAYS.

**391. \*Rai Bahadur Sukhraj Rai :** (a) Are Government aware that the Jains have got special festivals of their own which they observe with great sanctity ?

(b) Is it a fact that the Jains form a large part of the population in some cities of India ? If so, do Government propose to grant local holidays on the occasion of important Jain festivals in these cities ?

**The Honourable Sir James Orerar :** (a) Yes.

(b) The information asked for by the Honourable Member in the first part of his question will be found on pages 25—38 of Volume I, Part II of the Census of India Report, 1921. The question of granting local holidays for Jains is a matter for Local Governments under section 25 of the Negotiable Instruments Act, 1881.

#### INCOME-TAX PAID BY JAINS.

392. \***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the amount of income-tax which the Jains pay to Government and what is its percentage to the total amount collected on these sources ?

**The Honourable Sir George Schuster :** The income-tax returns are not compiled in such a way as to distinguish between members of different communities.

#### 393. NUMBER OF JAINS IN GOVERNMENT SERVICES.

393. \***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the total number of Jains in the Imperial Civil and Executive Services and what is their proportion to the total number so employed ?

**The Honourable Sir James Orerar :** I regret that the information the Honourable Member desires is not readily available. As the labour involved in collecting it would hardly be commensurate with the value of the results obtained, I am unable to undertake to collect it.

#### RETRENCHMENT OF INDIAN STAFF ON THE EASTERN BENGAL RAILWAY.

394. \***Rai Bahadur Sukhraj Rai :** (a) Are Government aware that considerable resentment prevails among the employees of the Dacca section of the Eastern Bengal Railway owing to heavy retrenchment effected recently in its Indian staff only consisting of compulsory premature retirement, reduction of salary and placing higher grade men in a lower grade carrying a lesser scale of pay ?

(b) Is it a fact that employees who have put in long years of toiling and faithful services have not even been spared ?

(c) Is further reduction in contemplation ?

(d) Is the Dacca section the smallest railway district on the line, and is it a fact that the number of working hours has been pushed to the irreducible minimum ?

(e) Is it a fact that not a single European has been touched, while 180 Indians have been discharged from the Dacca Loco. workshop ?

(f) Has no retrenchment been made in higher service such as in the rank of District officers or of Assistant Traffic Superintendents ?

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



INDIANS THROWN OUT OF WORK IN MALAYA.

395. \*Rai Bahadur Sukhraj Rai : (a) Has the attention of Government been drawn to a Negapatam message stating that a very large number of labourers has arrived there from Malaya ?

(b) Is it a fact as reported that the factories which were partially working having completely closed down, the number of Indians thrown out of work in Malaya has come to about 30,000 and they will be sent back to this country as soon as possible ?

(c) Does this message put the last years' repatriation to South India at 80,000 ?

(d) What step or steps do the Government of India propose to take to give relief to the Indians in Malaya so unemployed, including those who have come to India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). It is not understood to which message the Honourable Member is referring, but Government are aware that, owing to acute depression in the rubber and tin industries in Malaya, the employers have been forced to discharge a very large number of Indian labourers. The number of repatriates during the year 1930 was 77,761. In the first seven months of the current year, the number was 32,456. They have all been repatriated free of cost. The Government of India do not consider that any special measures of relief are required for these returned emigrants on arrival in India.

RETRENCHMENT IN SALARIES ON STATE RAILWAYS.

396. \*Rai Bahadur Sukhraj Rai : (a) Will Government be pleased to state the percentage of expenditure on salaries of the lower grade staff drawing less than Rs. 250 per month to the upper grade staff in Railways managed by the State ?

(b) What steps do Government propose to take to make retrenchment in the high salaries of the upper grade staff ?

(c) Is it proposed to leave the salaries of the lower grade staff unaffected in view of the very small savings that this will effect ?

(d) How many lower grade staff men have been dismissed to make retrenchment during the last three months ? Are there any non-Indians in this list ?

(e) How many upper grade staff men drawing salaries above Rs. 250 have been dismissed to make retrenchment and have all the superfluous posts been abolished ?

Mr. A. A. L. Parsons : (a) Government have no precise information, but on a rough estimate the cost of staff on scales of pay rising to Rs. 250 and over on State-managed Railways is one quarter of the cost of the staff in the lower grades.

(b) and (c). The question is being examined generally.

(d) Taking all State and Company-managed Railways, about 32,500 men in the lower grades have been discharged as a result of the present economy campaign. The answer to the latter part is in the affirmative.

(e) About 131 men on rates of pay higher than Rs. 250 have been discharged. The question of abolishing all posts regarded as definitely superfluous is under consideration.

**SEPARATION OF THE OFFICE OF THE DISTRICT AND SESSIONS JUDGE, AJMER, FROM THAT OF COMMISSIONER AND COLLECTOR, AJMER-MERWARA.**

397. \***Sardar Sant Singh** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Commissioner and Collector of Ajmer-Merwara, who is an officer of the Political Department of the Government of India, is also the District and Sessions Judge, Ajmer ?

(b) Have Government received any complaints that this concentration of all executive and judicial powers in the said officer of the Political Department has been disadvantageous to public justice in Ajmer-Merwara ?

(c) Do Government propose to take steps to separate the office of the District and Sessions Judge, Ajmer, from the office of the Commissioner and Collector, Ajmer-Merwara ? If so, when ? If not, why not ?

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

(b) Government know of no case in which the system has been detrimental to " public justice ", nor has any expression of dissatisfaction on the part of the public come to Government's notice.

(c) No. There is at present an Additional District and Sessions Judge who does the bulk of the work. The principal advantage of the present system, by which the Commissioner is Sessions Judge, is that he can exercise more control over the Magistrates in the district, as he hears appeals from their decisions and is therefore in close touch with their work. He is also as District Judge sometimes in a better position to decide civil cases affecting the *Istimrardars*. The present system, which is convenient, economical and adapted to the somewhat peculiar conditions of this district, has on the whole worked well. If a separate post of District and Sessions Judge were created in place of the present appointment of Additional District and Sessions Judge, extra expenditure would be involved.

**ABOLITION OF THE COURT OF THE JUDICIAL COMMISSIONER OF AJMER-MERWARA.**

398 \***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Court of the Judicial Commissioner, Ajmer-Merwara, is the highest court of appeal in the province ?

(b) Is it a fact that the said Judicial Commissioner of Ajmer-Merwara is also the Judicial Commissioner of Rajkot in Kathiawar ?

(c) Is it a fact that the said Judicial Commissioner holds his Court for 6 months in a year at Rajkot in Kathiawar ?

(d) Are Government aware that during the Judicial Commissioner's stay at Rajkot, litigants from Ajmer have to incur heavy expenditure of time and money in going over to Rajkot in connection with the appeals and other judicial proceedings in the Court of the said Judicial Commissioner ?

(e) Is it a fact that formerly there did not exist the Court of the Judicial Commissioner of Ajmer-Merwara and that appeals from Ajmer-Merwara were allowed to be heard in the High Court of Allahabad ?

(f) Are Government aware that litigants from Ajmer-Merwara found greater facilities, and more efficient legal advice, at Allahabad than at Rajkot ?

(g) Is it a fact that in the Allahabad High Court appeals from Ajmer-Merwara were heard by a bench of judges, whereas in the Court of the Judicial Commissioner the appeals are heard only by a single judge ?

(h) Is it a fact that the Judicial Commissioner of Ajmer-Merwara is an I. C. S. officer appointed to this office by the Government of India in the Foreign and Political Department, whereas the Judges of the High Court of Allahabad are appointed by the Crown ?

(i) Is it a fact that the creation of the post of the Judicial Commissioner of Ajmer-Merwara imposed an additional burden on Central revenues ?

(j) If what are stated at parts (a) to (i) above are facts, do Government propose to abolish the Court of the Judicial Commissioner of Ajmer-Merwara and to arrange for the filing of appeals from Ajmer-Merwara in the High Court of Allahabad ?

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

(b) Yes.

(c) Yes.

(d) The Judicial Commissioner fixes hearings of Ajmer-Merwara cases during his periodical visits to Ajmer. It is only in exceptional cases that "litigants" from this district need go to Rajkot.

(e) Prior to the enactment of the Ajmer Courts Regulation, 1926, and the appointment of the Judicial Commissioner for Ajmer-Merwara all the work of a High Court for Ajmer-Merwara was done by the Agent to the Governor General and Chief Commissioner in addition to his other executive and political duties as Agent to the Governor General and Chief Commissioner. The Regulation then in force in Ajmer-Merwara was the Ajmer Courts Regulation, 1877 (I of 1877), which has now been superseded by the new Courts Regulation IX of 1926. Under section 23 of the old Regulation of 1877, the Court of the Chief Commissioner was the highest Civil Court of appeals in Ajmer-Merwara, but all references under Chapter XLVI of the Civil Procedure Code or under section 11 of the Provincial Small Cause Courts Act were made in the High Court at Allahabad.

(f) This has never been suggested to Government before. There were, however, complaints of the difficulty and inconvenience which the necessity of going to Allahabad involved.

(g) Reply is in the affirmative.

(h) Yes. Under section 3 (1) of the Ajmer Courts Regulation, 1926, the Judicial Commissioner for Ajmer-Merwara, is appointed by the Governor General in Council, whereas under section 101 (2) of the Government of India Act, Judges of High Courts of Judicature established in British India by letters patent are appointed by His Majesty the King and hold this office during His Majesty's pleasure—*vide* the quoted section.

The Judicial Commissioners appointed for Ajmer-Merwara have been senior and experienced judicial officers of the Bombay Presidency most of whom have subsequently become Judges of the Bombay High Court.

(i) Presumably. The pay of the Judicial Commissioner is debited wholly to the Western India States Agency budget and only his travelling allowance in connection with his journeys to Ajmer and for halts at that station is paid from the Ajmer-Merwara Budget.

(j) No. The adoption of the course suggested would be strongly resented by the public of Ajmer-Merwara, who much appreciate the facilities which the appointment of a Judicial Commissioner for Ajmer-Merwara has provided for them.

#### NON-TRANSFER OF JUDICIAL OFFICERS FROM AJMER-MERWARA.

399. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that, unlike the magistrates and judicial officers of the province of Delhi, the magistrates and judicial officers of Ajmer-Merwara (other than those in the Indian Civil Service and military officers in the civil employ of the Government of India) do not belong to the cadres of other provinces but have their own cadre ?

(b) If the reply to part (a) above is in the affirmative, is it also a fact that the said Provincial Service magistrates and judicial officers of Ajmer-Merwara are not transferable to any other district and continue to occupy posts in the same district, without change to any other district, till retirement or death ?

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

(b) Yes ; unless—as not infrequently happens—their services are lent to States in Rajputana.

#### PROMOTION OF MINISTERIAL OFFICERS IN AJMER-MERWARA TO BE MAGISTRATES AND JUDICIAL OFFICERS.

400. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that almost all the Provincial Service magistrates and judicial officers of Ajmer-Merwara and persons born, bred, educated, and employed in service in Ajmer-Merwara ?

(b) Is it a fact that many Provincial Service magistrates and judicial officers of Ajmer-Merwara are persons who have been promoted to the judicial posts from the posts of clerks and ministerial officers ? If so, why has this policy been adopted ?

Mr. E. B. Howell : (a) No.

(b) Yes. The field for recruitment in Ajmer-Merwara is small. There are few other avenues of promotion in the district, but such promotions are only made with due regard to qualifications. Persons so promoted have in most cases proved to be very capable judicial officers.

Rai Sahib Harbilas Sarda : Are Government aware that out of 6 judicial officers in Ajmer-Merwara, namely, the Additional District and Sessions Judge, the Sub-Judge, Ajmer, the Judge, Small Cause Court, Ajmer, the Railway Magistrate, Ajmer, the Sub-Judge, Bewara, and the City Magistrate, Ajmer, not one is an Ajmer-Merwara man, but they all belong to the United Provinces, to Bombay or to the Punjab, and one

belongs to the Alwar State, and that out of the 7 executive officers, including the Forest Officer and the Registrar, Co-operative Stores, only four may be said to be Ajmer-Merwara men, in any sense of the term ?

Are Government also aware that it is the standing grievance of the people of Ajmer-Merwara that people from the United Provinces, the Punjab and other provinces are given gazetted appointments in Ajmer-Merwara, while the educated young men of Ajmer-Merwara are ineligible for gazetted appointments in any of these provinces ?

**An Honourable Member :** Ineligible ?

**Rai Sahib Harbilas Sarda :** Yes, because they are all Provincial Service appointments and Ajmer-Merwara men are not allowed to enter the Provincial Services in other provinces.

**Mr. K. Ahmed :** I rise to a point of order. Under the rules and Standing Orders.....

**Mr. Deputy President :** Is it a point of order ?

**Mr. K. Ahmed :** Yes.

**Mr. Deputy President :** What is the point of order ?

**Mr. K. Ahmed :** The point of order is that according to the rules and Standing Orders, the Honourable Member, the questioner, is not entitled to put a question in that form, which is not only lengthy, but which infringes the conditions of the rules.

**Mr. Deputy President :** The Honourable Member's question is perfectly in order.

**Mr. E. B. Howell :** Government have not such precise information on these points as the Honourable Member has, Sir, but I take it that the position is as stated. The dissatisfaction on the part of the people of Ajmer-Merwara to which he alludes has not previously been brought to the notice of Government.

**Rai Sahib Harbilas Sarda :** With regard to sub-clause (b) of question 400, is it also a fact that out of the 6 judicial officers who do exclusively criminal or civil work, two are Barristers-at-Law, and the remaining four are B.A., LL.Bs. or M.A., LL.Bs. ?

**Mr. E. B. Howell :** Yes, Sir.

#### APPOINTMENT OF MAGISTRATES AND JUDICIAL OFFICERS IN AJMER-MERWARA FROM A MAJOR PROVINCE.

401. **\*Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that many of the Provincial Service magistrates and judicial officers of Ajmer-Merwara are the sons of clerks in the Government service ?

(b) Do Government propose to make arrangements for the appointment of Provincial Service magistrates and judicial officers of Ajmer-Merwara from the cadre of such officers in some major province, like the Punjab or the United Provinces, to ensure the periodical transfer of such officers from the district of Ajmer-Merwara ?

**Mr. E. B. Howell :** (a) No.

(b) No. The effect of such an arrangement, if adopted, would be to debar local candidates from getting Government employment. They are not as a rule eligible for appointments in other provinces, which naturally give preference to their own candidates. It would also mean that employees in the lower grades of service would be to a large extent deprived of the possibility of promotion to the higher grades as a reward for meritorious services.

**Rai Sahib Harbilas Sarda :** Are Government aware that, if Magistrates and Judges for Ajmer-Merwara are taken from those on the cadre of other provinces, outside Ajmer-Merwara, whether major or minor, Government would be perpetrating the grossest injustice to the Province of Ajmer-Merwara (*Cries of "Hear, hear"*), and that their doing so would be bitterly resented by all classes and creeds in that province and regarded as nothing but *zulum*. (*Cries of "Hear, hear"*) ?

**Mr. B. Das :** Is it not a fact, Sir, that Ajmer-Merwara is considered a backward area by the Government of India ?

**Mr. Gaya Prasad Singh :** Is it more backward, Sir, than Orissa ?

**Mr. Amar Nath Dutt :** Is it not a fact, Sir, that Ajmer-Merwara has produced one of the greatest legislators of the present day, whose name resounds from one end of India to the other ? (Applause.)

**Mr. E. B. Howell :** Yes, Sir. (Applause.)

#### DILATORY METHODS OF CIVIL COURTS IN AJMER-MERWARA.

402 \***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Have Government received any complaints that the functioning of civil courts in Ajmer-Merwara is dilatory and that the said courts spend too much time even in minor cases ?

(b) Is it a fact that the actual period of work of a judicial officer in Ajmer-Merwara does not extend beyond 3 hours on a working day ?

(c) Is it a fact that the same witnesses are summoned by the Ajmer courts on several sittings of the court and their evidence is postponed without hearing from sitting to sitting ?

(d) Is it a fact that in the Ajmer civil courts generally a long period of time intervenes between one hearing of the case and the next hearing of the case ?

**Mr. E. B. Howell :** With your permission, Sir, I will answer questions 402 and 403 together.

**Question No. 402 (a), (c) and (d) and Question No. 403 (a).—**So far as the suggestions contained in these questions involve a comparison between the procedure in Ajmer-Merwara and the procedure in other provinces, Government are not in a position to answer them. Instances of avoidable delay and unnecessary postponement do undoubtedly occur in Ajmer-Merwara, as elsewhere.

**Question No. 402 (b).—**No.

**Question No. 403.**

(a) and (b). No such general complaint has ever come to the notice of Government.

(c) No.

**FREQUENT POSTPONEMENT OF CASES IN THE AJMER CIVIL COURTS.**

†403. \***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Are Government aware that in the Ajmer civil courts dates of hearing of cases are postponed with too much frequency ?

(b) Is it a fact that injunctions issued by the Ajmer-Merwara civil courts are generally disobeyed and no action is taken on such disobedience by the said courts ?

(c) Do Government propose to appoint a commission of inquiry consisting of members from outside the provinces to inquire into the working of the Ajmer-Merwara judicial courts ?

**GUARDING OF CULVERTS IN EASTERN BENGAL DURING FLOODS.**

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

(a) whether it is a fact that culverts and causeways on the Eastern Bengal Railway were kept guarded by Gurkha sepoys during the high floods recently in East Bengal ;

(b) if the answer to part (a) is in the affirmative, the reasons for such a vigilance on the part of the railway administration ; and

(c) whether the committee that inquired into the Rangpur floods some years back gave it as their opinion that the floods there were due to unspacious and inadequate culverts and causeways on the permanent track on the Eastern Bengal Railway ?

**Mr. A. A. L. Parsons** : (a) to (c). The information has been called for from the Railway Administration and will be communicated to the Honourable Member on receipt.

**PASSPORTS FOR PERSONS LEAVING INDIA.**

405. \***Bhai Parma Nand** : (a) In what year and under what circumstances, was the system of compulsory passports introduced in India for persons desirous of travelling out of the country ?

(b) Is it not a fact that those circumstances which necessitated introduction of this system have long since ceased to exist ?

(c) Does such a system of compulsory passports exist in any self-governing country and, if not, what is the necessity for it for the people of this country ?

(d) Do Government propose to abolish it ? If so, when ?

**Mr. E. B. Howell** : (a) I will refer the Honourable Member to the answer given by me to a similar question by Maulvi Sir Muhammad Yakub on the 24th of March, 1924, which runs as follows :

“ There is no Act or rule published by the Government of India which makes it compulsory for persons proceeding from India

†For answer to this question, see answer to question No. 402.

to England or to foreign countries on the Continent of Europe, to be in possession of passports before leaving this country. Passports are demanded of travellers by the authorities in the countries of destination."

(b) The remaining parts of the Honourable Member's question do not arise.

**Mr. B. Das :** When Indians leave for abroad, why is it that the Government of India through their police examine the passports at Bombay if they think that there is no necessity of passports ?

**Mr. E. B. Howell :** To save them from trouble and from being turned back on arrival at destination.

**Sardar Sant Singh :** Why then is the passport refused ?

**Mr. E. B. Howell :** That question does not arise out of the original question, Sir.

**Mr. S. C. Mitra :** That is for the President to decide. Is it for the Member to say, Sir, whether the question arises or not ? I submit that it is for the Chair to decide.

**Mr. Deputy President :** While the Chair has ultimately to decide whether a supplementary question arises or not, it is perfectly open to the Honourable Member to suggest to the Chair that the supplementary question does not arise.

**Mr. S. C. Mitra :** What, then, is your decision, Sir ?

**Mr. Deputy President :** Will the Honourable Member (Sardar Sant Singh) kindly repeat his question ?

**Sardar Sant Singh :** My question is that if the Government of India have no authority under any Act or enactment of the Indian Legislature to issue passports, then why are the passports refused ?

**Mr. Deputy President :** Do I take it that the Honourable Member wants to know the reason why the Government of India have refused the passports.

**Sardar Sant Singh :** I want to know whether the Government of India have any authority to refuse the passports ?

**Mr. B. R. Puri :** I take it that they are under no statutory obligation to issue it and hence they are entitled to refuse the passport.

**Mr. C. B. Elliott :** Is not a passport a mere convenience of travel issued in India and in England ?

**Mr. E. B. Howell :** Yes, Sir ; and it is also a certificate of nationality.

**Mr. K. Ahmed :** Is it not a fact that a traveller going out of India towards the West will find it very inconvenient, if he is without a passport, when his identity is asked for by the officers of a foreign nation in a foreign country ?

**Mr. E. B. Howell :** Yes, Sir.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to state whether passports are, as a matter of fact, refused to Indians or no ?



**Mr. E. B. Howell :** I submit, Sir, that that question does not arise out of the original question.

**Mr. Deputy President :** I agree that that question does not arise out of the original question.

**Bhai Parma Nand :** Can I travel outside India without having a passport from the Government of India ?

**Mr. E. B. Howell :** The Honourable Member can certainly leave India without a passport, but he will not be permitted to land in any country that I know of, and he will have to come back.

**Mr. Jagan Nath Aggarwal :** I would like to know the legal justification for the refusal of passports ?

**Mr. Deputy President :** I do not think that question will arise out of this question.

**Mr. Jagan Nath Aggarwal :** Will it not arise out of the answer, Sir ?

#### REDUCTION OF *Dussehra* HOLIDAYS IN THE ARMY HEADQUARTERS OFFICES.

406. **Bhai Parma Nand :** (a) Are Government aware that the *Dussehra* is the most important national festival of the Hindus recognised throughout India ?

(b) Are Government aware that there is a great feeling among the Hindu employees of the establishments controlled by the Army Headquarters on account of the reduction of *Dussehra* holidays from four days to only one ?

(c) If Government are not prepared to keep up the old number for *Dussehra* in general holidays, are they prepared to allow three more days for the communal holidays ? Has this been done in the case of *Muharram* ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) No.

(c) The sanctioned arrangements provide for one closed holiday for all communities and two or three sectional holidays in addition for Hindus at *Dussehra*. There is the same distribution of holidays for Muhammadans at *Moharram*. Government do not see any reason to modify these arrangements.

#### REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES.

407. **\*Mr. S. C. Mitra :** (a) Is it a fact that Government have accepted the principle of proportional representation of Muslims in the services ?

(b) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other provinces appointed in the superior services under the Government of India during the last five years ?

(c) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other Provinces appointed in the Subordinate Services under the Government of India during the last five years ?

**The Honourable Sir James Crerar :** (a) No such principle of proportional representation has been accepted in respect of any community.

(b) and (c). The information is not readily available and cannot be collected without an amount of labour which would be wholly disproportionate to the results.

#### APPOINTMENT OF A BENGALI MUSLIM TO THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL.

**408. Mr. S. C. Mitra :** Will Government be pleased to state the number of times a Bengal Muslim has been appointed as Executive Council Member of the Governor General's Executive Council?

**The Honourable Sir James Crerar :** No Muslim from Bengal has so far been appointed a Member of the Governor General's Executive Council.

**Mr. B. Das :** May I inquire, Sir, why the Muslims of Bengal have been slighted?

**The Honourable Sir James Crerar :** I do not think that is a reasonable inference.

**Mr. B. Das :** May I inquire why the Punjab Muslims have got 50 per cent. representation on the Executive Council?

**Mr. K. Ahmed :** Are the Government aware that 42 per cent. of the total Muslim population of India is from Bengal? Why, then, have their claims been neglected ever since?

**The Honourable Sir James Crerar :** I think, Sir, the Honourable Member will find the reply to his question in the Census Report.

**Mr. K. Ahmed :** Is the Honourable the Home Member aware why appointments to the Executive Council are not made from amongst the deserving Muslims of Bengal?

**The Honourable Sir James Crerar :** The Governor General in Council has not got the authority which the Honourable Member appears to suppose.

**Mr. K. Ahmed :** Will the Governor General in Council, for the benefit of the people, consider the question of the appointment of a suitable Muhammadan in the near future?

**The Honourable Sir James Crerar :** The authorities responsible will doubtless do so.

**Mr. C. S. Ranga Iyer :** Is it not a fact that these appointments go more by merits than by provincial considerations?

**The Honourable Sir James Crerar :** Certainly, Sir.

**Mr. Amar Nath Dutt :** Is there not in the House, Sir, a very brilliant Muslim Barrister from Bengal who can be put in charge of the Department of Industries and Labour, because he has served on the Labour Commission recently and whose services have been highly spoken of by the Secretary of State? (No answer was given.)

**BENGAL AND OTHER MUSLIMS APPOINTED IN GOVERNMENT SERVICES.**

409. \*Mr. S. C. Mitra : (a) Will Government be pleased to state what ratio the Bengal Muslims bear to the total Muslim population of India ?

(b) Will Government be pleased to state what ratio the Punjab Muslims bear to the total Muslim population of India ?

(c) Will Government be pleased to state separately what ratio the number of Bengal Muslims appointed in (1) the superior services, (2) the subordinate services, and (3) the clerical services under the Government of India bear to the number of (1) Punjab Muslims and (2) Muslims of other provinces appointed in the above services during the last five years ?

(d) Will Government be pleased to state separately how many Bengal Muslims, Punjab Muslims and Muslims of other provinces have been appointed in the different divisions of the Government of India Secretariat and their attached offices during the last five years ?

The Honourable Sir James Orerar : (a) and (b). The ratios are about 36 per cent. and 19 per cent., respectively.

(c) and (d). I regret that Government have not the information the Honourable Member desires and are not prepared to place upon Departments the burden of collecting it. In regard both to this and question No. 407 I would remind the Honourable Member that Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities.

Mr. S. C. Mitra : Arising out of the reply to part (c), will the Government be pleased to provide the information as regards the officers of the Imperial Services and other gazetted officers ?

The Honourable Sir James Orerar : I must ask the Honourable Member for notice of that question.

Mr. S. C. Mitra : Will the Honourable Member take this as a notice of the question ?

**PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES OF THE KHARAGPUR WORKSHOPS.**

410. \*Mr. S. C. Mitra : (a) Has the attention of Government been drawn to the questions concerning the Bengal Nagpur Railway Indian A. grade apprentices at Kharagpur Shops as they appeared in the *Bengal Nagpur Railway Employees' Journal* in its issue of May, 1931 ?

(b) Is it a fact that both the Indian and European apprentices are required to undergo the same course of training ?

(c) If so, do Government propose to put the Indian apprentices on the same grade of pay with the European and Anglo-Indian apprentices while under training and after they have finished their courses ? If not, why not ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 410 to 417, 419 and 421 together. I have called for certain information and shall communicate with the Honourable Member on receipt of a reply.

**ALLEGED DISCRIMINATION AGAINST INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY.**

†411. \*Mr. S. C. Mitra : Are Government aware that in considering the removal of racial discrimination in the Bengal Nagpur Railway amongst the apprentices the authorities now require the Indian apprentices to pass the Board of Control apprenticeship admission examination after they have been admitted into the technical school for apprentices ?

**QUALIFICATIONS OF ANGLO-INDIAN APPRENTICES ON THE BENGAL NAGPUR RAILWAY.**

†412. \*Mr. S. C. Mitra : (a) Is it a fact that according to the prospectus of Anglo-Indian apprentices at the Kharagpur Workshops, Bengal-Nagpur Railway the minimum qualification required is B. O. C. ?

(b) Is it a fact that there are many Anglo-Indian improvers who do not possess that qualification ? If so, why were they exempted ?

**SCALES OF PAY OF APPRENTICES AT THE KHARAGPUR WORKSHOPS.**

†413. \*Mr. S. C. Mitra : (a) Is it a fact that as a result of the delay caused by the administration to remove the racial discrimination as directed by Government, apprentices at Kharagpur Workshops who have already completed or are going to complete their term of apprenticeship within a short time are being put under the old Indian scales ?

(b) Do Government propose to place these men on the revised scale ? If not, why not ?

**REDUCTION IN NUMBER OF APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.**

†414. \*Mr. S. C. Mitra : (a) Is it a fact that the maximum number of grade I apprentices to be employed in the Kharagpur workshops has now been fixed at 60 ?

(b) Is it a fact that there are at present 37 Anglo-Indian apprentices and 45 A. grade Indian apprentices and improvers now employed there, i.e., in all about 82 apprentices ?

(c) Are Government aware that there are some misapprehensions amongst those apprentices that 22 of the total number of 82 will be dispensed with before completion of their courses ?

(d) Will Government please state what are their intentions so far as those men who are already working in the workshops are concerned ?

**CLASSIFICATION OF APPRENTICES ON THE BENGAL NAGPUR RAILWAY.**

†415. \*Mr. S. C. Mitra : (a) Do Government propose to remove the racial discrimination in Railways ?

(b) If so, do Government propose to ask the Agent, Bengal Nagpur Railway, to classify the present A. grade apprentices as grade I without any further delay ?

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†For answer to this question, see answer to question No. 410.

**PROVISION OF A HOSTEL FOR INDIAN APPRENTICES AT KHARAGPUR.**

†416. \*Mr. S. C. Mitra : (a) What arrangements are contemplated to provide the Indian A. grade apprentices with housing facilities in Kharagpur ?

(b) Do Government propose to build a hostel there as has been done for the Anglo-Indian apprentices ?

**WITHDRAWAL OF PROVIDENT FUND BENEFIT FOR APPRENTICES ON THE BENGAL NAGPUR RAILWAY.**

†417. \*Mr. S. C. Mitra : Is it a fact that the Bengal Nagpur Railway authorities decided to withdraw the benefit of provident fund from the future Anglo-Indian apprentices ? If so, why ?

**RECOMMENDATIONS OF THE WORKSHOP INQUIRY COMMITTEE.**

418. \*Mr. S. C. Mitra : Will Government be pleased to state the reasons for the delay in giving effect to the recommendations of the Workshop Inquiry Committee ?

Mr. A. A. L. Parsons : Government do not admit that there has been any delay in dealing with the recommendations of the State Railways Workshops Committee.

**BONUS FOR INDIAN "A." GRADE RAILWAY APPRENTICES.**

†419. \*Mr. S. C. Mitra : (a) Is it a fact that the bonus for Indian A. grade apprentices has been sanctioned from 10th November 1930 ?

(b) Is it a fact that the apprentices are being usually recruited in the month of August ? If so, do Government propose to change the date of sanction to 1st August, 1930 ?

**TEACHERS APPOINTED TO TECHNICAL SCHOOLS BY THE BENGAL NAGPUR RAILWAY.**

420. \*Mr. S. C. Mitra : (a) Is it a fact that the East Indian, Great Indian Peninsula and Eastern Bengal Railways appoint specially qualified teachers for their technical schools ?

(b) Is it a fact that the Bengal Nagpur Railway appoint some chargehands or draughtsmen without any special qualification as teachers for their technical schools ?

(c) If so, do they propose to change the system and appoint specially qualified teachers ? If not, why not ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

### QUALIFICATIONS REQUIRED OF INDIAN AND NON-INDIAN RAILWAY APPRENTICES.

†421. \*Mr. S. C. Mitra : (a) Is it a fact that apprentices of non-Asiatic domicile have been taken against the strength for which the Railway Board's sanction has not been obtained, and that in many cases out-of-course promotions and increments have been given ?

(b) Is it a fact that some of these men do not possess the B. O. C. certificate which is compulsory for the Indian bound A. grade apprentices ?

(c) If the answer to part (b) be in the affirmative, do Government propose to waive that condition in the case of Indian apprentices as well ?

### DIFFERENCE IN PAY OF INDIAN, EUROPEAN AND ANGLO-INDIAN MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

422. \*Mr. S. C. Mitra : With reference to the reply to starred question No. 291 (d) of the 10th September, 1929, regarding difference in pay of Indian, European, and Anglo-Indian mechanics in the Lillooah Workshops, East Indian Railway, will Government be pleased to state whether it is a fact that Messrs. N. L. Sett and A. Bog were not discharged after the completion of their training as stated therein, but were in service ? If so, why were they not appointed as probationers along with the Anglo-Indians and confirmed on Rs. 160 after 6 months ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 422 to 425 together. I am making enquiries from the Agent, East Indian Railway, and will communicate with the Honourable Member in due course.

### EUROPEANS, ANGLO-INDIANS AND INDIANS APPOINTED AS MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

†423. \*Mr. S. C. Mitra : With reference to the reply to starred question No. 291 (a) of the 10th September, 1929, regarding appointments in the Lillooah Workshops, East Indian Railway, will Government be pleased to state the reasons why four Europeans and Anglo-Indians, and only one Indian have been appointed as mechanics ? Will they be pleased to state whether better qualified Indian candidates were also available for these posts and, if so, why were they not appointed in preference to the Anglo-Indians and Europeans as assured in the reply referred to above ?

### RACIAL DISCRIMINATION IN THE APPOINTMENT OF APPRENTICES IN THE LILLOOAH WORKSHOPS.

†424. \*Mr. S. C. Mitra : (a) Is it a fact that five vacancies in the grade of the mechanics occurred in the Lillooah workshop in 1931 ?

†For answer to this question, see answer to question No. 410.

‡For answer to this question, see answer to question No. 422.

(b) Is it a fact that these vacancies were filled up only from the junior apprentices who completed their training in 1931, while successful senior apprentices of 1930, were in the waiting list? If so, what were the reasons for not appointing the passed apprentices of 1930?

(c) Is it a fact that out of the five apprentices appointed in 1931, four are Europeans and Anglo-Indians and only one is an Indian? If so, will Government be pleased to state the reasons for the appointment of the four Europeans and Anglo-Indians in preference to other Indian apprentices of 1930 and 1931?

(d) Will Government be pleased to state whether the principle of the removal of all racial discrimination in matters of appointment in Railways in future has been accepted and if so, when will it be enforced? Do Government propose to appoint apprentices according to seniority and results of the final examination of the Jamshedpur Technical School? If not, why not?

#### APPRENTICES TRAINED AND APPOINTED BY THE EAST INDIAN RAILWAY.

†425. \*Mr. S. C. Mitra : Will Government please lay on the table a statement of the names of all apprentices who completed their training in 1930 and 1931, with their general and technical education and also the names of the workshops, where they have been provided with posts over the East Indian Railway?

#### ALLEGED INJURIOUS EFFECT OF ALUMINIUM COOKING VESSELS.

426. \*Mr. Lalchand Navalrai : (a) Has the attention of Government been drawn to the poisonous effect of using aluminium cooking vessels?

(b) Have Government ever obtained expert medical opinion in the matter? If so, with what result?

(c) Have Government noticed a contribution by Doctor Khanchand Dev, M.D., published in *Tribune* and re-produced in the *Sind Observer* of the 15th August, 1931, referring to expert authorities' practically proving its deleterious effect on human and animal food?

(d) What steps do Government propose to take to stop the importation of such cooking vessels and to control their sale?

The Honourable Khan Bahadur Miran Sir Fazi-i-Husain : (a) and (c). Government have seen the article to which the Honourable Member refers on the subject of aluminium cooking vessels.

(b) Yes. Government are advised that aluminium is a non-poisonous metal and that the use of good quality aluminium vessels for cooking is entirely innocuous.

(d) None, in the circumstances explained above.

Mr. Lalchand Navalrai : Will Government be pleased to state if they have considered the opinion of the authorities that are contained in the article that I referred to?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** The article which the Honourable Member referred to has been read by the expert on whose advice my answer is based.

**Mr. Lalchand Navalrai :** Then am I to understand that the experts in India have differed from those experts in America and England ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** No, Sir.

**Mr. Lalchand Navalrai :** How then does the Honourable Member say so ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Because the experts in America and Europe between themselves also differ.

#### APPOINTMENT OF INDIAN OFFICERS AS ADJUTANTS.

427. **\*Mr. Gaya Prasad Singh :** Will Government be pleased to state :

- (a) the number of Indian officers holding the King's Commission in eight Indianized units who have passed the language and retention examinations and qualified at a small arms school and have approximately six years' service ;
- (b) the qualifications of officers who are eligible for appointment as Adjutants and Quarter-Masters ;
- (c) the number of Quarter-Masters and Adjutants in the said units ;
- (d) the number of Indian officers in the said units who are Adjutants at the present moment or who in the past officiated as Adjutants ; and
- (e) the reasons why so few Indian officers are holding the post of Adjutants ?

**Mr. G. M. Young :** (a) Ten.

(b) An *Adjutant*. Must have passed the language and retention examination ; must have qualified at a small arms school ; and should ordinarily be an officer of approximately 6 years' service.

A *Quartermaster*. Must have passed the language and retention examinations and should ordinarily be junior to the adjutant.

(c) Eight each.

(d) The number of present adjutants is 2.

The number of Indian officers who have officiated in the past is 11. One more Indian officer will shortly be permanently appointed.

(e) The officer appointed adjutant is specially selected. The tenure of appointment is four years. The sanctioning authority is the District Commander. If an officer is not appointed adjutant, the inference is that he is considered less suitable than the officer who is appointed.

An officer once appointed adjutant cannot be removed from his appointment till his tenure is completed, unless he is considered unfit to hold the appointment. This rarely occurs. Only a small percentage of the officers in any unit held the appointment of adjutant in their service.



When the present incumbents vacate, it is likely that they will be replaced by Indians.

**COST OF MOVING REGIMENTS FROM ONE STATION TO ANOTHER.**

428. \*Mr. Gaya Prasad Singh : (a) What is the total annual cost of moving different regiments from one station to another in India ?

(b) Have Government considered the question of effecting economy by reducing these moves at least during the present period of financial stringency ?

Mr. G. M. Young : (a) The maximum annual cost may be taken as Rs. 15½ lakhs. It has not exceeded Rs. 14 lakhs in either of the last two years.

(b) The annual cost up to and including 1927-28 was about Rs. 23 lakhs. The Honourable Member will see from this that very large economies have already been effected by reducing the number of these moves. The possibility of further reductions is under examination.

**REPRESENTATION OF GURKHAS AT THE ROUND TABLE CONFERENCE.**

429. \*Mr. Gaya Prasad Singh : (a) Have Government received any representation on behalf of three million Gurkhas domiciled in India, praying for adequate representation in the Round Table Conference, on the ground of their "numerical and military importance", and also because they have "always stood loyally by the side of the Sirkar on all occasions of grave danger to peace, and welfare of the Empire" ?

(b) How many representatives of this minority community have been sent to the Round Table Conference ?

The Honourable Sir George Rainy : (a) No such representation has been received by the Governor General in Council.

(b) None.

**REPRESENTATION OF SHIA MUHAMMADANS AT THE ROUND TABLE CONFERENCE.**

430. \*Mr. Gaya Prasad Singh : Have Government received any representation from the Central Standing Committee of the All-India Shia Political Conference, protesting against the exclusion of Shia representation from the Round Table Conference, and authorizing Sir Sultan Ahmad to press the Shia views supporting joint electorates at the Conference, in case of their non-representation ?

The Honourable Sir George Rainy : No.

**REPRESENTATION FROM PANDIT KASHI PRASAD DIKSHIT, FORMERLY A CLERK IN THE GOVERNMENT PRESS, ALLAHABAD.**

431. \*Mr. Gaya Prasad Singh : (a) Have Government received any representation from one Pandit Kashi Prasad Dikshit, who was formerly a clerk in the Government Press, Allahabad, stating that he was formerly to "an unprovoked and uncalled for insult and severe humiliation", on the 6th January, 1931, when he entered the room of the Superintendent of the Press, wearing a Gandhi cap ?

(b) Is it a fact that his salary was reduced for the "offence" of wearing a Gandhi cap, which led him to resign his post?

(c) Is there any Government order or circular prohibiting the wearing of Gandhi caps, or any other kind of dress or clothes? If not, why was this man punished?

(d) Did he apply for reinstatement after the Gandhi-Irwin settlement of Delhi; and how has his representation been disposed of?

**The Honourable Sir James Orerar :** (a) Yes.

(b) No.

(c) No.

(d) Pandit Kashi Prasad Dikshit applied for reinstatement on the 6th May, 1931, after the post had been permanently filled. His application could not be acceded to.

#### WITHHOLDING OF TELEGRAMS SENT BY MR. M. N. ROY.

432. **\*Mr. Gaya Prasad Singh :** Is it a fact that telegrams sent by Mr. M. N. Roy, an accused now awaiting trial in Cawnpore, to Mr. Ramsay MacDonald, Mr. Fenner Brockway, and Mr. Maxton, have been withheld, or delayed by the authorities? If so, why?

**The Honourable Sir James Orerar :** Mr. M. N. Roy, while in custody after his arrest, drafted telegrams to the three gentlemen named and solicited their transmission at public expense. As their contents were not such as to justify their transmission at public expense, they were not transmitted.

#### RELEASE OF SHOLAPUR PRISONERS.

433. **\*Mr. Gaya Prasad Singh :** How many Sholapur prisoners have been released and how many are still undischarged? What are their offences, and why are they not released, under the Delhi settlement?

**The Honourable Sir James Orerar :** All the Sholapur prisoners have been released except 36, whose cases did not come within the terms of the Settlement. Of these, 34 were convicted for rioting and burning of buildings and 2 for bribing and intimidating witnesses in a criminal case arising out of the murder of two policemen.

#### RESOLUTIONS OF THE ALL-INDIA MEDICAL CONFERENCE.

434. **\*Kunwar Baghubir Singh** (on behalf of Mr. K. C. Neogy) :  
(a) Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Sessions, held at Poona on the 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions?

**The Honourable Khan Bahadur Mian Sir Fasl-i-Husain :** (a) Yes.

(b) The resolutions are under consideration.

INTRODUCTION OF AN INDIAN MEDICAL COUNCIL BILL.

435. \*Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) :

(a) When do Government propose to introduce the Indian Medical Council Bill ? Has the draft Bill been circulated for public opinion ?

(b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill ?

(c) Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that this Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates, and should have a non-official elected president from its commencement ; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

(c) Yes.

RESOLUTION OF THE ALL-INDIA MEDICAL CONFERENCE re THE INDIAN MEDICAL REGISTER.

436. \*Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) :

(a) Has the attention of Government been drawn to Resolution No. 4, passed at the All-India Medical Conference held at Poona on the 25th, 26th and 27th April, 1931, which runs as follows :

“ This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air services of the country or be permitted to act as a ship's surgeon or in such other services.”

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) They are trying to have a suitable organisation to look after the minimum standard of instruction, examination and qualification and then this matter can also be gone into.

LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

437. \*Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) :

Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India ? If so, why ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : We have no information. Each Provincial Government determines for itself the status which is accorded in its territories to the licentiates of medical schools of Indian provinces or Indian States. The Government of India exercise no jurisdiction in the matter.

**APPOINTMENT OF OFFICERS TO THE INDIAN MEDICAL RESEARCH  
DEPARTMENT.**

**438. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) :  
(a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service ?

(b) Is it a fact that at the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference ?

(c) Is it a fact that in the Resolution moved by Mr. Jayakar in the Assembly in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion ?

(d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers ? Is it a fact that a large number of members at the Conference differed from the Chair in regard to his ruling in this matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) 18.

(b) The question was not discussed as it was ruled out of order.

(c) Yes.

(d) Yes. The Honourable Member's attention is invited to the reply already given to Mr. Gaya Prasad Singh's question No. 157 on this subject.

**ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCH INSTITUTE.**

**439. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : What steps have Government taken in regard to the reconstitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Some steps were taken and retraced, and now it appears the scheme for the establishment of a Central Medical Research Institute will have to be postponed until the financial situation improves.

**RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND  
ASSOCIATION.**

**440. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : What steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930 ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Recommendations have been examined and proposals as to reconstitution framed.

# RETRENCHMENT IN SALARIES OF DEPARTMENTAL HEADS OF RESEARCH INSTITUTES.

441. **\*Kunwar Raghbir Singh** (on behalf of Mr. K. C. Neogy) : Have Government drawn the attention of the Retrenchment Committee to the following resolutions passed at the All-India Medical Conference ?

“ That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exorbitant, and that thorough revision of the salaries of the Departmental Heads of these institutions is imperative.”

“ That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutta, and against the raising of the salaries of these officers to Rs. 3,000 per month.”

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : No. Government have, however, furnished the Retrenchment Committee with all the information for which they asked regarding salaries and the scheme for the establishment of a Public Health Institute at Calcutta.

## RESERVATION OF SPECIFIC POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEAN OFFICERS.

442. **\*Kunwar Raghbir Singh** (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the service and urging that the 90 posts, contemplated to be released, under the Government of India communique of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only ? If so, what steps do Government propose to take in the matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : The reply to the first part of the question is in the affirmative. The subject to which it relates is regulated by the orders of the Secretary of State. The reasons for reserving certain specific posts in the cadre of the Indian Medical Service for European officers are the necessity of providing the full strength of European officers required for the war reserve and the necessity of supplying European personnel of the superior Civil Services with European medical attendance in accordance with the recommendations of the Lee Commission.

As regards the 90 posts to be released by the Indian Medical Service, the decision to release these posts was subject to the proviso that the existing and accruing rights of Indian Medical Service officers in permanent civil employ on the date of issue of the Government of India Press communique, dated the 10th of May, 1928, and also those of officers not permanently in such employ who were transferred to it temporarily without warning that they might have to revert, should be fully safeguarded. Until the claims of these officers to fill such posts have been liquidated in accordance with rules which govern the subject, the appointment of members of the provincial medical services to fill them when permanent or temporary vacancies occur is not feasible.

In these circumstances, no definite action relating to this matter is contemplated at present.

### APPOINTMENT OF INDIAN MEDICAL SERVICE OFFICERS BY NOMINATION.

**443. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to appoint officers in the Indian Medical Service by nomination, in spite of the repeated protests of the medical profession as well as of the public, and urging that all nomination in that service should henceforth cease and further that appointment to the service should be by an annual competitive examination to be held in India, open to all medical practitioners registered in India? If so, what steps do Government propose to take in the matter?

**Mr. G. M. Young** : The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government.

### CIVIL WORK BY THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR THE INDIAN MEDICAL PROFESSION.

**444. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service; this Conference further declares that the members of the Indian Medical Profession are prepared to offer themselves for Military Service in any war that may be waged in the defence of their country; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."

(b) If so, what steps do Government propose to take in the matter?

**Mr. G. M. Young** : (a) Yes.

(b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.

### TERMS OF RETIREMENT OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

**445. \*Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service; and that these officers should be given a gratuity commensurate with the length of service they may have put in as temporary officers."

(b) If so, what steps do Government propose to take in the matter?

**Mr. G. M. Young** : (a) Yes.

(b) The whole question of these temporary appointments was gone into in 1927-28, and was explained fully to this House in my answer to unstarred question No. 108, dated the 16th February, 1928. Temporary officers are eligible for appointment to the permanent service as vacancies occur; and if they are selected for such appointment, their temporary service is extended until they can be confirmed. Candidates for temporary commissions are made aware of all the conditions of service before they are appointed; and there is no dearth of suitable candidates under the existing conditions. Government do not therefore propose to take any steps at present.

RELEASE TO PROVINCIAL GOVERNMENTS OF STOCKS OF QUININE LYING WITH THE GOVERNMENT OF INDIA.

446. \***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : What steps are being taken to release to Provincial Governments the large stocks of quinine lying with the Government of India?

**The Honourable Khan Bahadur Mian Sir Fazli-Husain** : The question of reducing the Government of India's stock of quinine is under consideration. It is hoped Local Governments will be addressed shortly.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

**Mr. Deputy President** : Honourable Members will now proceed to elect three non-official Members to serve on the Standing Committee to advise on subjects, other than "Roads" and "Broadcasting", dealt with in the Department of Industries and Labour. There are six candidates whose names are printed on the ballot papers which will now be supplied to the Honourable Members in the order in which the Secretary will call them.

(The ballot was then taken.)

THE INDIAN PRESS BILL—contd.

**Mr. Deputy President** : The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar that the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Sir Abdur Rahim, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 18th September, 1931, and that the numbers of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and also the amendment of Mr. B. Das that the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd of January, 1932.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Will it be possible to report before the 18th of September, Sir? Today is the 16th. The date ought to be extended. Will the Honourable the Leader of the House make a statement?

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : I wish to indicate, Sir, in as few words as possible, the general attitude of the Independent Party towards this measure. There are certain points on which all sections of this House seem to agree. We are all at one in condemning crimes of violence, murders and murderous outrages, whatever be the motive which inspires the perpetrators. We are also agreed in denouncing such writings and speeches which may have the effect of inciting to these crimes of violence and assassination. Sir, I understand that the Bill is primarily and substantially designed, so far as the intention of the Government goes, to prevent incitements to such crimes by means of writings in newspapers and other publications of that nature. At the same time, Sir, it is evident that the scope of this Bill is far wider than that. It is not confined to the prevention of certain kinds of offences in this country. The very title, the very preamble shows that what is desired, so far as this Bill is concerned, is to obtain control of the entire Press in the country. Now, Sir, I can say at once that we are not willing to give control over the Press to the Government, but we are perfectly willing to help the Government in devising suitable measures which will check, which will prevent, assassinations and crimes of violence, even if their object may be to obtain a better political status for the country. So far we are agreeable to act with the Government, but we do not see any good reason why we should, especially at this juncture, help the Government in establishing control over the entire Press of the country. To my mind no such case has been made out, and I do suggest it to the Government that it will be extremely inexpedient at the present moment to attempt seriously to control the Press.

Now, Sir, let us see what the scope of the Bill is. Take clause 3. Clause 3 hits the entire printing business of the country. It is not aimed merely at newspaper writings. No one can keep a printing press or conduct a business of printing except with the permission of the Magistrate. Now, I do not know whether the Government really consider that printing presses are an evil, that they are really and mainly a source of danger to the country and therefore the business of keeping and conducting printing presses should be handicapped at the very outset. Sir, we all know how much modern civilization owes to the printing press, and is it really in the mind of the Government to handicap the business of printing in this country? Printing presses are not confined to printing newspapers or publishing newspapers, and they are not only useful but they are essential for the spread of civilization and knowledge. But what justification is there for telling any one who wants to start a printing press, whether big or small, that he shall not do it unless he deposits a certain amount of security? Now, that I submit is a provision in the Bill which cannot be justified. And is it really the case that the Government cannot prevent the mischief which certain classes of newspapers indulge in by their writings without obtaining control over the presses, without handicapping the business of the printing press altogether? Surely, Sir, it is quite possible to strike at the mischief without Government obtaining such wide and uncontrolled powers. True, the Magistrate may, in special cases, by special order, exempt certain presses, but why should there be this limitation on the liberty of men who want to carry on the business of printing? I consider that most serious aspect of this Bill, even more serious in my opinion than the writings in some of the newspapers.



Sir, it has been pointed out even by judicial authorities that this sort of asking for security before a man can start the business, a very legitimate and very honourable business, is a thing which cannot be justified in a court of justice so far as that court of justice is engaged in seeing that crimes are not perpetrated, that crimes are prevented. Now, Sir, look at the preventive measures as a whole. Preventive measures are not unknown to the law of this land. We have got a whole chapter devoted in the Code of Criminal Procedure to preventive measures, measures designed to prevent a breach of the peace and crimes of a certain class. I wonder if the Government have ever considered whether it was not possible to proceed on those lines. I find the Honourable the Law Member is not here ; otherwise, I should have liked to ask him specifically if he had considered this aspect of the matter at all, whether it was not possible to proceed on the lines of that chapter of the Criminal Procedure Code. If not, I should have liked to hear from him what are the reasons for not proceeding on those lines. I am perfectly aware that clause 4 of the Bill is in certain respects of a narrower scope than the Press Act of 1910 ; but still the wording of it, so far as the object of this clause is concerned, is far too wide. The language used there is the identical language which has been more than once judicially condemned ; it was condemned by two of the High Courts in India, and that condemnation, when the matter went up to the Privy Council, was silently at least approved. What justification can there be for repeating language of that sort in the present Bill ? The words in the clause are :

“ Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely ” (*it does not stop there*), “ or may have a tendency ” (*it does not stop there*), “ directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication, or otherwise, to incite to or encourage..... ”

Now, it has been pointed out by judicial authorities that it is very difficult for them, speaking as judges, to interpret and to apply to a particular individual concrete case language of this wide character. Then where was the necessity for repeating the same ? It would simply embarrass the High Court if it were to review any of the orders passed by the Local Government under this measure. Would it not have been sufficient to stop at the words “ likely to incite to or encourage the commission of any offence ” ? That is a matter which, it will be said and rightly said, can be considered by the Select Committee, and I understand that some of the Members on the Government Benches have agreed that there will be no difficulty on the part of the Select Committee to get rid of language of that character and to amend the Bill properly.

There is also another matter for consideration. I have looked very carefully into those extracts from writings which have been supplied along with this Bill. No doubt, a great many of them are very nasty reading, and I do not think that any one can justify the circulation of such writings. But there are also writings which are equally mischievous and will do an equal amount of harm in this country, which may not, in so many words, incite to crimes of violence but which tend to inflame passions in this country, inflame political and racial feelings, and I am not sure whether clause 4 would hit writings of that character. Sir, the newspapers that have been quoted are not the only offenders which ought to be muzzled, but there are others. No doubt, they write in a more diplomatic vein ; no doubt, they

[Sir Abdur Rahim.]

use more careful language ; but the political effect is very bad indeed of such writings which I am afraid will not come within the scope of this clause.

Sir, we have considered the whole matter in its different aspects, and we have come to this conclusion that, if the Government Benches are prepared to give us a clear and definite undertaking that the Select Committee and this House afterwards will be at liberty to remodel this Bill and confine it strictly and rigidly to prevention of certain kinds of crime, then they will have our support for the motion to refer the Bill to a Select Committee. If, on the other hand, the Government really want to establish control over the Press, not only over newspapers but over the printing presses of this country, if they want to establish a sort of supervision over the activities of the entire Press in this land apart from the particular mischief which appears to be aimed at, then, in that case, we cannot support the motion for a Select Committee. We want a clear statement from the Honourable the Home Member who is in charge of this Bill what Government really want by this measure. Do they really want merely to prevent such kinds of crimes or to establish control over the Press ? That is the clear issue before the House, and if the Honourable Member will satisfy us on this point, we will support him in his motion for the Select Committee but not otherwise.

**Mr. B. S. Sarma** (Nominated Non-Official) : Mr. Deputy President, Sir, I am a humble member of the profession which is most concerned with the measure now before the House and if I venture to make one or two very brief observations, it is not in that capacity but as a Member of this House, insignificant as I am but nevertheless, as zealous of its reputation and as anxious for its fair name as any other Member who sits on the opposite Benches. Sir, nothing can be more insulting to the intelligence of the Members of this House or a greater danger and damage to our capacity for self-rule than that we should create any impression outside this House that the issue of a document of 66 closely printed pages from the Home Department containing extracts from newspapers relating to incitement to terrorist crimes and activities, the passionate and pathetic appeal of the Home Member to those Benches, the forensic eloquence of the Acting Law Member, the carefully prepared file of newspaper cuttings of my Honourable friend Mr. Arthur Moore, and Sir Cowasji Jehangir's laborious research into the various species of anarchists in this country should be necessary for the purpose of obtaining from a section of this House a vote against political assassination and incitement to political assassination. I do not think, Sir, that three long days' full dress debate upon this simple measure has done this House any credit nor has it enhanced its reputation for an adequate sense of responsibility. I am inclined to think that in the grave circumstances necessitating this measure, in any assembly or parliament in the world, a motion like this has only got to be moved for its being accepted unanimously. Everybody knows the general feeling among Europeans and among law abiding citizens in this country on this matter. Day after day, we hear of the brutal murder of those who are in Government service and those who support them. But, Sir, everybody also knows that these extremist papers against whom this Bill is meant have always made martyrs of these political assassins. Every time a brutal and barbarous crime is committed, a subtle distinction is always sought to be drawn between the deed of murder and the motives that inspired deed. Although

these newspapers for the purpose of keeping themselves within the limits of the Penal Code always condemned these murders with much vehemence of speech and manner, it was openly declared that those who committed the crime were actuated by the highest and the noblest instincts of patriotism, chivalry and courage. It is quite true, Sir, that some of these extremist papers have taken the orthodox language of non-violence on their lips, but side by side with this formal and official condemnation of murder, as I pointed out on another occasion in Calcutta, these papers have indulged in a kind of sentimental, pseudo-poetic sobstuff in glorification of these political murders, which in my opinion has done more to encourage murder than anything else. I think that it is the stopping of this insidious hypocrisy which is the object of this Bill and I do not think any publicist or journalist or public man need be ashamed of giving his whole-hearted support to this Bill.

In conclusion, Mr. President, may I put it to you that were Mahatma Gandhi himself the Leader of the Opposition today sitting on those Benches, he would have with readiness and alacrity given his whole-hearted support to this Bill.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Question.

**Mr. R. S. Sarma** : Mahatma Gandhi, in spite of his preoccupations connected with the Round Table Conference, when he was not aware whether he would go to London or not, when he was full of other anxieties, came forward and unequivocally dissociated himself from the part he himself played in the Karachi Congress regarding the Bhagat Singh resolution, and you can expect a man of that calibre, if he were sitting today on those Benches, to have given his whole-hearted support to this Bill. What this Bill wants to achieve, in my opinion, is only to reaffirm, to emphasize and underline the doctrine of non-violence for which the Mahatma stands. (Interruptions.) Let it not be said of these gentlemen that they are only followers of Mahatma Gandhi in name and not his real followers. The Mahatma is the most arresting personality on the world's stage today.

**Mr. Lalchand Navai** (Sind : Non-Muhammadan Rural) : We are glad to see that you are a follower of Mahatma Gandhi.

**Mr. R. S. Sarma** : I am certainly a follower of his creed of non-violence. Today, Sir, he is the observed of all observers, the cynosure of the world's eyes. And why ? Because a war weary world is today looking with hope and expectancy to see some proofs and demonstration whether this ideal of non-violence, this creed of peace is as practicable in a real sense as it is desirable in an idealistic sense, and we in this House, by putting this Bill on the Statute-book, will only afford to the world at large a proof and demonstration that India, through her chosen representatives, has at a psychological hour, reaffirmed and confirmed a nation-wide faith in the gospel of its leader.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : I am afraid I must oppose this Bill not because I am not in sympathy with the object the Government have in view. So far as the object of the Bill is concerned, we are in complete sympathy with the Government. As a matter of fact any measure intended to check terrorist crime should be welcomed by this House. The assassinations that we have seen lately are no doubt to be deplored and condemned, but that is as far

[Mr. B. R. Puri.]

as I can go. When we come to the present Bill, I regret that I cannot accept this Bill, because I honestly believe that it is a most mischievous measure and as a remedy it will prove worse than the disease. I understand the Government case to be this—that there is a class of active or potential revolutionaries who are being encouraged and incited by a certain class of people, namely the Indian Press, to commit deeds of violence against a definite class of people, namely European and Government servants. The Government case is that that being the state of affairs, the present law is inadequate to check this movement, and hence they have presented this Bill to this House for its acceptance. If this data is correct, then I have no doubt that the Government have got an excellent case. But I venture to think that it was up to the Government, up to any responsible Member occupying the Opposition Benches, to have taken the House into their confidence and to have told the House, “Here is the present law, and here is the inadequacy in that law, and hence our justification for asking for fresh legislation”. I think, Sir, that the Government have not played the game properly. They ought to have placed their cards upon the table, they ought to have shown to the House that “this is our law, which is not sufficiently long to reach those culprits”, and that therefore they are constrained to ask us to pass a fresh law in order that they may be able to check adequately a movement which we all condemn. Now I expected, when the Honourable the Home Member was on his legs, that he would enlighten the House on this aspect of the question, but I confess I was disappointed. Then when the Honourable Member for Law spoke, although he made a very brilliant speech, I confess I was again disappointed. The one thing that I had expected from the Law Member was that he should have discussed the legal aspect of the question; but there again there was no reference to this matter. Then the Honourable the Leader of the House gave us the benefit of his views, but there again I submit he did not take up this question. Surely, on the Government side it should be the business and concern of somebody, before they can ask for this new law, before they can justify their present demand, to show to the House that “As we stand now, we are materially handicapped by the existing law.....”

**Mr. B. Das :** Wait till you hear my Honourable friend, Sir Lancelot Graham.

**Mr. B. R. Puri :** “..... and hence we are constrained to ask for fresh legislation”. Now they have absolutely ignored this aspect, and I say, advisedly. I submit even now it is not too late for the Government, when they say, “Our law at present is inadequate”. They may inform this side of the House to which law they are referring so that may be able to appreciate what the Government’s position is. We may be in a position to show that that law, which according to your view is inadequate, is more than adequate. How can we point out, Sir, that that law is perfectly adequate? In fact in the present law they have got more than they require. With your permission, therefore, Sir, I will make a request at this stage. If the Honourable the Home Member even at this stage of the debate would be pleased to

inform the House as to which law he is referring when he says it is inadequate, this side of the House would be very much obliged to him ; for then we will be in a position to discuss the question further with reference to the adequacy or inadequacy of that law. May I expect some enlightenment on this subject, Sir ?

**The Honourable Sir James Crerar** (Home Member) : Will the Honourable Member be good enough to repeat that question ?

**Mr. Deputy President** : I am afraid the question that the Honourable Member has put to the Honourable the Home Member is of too wide a scope to admit of an answer by way of a reply simply to an interruption. I think the Honourable Member might proceed with his argument.

**Mr. B. Das** : I do hope some Member from the Government will reply later on—or perhaps my Honourable friend, Sir Lancelot Graham.

**Sir Lancelot Graham** (Secretary, Legislative Department) : Thank you !

**Mr. B. B. Puri** : Well, Sir, in the absence of the Government making out a proper case in support of this measure on the ground of their present law being insufficient, I would be justified to suspect the motives of the Government. I regret to have to take up that position, and I say that the reason they do not refer to the present law is because they are conscious in their own mind that that law is more than sufficient for their purposes (*Cries of "Hear, hear"*). Now, since they have not done what was obviously their duty, I shall have I am afraid to go into that question. Now, Sir, I will refer the Honourable the Home Member to certain provisions of the law with a view to convince him if I can, that that law is the very law that he wants,—that in the face of that law which already exists in your Penal Code, you do not need the present Bill at all even for a moment. Your Indian Penal Code, Sir, is a sufficiently comprehensive enactment. The framers of that Code were really very brainy people, and they anticipated all the various forms and phases of criminal tendencies of human beings, and they made due and ample provision to meet all those cases. Now I shall invite the attention of my Honourable friends on the opposite side, to the provision of the Indian Penal Code, section 117. I will just read that section with your permission with a view to show how admirably that provision is intended to meet the present circumstances. (Mr. K. Ahmed at this stage made an interruption which was inaudible.) I do not follow my learned friend's interruption.

“Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Now let me here explain for a moment that so far as the general law of abetment is concerned, it will not cover the present case—I will not be too technical—I hope the House will kindly bear with me for one moment. I confess that the ordinary law of abetment would not be applicable to the present state of affairs, inasmuch as these alleged writings, which are said to promote this class of assassinations, are not addressed to any specified individual. Therefore, unless you make out

[Mr. B. R. Puri.]

a case like this that a person instigated or incited some specified individual, to commit a particular offence with reference to another specified individual or conspired with the offender or aided him, the case would not come within the purview of the abetment section. Where a newspaper in a general manner disseminated material which could be taken up by the public at large as a sort of incitement, and some one out of that crowd who read that, getting excited, committed a crime by attacking some unknown person, that is unknown to the writer, that would not be abetment according to the law. But the framers of the Code very wisely have provided section 117 as an exception to the general rule.

The Illustration to this section is as follows :

" A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section."

One sentence more will convince you further that this is just the sort of provision which would be quite sufficient to cover the present case :

" Under this section it will be sufficient to shew any instigation or other mode of abetment, though neither the effect intended nor any effect follows from it. This section stood as clause 94 in the draft Code and contained another illustration as follows : "

Now, kindly note this illustration :

" A inserts in a newspaper an article advising soldiers to shoot every Commanding Officer who uses them harshly. A has committed the offence defined in this clause."

Now, I beg to submit that these illustrations are really very instructive. The framers had in this Code anticipated a case like the present such as we have before us. If any newspaper publishes an article of the nature referred to above, namely, offering incitement to the public, then it will come within the purview of this section. What more do they want ? Here is a section which, irrespective of whether any result follows or does not follow, mere writing *per se* is an offence. And look at the punishment. The offender is liable to an imprisonment for three years and an unlimited amount of fine. Surely, Sir, it would not be seriously maintained by the Government that people have no fear left of the jail. Surely, the confiscation of the security of Rs. 1,000 or Rs. 2,000 is not the only thing of which people are afraid. Surely, people have got dread and fear of being sent to jail for three long years, and if the Government case is that money has got a much greater fear in the minds of the people, then they can have the fine imposed to their heart's content ; it is an unlimited amount of fine which is provided in the section. They can get the press attached, the whole thing sold out and they can harass the offender for six long years under the existing law for the realisation of the fine. What more do you require ? Have you not got more than what you actually need for the purpose of the present occasion, assuming that your necessity is real ? Since you ignore this and since you do not follow your own law, would we not be justified in concluding that you are after something else ? Your real objective appears to get at the Press, otherwise your necessity is amply met with by the existing law. If you do not care to use this law, it is your own look-out.

Now, Sir, that is not the only and the solitary section which the law has provided to meet such contingencies. There is another provision of the law also in this very book, and I wish my Honourable friends on the other side of the House had studied the Indian Penal Code a little more carefully before putting in this measure. Then, perhaps the House would have been spared the trouble of considering the present measure for such a long time. If, Sir, you will turn your attention to section 505 you will find..... (Inaudible interruption by Mr. K. Ahmed.) What are you singing, Sir? (Laughter.)

Now, Sir, section 505 lays down as follows :

“Whoever makes, publishes or circulates any statement, rumour or report”,—  
(then follow three clauses ; we are concerned with clause (c) only.)

“(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both.”

You will remember, Sir, that when I stated the Government case I was particular in saying that the issue before the House was that there is one class of people, namely, the revolutionary class, which commits offences, against another class of people which consists of either the Europeans or the Government officials generally, so that where a person with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class of persons or community, it would be an offence which would fall under the provisions of section 505.

**Mr. K. Ahmed :** That has no application to the present case.

**Mr. B. B. Puri :** It will take you some time to understand it yet. It is too subtle a provision for you to follow. Hereafter I will ignore you.

Now, Sir, kindly see that one of the great points which the Honourable the Mover of the Bill made was—and I have taken down the very words which emanated from his lips—that so far as the present law is concerned it is of a penal nature, and what they want at the present moment is a preventive provision. This was the argument which was advanced by him. It is a perfectly sound argument, but does not apply to the present case. If you will look at section 505 or section 117, you will be pleased to observe that by the very language and words of these provisions, they are both preventive provisions. They are penal provisions only in the sense that the preventive remedy which is provided and embodied in these two provisions if it is disregarded by any person, he would be subjected to certain penalties. But whether anything takes place as the result of incitement or not, these provisions do not take the least notice of. The mere incitement, irrespective of any objectionable results following from it, is *per se* an offence and therefore they should be and have been rightly regarded as preventive provisions and not as penal provisions in the sense in which the Honourable the Home Member was pleased to observe.

Now, Sir, one other point in this section is also worth noting and that is that according to the Government view the present is a case of emergency ; if recourse was had to one of these provisions, it would not be an appropriate one because the occasion demands immediate action.

I trust I am faithfully reproducing the argument which the Honourable the Home Member advanced before this

[Mr. B. R. Puri.]

House. Now, Sir, I think it will be readily conceded that if tomorrow some newspaper foolishly took it into its head to incite the soldiers and troops of His Majesty's Army and if it started seducing them with a view that they should commit mutiny, then if anything conceivable can be emergent, that would be a highly emergent occasion for the Government to step in and to check such writings, because the consequences and dangers are really very serious. Now, Sir, if you look at clause (a) of section 505, you find this :

"Whoever makes, publishes, etc.

(a) with intent to cause, or which is likely to cause, any officer, soldier, or sailor in the army or navy of Her Majesty, or in the Royal Indian Marine, or in the Imperial Service Troops, to mutiny, or otherwise disregard or fail in his duty as such \* \* \*

\* shall be punishable", etc., etc.

Even in a case where the publication has the object of seducing troops with a view that they should mutiny against Government, they have regarded this section as a sufficient provision to prevent such offences. But the present occasion, it will not surely be argued, is half so serious as an occasion where seduction of troops was attempted by means of writings in the Press. If this provision is good enough to meet such cases and to prevent such writings, I submit that it is more than good and more than efficacious to meet the present occasion.

Now, Sir, the next point that I wish to urge before the House is that the Bill in its present form is unworkable. I am aware that the Government view is that all these unworkable objectionable parts of the Act can be examined and attended to in the course of the deliberations in the Select Committee. Sir, that is not the correct view. My object is to show that the Bill is so worded that it itself suggests that the object is not to reach the offender but to wipe out the press from this country. That is the point that I wish to emphasise. We know that according to the present measure, a person who approves of the conduct of a murderer and indulges in laudation of a particular crime is taken as promoting a similar crime. If that be the right view, then I will place before the House one or two hypothetical cases from which the House would be in a position to see how the Bill would actually work in practice if it was passed. Only the other day we heard that when Lieutenant Sheehan was sleeping in a first class compartment at Saharanpur, another young European named Clarke wanted to board the train and got into that compartment and Lieutenant Sheehan picked up his revolver and shot the man dead down on the spot. Now, Sir, for the unfortunate victim of that accident, Clarke, substitute an Indian. We would then read in the papers that a European military officer named Lieutenant Sheehan at four o'clock in the morning did to death an Indian merely because the Indian wanted to get into that compartment which he was entitled to do. There would be a storm in the country, the papers would comment on it and they would condemn that murder. There would be no laudation of Lieutenant Sheehan. On the other hand the people and the Indian Press would condemn that officer. Now, Sir, suppose after reading the accounts of this incident in different papers some young man by way of retaliation took it into his head to go and murder the first European that he came across on the Mall in Simla, it would



not be the laudation of the murder, but the condemnation of it which had brought about the murder of a European. How will you apply your Act? Would you then say that according to the letter of the law this man is not guilty of having incited that murder because the man did not approve of the original murder but condemned it and therefore according to the letter of the law he is not guilty? Or would you say that according to the spirit of the law this man is guilty?

On this view, Sir, both the laudation and the condemnation of the murder would be equally an offence. Sir, I have never yet come across any judicial pronouncement according to which both an act as well as its omission is equally an offence; and yet this is what your Act will be. If the Act is capable of such construction surely there must be something basically wrong and that is a basic flaw in the Act. Instances can be multiplied on this point and I shall deal with them presently. This result will follow because the language, on purpose, has been made so comprehensive; the net has been spread so wide and the meshes have been made so fine that nothing can escape out of it.

Now, Sir, I will place before you another palpable illustration to show how in practice this Act will prove to be utterly unworkable and an impracticable measure. Suppose, Sir, a newspaper wrote a series of articles showing, exposing and criticising the financial policy of the Government of India or for the matter of that any other policy of the Government. And suppose the writer brought out and established the point that the appalling poverty which exists at the present moment in the country is the outcome of the financial policy which the Government have pursued for a number of years. Suppose, Sir, he also, with a view to enlighten the public, says that the present situation and plight of the people, who with one season of adversity have neither any vitality left in them nor any resources, is the outcome of that policy. Suppose, Sir, and I am merely stating this by way of illustration,—that the writer also establishes that, so far as the administration of justice in this country is concerned, the people are beginning to lose their confidence in the courts, because the courts are influenced by executive considerations, and suppose the editor or the writer quoted facts and figures, you cannot for a moment deny that a newspaper has got a right to write all this as long as he does not actually transgress a certain limit and a certain line—he will be well within his rights to educate the people and to inform the people and enlighten them as to what their real state is and what are the causes of their present plight, with a view that the condition and position of his countrymen may improve and that the causes which have led to that plight might be removed. Now, supposing after reading this series of articles, some young men, who are out of employment and who are sick of life and who have got nothing to eat or feed themselves upon, take it into their heads to think “The system of Government which has brought us down to such a condition and reduced us to such a plight should be ended”, and if somebody, in that excited mood, influenced by those writings, were to go and commit murder or a series of murders, would you be justified in calling upon the person who wrote those articles with a perfectly honest intention

[Mr. B. R. Puri]

and in a perfectly legitimate manner but of which a wrong use was made by some hot-headed young blood—would you call upon that newspaper to show cause and explain its conduct, and in the absence of any satisfactory proof, would you penalise that newspaper? If you would—and I say this, that if your present Bill is passed, that newspaper could by no amount of advocacy—even by my learned friend, Mr. Elliot—secure an acquittal, because he has, if not directly, certainly indirectly, promoted the murder. Your clause reads “by metaphor, allusion, innuendo” and all sorts of things.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Or otherwise.

**Mr. B. R. Puri** : Or otherwise. If this sort of public discussion about political matters which deeply concern every citizen of this country will be within the penal clauses of this Bill, what would there be left for the press people to discuss and debate? The only thing that I can imagine that will be open to them to write about would be to sing the praises of the officials and to record that a certain officer was transferred from one place to another and a big party was given to him and so on. That is the only material probably that would be left to them to discuss; otherwise they cannot even honestly discuss political matters because they may possibly lead to consequences which might bring them within the purview of this Bill.

The next point that I propose to take up is this, is it correct to say that the present writings do in fact promote such murders and assassinations? My submission is that the Government have not succeeded in making out a case that these assassinations are the outcome of such writings. The question can be looked at in a two-fold manner; firstly from the purely legal point of view. I submit that before you record a verdict of guilty against any newspaper or against any writing, it is up to you to establish that here is a writing and here is the result of it. But merely stating these two items will not prove anything unless you link up the two together and unless you show that one is the cause and the other is the effect. Now look at it from the general point of view; and the general aspect which I wish to place before the House is this; that in spite of the fact that the Press has got great power and great potentiality, I cannot accept the proposition that the Press is so powerful as to create as if by magic, revolutionaries if the ground was not already prepared for it; and I submit that the real reason which has been urged on many previous occasions is—and that is the real cause at the bottom of it—that there is a great deal of discontent in the country; and that is where the ground is prepared, and in the face of that discontent, I submit that the remedy which the Government is applying is after all not the true remedy or the logical remedy. It would be readily conceded that a happy and contented people are not likely to go in for revolutionary activities; it is only the discontented and starving people who take to such desperate acts. If the condition of the people is really bad, if people are starving, they do not need a morning paper in order to remind them that they have got nothing to eat; they know it from their own condition. Therefore the Press is not responsible. Instead of applying the right remedy, the

wrong remedy is being applied. You are applying the surgeon's knife in order to cut off and to amputate a diseased limb, whereas your proper course to follow would be to resort to medical treatment to eradicate the poison from the system. That is what you are not doing. I admit you can temporarily control the actions of the people, but you cannot control their thoughts. If there is discontent in the country, you cannot make the people contented by bringing out a bigger edition of your penal code, for you cannot make them love you through your Indian Penal Code or other penal Acts. It is only when you create good will between yourself and ourselves that you will be able to feel secure. There will then be general peace and goodwill and that can only be achieved by a different sort of treatment and a different course from the one that the Government are proposing to follow by means of this Bill. These, Sir, are some of the observations which I wish to make.

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. Deputy President in the Chair.

**Mr. Muhammad Anwar-ul-Asim** (Chittagong Division : Muhammadan Rural) : Mr. Deputy President, I am much obliged to you for giving me an opportunity to address the House on this very important subject. I really do not wish to enter into the controversy that has come in between the Government of India and the Congress, but I feel, Sir, that in the course of the debate on the floor of this House the name of my constituency has more often than once been mentioned by some of my friends on both sides, and I feel that it will be shirking one's responsibility if I do not say anything on this measure which is before the House for its consideration. Sir, it is very difficult for one like myself to argue at length on the logic of my esteemed friend, Sir Abdur Rahim, or on the logic of my friend, Mr. B. R. Puri who spoke last before lunch. If one tries to look through things impartially, he will find that perhaps the Government of India have been late in bringing forward this piece of legislation. If the Government had not lost their time in giving weight to artificial considerations, I am certain, Sir, that their time as a responsible body would have been very much better spent. So far to begin with. If one comes to the Bill itself, he will find that it is directed only against a class of people who in season and out of season have tried to cause mischief at the expense of public peace and tranquillity through printing. That being so, as I read the Bill itself, I do not find that it is likely to do harm to anybody, much less to those who in the name of giving free expression of opinion conduct newspapers and bulletins, and who say that a measure of this kind ought not to have been brought in by Government. Sir Abdur Rahim is a great lawyer ; he has held many important positions. But in this matter he has challenged the Government and asked why they have brought forward a measure of this kind on the floor of the Assembly. Of course, without being unnecessarily argumentative to him, may I ask him one question ? Has it not occurred to him that even in advanced countries like France and England you have emergent measures to prevent or check the spread of murderous crimes such as those that are taking place in my part of the country ?

[Mr. Muhammad Anwar-ul-Azim.]

Then my Honourable friend, Mr. Jagan Nath Aggarwal, who is the President of the Lahore Bar, opined that the Bill which Government are now bringing forward will strike the printing business as a whole. If he has read Dicey correctly, which he tried to quote in support of his contention, he will find Dicey advocating that even in advanced countries like England powerful instruments of legislation like the present were undertaken to bring in peace and harmony. So much, Mr. Deputy President, with regard to what fell from my friends on my right.

It was also asked by some of the speakers in the course of the debate why not undertake the wholesale prosecutions of old offenders in this respect and have a plethora of prosecutions all round the country ; why not have a careful scrutiny of all the newspaper agencies and presses who bring out seditious articles. That, Sir, to my mind, would have created much more consternation than this simple measure which is now before the House. We would have seen many adjournment motions, and much precious time and money would have been wasted thereby.

It has been suggested, Mr. Deputy President, in certain quarters that this piece of legislation has been brought in at the suggestion of a section of the Anglo-Indian Press alone. It is nothing of the sort. Government is not a partisan Government. It is for all, and it is for the good of all. If there is less murder and dacoity, the Anglo-Indians alone do not profit. The people as a whole reap the fruits of peace and order. I do not know how far that is justifiable, because I know on the 5th or 6th of August in my part of Bengal, just after the murder of the late Mr. Garlick, the District Judge of Alipore, I presided over a meeting and in that very meeting we asked the Government to take measures by which innocent lives could be saved. It was a meeting of the Hindu, Buddhists, Christians, Anglo-Indians and all ; similar other resolutions, Mr. Deputy President, were passed in almost all parts of loyal Bengal, and if the Government, in order to lay the apprehensions of all law-abiding citizens at rest, brought in a measure like this, I do not think that any real wrong has been done thereby to any body. My Honourable friend, Mr. Mitra, suggests that perhaps the remedy would be worse than the disease. My Honourable friend may be right according to his lights, but I beg to differ from him. In my judgment, the whole trouble lies not in doing this, or doing that, but because of the policy that the Government of India have been following during the last few years, at the instance of the Government at home. They are part of a machinery which is working from a distance of 6,000 or 7,000 miles, and they are the instruments through which the Government at home give effect to their wishes. I think it is my bounden duty to warn the Government that if they persist in following the policy of the last few years what was said by the author of " The Lost Dominion " will become a reality.

Mr. Deputy President, before the lunch interval, my Honourable friend, Mr. Puri, asked, why do you bring in this measure, do you feel that this is likely to improve the situation in the country. The whole country he said is in a state of agitation, in a state of ferment. The reply to that would be this, that assertions or statements like that made on the floor of this House under the cloak of the Government of India Act go to create more mischief than what the presses sometimes do in this country. Certainly, there is great force in that statement of the learned gentleman where he said that the middle class unemployment has got something to do

with this terrorist movement. The present policy of the Government coupled with the world wide depression and unemployment of the *badralog* classes has also to my mind swelled the number of these terrorists. The Government do not want much from this House. What they want is this. They have drafted a Bill and they want it to be considered on its own merits. I am really surprised that even a sagacious man like my friend Mr. Das should have adopted these dilatory tactics to keep off the Bill for some time for eliciting opinions. Mr. Das knows very well what is the composition of this Select Committee. My Honourable friend Mr. Mitra has been able to add two other members to that Committee and I am certain he deserves our thanks, and we do not know that the Government of India themselves are very sincere in regard to this matter, because I can even now see at this stage what is likely to happen in the Select Committee. I am afraid Government have not got a majority in that Committee. I am sure that I shall not prove a false prophet if I say that the Bill, as it emerges from the Select Committee, will be more or less of a very innocuous nature.

One word, Mr. Deputy President, to those gentlemen who have been directly or indirectly espousing the cause of the opposition. Have they read history well, and do they not know the result of the Nihilist movement and that of the Carbonaris of Italy? Do they not know what is happening under Mussolini in Italy, and the state of chaos in Russia? I am certain no man having a little foresight in him, least of all a sober-minded Indian, who wishes well of this land, would think of attacking a measure, the words of which cannot be misinterpreted anywhere.

Lastly, I think I shall not be far wrong if I suggest one or two points over which the Government may profitably ponder. A little while ago, a friend of mine was telling me, "What do you think of the statement a certain gentleman made at Marseilles? My good friend, the said gentleman from Marseilles is reported to have said. If I do not attain my object, I shall come back to this country and start the old game again". Sir, statements of this kind emanating from high quarters have their repercussions on the minds of impressionable and misguided youths. Mr. Gandhi preaches non-violence, but these statements are mischievous. And if Government have any courage, they must come out and say that they will not set any premium on statements of that character. Secondly, I would suggest for their consideration that, if they want peace in this country, they must have the administration very well balanced, balanced in every sphere. If you do that, then you will feel that you are not sitting on the top of a volcano, but on that of the snow-clad mountains of the Himalayas.

Sir, some of my Honourable friends took serious objection to the statements which my Honourable friend Mr. Ghuznavi, who is not in his seat now, made with regard to the working of a certain Corporation in Bengal. Well, everybody knows the past history of the Calcutta Corporation in these matters. One Gentleman spoke of the executive officers of Government and thier over-jealousy. I think it was my esteemed friend Mian Muhammad Shah Nawaz, C.I.E. I know of a different story altogether. I know an eminent member of the Indian Civil Service who had to go on retirement after the Calcutta riots, because he issued an order under section 144, Criminal Procedure Code, against Pandit Malaviya and Dr. Moonje. My friend Mr. Das asked why this Bill was brought forward when important negotiations were going on in St. James' Palace. As a humble Member of this House I venture to think that the Government of India must have done

[Mr. Muhammad Anwar-ul-Azim.]

so with due regard to their responsibility both to the people here and at home.

I should like to refer to the tragic death of Khan Bahadur Ahsanulla once. I have known him for many years, and we are thankful for the expression of sorrow made by a liberal Viceroy. In this connection I may pertinently ask what the Government are doing for the family of the deceased. My impression is that the Government are not doing all that it should for its trusted servants.

My friend Sir Abdur Rahim threw out a challenge to Government. I think, Sir, Government are in a very strong position to meet that challenge. This Bill is only a preventive measure and it does not send anybody to jail. Those gentlemen who want to indulge in this game of inciting young men ought to pay the penalty and the Indian Exchequer will benefit to some extent thereby. My friend Mr. Puri asked why sections 117 and 525 of the Penal Code should not be used and he tried to impress upon the imagination of the Assembly that those sections would meet the requirements of the present Bill. The present Bill does not touch anybody, it prevents mischievous print propaganda and nothing else; the section Mr. Puri quotes are penal measures, and will never stop murderous propaganda in any shape. I am a press owner myself, and I control one or two vernacular presses in my part of Bengal.

My friend Mr. Ranga Iyer tried to take shelter under the decision of the Calcutta High Court in the prosecution case against the late Maulana Muhammad Ali. Every one knows clearly what was the import of Justice Jenkins' judgment on that occasion on "Come into Macedonia". The learned Chief Justice was of opinion that the present section of the penal law brought in the article within the purview of the law, and as such it was seditious. One gentleman also tried to question the propriety of the

3 P.M.

Honourable the Home Member's assertion that one of the clients of the late Mr. Norton made a confession before the Chief Justice to say that he drew his inspirations from the publications of those days; and if the gentleman takes the trouble to read that book—the Report of the Sedition Committee on which there were two eminent Indians, he will there find what they said. They said they took their inspirations from newspaper writings. I am quite certain, Mr. President, it is hardly necessary for anybody, for any responsible Member of this House to take exception to the Honourable the Home Member's assertion. For an Honourable gentleman like himself it was not likely that he would say anything not based on facts.

Last of all, I say if this Bill goes to the Select Committee, it will not hurt anybody, but my fears are that it will be chiselled to such a shape that the Members of the Government might not with its aid be able to bring in any good to the country. If the Select Committee without prejudice give its mind to it, they can make it very useful but the question is, whether they will. No Honourable journalist or newspaper has anything to fear from this Bill. And its operation can affect only those whose object is to procure crime, without themselves committing it. With these few words, Sir, I support the Government motion. (Applause.)

**Mr. Deputy President :** Order, order. Though there is no time limit for speeches on legislation, I must earnestly appeal to Honourable Members to realize that this is the third day of the discussion on this Bill, and

that there are still many Honourable Members on both sides of the House who wish to take part. I would therefore appeal to Honourable Members most earnestly to be as brief as possible in their speeches.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, a great many issues have been raised in the course of the discussion which are not wholly relevant to the motion before the House. I think we are all agreed that the liberty of the Press must be protected, the licence of the Press must be curtailed (*Cries of "Hear, hear"*) ; and I do not see how it could possibly lie in the mouth of my Honourable friend, Mr. Sarma, to say, as he did this morning, that those of us who find ourselves unable to support the Bill, as it stands, owe any less allegiance to the principles and methods of non-violence than he himself owns. The whole question is, is this Bill aimed at the liberty of the Press, or at the licence of the Press ? The answer to that question would depend on another question. Is the Bill calculated to meet the object in view, and no more than the object in view, or are its provisions of such a wide and sweeping character that they would engulf both the innocent and the guilty and would degenerate into an instrument of repression ? I think the opinion on this side of the House at any rate is that the Bill is of too sweeping a character to enable us to support it as it stands ; and in fact I am not sure that many of my friends on the Government Benches do not share the same view.

**Mr. K. Ahmed** : How do you know that ?

**Mr. H. P. Mody** : How do I know that ? From the speeches made by the Honourable the Home Member, by the Honourable the Law Member and by the Honourable the Leader of the House ; they made it abundantly clear that if the House felt that the Bill was of too sweeping a character, the House could amend it as it liked in the Select Committee. Such an admission would never have been made unless they themselves felt that the Bill went far beyond the necessities of the case.

Now, Sir, I do not think the Government can object to the very legitimate fears of this side of the House with regard to the measure. The history of the Press Act, as of many other Acts, must make the representatives of the public very careful before they accord their assent to measures of this description, and I do not think that the Government can take exception to the attitude taken up by this side of the House. The question, then, arises, how far is this Bill capable of amendment in the Select Committee ? We had yesterday an assurance from the Honourable the Leader of the House that Government were not going to approach this Bill in the Select Committee in anything like the spirit which some Honourable Members on this side of the House were inclined to suspect. Sir, I entirely accept the assurance of the Leader of the House, knowing him as I do, and I am inclined to think that in the Select Committee the Government will not take up an impossible or difficult attitude. But the Honourable the Leader of the House also referred to the Home Member for a more categorical assurance on this point, and I ask my Honourable friend, the Home Member, whether he is prepared to define his attitude a little more clearly than is necessary on most occasions, or whether he is merely going to content himself with the observation that it is open to Members of the Select Committee on any Bill to amend it in any way they like without affecting the principle of the Bill. That, Sir, we all know, and I am afraid, and I submit this earnestly to my Honourable friend, that

[Mr. H. P. Mody.]

that will not do on this occasion. It is not what amendments we can suggest in Select Committee that really matter ; it is the attitude of Government towards the amendments that may be submitted from this side of the House that really matters. I should like to know, for instance, what my Honourable friend's attitude would be to the suggestion that when security is demanded, a definite period may be given for furnishing that security and that in the meantime the party concerned may have an opportunity of approaching the High Court of the province so that the High Court on a review of the case may decide whether there is a *prima facie* case for demanding security or not. I am not suggesting that there should be a regular appeal at this stage. Let my lawyer friends suggest it if they like in the Select Committee. My only concern is that the accused, before he is compelled to give security, should have an opportunity of approaching the High Court and getting a judicial decision as to whether a *prima facie* case has been made out against him. If the House receives an assurance from the Honourable the Home Member that this Bill is capable of amendment in radical particulars, and if the House finds his attitude to be as I and other Honourable Members have suggested it should be, then I am sure it will render very easy the task of those of us who are at the present moment considering what position we should take up on the motion for reference to a Select Committee.

**Mr. K. Ahmed :** The Leader of your Party will do that ?

**Mr. H. P. Mody :** I am afraid, Sir, some sort of security should be demanded of my Honourable friend (Laughter), and in the hope that some such security will be demanded, if not now, hereafter, I shall not worry about his interruptions.

There is one other consideration I should like to place before the House, and that is that the Bill deals with only one among the predisposing causes of the malady. The Bill deals with incitements to violence which appear in the Press, but it does not do anything with regard to incitements to violence which are so common from the public platform. My friend, Mr. Ranga Iyer, the other day made the point that the Bill was not fair in that it left the speaker on the platform without any sort of restriction and it controlled the Press. I am not putting it on the ground of equity. My point is this that the incitements from the platform are of a far more dangerous nature than the incitements which appear in the Press. And on this point I venture to differ from my Honourable friend the Law Member, though I appreciated the very clever retort which he gave to my friend Mr. Ranga Iyer. When you have a mass meeting of thousands of people, passions are inflamed and youthful enthusiasts are apt to lose their balance of mind a great deal more easily than if they see something in cold print.

**Mr. B. Das :** Have you ever had an occasion to speak in Hyde Park ?

**Mr. H. P. Mody :** I have heard a great many speeches in Hyde Park and I must say I have enjoyed most of them.

Then there is another consideration. What are you going to do with the public bodies of repute who adjourn their proceedings when some murderer is hanged, and who indulge in resolutions of condolence, and even of appreciation at the martyrdom of the condemned man ? Sir, the most



dangerous thing of all is the apathy of public opinion, and so long as public opinion is not roused to these outrages and to the enormity of the harm which is being done to the best interests of the country, this Bill and similar other Bills will be ineffectual. I am not suggesting that on that account nothing should be done until public opinion is roused. I am going to define my attitude towards the Bill presently. My point is that unless public opinion is roused, you will not find any of your measures very effective against violence. When self-government comes, and the terrorist movement is directed against national leaders, and not against the upholders of what is regarded now as an alien system of government, then I think will be the time for us to realise what harm such outrages can do to the permanent interests of the country. Sir, it is the fashion for the Presidents in certain South American Republics to come in by the ballot and to go out by the bullet. When that fashion comes to this country, and some of our friends who may then be sitting on the other side of the House, and some of the honoured leaders of the people find the weapon of the terrorist directed against them, then alone will there be a proper appreciation of what the terrorist movement means to this country.

Sir, my final conclusion is that a section of the Press is pouring out the most poisonous stuff, and that it requires to be dealt with properly. It is no argument to say—and I am not suggesting it myself at any rate—that because you are not dealing with other symptoms of the disease, therefore you must not tackle this particular symptom of the disease. All I say is that if a proper Bill is forthcoming for the suppression of incitement to violence in the Press, then I, for one, cannot possibly withhold my assent to it. The only point is whether that proper Bill is forthcoming, and the decision, in my opinion, rests entirely with the Government Benches.

**Nawab Major Malik Talib Mehdi Khan** (North Punjab : Muhammadan) : Sir, I am bound to support this Bill on the simple and, I hope, adequate ground that love of my country and a taste for the elementary decencies of civilization compel me to do so. No one can forget the hardships the people bore during the period the non-co-operation campaign was so vigorously prosecuted. Every one was fed up with the state of affairs brought about by it, and all right thinking men and well wishers of the country were longing for a halt to be called. His Excellency Lord Irwin and Mahatma Gandhi read the signs of time and with a view to save the country from a dreadful fate awaiting it, entered into conversations which eventually developed into what is now known as the Irwin-Gandhi Pact. The public are not aware of all the terms agreed upon, but this much is certain that all hostilities were to cease. This was carried out on the one side by recalling pickets and co-operation with the authorities, and on the other by releasing the persons convicted of political crimes. The settlement, however, failed to achieve the desired object, as it could not create a calm atmosphere because a part of the Press did not fall into line with those who desired peace in the country, and tried to keep the fire burning. The execution of Bhagat Singh and his two companions on 23rd March was taken advantage of to keep up the spirit of young men. If anyone desires to have a first-hand knowledge of the subject, I will refer him to the extracts from newspaper articles relating to incitement to terrorist crime or to the eulogy of those concerned with such crime published by the Government of India. Some articles of this publication were read to the House on the 11th, which showed their nature and I need not refer to them again. Columns and columns were written in

[Nawab Major Malik Talib Mehdi Khan.]

the eulogy of these misguided youths, namely, Bhagat Singh, Sukhdev, and others, which were meant to inspire other youngsters to follow in their footsteps and acquire immortal fame. What was the result ? I will give it in figures because they afford the best means to illustrate one's meaning. The calendar of crimes of a terrorist nature committed in various provinces of India between the middle of March and the end of August published by the Government of India shows for Bengal 38, Bihar and Orissa 5, Bombay and Sind 7, Central Provinces 1, Delhi 2, North-West Frontier Province 4, Punjab 8 and the United Provinces 11. Total 76. There is another list attached to the same publication which shows that 34 murders or attempts on the lives of Government officials and others by terrorists or of a terrorist nature were committed during the same period. These figures aptly illustrate the reception accorded to the settlement by the Press and the apostles of revolution. I have taken the figures from the middle of March because by that time the Pact had been known all over the country. But if we take the figures for 1930 and part of 1931 extending up to the end of March, they come to 184 and 101, respectively. Is it not a terrible state of affairs and does not the fate of young men who sacrificed their lives at the altar of revolution evoke feelings of pity ? A search in the depths of the hearts of their parents and relatives will reveal deep wounds which nothing can heal and which if endowed with tongues would give a sad tale of misery and affliction.

It is argued that the Bill before the House contravenes the terms of the Pact, but the list of crimes committed after it proves the necessity of taking prompt action if the lives of officials and other innocent people carry any value. The Bill in its application will save the lives of many innocent persons who are done to death for no fault of theirs. On the other hand it will help many young men to avoid the gallows, because the papers will think twice before they excite their feelings. It is thus designed to serve a useful purpose in following the principle, "Prevention is better than cure".

This revolutionary movement is sought to be justified by those who carry it on on the ground of emancipation of the country, no doubt an object which requires sacrifice. But it is to be seen whether the means applied for its attainment are appropriate. We ought to realise that hundreds and thousands of raw youths who would have been a source of pride to their parents and valuable factors in bringing about the greatness of their country waste their lives in jails or pay the penalty of their misguided patriotism by losing them. Let me quote His Excellency the Viceroy's remark on the present situation which he made in his address to the Members of the Central Legislature on the 14th instant. His Excellency after referring to some senseless murders or attempts on the lives of officials said :

"A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs."

This remark ought to convince even the most sceptical as to the seriousness of the situation. I will also refer Honourable Members to the

resolution passed by the All-India Congress Committee in Bombay early last month. It said :

“ The All-India Congress Committee warns those who secretly or openly approve of or encourage murders that they retard the progress of the country. It calls upon Congress organisations to carry on special propaganda against all acts of public violence even where provocation is given for such deeds. Further, the All-India Congress Committee appeals to the Nationalist press to use all its influence in this behalf.”

It is gratifying to see that the movement is condemned on all sides.

There is no gain saying the fact that to be free is the birthright of every nation, and I do not lag behind anyone in pushing the cause of freedom. But I do not agree with the revolutionary method which is being applied to gain the object. My opinion is that we ought to devote our energies primarily to emancipating the country from the social and economic bonds under which the majority of the people are groaning. They should be given proper education, and brought on to a level where they can feel their responsibility in shouldering the burden and add their strength to furtherance of its cause. Unless we remove the cleavage existing between various classes, I am afraid we fail in our object.

I may in this connection invite the attention of my friends to the effect the reforms had on the country. Has not the gulf between various communities been widened ? Is not one class trying its utmost to keep the other out of its legitimate share, and do we not find that no one is satisfied with its lot ? If the literature that is being poured into the country at this juncture when the delegates of Great Britain and India have joined their heads together to find a formula for the future constitution of India is an index of our intentions, one despairs of any good coming out of their deliberations. Our primary duty therefore is to create trust for one another and make a unanimous demand for a further instalment of reforms, that is, Dominion Status. It is then and then alone that our voice can carry weight. The Press can render really good service by working on these lines and espousing the cause of peace in the country. It ought to refrain from preaching the cult of revolution as it is bound to create chaos, which the Bill before the House is intended to avoid.

I do not say that it is free from defects, but such defects as exist in it can be rectified by the Select Committee. As regards the fear of its misuse, is there any law which has not been misapplied on occasions ? The Bill has provided a safety-valve by giving authority to the High Court to set aside the order of forfeiture.

In the end, I appeal to my friends in the name of *Bharatmata* when we all love so well, in the name of those sons of it, some of whom may soon be required to lay down their lives which are so sacred and ought to be saved, in the name of peace without which no country can prosper, to help the authorities to provide it.

**U Kyaw Myint** (Burma : Non-European) : I had hoped, Sir, to have more time at my disposal than seems possible to-day ; but in deference to your wishes I will cut my speech down as far as possible. I of course oppose the Bill, and I intend to oppose it at every stage.

My main purpose, however, in rising to-day is to remove a misapprehension as regards the Burma Ordinance referred to by the Honourable the European Member from Burma as well as by my Honourable friend, U Tun Aung. That Ordinance is Ordinance No. 5 of 1931. The main objec-

[U Kyaw Myint.]

tion that the country has to that Ordinance is that it provides for the control of the Press. Section 13 of that Ordinance provides not only for the control of the Press, but also for the demand of security and the forfeiture of security and property on the lines laid down in the present Bill before us. I wish to remove this misapprehension, particularly because the reports in some of the local papers of the debates are somewhat misleading. It is not a Press Ordinance ; it is generally referred to as the Burma Rebellion Ordinance of 1931 ; but, as I was submitting just now, the main grievance of the country is that the Ordinance provides for the control of the Press. I have to refer to the Ordinance at this stage because when I left the shores of Burma, the introduction of the present Bill was unknown in that country. Since my arrival here, however, I have received numerous messages asking me to oppose the Bill at every stage.

To realise the full implications of that Ordinance, one has to remember that the rebellion which is mentioned in its title had been going on for over seven months when the Ordinance was promulgated....

**Mr. F. B. Leach** (Burma : Nominated Official) : May I inquire which Ordinance the Honourable Member is talking about ? There are two Ordinances in Burma ; one is called the Rebellion Trials Ordinance which has just been replaced by an Act of the Legislative Council : that has nothing to do with the Press at all. The other is called the Emergency Powers Ordinance. I imagine that he was alluding to that ; but he has just said something about the Bill in the Legislative Council, and he appears to me to be confusing the two Ordinances.

**U Kyaw Myint** : I submit that the confusion is on the part of the Honourable Member who has interrupted me. ("Hear, hear" and "Laughter" from the Nationalist Benches.) I have given the number of the Ordinance, No. 5 of 1931, and I have referred to only one Bill, the Bill at present under discussion in this House. I am perfectly aware that the other Ordinance referred to by the Honourable Member has expired, and that it has been replaced by an Act. The Legislative Council, I may say in passing, threw the Bill out the first time ; it was reintroduced in an amended form, and, just before I left Burma, let it be said to the shame of Burma, the Legislative Council passed it and it is now an Act.

To resume, I have already submitted the reason why I am referring to the Ordinance at all. The introduction of the present Bill was unknown to Burma when I left it. The control of the Press is the main grievance, and I speak, not on behalf of people who did not elect me, as my Honourable the European friend from Burma did, but on behalf of the people who elected me here as their representative. The attitude of the people in Burma towards any attempt to control the Press on the part of the Government is this : it has been evinced by certain actions of the people themselves. Two All-Burma Conferences have been held in Rangoon. There has been a great tussle on the separation question, and there are two different camps, one for separation and the other against it—I belong to the latter camp. But on this particular point of the control of the Press and the Ordinance, we are in complete agreement. Those conferences were held in the month of August ; first, a conference of Separationists, and secondly, a conference of Anti-Separationists. At each conference a resolution was unanimously passed condemning this Ordinance, which includes

amongst other things control of the Press, and demanding its withdrawal. I am really following the expressed opinion of my countrymen—and I do that as a representative in this House of my country—in opposing this Bill.

The time at my disposal is very short and I will go at once to the Bill. I am unable, although I greatly admire the graceful delivery and the perfect phraseology of the Honourable the Law Member, to follow his reasoning. He said at one stage in his speech that there were fundamental differences between the Press Act of 1910 and the present Bill. I do not know whether I interpret the word “fundamental” in a manner different to that in which he does. I have carefully compared the Press Act of 1910 and the provisions of the present Bill; and, except that the scope of the Act of 1910 was wider and that the definitions in the present Bill are more comprehensive, I can see no difference, either fundamental or otherwise. I have also taken the trouble to compare the old Bill, which has been withdrawn, with the Bill now under discussion. Except that the old Bill was aimed, amongst other things, at the civil disobedience movement, there is no difference, either fundamental or otherwise.

I should like to ask the Government, why are they afraid of circulating this Bill for public opinion?

I think it was the Honourable the Home Member who said that the Bill had the support of the public. I can hardly accept that statement, unless he refers to a limited section of the public, namely, the Anglo-Indian public (“Hear, hear” from the Nationalist Benches). I have taken pains, ever since my arrival in this country, to peruse very carefully every available comment on the Bill in the Press. After all, the comments of the press are the comments of the public—the public of India as a whole. Every Indian comment has been adverse to the Bill, and no one can deny that the Indian element in India is the most important element. Why has not the public been consulted about this Bill? Why not circulate it now? It is not too late to do that. Why have not the journalistic organisations and the Press organisations, who after all are the most concerned with this measure—why have they not been given an opportunity of expressing their opinion? Why is there the necessity for such a hurry? Unless, as my Honourable friend, Mr. Puri, puts it, there is some motive which has not been expressed on the floor of this House. Whether that motive is worthy of the Government or not, I am not in a position to say. But the effect of this Bill, if it passes into law, will be to wipe out practically the whole of the indigenous Press of this country.

The Honourable the Law Member was pleased to call this Bill a one-clause Bill and a one-topic Bill. My opposition is a one-topic opposition and a one-clause opposition (Hear, hear). The Bill is fundamentally unsound; it transgresses all known principles of jurisprudence. On that ground alone—and I submit that is a sufficient ground—I oppose it.

**Mr. E. Studd** (Bengal : European) : Sir, I have listened with close attention to the speeches on both sides of the House on this Bill. It seems to me that on the Opposition Benches there is still a great deal of misunderstanding. We have heard from some speakers the motives of the Government questioned, although it seems to me they have made it as clear as they possibly can make it, that their intention and their desire is to deal only with that section of the Press which encourages and has been

[Mr. E. Studd.]

encouraging terrorist crimes. We also had certain speakers who impugned the motives of what they were pleased to call the Anglo-Indian Press and the British community. Now, it does seem to me that suggestions of that sort, suggestions of mistrust and wrong motives, are clouding the issue ; and I do maintain that however much Members on the Opposition Benches may disagree either with the views of the Government or with the views of members of the European community, they should at least give us credit for desiring to do what is best for India, just as much as they do. I have no quarrel with anybody who thinks that my opinions are all wrong ; but I have a quarrel with him when he suggests that, when I hold those opinions, I do so because I have not got any honest motives. It seems to me the issue is a clear one. I should like to remind Honourable Members, in case they may have forgotten it or in case they are not aware of it, that a meeting was held in Calcutta as a result of the murder of Mr. Garlick. No one could possibly claim that that meeting was instigated by the Anglo-Indian Press. It was a meeting of all citizens of Calcutta, of all sections of the community. Honourable Members have only to read the names of the distinguished citizens of Calcutta who were on the platform to realise how representative that meeting was. They passed resolutions at that meeting which called in strong and clear terms, for definite action to be taken against sections of the Press and against public bodies who eulogised murder. The Dalhousie Institute was crowded out. In anticipation of a large number of people attending, no chairs were provided except for about three rows, and there was only standing room. Before the time advertised for the meeting the doors had to be closed and hundreds of people had to be turned away. At that meeting, Sir, it is remarkable that the strongest speakers, people who were most emphatic in calling for action to be taken to deal with this particular type of propaganda, were not the representatives of the British community, but the representatives of the Indian community (Hear, hear). Now, Sir, I think that makes it perfectly clear that there is a very strong feeling in Calcutta amongst all sections of the community that something must be done, and that Government must take strong action. When we come down to the facts of the case, I do not think I have heard any speaker in this House during the course of this debate who has suggested that terrorist activities do not exist or that the various articles appearing in the newspapers, some of which are reproduced in these pamphlets, are not, in their eulogy of murder, helping to make the evil worse. I agree quite frankly with my friend, Mr. Mody, that action is desirable against the platform and against public bodies who eulogise murder, but I should like to put this point to him and to other Honourable Members, and that is, I do believe that if control can be exercised over newspapers and pamphlets publishing articles of this kind, that thereby indirect control will also be exercised over the platform. At any rate, as far as Bengal, as far as Calcutta particularly is concerned, such meetings are not very largely attended, the people who do attend are not of any very important sections of the community, and the publicity that they get and the harm that they do is very largely done through the reproduction in the Press of the speeches which are made at those meetings.

Now, as I listened to some of the speeches on the opposite Benches, I was reminded on more than one occasion of an old English proverb which talks of shutting the stable door after the horse has gone. A number

of Members asked why there should be any objection to circulating this Bill. Surely, the answer is that if action is necessary at all, it is necessary as soon as possible. If you circulate this Bill, it means that nothing can be done for six months. In six months you will have more vicious, poisonous articles in the Press; you will have probably more Government servants brutally murdered in the execution of their duties, and you will have—what to my mind is even worse than that—for another six months, the youth of the country at the most impressionable age will go on imbibing these entirely wrong ideas and not merely be encouraged to commit more terrorism, but be encouraged in a spirit of antagonism to law and order, a spirit of quarrel with ordered Government and the peaceful carrying on of society. Do my Honourable friends opposite realise that that spirit is a spirit that is not going to be cured in a day or a month or a year? In the near future there is going to fall on them the responsibility for controlling and ruling this country. If Honourable Members allow the young men of this country to go on imbibing that spirit, I say that they are storing up a dreadful heritage for themselves. Personally, I believe that the Government would be failing in their duty if they did not do their utmost to stop that spirit being spread.

Now, Sir, my Honourable friend, Sir Hari Singh Gour, enunciated the theory that every dog is allowed one bite. I do not know whether that is an established principle of law or not. I am only looking at it from the point of view of the common sense man in the street, and I must say that if one dog has one bite of me, I should take jolly good care to see that neither he nor any other dog can get another bite, if I can help it; and it does seem to me that a lot of argument of that kind has been directed against this Bill. For instance, my Honourable and learned friend, Mr. Puri, gave us a long dissertation on the law as it stands. He is a lawyer, and he said he could not understand why the present law was insufficient. Well, as I have said before, I am not a lawyer; perhaps I am rather dense on legal principles. It does seem to me from a common sense point of view that the present law is punitive; it can only go and look for the horse after it has got out of the stable and drive him back whereas the Bill the Government have put forward is preventive. The whole idea is to try and stop this kind of thing being published, not to punish the publisher after he has published such writings and after the harm has been done. But even so, the matter is not quite so easy as that, because it is one thing to say punish a man when he breaks the law. But what is happening actually in a number of cases now? It is not the paper that is well known or that has been established for a long time that is producing some of the worst of this stuff, it is the little mushroom press which starts up to-day, perhaps runs for a week printing this kind of stuff and then disappears. By the time an attempt is made to get hold of the authors of such writings, the owners of that press, the people who are responsible for the press have probably disappeared and possibly a fortnight hence they start up in another place under another name and do the same thing again.

Now, Sir, I do not think there is very much more for me to say. I hope that Honourable Members opposite will realise that we on these Benches are just as anxious as they are to see what is best for India done, and we do feel—and I know that a large number of my Indian friends in Bengal feel just as strongly as we do—that some action must be

[Mr. E. Studd.]

taken and must be taken quickly to eradicate this evil. We have heard a great deal of criticism from the Opposition Benches as to why the various clauses of the Bill have been made so wide or impracticable. I have listened in vain, for a really practical suggestion, for something better than the proposal that the Government have put up. After all, at the moment we are only asked to vote upon the main principle; we are not asked to discuss the details. It is quite open to the Select Committee to consider and possibly alter the various clauses of the Bill so long as the main principle is borne in mind that it must be wide enough to catch the man who is busy getting round the law and that it must be strong enough to enable the Government to stamp out, or at any rate, to keep in check the evil, because I do not think that it can be stamped out entirely until, as my Honourable friend, Mr. Mody, said, public opinion is educated up to the stage of inculcating in the youth of the country that such things are abhorrent.

Sir, for these reasons, I strongly support the motion for Select Committee. (Applause.)

**Several Honourable Members :** " Let the question be now put."

**Mr. Deputy President :** The question is :

" That the question be now put."

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Before you proceed further, may I submit that no representative from Bengal has as yet spoken on this motion, and I leave it to the discretion of the Chair as to whether it will allow the closure or not.

**Mr. Deputy President :** The Honourable Member has been sufficiently long in this House to understand the rules of procedure of this House. So far as the procedure relating to a closure motion is concerned.....

**Mr. Amar Nath Dutt :** It is within the discretion of the Chair.

**Mr. Deputy President :** Order, order. The Honourable Member ought not to interrupt the Chair when the Chair is speaking. So far as the procedure relating to closure is concerned, it is prescribed in paragraph 62 of the Manual of Business, and that paragraph runs thus :

" At any time after a motion has been made any member may move ' That the question be now put ', and, unless it appears to the President that the motion is an abuse of the rules or standing orders or an infringement of the right of reasonable debate, the President shall then put the motion ' That the question be now put '."

It is perfectly open to any Honourable Member at this stage to exercise his right under this paragraph and move that the question be now put. The course for the Chair to decide then is to make up its mind whether such a motion is an infringement of the right of debate. After a motion has been debated for three days and after 23 Honourable Members have taken part in the debate, it is too much to expect the Chair to think that there has been an infringement of the right of debate. I therefore hold that, the Honourable Member who has moved the closure motion being perfectly entitled to make that motion, and as, in my opinion, such a motion, is not an infringement of the rights of debate, have no alternative but to put the question that the question be now put....



**Mr. Amar Nath Dutt :** If the Chair is satisfied that there has been a debate and that all shades of opinion have taken part in the debate, because I felt that only one side had been allowed to speak and not the other side. (*Cries of "Order, order."*) I therefore appeal to the Chair to consider whether or not there has been a sufficient debate inasmuch as only one side of the picture has been brought out and not the other side. But if the

4 P.M.

Chair is satisfied, I have nothing else to say. (*Laughter.*) I am sorry that I should have been spoken to in the tone in which the Chair has spoken.

**Mr. Deputy President :** The question is :

"That the question be now put."

The Assembly divided :

AYES—60.

Abdool Haroon, Seth Haji.	Moore, Mr. Arthur.
Abdul Qaiyum, Nawab Sir Sahibzada.	Morgan, Mr. G.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.	Muazzam Sahib Bahadur, Mr. Muhammad.
Anklesaria, Mr. N. N.	Mukherjee, Rai Bahadur S. C.
Azizuddin Ahmad Bilgrami, Qazi.	Pandit, Rao Bahadur S. R.
Badi-uz-Zaman, Maulvi.	Parsons, Mr. A. A. L.
Bajpai, Mr. R. S.	Rafiuddin Ahmad, Khan Bahadur Maulvi.
Banerji, Mr. Rajnarayan.	Raghubir Singh, Kunwar.
Chinoy, Mr. Rahimtoola M.	Rainy, The Honourable Sir George.
Crerar, The Honourable Sir James.	Rajah, Rao Bahadur M. C.
Dalal, Dr. R. D.	Rajan Baksh Shah, Khan Bahadur Makhdom Syed.
DeSouza, Dr. F. X.	Rama Rao, Rai Bahadur U.
Dyer, Mr. J. F.	Row, Mr. K. Sanjiva.
Elliott, Mr. C. B.	Roy, Mr. S. N.
Fasal Haq Piracha, Shaikh.	Sahi, Mr. Ram Prasad Narayan.
Fox, Mr. H. B.	Sams, Sir Hubert.
French, Mr. J. C.	Sarma, Mr. H. S.
Graham, Sir Lancelot.	Schwester, The Honourable Sir George.
Griffiths, Mr. G. I.	Sher Muhammad Khan Gakhar, Captain.
Heathcote, Mr. L. V.	Shillidy, Mr. J. A.
Heslett, Mr. J.	Studd, Mr. E.
Howell, Mr. E. B.	Suhrawardy, Sir Abdullah.
Ishwarsingji, Nawab Naharsingji.	Sykes, Mr. E. F.
Ismail Ali Khan, Kunwar Hajeer.	Tait, Mr. John.
Jawahar Singh, Sardar Bahadur Sardar.	Talib Mehdi Khan, Nawab Major Malik.
Knight, Mr. H. F.	Todd, Mr. A. H. A.
Lal Chand, Captain Rao Bahadur.	Yakub, Sir Muhammad.
Lall, Mr. S.	Yamin Khan, Mr. Muhammad.
Leach, Mr. F. B.	Young, Mr. G. M.
Montgomery, Mr. H.	Zulfiqar Ali Khan, Sir.

## NOES—42.

Abdur Rahim, Sir.  
 Aggarwal, Mr. Jagan Nath.  
 Azhar Ali, Mr. Muhammad.  
 Bagla, Lala Rameshwar Prasad.  
 Das, Mr. B.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Harbans Singh Brar, Sirdar.  
 Hari Raj Swarup, Lala.  
 Hoon, Mr. A.  
 Ismail Khan, Haji Chaudhury Muham-  
 mad.  
 Jehangir, Sir Cowasji.  
 Jha, Pandit Ram Krishna.  
 Jog, Mr. S. G.  
 Krishnamachariar, Raja Bahadur G.  
 Kyaw Myint, U  
 Lalchand Navalrai, Mr.  
 Maswood Ahmad, Mr. M.  
 Misra, Mr. B. N.  
 Mitra, Mr. S. O.  
 Mody, Mr. H. P.

Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Pandian, Mr. B. Rajaram.  
 Parma Nand, Bhai.  
 Phookun, Mr. T. R.  
 Puri, Mr. B. R.  
 Puri, Mr. Goswami M. B.  
 Ranga Iyer, Mr. C. S.  
 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, Kumar Gupteshwar Prasad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Sukhraj Rai, Rai Bahadur.  
 Thampan, Mr. K. P.  
 Tun Aung, U  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

**The Honourable Sir James Crerar :** (Home Member) : Mr. Deputy President, before I proceed to make some reply on the debate, I should like, as a preliminary, to ask your permission and the permission of the House to make two small changes in the form of the motion. The first is that for 18th, 21st be substituted, and the second is, at the request of the Honourable the Leader of the Independent Party, to substitute for his name that of Mr. Sitaramaraju.

**Mr. Deputy President :** The question is :

“ That for the words ‘ 18th September ’, the words ‘ 21st September ’ be substituted, and the name of Mr. Sitaramaraju be substituted for that of Sir Abdur Rahim.”

The motion was adopted.

**The Honourable Sir James Crerar :** Sir, the debate has travelled over a very extensive ground, and in making a very brief survey of its general result I think I may say with a considerable amount of confidence that two propositions have generally been affirmed, with very few exceptions, by the general sense of the House. The first is that the terrorist movement, towards one aspect of which the Bill is directed, as I contended in my opening speech and as many other Members in all parts of the House have contended, constitutes a very grave and critical danger to the whole country, a danger which is daily becoming more grave and more critical. It is also, I think, agreed with a very small measure of dissent, that it was directly and immediately incumbent upon Government to take some measure

to remedy this appalling evil. There was also, I think, a very substantial measure of agreement, in some cases unqualified, in others to a greater or lesser degree qualified, that the measure proposed in this Bill was a practical measure, which would commend itself to the vast majority of reasonable and thinking men. I pointed out in my opening speech that the danger with which we had to cope was one which threatened the best and the most permanent interests of the country and that it was alike inconsistent and incompatible with, and indeed repugnant to, the culture and tradition both of England and India. So far, Sir, as the Indian point of view on that point is concerned, it received, I think, its highest and most eloquent expression in the admirable speech delivered by my Honourable colleague, the Law Member, which received its due meed of applause in all parts of the House. I do not intend to refer to general considerations of that kind. I shall merely attempt to deal with some of the more important arguments which have been impressed upon me with special emphasis and summarise very briefly indeed the case as it now presents itself to me. But before I proceed further on those lines, I desire to answer the question which has been put to me in a very definite form by more than one Honourable Member. The question was, if this Bill was referred to a Select Committee by the House, what would be the attitude of Government with regard to amendments that might be proposed in that Committee. I should like to say this. The sole object of the Bill is to prevent writings which incite to or encourage murder or crimes of violence, or which express approval or admiration of murder or crimes of violence or those who commit such offences. Subject to the effective attainment of this object, it is the earnest desire of Government that the Bill should cause as little inconvenience as possible to the Press. Government will be ready to consider sympathetically any suggestion that may be made in this respect and in examining any suggestion of this nature they will apply only the practical test whether its acceptance is consistent with the main object as stated above. Sir, I have made that position clear.

Now, Sir, the main argument which was repeated by those who opposed the Bill was that, under colour of a measure directed against the terrorist movement, Government were seeking to establish a general control over the Press for other, and it was implied for illegitimate, purposes. I hope I have already made it perfectly clear that that is not the case; but if it is necessary, I desire to repeat in the most emphatic terms that that is not the case. I think Honourable Members who harbour any surmises of that kind, if they gave the matter a little reflection, would come to the conclusion that it would be a very foolish thing on the part of the Government, confronted as they are with many and great difficulties in other directions, to take upon their shoulders, quite gratuitously, unnecessary and superfluous difficulties. So far from desiring in any way to deal hardly or unfairly with the Press as a whole, it is our desire to enlist the Press as a whole in the best interests of the country (*Cries of "Hear, hear"*); and I feel that if the degree of purgation and purification of the Press which I hope will result from this measure is duly effected, I am most profoundly convinced that the Press as a whole will be in a much stronger position to exert, in the best interests of India, its great and powerful influence. And I trust, Sir, that that influence will not be exerted solely in the columns of the sane and reasonable Press. We have, a fact on which as I recently congratulated the House, several eminent journalists

[Sir James Crerar.]

in our midst, and I hope that they will bend their minds to the organization of the journalistic profession on sound lines and to establishing a body which will exercise, in the right direction, the powerful influence which they possess. If action is taken on those lines, I can assure the Honourable Members concerned that it will have the utmost sympathy and support of the Government.

Now before I pass on to say a very few brief words about the measure itself, I desire to deal with an argument which was urged very strenuously, more particularly by the Honourable and learned gentleman from the Punjab. He said that the Government in asking the House to consider this measure, showed a singular degree of ineptitude because, he alleged, they had not rigidly examined the Statute-book and discovered and employed measures which, he assured us and the House, were perfectly capable of coping with the mischief to its uttermost extent. He complained, not quite justly I think, that the spokesmen on the Government side entirely failed to deal with the inadequacy of the existing law. I shall deal with that point, Sir, briefly, because I think the House is already pretty fully apprised of the state of affairs in that regard. Now there are two points which I wish to make on this aspect of the case. The first is this. There are no doubt punitive and penal measures on the Statute-book which in certain circumstances are, and can be made, extremely effective. But they are also capable of very easy evasion; and it is notorious, at least it is very well-known and very familiar to all those who have studied the subject, that one of the commonest methods of evasion is what is known as the appointment of dummy editors, men of straw, who are put up nominally to make declarations as editors and publishers but who in no way control or guide the policy of the writings of the newspaper.

**Mr. B. R. Puri :** Excuse me, but your Bill also attacks the keepers of presses.

**The Honourable Sir James Crerar :** I should like to tell Honourable Members very briefly that there was a very recent instance of that kind which has come to my notice, and it is only one among hundreds which have come within the experience of Local Governments during several years past. Here is a statement made by a person who had been accused under section 124-A. He says :

"I joined the newspaper on the 19th March, 1931, on a salary of Rs. 30. While I may be sent to jail, the allowance for actual expenses is raised from Rs. 30 to Rs. 50. In return, I filed a declaration in my own name as printer and publisher of the newspaper. I for myself am unable to write decent editorial comments, and the actual work of Editor was carried on by the Assistant Editor, the Sub-Editors and the reporters."

Now, I wish only to give one specific definite instance of what I mean, and this is only one instance out of many hundreds. But the main point which I wish to emphasise, and which has already been made by more than one speaker, is that a penal measure, a measure which can only deal with an offence after it has been committed, is not sufficient. What we require and what this Bill provides is a preventive measure, a measure to prevent the mischief from affecting the body politic, at the source—not to wait until the mischief has already been done, before a remedy is applied. I was somewhat surprised that the Honourable Member, like other Honourable Members who addressed questions to these Benches regarding the necessity of controlling platform speakers, forgot that if those questions were answered in

the affirmative, this would have meant a very great extension of his measure, or the introduction of other measures. I do not know whether Honourable Members who raised those objections to the present Bill would be prepared to support measures of the kind contemplated. I am not quite convinced of that, but at any rate I think that Mr. Mody, though he himself raised that point, also introduced a point which is really a legitimate reply to it, that that is no reason why the existing measure should not be considered and passed upon its merits. The Honourable and learned Member from the Punjab put to me a further question. He said, "If we were so anxious to curb incitements and encroachments to murder, why do you not take similar steps against so grievous an offence as seducing His Majesty's troops from their allegiance?"

**Mr. B. R. Puri :** That was not my argument at all. What I submitted was that if section 505 was considered a good preventive measure to check an incitement of troops, which is a far more dangerous thing, then it should be a good enough measure to effectively check any incitement on the part of the Press.

**The Honourable Sir James Crear :** Well, Sir, I do not consider the Honourable Member's argument a good one, for this reason. The section to which he refers is no doubt a good punitive section against the reduction of troops from their allegiance. But what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops, and not on any punitive measure whatsoever. (Loud Applause.) Criticism has also been made, Sir, that the Bill is misconceived because it does not really aim at the root causes of the terrorist movement. But surely the answer to that, Sir, is this. In so far as the terrorist movement is an expression of discontent, I presume that it is to be inferred that the discontent is created by one of two principal causes, either political or economic. Now, so far as political causes are concerned, I think that Honourable Members who are prepared to regard the matter in a fair and judicial way will agree that the policy of His Majesty's Government and of the Government of India is to promote, as expeditiously as they can, the political progress of the country, and that that is the most effective and most comprehensive measure which they can possibly take. As regards the economic troubles, they are very deep-seated and profound, and I fear that the evils which they cause cannot be abolished by a stroke of the pen. It will require long and painful adjustments of economic and social conditions before discontent arising from that cause can be removed. But what we ask the House to do, though we admit that the Bill cannot affect the remoter causes, is to take a useful and effective remedy for one particular aspect of the question. Nor is it a small and insignificant aspect of the question. No one who has studied the question can possibly deny that incitements and encouragements to murder and violent crime of the character to which this Bill is directed are a factor of the most tremendous importance in the commission of terrorist crime. I should have hardly thought it necessary for me to have adduced any evidence on that point. But I would only say this, that if any reasonable man who has observed or has had brought to his notice the character of the writings to which this Bill is directed, has realised the context of the terrorist crimes, by which they have been associated or by which they have been followed, he would hardly have come to any other conclusion but that there is a very direct relation of cause and effect between those two things. That is the unanimous testimony of Local Governments. It has been one of the most familiar and frequent occurrences in our

[Sir James Crerar.]

experience that, after the publication of some particularly bad incitement to crime or murder, murder and crime have very shortly followed. I do think that a reasonable and prudent man cannot, on the evidence before him, but regard that fact as proved. I say, Sir, that this matter is one from which the Government themselves cannot divest themselves of responsibility. It is a matter of great urgency. If for no other reason, I would ask the House to consider the position of the officers of Government who from day to day and week to week, in constant peril of their lives, are discharging their duties with the utmost courage and devotion. The House has expressed a large measure of sympathy with those officers, both British and Indian, who have fallen and also for their families. But let us remember, while we can, the position of those now engaged in these arduous and dangerous duties. I ask the House to consider that aspect of the question very carefully, and I should like to repeat what was said by the Honourable the Leader of the House that I can hardly conceive of anything more likely to encourage these officers in the discharge of their duties than the feeling that this Central Legislature not only sympathises with them but is prepared to show its sympathy in an active form. (Hear, hear.)

I shall only say one word on the subject of the amendment for the circulation of this Bill. The Mover of that amendment began by saying that he had every desire to assist the Government, but as my Honourable colleague, Sir George Rainy, pointed out, he appeared in the capacity of one making a Grecian gift. And I should like to put the matter to him in another way. He was, I think, prepared to acknowledge the justice of my claim that assurances of this character have been given very frequently in the past. Now, Sir, I present to him a Bill which has already reached its maturity, and he asks me, in effect to come again next year. If that really represents the Honourable Member's deliberate point of view, I do not think that he and those who think with him are honouring the Bill.

Sir, I have already detained the House at some length and I have only a few words to say in conclusion. In the address which His Excellency the Governor General a few days ago delivered to the Indian Legislature, he used language which was quoted with approval by more than one Member of the House, and in particular it was quoted with approval by my Honourable friend opposite, Mr. Ranga Iyer. He referred to two particular words—"necessary and reasonable". His Excellency expressed his profound confidence that the House would confer upon the Government, in the face of this great and growing evil, powers which are necessary and reasonable. That they are necessary, there are not very many Members present in this House, I think, who are prepared to deny; that they are reasonable, I myself most strenuously contend. But I ask Honourable Members to bear carefully in mind what I have said with regard to the intentions of the Government that this Bill be referred to the Select Committee. In the terms of the reply I made to the question asked thus, if there is anything unreasonable or inconsistent with the position which I have explained to the House, no one will be more ready than myself to see to that and, if necessary, to co-operate, in making it reasonable.

**Mr. Deputy President :** The original question was :

"That the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur

Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. B. Pandit, Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Since which an amendment has been moved :

" That the Bill be circulated for the purpose of eliciting opinions thereon by the 2nd January, 1932."

The question is that that amendment be made.

The Assembly divided :

#### AYES—31.

Aggarwal, Mr. Jagan Nath.  
Azhar Ali, Mr. Muhammad.  
Bagla, Lala Rameshwar Prasad.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Harbans Singh Brar, Sirdar.  
Hari Raj Swarup, Lala.  
Hoon, Mr. A.  
Jha, Pandit Ram Krishna.  
Jog, Mr. S. G.  
Krishnamachariar, Raja Bahadur G.  
Kyaw Myint, U  
Lalchand Navalrai, Mr.  
Mitra, Mr. S. C.  
Murtuza Saheb Bahadur, Maulvi Sayyid.

Parma Nand, Bhai.  
Phookun, Mr. T. R.  
Puri, Mr. B. R.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. P. G.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Gaya Prasad.  
Sukhraj Rai, Rai Bahadur.  
Thampun, Mr. K. P.  
Tun Aung, U  
Uppl Saheb Bahadur, Mr.

#### NOES—73.

Abdoola Haroon, Seth Haji.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Abdur Rahim, Sir.  
Ahmed, Mr. K.  
Allah Buksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Anwar-ul-Azim, Mr. Muhammad.  
Azizuddin Ahmad Bilgrami, Qazi.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Chiney, Mr. Rahimtoola M.  
Crerar, 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. L.  
Heatcote, Mr. L. V.

Hezlett, Mr. J.  
Howell, Mr. E. B.  
Ishwarsingji, Nawab Nabarsingji.  
Ismail Ali Khan, Kunwar Hajee.  
Ismail Khan, Haji Chaudhury Muhammad.  
Jadhav, Mr. B. V.  
Jawahar Singh, Sardar Bahadur Sardar.  
Jehangir, Sir Cowasji.  
Knight, Mr. H. F.  
Lal Chand, Captain Rao Bahadur.  
Lall, Mr. S.  
Leach, Mr. F. B.  
Maswood Ahmad, Mr. M.  
Misra, Mr. B. N.  
Mody, Mr. H. P.  
Montgomery, Mr. H.  
Moore, Mr. Arthur.  
Morgan, Mr. G.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mukherjee, Rai Bahadur S. C.  
Pandit, Rao Bahadur S. B.  
Parsons, Mr. A. A. L.  
Puri, Mr. Goswami M. B.

Rafuddin Ahmad, Khan Bahadur Maulvi.  
 Raghubir Singh, Kunwar.  
 Rainy, The Honourable Sir George.  
 Rajah, Raja Sir Vasudeva.  
 Rajah, Rao Bahadur M. C.  
 Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Rama Rao, Bai 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.  
 Shah Nawaz, Mian Muhammad.  
 Sher Muhammad Khan Gekhar, Captain.  
 Shillidy, Mr. J. A.  
 Studd, Mr. E.  
 Suhrawardy, Sir Abdullah.  
 Sykes, Mr. E. F.  
 Tait, Mr. John.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Todd, Mr. A. H. A.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Young, Mr. G. M.  
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

**Mr. Deputy President :** The question is :

“ That the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. B. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

### THE INDIAN MINES (AMENDMENT) BILL.

**Mr. J. A. Shillidy** (Secretary, Industries and Labour Department) : Sir, I move that the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, be taken into consideration. It is a very short Bill and I have nothing to add to the Statement of Objects and Reasons. I will not, therefore, take up the time of the House further.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I would suggest that the Honourable Member who moved this motion had made a speech, however short, interpreting this motion, instead of merely moving the motion, though I recognize he did so because the hour was so late, I think it is an important motion and I wish the Honourable Member had thrown some light on the subject. I should like to know what the Government have to say on it.

**Mr. J. A. Shillidy** : I am quite willing to do so : I thought it would be the desire of the House that I should not take up their time at this hour.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : And go on at some length.

**Mr. J. A. Shillidy** : I would like to oblige the Honourable Member, but there is so little to be said about this Bill that I find it exceedingly difficult to comply with his request. Under the Indian Mines Act there are certain duties and responsibilities laid upon the District Magistrate as such, but there are no District Magistrates in Presidency towns, and therefore this Bill provides that the duties of the District Magistrate shall be



performed in Presidency towns by the person appointed by the Local Government to perform the duties of a District Magistrate under this Act in that town. I am very sorry—I would like to oblige the House if it so desires and the Honourable Member with a long speech, but I do not know that there is anything more to be said than that.

**Mr. Deputy President :** The question is :

“ That the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Mr. J. A. Shillidy :** Sir, I move that the Bill be passed.

The motion was adopted.

### THE INDIAN SUCCESSION (AMENDMENT) BILL.

**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration. This is a very small Bill, possibly smaller than Mr. Shillidy's Bill ; but I am afraid that if I made such a short speech I should find my friend opposite getting tery and saying that this Bill is of vast importance and that I am trifling with this House, and therefore with your permission, Sir, I propose to make just a very few remarks on this Bill, enough I hope to satisfy my friend, **Mr. Ranga Iyer**. The present position under the Indian Succession Act is that corporations have not been allowed to apply for probate or letters of administration : that is following the English procedure. Now, the English procedure was changed in that respect in 1920, and corporations which can satisfy certain conditions mentioned in rules under the Act are, under the English law, allowed to apply for probate or for letters of administration. What we propose by this Bill to do is precisely the same : that is to say, any association of individuals will not be entitled to obtain probate or letters of administration unless it is one which satisfies the conditions laid down by rules to be made by the Governor General in Council in this behalf. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Sir Lancelot Graham :** Sir, I move that the Bill be passed.

The motion was adopted.

### THE SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

**Sir Lancelot Graham** (Secretary, Legislative Department) : Sir, I move that the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration. On a previous occasion in moving for leave to introduce this Bill, I think I gave the

[Sir Lancelot Graham.]

House sufficient indication as to what was the purpose of the Bill. The Bill is a short one and it is necessitated by the closing of the Alipur Bridge for structural repairs, as a result of which it is not possible for prisoners in charge of the Sheriff to be taken from the jail to the court without going outside the limits of the jurisdiction of the Calcutta High Court. The point, as my Honourable friends might observe, is a somewhat fine one : for a short time in transit, these prisoners might be described as not being in legal custody and therefore if they tried to escape they would be quite justified in doing so. On the other hand if they appear in court and apply for *habeas corpus*, they will not be in a position to argue the case with any force that for some time in the course of their transit they were not in legal custody. This position has been going on for some years. I understand this Bridge has been closed from time to time ; and therefore possibly with a view to avoid the institution of a suit for unlawful detention, it is proposed that this Bill should have retrospective effect for the last five years or rather from 1925. There were two methods of dealing with this problem : one was the method adopted in the Bill which is a very simple one : the other one was to extend the jurisdiction of the Calcutta High Court, and that would have involved a very complicated state of affairs, which would be quite unjustifiable having regard to the particular needs. That being so, we have proceeded according to the first method. Sir, I move.

**Mr. Deputy President :** The question is :

\* " That the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Sir Lancelot Graham :** Sir, I move that the Bill be passed.

The motion was adopted.

## THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain** (Member for Education, Health and Lands) : Sir, I move that the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration. In 1927, the Aligarh Muslim University Inquiry Committee made certain proposals under which it was required that the system of Intermediate Colleges be reviewed. The Government of India agreed that this question should be examined by the University authorities themselves at an early date. The matter was accordingly considered by the General Overhauling Committee of the University in 1930, and the Bill now before the House is the result of their recommendation. The main provision is contained in clause 2 of the Bill, while clauses 3, 4 and 5 are consequential changes. I believe it is admitted on all hands that the proposals of the University are a distinct improvement on the existing Act.

**Mr. Deputy President :** The question is :

“ That the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Sir, I move that the Bill be passed.

The motion was adopted.

### THE LAND CUSTOMS (AMENDMENT) BILL.

**The Honourable Sir George Schuster (Finance Member) :** Sir, I beg to move that the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration. The object of this Bill is clearly and shortly explained in the Statement of Objects and Reasons, but I might perhaps elaborate what is there said to some extent in order to inform Honourable Members of the state of affairs with which this Bill proposes to deal. The danger against which this Bill is aimed chiefly occurs on the frontier of French India. The extent to which dutiable goods are smuggled from French India into British India across the land frontier has been growing rapidly in recent years as a result of the high level to which our rates of customs have now been brought. We have recently had to augment our preventive staff on the French frontier at a cost of about Rs. 1,18,000 per annum. Recent reports from the Collector indicate that the situation is still serious, particularly in respect of the smuggling of silver. The Collector reports that smuggling is now carried on by organized bands who are prepared at any time to offer violence if they are interfered with. There have been 16 cases of assault on customs officers taken into the courts during the last four years. Serious injuries have been inflicted in some cases, and three men have actually been killed. The present penalties for smuggling provided under the Land Customs Act are confiscation and fine. As it is very rarely possible to bring the owners of the goods to book, and as those actually employed in the carriage of contraband are generally men from whom little can be recovered except the goods themselves, and as that penalty is not found to be a sufficient deterrent, it has been decided by the Government that further measures are necessary, and this Bill proposes to amend the Land Customs Act so as to provide that on prosecution before a Magistrate a smuggler may be punished with imprisonment extending to six months, or with any of the penalties which are at present within the power of the Collector of Customs to impose.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** I would like to ask the Honourable the Finance Member one question. While I support him in the object which he has in view, I think the Bill will apply not only to the French land frontier but also in the Viramgam land frontier where salt and sugar are smuggled. I want only an assurance about salt smuggling. I will remind the Honourable the Finance Member about the latitude that the Government of India have given to villagers even on the sea coast to manufacture salt. Suppose a certain villager

[Mr. B. Das.]

living in the Viramgam frontier customs line smuggled salt and a very vicious customs official goes and tries to prosecute, is it the intention of the Honourable the Finance Member that the salt smugglers should also be punished to the extent of six months imprisonment? If that is not the intention, I would suggest to the Honourable Member that he should confine this piece of legislation to only smugglers of silver and drugs that come out of the French frontier, and he should say so, so that it may not apply to salt smugglers in other land frontiers such as the Viramgam land frontier.

**The Honourable Sir George Schuster :** Sir, my Honourable friend

5 P.M.

has asked for an assurance from me and at the same time he has suggested that I should amend the Bill. If he desired that the Bill should be amended, I suggest to him that his proper course would have been to put down an amendment for consideration in the House.

**Mr. B. Das :** I never expected that the Bill would come up to-day.

**The Honourable Sir George Schuster :** As regards the assurance which he requires from me, I see less difficulty about giving him that. I can assure my Honourable friend that there is no intention of using the powers under this Bill except where very substantial losses to the revenue are involved, and that possibility is practically confined to the smuggling of articles on which the duty is high and the value of which is high. I think my Honourable friend's fears that it might be applied in cases of salt—although I hope that there will be no smuggling of salt—I think his fears that it would be applied in such cases are comparatively unjustified. As a matter of fact, it is extremely unlikely that this Bill could be abused, because we should in practice find it very difficult to spare the time and services of a Customs Sub-Inspector to prosecute in a Magistrate's Court except in the most glaring and serious cases. I think therefore that my Honourable friend can vote for this measure with a completely clear conscience.

**Mr. Deputy President :** The question is :

“That the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 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 Schuster :** Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock, on Thursday, the 17th September, 1931.