

Tuesday, 22nd 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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# LEGISLATIVE ASSEMBLY.

*Tuesday, 22nd September, 1931.*

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

## QUESTIONS AND ANSWERS.

### MARRIAGES REGISTERED UNDER THE SPECIAL MARRIAGE (AMENDMENT) ACT.

619. **\*Raja Bahadur G. Krishnamachariar :** Will Government be pleased to lay on the table a statement showing year by year and province by province the number of marriages registered under the Indian Civil Marriage Act (Act III of 1872), from the year 1912 under the Special Marriage (Amendment) Act (Act XXX of 1923) since it was passed ?

**The Honourable Sir James Crerar :** The Government of India have not the information asked for ; Registration of marriages is under the Devolution Rules a provincial transferred subject.

### ADMISSION TO THE LOWEST SELECTION GRADE EXAMINATION OF JUNIOR OFFICIALS FROM THE CENTRAL POSTAL CIRCLE.

620. **\*Rai Sahib Harbilas Sarda :** (a) Will the Director General of Posts and Telegraphs kindly state how many junior officials from the Central Circle were allowed to appear in the lowest selection grade examination held last year ? If none, why ?

(b) Is a similar examination going to be held this year too ? If so, will the junior officials of the Central Circle be allowed to appear in accordance with the provisions of the Director General, Posts and Telegraphs' Circular No. 16, dated the 18th August, 1930 ?

**Sir Hubert Sams :** (a) None. There were not sufficient vacancies in the lowest selection grade to admit of the selection of any junior candidate.

(b) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's question No. 607 of the 21st September, 1931.

### INSURANCE WITH FOREIGN COMPANIES OF THE PROPERTY OF THE MADRAS PORT TRUST.

621. **\*Mr. Jamal Muhammad Saib :** Will Government be pleased to state :

(a) what value of property of the Madras Port Trust is insured against fire damage each year ;

(b) which are the companies by whom the amount has been assured and in what proportion ;

(c) how many of them are foreign companies and how many registered in India with rupee capital ;

( 765 )

- (d) whether up to the end of 1928, the amount was shared between 14 foreign companies and one Indian company and thereafter owing to protest by the Southern India Chamber of Commerce one more Indian company was taken ;
- (e) why the Madras Port Trust does not insure its properties in Indian companies ; and
- (f) whether all the foreign companies publish independent balance sheets and, if so, whether they will be placed on the table ?

**The Honourable Sir George Rainy :** The Government of India have no information but have made inquiries in the matter and will communicate the result to the Honourable Member.

#### RELEASE OF CERTAIN PRISONERS SENTENCED FOR LIFE UNDER MARTIAL LAW.

622. **\*Mr. K. P. Thampan** (on behalf of Bhai Parma Nand) : (a) Will Government kindly state what is the exact extent of the period which a life sentence signifies ? What is the extent of the period for persons who were convicted under martial law in 1919 ?

(b) If this period amounts only to 14 years, including period of remission, how is it that the two well-known convicts of Martial Law at Amritsar, Mahashe Rattan Chand and Chaudheri Bugha, have not been yet released ?

**The Honourable Sir James Crerar :** (a) and (b). As I have explained in reply to part (a) of the Honourable Member's unstarred question No. 18 of the 7th September, 1931, a sentence of transportation for life, is literally a sentence for life and its limitation to any lesser period is a matter within the discretion of the Local Government concerned, but they are required under executive orders to review the cases after 14 years. There is no distinction in this respect between a life sentence passed by martial law tribunals and by ordinary courts of law.

#### APPOINTMENT OF SADHU SINGH, AN ELECTRICIAN, ON THE NORTH WESTERN RAILWAY.

623. **\*Sardar Sant Singh :** (a) Is it a fact that the Agent, North Western Railway, issued instructions to be observed at the time of reduction of establishment ?

(b) Will Government kindly lay those instructions on the table ?

(c) Does the case of Sadhu Singh, electrician of Multan Division North Western Railway, fall under any of the conditions laid down by the Agent ; if not, why was S. Sadhu Singh brought on the surplus list ?

(d) Is it a fact that the Agent was instructed by the Railway Board to give preference to and absorb the men brought under reduction ? If so, why has not the said Sadhu Singh been absorbed so far in service ?

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

(c) Government have no information.

(d) Instructions were issued to the Agents of State Railways in respect of staff other than workshop staff, that persons discharged should be preferred to outsiders in future recruitment. Government have no information regarding the second part of the question.

**POLICY OF COMMUNAL REPRESENTATION ON THE NORTH WESTERN RAILWAY.**

**624. \*Sardar Sant Singh :** (a) Is it a fact that a Divisional Personnel Officers' Conference was held in Lahore from 7th to 9th of May, 1931 ?

(b) Is it a fact that in the said conference a certain policy of communal representation was laid down ?

(c) Is it a fact that that policy related to the necessity for safeguarding the minority communities ; if so, do Government regard Sikhs to be a minority community in the Punjab ?

(d) Do Government regard the Muslim community in the Punjab as a minority community or a majority community ?

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

(b) As a result of this Conference it was decided, with a view to safeguarding the interests of communities not adequately represented in the service, that the retrenchment of staff should be carried out so as to leave the proportion of such communities to the total staff unaltered.

(c) The first part is answered by the reply to (b). With regard to the second part I would refer the Honourable Member to my answer to parts (a) and (b) of his question No. 219, asked on the 11th September, 1931.

(d) Muslims are numerically the largest community in the Punjab.

**RESULT OF THE DIVISIONAL PERSONNEL OFFICERS' CONFERENCE AT LAHORE.**

**625. \*Sardar Sant Singh :** Will Government kindly lay the result of the Divisional Personnel Officers' Conference held in Lahore from 7th to 9th May, 1931, on the table ?

**Mr. A. A. L. Parsons :** I would refer the Honourable Member to my reply to part (b) of his previous question.

**RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.**

**626. \*Sardar Sant Singh :** (a) Will Government kindly state the strength of the Sikhs on the North Western Railway in various cadres drawing Rs. 30 and above on the following dates :—(i) 28th February, 1931 ; (ii) 31st May, 1931, and (iii) 31st July, 1931 ?

(b) Is it a fact that the Sikhs have not been recruited in adequate numbers in clerks' posts in the Divisional Offices on the North Western Railway ?

**Mr. A. A. L. Parsons :** (a) The exact information asked for is not available but the number of Sikhs in the subordinate grades on the North Western Railway on the 31st March, 1931, was 1,706 while on the 30th June, 1931, it was 1,648.

(b) Government regret that they are not prepared to supply figures of communal representation in individual offices or classes of offices.

**RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.**

**627 \*Sardar Sant Singh :** Will Government be pleased to state the number of Sikh clerks in each Divisional Office and the Headquarters

of the North-Western Railway separately on the following dates :—  
 (i) 1st January, 1925, (ii) 1st April, 1928, (iii) 28th February, 1931, and  
 (iv) 31st July, 1931 ?

**Mr. A. A. L. Parsons :** Government regret that they are not prepared to supply figures of communal representations regarding individual offices or classes of offices.

#### SAFEGUARDING THE INTERESTS OF SIKHS ON THE NORTH WESTERN RAILWAY.

628. **\*Sardar Sant Singh :** Have Government fixed any percentage on the North Western Railway for various communities in the services ; if so, what percentage has been allotted to the Sikh community ?

**Mr. A. A. L. Parsons :** The answer to the first part is in the negative, the second part does not arise.

#### ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

629. **\*Sardar Sant Singh :** Has the attention of Government been drawn to an article in the *Railway Herald* published at Karachi, dated 15th March, 1931, under the heading " Serious allegations against Mr. Smith, Divisional Electrician, Multan " ? If so, what steps have Government taken to inquire into the serious allegations made by B. Jodh Singh, ex-electric cooly, against the said Mr. Smith ?

**Mr. A. A. L. Parsons :** With your permission, Sir, I propose to reply to questions Nos. 629 and 630 together and to refer the Honourable Member to the reply given by me on the 17th September in answer to question No. 537 put by Sirdar Harbans Singh Brar.

#### ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

†630. **\*Sardar Sant Singh :** (a) Have Government read the pamphlet published by B. Jodh Singh under the title " To all God fearing and righteous souls " ? If so, have the Railway Board instituted any departmental inquiry into the serious allegations of bribery and extortion levelled against the said Mr. Smith in the pamphlet ? If so, with what result ?

(b) Has Mr. Smith been asked to clear himself in a court of law ? If so, who is bearing the expenses of the prosecution lodged by Mr. Smith ?

(c) Will Government kindly state what has been the result of the case ?

(d) Have Government suspended Mr. Smith from service ; if not, why not ?

#### COMPENSATION TO SARDAR GANGA SINGH FOR THE SHOOTING OF HIS CHILDREN AND WIFE.

631. **\*Sardar Sant Singh :** Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that

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†For answer to this question, see answer to question No. 629.

Sardar Ganga Singh whose two children were killed and wife seriously wounded by a British Lance Corporal on the last day of May 1930 at Peshawar was to be compensated and, if so, was he offered anything in cash or kind, and if so, how much? Did Sardar Ganga Singh accept or refuse the offer and the reason for his doing so?

**Mr. E. B. Howell :** Sir, with your permission, I propose to answer questions Nos. 631, 632 and 633 together.

I would invite the Honourable Member's attention to the answer given to question No. 304, asked in this Assembly by Mr. S. C. Mitra.

#### CONSTRUCTION OF A CHILDREN'S WARD AT THE PESHAWAR HOSPITAL IN MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

†632. **\*Sardar Sant Singh :** Did the Honourable the Chief Commissioner sanction the amount of Rs. 15,000, to build a children's ward in memory of the children of Sardar Ganga Singh? If the answer is in the affirmative, will the Honourable Member please state when it will be built? Did the public ask something more than this as suggested in the *Daily Milap*, dated the 30th August, 1930, and are Government prepared to consider this suggestion?

#### MEMORIAL TO THE CHILDREN OF SARDAR GANGA SINGH.

†633. **\*Sardar Sant Singh :** Has the attention of Government been drawn to the Public demand, *vide* the *Tribune*, dated 14th January 1931 and the *Hindu Herald*, dated 15th January 1931, that something should be done in memory of the shooting of peaceful and innocent processionists and carriers of the bier of the children of Sardar Ganga Singh? If so, what steps do Government propose to take to do the needful?

#### REPRESENTATION OF INDIANS ON PUBLIC BODIES IN FIJI.

634. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that there are about 75,000 Indians in Fiji, but they have not got even a single member in the Municipal, Legislative, or Executive Councils of the Colony?

(b) What is the system of election to the various public bodies in Fiji, and why have Indians been excluded?

(c) What is the approximate number of Englishmen and Europeans in Fiji, and what is their total representation in the various public bodies in the Colony?

(d) Is the principle of a common franchise under a common electoral roll not in existence in Fiji? If so, why?

(e) What steps have Government taken so far, or propose to take now, to secure adequate representation of Indians in the various public bodies and institutions referred to in part (a) above, and the introduction of a common franchise and a common electoral roll in Fiji, and with what result?

(f) Is it a fact that there is no Indian Agent in Fiji, similar to the one in South Africa, but there is a retired I.C.S. Englishman in Fiji, who is designated as Secretary for Indian Affairs? What is his name and salary; and is he paid out of Indian revenues?

†For answer to this question, see answer to question No. 631.

(g) Why have not Government taken steps to appoint a capable Indian Agent in Fiji, to look after the rights, interests, and welfare of the Indian settlers there ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) Yes. The estimated population of Indians on the 31st December, 1929, was 73,121.

(b) and (d). I presume that by "public bodies" the Honourable Member means Municipal and Legislative Councils. For elections to Municipal Councils there is a common electoral roll, and every male elector, who is a natural born or naturalised British subject and is not otherwise disqualified, is capable of being elected a member of the Council. There is no bar against Indians. As regards the Legislative Council the constitution provides for the election of Indian and European members on the basis of a communal franchise. This system has apparently been considered necessary in the special circumstances of the colony.

(c) The estimated European population on 31st December, 1929, was 4,726. Separate figures for Englishmen are not available. There are 13 nominated and 6 elected European members on the Legislative Council. As regards the Municipal Councils, the names of the members given in the Blue Book of Fiji for 1929 show that they were all Europeans. The Government of India have no later information.

(e) As stated by me in reply to the Honourable Member's question No. 270 on the 2nd February, 1931, Government are giving their most careful consideration to this matter.

(f) There is no Agent of the Government of India in Fiji. The post of the Secretary for Indian Affairs, who is an officer of the Colonial Government, is occupied at present by Mr. J. R. Pearson, C.I.E., a retired member of the Indian Civil Service. His salary, which according to the Dominion Office and Colonial Office List, 1931, is £1,000 per annum, is not met from Indian revenues.

(g) I would invite the Honourable Member's attention to the papers published with the Department of Education, Health and Lands, Resolution No. 24-Overseas, dated the 12th January, 1927.

**Mr. Gaya Prasad Singh :** I should like to know what steps the Government of India propose to take to secure representation of Indians in the Legislative Council of Fiji.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I suppose persuasion is the only step we can take.

**Mr. Gaya Prasad Singh :** How far have they succeeded in their efforts of persuasion ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Not with signal success yet.

#### REPRESENTATION OF ABORIGINES OF BIHAR AND ORISSA AT THE ROUND TABLE CONFERENCE.

635. **\*Mr. Gaya Prasad Singh :** (a) Have Government received any report of a Resolution passed by the Bihar and Orissa Legislative Council, with the concurrence of the Local Government, urging the representation of aborigines in the Minority Sub-Committee of the Round Table Conference ?

(b) What is the approximate population of the aborigines of Chota Nagpur (Bihar), and is it contemplated to treat Chota Nagpur as a distinct non-regulated area? If so, why?

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

(b) The approximate population of the aborigines in Chota Nagpur according to the latest census is 29½ lakhs.

Government are not in a position to make any statement in reply to the latter portion of this part of the question.

#### NON-RESTORATION TO THE CONGRESS OF THE ASHRAM IN THANA BIHPUR IN BIHAR.

**636. \*Mr. Gaya Prasad Singh :** Will Government kindly state if they have received any report as to why the lands and property of the Congress Ashram in Thana Bihpur, District Bhagalpur, in Bihar, which was seized under Ordinance IX, has not yet been restored to Congress?

**The Honourable Sir James Orerar :** Yes. I invite the Honourable Member's attention to item (3) under Bihar and Orissa in Schedule "A" to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

**Mr. Gaya Prasad Singh :** May I know why this delay has occurred in restoring the property to the Congress people?

**The Honourable Sir James Orerar :** If the Honourable Member would be good enough to refer to the statement which I have quoted he will find the reply to his question.

#### OFFICER OF THE WOMEN'S MEDICAL SERVICE LENT TO THE INDIAN RED CROSS SOCIETY.

**637. \*Mr. Gaya Prasad Singh :** (a) Will Government kindly state whether it is a fact that the Countess of Dufferin's Fund has lately given to the Indian Red Cross Society the loan of the services of one of the senior officers of the Women's Medical Service? If so, on what terms and conditions have her services been lent?

(b) Will Government also state how the gap thus created in the W. M. S. cadre has been, or is contemplated to be, filled in? Are the pay, leave and provident fund allowances of the lent officer still a charge on the W. M. S. funds?

(c) Is it a fact that the pay and allowances of W. M. S. officers are met from a grant from the Government of India? If so, have Government considered the question as to whether the duties performed by the officer lent to the Indian Red Cross Society fulfil the object for which the grant is made?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) and (b). It has been ascertained that in consequence of the incorporation of the Lady Chelmsford All-India League for Maternity and Child Welfare, the Victoria Memorial Scholarships Fund for the training of indigenous *daïs* and the National Baby Week Fund into the Maternity and Child Welfare Bureau of the Indian Red Cross Society, the W. M. S. Officer who had hitherto been mainly concerned in the administration of these funds

was transferred for employment as Director of the Bureau. Her pay and allowances, other than Secretarial allowances, continue to be met from Women's Medical Service Funds. No vacancy in the Women's Medical Service was created by the transfer.

(c) Government make an annual grant of Rs. 3,70,000 to the Countess of Dufferin Fund towards the maintenance of the Women's Medical Service. They do not, however, exercise any control over the internal affairs of the Fund which fixes the strength and the conditions of service of the Women's Medical Service. The answer to the second part of the question is in the affirmative.

#### PROSECUTIONS OF SIKHS FOR THE POSSESSION OF "KIRPANS".

638. **\*Sirdar Harbans Singh Brar :** (a) Will Government please state the total number of prosecutions of Sikhs for the possession of *kirpan* (sword) in different provinces of India ?

(b) Is it a fact that there has been a large number of prosecutions in the Bombay Presidency and are Government aware that there is widespread discontent in the Sikh community ? Do Government contemplate the exemption of Sikhs in possession of *kirpans* from the operations of the Arms Act throughout India ?

**The Honourable Sir James Orerar :** (a) I regret that the information asked for is not in the possession of the Government of India.

(b) I would refer the Honourable Member to the reply given in February last to question No. 405 put by Sardar Sant Singh. The Honourable Member will see from this, that in February last no Sikhs were undergoing imprisonment in the Bombay Presidency for contravention of the rules under the Arms Act. This does not suggest that there has been a large number of prosecutions in that Presidency, but I am ascertaining the facts and will communicate them to the Honourable Member.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say if it is not a fact that Sikhs are allowed to wear *kirpans* of a certain size ?

**The Honourable Sir James Orerar :** The regulations vary in the various provinces of India.

**Mr. Lalchand Navalrai :** May I know if there are any prosecutions on account of the difference in size of *kirpans* or on any other account ?

**The Honourable Sir James Orerar :** I am not aware of any prosecutions.

**Sardar Sant Singh :** May I know why this difference is allowed in various provinces—a difference leading to prosecutions ? No size of *kirpan* is fixed in the Punjab.

**The Honourable Sir James Orerar :** As I have pointed out, the provinces have got powers to make rules of their own under the Arms Act. Those rules vary in different provinces. I cannot give a specific answer to the Honourable Member's question.

**Sardar Sant Singh :** May I know if the Government of India regard this differentiation in the different provinces with approval ?

**The Honourable Sir James Orerar :** I am not aware of any circumstances which would lead me to regard it with disapproval.



**Mr. Lalchand Navalrai :** I hope the Honourable Member regards all Sikhs as Sikhs of the Punjab, wherever they may be residing ?

**The Honourable Sir James Orerar :** We certainly regard them all as Sikhs, but whether we regard them as Sikhs of the Punjab is rather a different matter.

**Mr. Lalchand Navalrai :** My question is with reference to the Arms Act being applied to Sikhs residing in other provinces ?

**The Honourable Sir James Orerar :** The regulations relating to the Arms Act vary in different provinces.

**Sirdar Harbans Singh Brar :** Is the Honourable Member aware that three or four prosecutions have recently taken place in Sukkur alone ?

**The Honourable Sir James Orerar :** No, Sir ; I have no information. As I have already pointed out, I will make inquiries on that point and have promised to communicate the result to the Honourable Member.

**Sirdar Harbans Singh Brar :** If I submit the judgments to the Honourable Member, will he consider the matter ?

**The Honourable Sir James Orerar :** I will certainly consider the matter after the Honourable Member places the information before me.

#### POPULATIONS OF THE PROVINCES ACCORDING TO THE RECENT CENSUS.

639. **\*Sirdar Harbans Singh Brar :** (a) Will Government please state the total population of the different provinces in British India according to the 1931 census by religion ?

(b) Is it a fact that in Bengal the Muslims have become a minority according to the 1931 census ?

(c) Is it also a fact that the Hindus have decreased in the Punjab by about 4 per cent. in the present census ?

**The Honourable Sir James Orerar :** (a) The Honourable Member is referred to provisional table D of the Resolution which appeared in the last issue of the Gazette of India.

(b) and (c). No.

#### RAILWAY OFFICERS DISCHARGED AND REAPPOINTED.

640. **\*Sirdar Harbans Singh Brar :** (a) Will Government please state the total number of officers (permanent or temporary) of more than 3 years' service who have been discharged during the present financial year by different Railway Administrations ?

(b) What is the total number of those who have been newly appointed during the present financial year by different Railway Administration ?

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

#### NEW APPOINTMENTS CREATED BY GOVERNMENT OF INDIA DEPARTMENTS.

641. **\*Sirdar Harbans Singh Brar :** (a) Is it not a fact that, while reductions are being carried out or are in contemplation, the different Departments of the Government of India like the Railways, Archaeology,

Posts and Telegraphs, etc., have made or are making new appointments to their superior establishments ?

(b) What action do Government propose to take to check this practice and to declare null and void all appointments made during the present financial year ?

**The Honourable Sir George Schuster :** The whole question of retrenchment is at present under investigation by the Retrenchment Advisory Committee. Pending the completion of their enquiries, all appointments to any posts, permanent or temporary, of persons not already in Government service are being made on a provisional footing that is to say, in an officiating capacity.

#### COMMUNITIES OF EMPLOYEES DISCHARGED FROM THE RAILWAY CLEARING HOUSE, DELHI.

642. **\*Sirdar Harbans Singh Brar :** Will Government please state the total number of Hindus, Muslims and Sikhs in the establishment of the Railway Clearing House at Delhi on the 1st of January, 1931, and the total number of those who have been discharged or have been served with notices of discharge since that date and how many of them are Hindus, Muslims and Sikhs ?

**Mr. A. A. L. Parsons :** For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

#### COMMUNITIES OF EMPLOYEES DISCHARGED OR REDUCED IN CERTAIN NORTH WESTERN RAILWAY DEPARTMENTS.

643. **\*Sirdar Harbans Singh Brar :** Will Government be pleased to state the total number of Hindus, Muslims and Sikhs in the superior revenue establishment (permanent or temporary) of the North Western Railway Engineering, Transportation and Commercial Departments on the 1st of January, 1931, and the total number of Hindus, Muslims and Sikhs who have been discharged or have been served with notices of discharge or have been reduced in rank since that date ?

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

#### QUALIFYING EXAMINATION FOR THIRD DIVISION CLERKS.

644. **\*Sirdar Harbans Singh Brar :** (a) Will Government please state whether the standard of the qualifying examination held by the Public Service Commission this year for Third Division clerks was kept higher than the similar qualifying examination held last year ?

(b) What was the percentage of candidates who passed in both these examinations ?

(c) Are Government aware that some candidates who failed to pass this year's qualifying examination came out successful in the competitive examination ? What was the number of such candidates ?

(d) What was the object of holding a qualifying examination ?

**The Honourable Sir James Orerar :** (a) No qualifying examination for the Third Division was held last year. The question of comparison does not therefore arise.

(b) The percentage for 1931 was 18.4.

(c) Yes ; four.

(d) To give temporary clerks working in the Third Division an opportunity of qualifying for permanent employment in that Division.

**SIKH CANDIDATES AT EXAMINATIONS FOR THE CLERICAL SERVICE IN GOVERNMENT OF INDIA OFFICES.**

**645. \*Sirdar Harbans Singh Brar :** (a) Will Government please state the number of Sikh candidates who passed in the qualifying and competitive examinations held this year for clerical service ?

(b) Is it a fact that soon after the publication of results the Public Service Commission exhausted the list of qualified Sikhs and were unable to nominate one for the office of the Director General of Indian Medical Service ?

(c) Did the Khalsa Young Men's Association, Simla, submit a representation drawing the attention of Government to the sad plight of Sikhs in the examinations held by the Public Service Commission ?

(d) What action did Government take on that representation ?

**The Honourable Sir James Orerar :** (a) Three, for the Third Division. No qualifying standard was fixed for the competitive examination for the First and Second Divisions.

(b) No.

(c) Yes.

(d) Government acknowledged the representation and explained their policy in the matter.

**NUMBER OF SIKHS EMPLOYED IN CERTAIN OFFICES.**

**646. \*Sirdar Harbans Singh Brar :** (a) Will Government please state the number of permanent Sikhs now employed in the following offices as compared with the total staff :

The Director General, Indian Medical Service.

The Director General of Archaeology.

The Public Service Commission.

The Central Printing Office.

The Director of Contracts.

The Legislative Department.

The Railway Board.

The Imperial Council of Agricultural Research.

The Public Works Branch, Department of Industries and Labour ?

(b) What steps do Government propose to take to qualify a sufficient number of Sikhs for appointment in these offices as vacancies occur ?

(c) Did the Public Service Commission submit a proposal for holding a special examination for qualifying Muhammadans for appointment in the Government of India offices ? If so, why was not a similar proposal made for qualifying Sikhs ?

(d) Has this proposal been accepted ? Will Government please lay the relevant correspondence on the table ?

(e) Have Government instructed the Public Service Commission to qualify a large number of Muhammadans in the next examination pending which unqualified Muhammadans are to be retained in service ?

(f) Do Government propose to issue similar instructions in regard to Sikh candidates ? If not, why not ?

**The Honourable Sir James Crerar :** (a) The figures as they stood on the 31st December, 1930, will be found in the statements showing the communal composition of the clerical staff of the Government of India offices for 1930, copies of which are in the Library.

(b) Government will pursue their policy of reserving a proportion of vacancies to be filled by members of minority communities for the redress of communal inequalities.

(c) The reply to the first part is in the affirmative. No such proposal was made in respect of Sikhs, as the number of Sikhs who qualified was sufficient to fill the vacancies for Sikh candidates.

(d) The proposal was not accepted. I regret I am unable to lay the correspondence on the table.

(e) No such instructions were given. Government informed the Public Service Commission that unqualified members of minority communities occupying vacancies earmarked for those communities would be retained in service until qualified members of those communities were available for appointment.

(f) Does not arise.

**Dr. Ziauddin Ahmad :** May I ask whether the Home Department accepted the recommendations of the Public Service Commission, if not, why not ?

**The Honourable Sir James Crerar :** If the Honourable Member will consider the reply to part (e) of the question, he will find an answer to his question.

**Dr. Ziauddin Ahmad :** My question refers to part (c), Sir ?

**The Honourable Sir James Crerar :** No, Sir, the proposal was not accepted for the reasons given in part (e) of my reply.

#### SAFEGUARDING OF THE INTERESTS OF SIKHS IN PAY AND ACCOUNTS OFFICES.

647. **\*Sirdar Harbans Singh Brar :** (a) Is it a fact that the Government of India have decided to abandon the scheme of separation of Accounts from Audit ?

(b) If so, will Government be pleased to state whether the interests of the Sikhs who are at present working in the Pay and Accounts Offices will be safeguarded ?

**The Honourable Sir George Schuster :** (a) In view of the financial stringency, the Government of India, with the approval of the Secretary of

State, have decided to abandon the experimental scheme of separation of Accounts from Audit in Civil Departments.

(b) I would refer the Honourable Member to my reply to part (b) of Sirdar Sant Singh's starred question No. 565.

# REPRESENTATIONS ON THE PLIGHT OF INDIANS IN BURMA.

648. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) :

(a) Will Government please state if they have received any representations from public bodies and individuals regarding the plight of Indians in Burma ?

(b) If the answer to part (a) be in the affirmative will Government be pleased to state who are the representative bodies ?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state what replies they have sent to the said representations ?

(d) Will Government be pleased to publish the correspondence that has passed between representative public bodies in India and the Government of India on the Burmese situation ?

(e) What steps have Government taken on the said representations and with what effect ?

**The Honourable Sir James Orerar :** Representations have been received by the Government of India from the Bihar and Orissa Chamber of Commerce, the Federation of Indian Chambers, Madras, the Indo-Burma Labour Committee, Madras, and certain other bodies and individuals. These have been communicated to the Government of Burma, the writers being informed of the action taken. Government do not propose to publish the correspondence.

# SERIOUS SITUATION OF INDIANS IN BURMA.

649. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) :

(a) Are Government aware that Burma has been for a long time the abode of a large number of Indians from all the provinces in India ?

(b) Are Government aware that the reports appearing in newspapers and those received from private sources indicate that the situation is very serious for Indians living in Burma ?

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

(b) I lay a statement on the table which gives the facts.

## *Statement.*

The trouble between Burmans and Indians took an active form towards the end of February in the country lying on either side of the border between the Pegu and Toungoo districts. This local outbreak was not at first of a serious character, but communal feeling was inflamed by exaggerated accounts of it that appeared in the Press and elsewhere, and as a result a further outbreak occurred in this locality and later spread to Hanthawaddy district and to several districts of the Irrawaddy Division. The Local Government and the District Officers took all measures possible to cope with the trouble. It must, however, be understood that the local conditions make it a matter of great difficulty to deal promptly and effectively with sporadic acts of the nature that were committed. Lower Burma is comparatively sparsely populated. There are few villages, and these villages are separated by large tracts of paddy land. Dotted about among these paddy lands are small thatched huts occupied by cultivators of lands lying far from the village, and also stacks of straw which provide fodder for the cattle. It was, therefore, a simple matter for two or three Burmans to slip

out on dark nights into the paddy fields and to apply a torch to these field huts and straw stacks. Preventive action was a matter of great difficulty as was also the detection of the culprits. Moreover, owing to the rebellion the forces at the disposal of the Local Government were necessarily limited. Nonetheless the District Officers of the districts affected spent the greater part of their time on tour and did all that was possible to allay communal feeling. Military Police were placed at their disposal and, as a result of the measures taken, the trouble has been suppressed. Where this was considered desirable action was taken under the Village Act and collective fines were imposed on villagers.

Communal trouble has now largely died down and, although there are occasional attacks by Burmans on Indians and also on Chinese, there is reason to believe that the object of these attacks is not so much to satisfy communal feeling as to obtain loot. For the time being, confidence appears to have been restored among the Indian community, but they are naturally apprehensive in regard to what may happen in the future. The Local Government will take every possible precaution to prevent a further outbreak.

2. The figures collected by the police up to the end of August show that in the districts affected there were 107 cases of dacoity and 65 cases of murder, in which the victims were Indians as compared with 27 dacoities and 14 murders for the whole of 1930. The outbreak was, therefore, a serious one, though fortunately it did not attain the dimensions attributed to it by some sections of the Press. In particular, the effect on emigration of Indians from Burma has not been so large as is generally supposed. A careful comparison of statistics shows that during the first 7 months of this year 187,000 Indians left Burma in comparison to 184,000 in the corresponding period of 1929.

#### NUMBER OF INDIANS ASSAULTED, ROBBED, ETC., IN BURMA.

650. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish detailed statement of (a) the Indians, their number and names, assaulted, robbed, injured and murdered in Burma, (b) the extent of their loss of property, since the rebellion began, (c) the number of Indian emigrants from Burma since the outbreak, and (d) the amount of compensation given or proposed to be given to the said Indians ?

The Honourable Sir James Orerar : (a), (b), (c) and (d). I would invite the Honourable Member's attention to the reply given by me to his question No. 314 on the 15th September and to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September.

#### MILITARY WOUNDED AND MURDERED IN BURMA.

651. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish a detailed statement of (a) the number of the military, wounded and murdered in the Burmese rebellion, (b) the communities to which the military belong, and (c) the amount of compensation given or proposed to be given to those who were injured or to the heirs of those murdered since the outbreak ?

Mr. G. M. Young : (a) 13.

(b) The information has been called for and will be supplied to the Honourable Member on receipt.

(c) Disability and family pensions and gratuities will be granted under the conditions and at the rates laid down for field service.

#### PROCLAMATION OF MARTIAL LAW IN BURMA.

652. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state why martial law was not proclaimed in Burma ?

**The Honourable Sir James Orerar :** With your permission, Sir, I will answer questions Nos. 652 and 653 together.

I would refer the Honourable Member to the statement by His Excellency the Governor General issued in a Gazette of India Extraordinary on the 1st August, 1931, in connection with the promulgation of the Burma Emergency Powers Ordinance (V of 1931).

**PROCLAMATION OF MARTIAL LAW IN BURMA.**

†653. \***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state if the Government of Burma sought their sanction for the introduction of martial law in Burma or whether the two Governments held any consultation regarding the introduction of martial law and, if so, why was martial law not introduced and what was the attitude of His Majesty's Government with regard to the introduction of martial law in Burma ?

**DEVELOPMENT OF BURMA BY IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES.**

654. \***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) : (a) Will Government be pleased to state if it is not a fact that the people of Bihar and Orissa and of the United Provinces and other Provinces were encouraged in the eighties of the last century to migrate to Burma with a view to develop the country and its agricultural resources in jungle lands which were not till then yielding revenue to Government ?

(b) Will the Government be pleased to state whether it is not a fact that a large number of people from Bihar and the neighbouring districts of the United Provinces have settled in Burma in the course of these years and taken to cultivation or trade ?

**The Honourable Sir James Orerar :** With your permission, Sir, I will reply to questions Nos. 654, 655 and 657 together. The Government of Burma have been asked to furnish the necessary information and I will send the Honourable Member a reply in due course.

**LOSSES OF IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES SETTLED IN BURMA.**

†655. \***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether the people from Bihar and the United Provinces, who have settled in Burma, have large monetary dealings in Burma and also trade with their mother country ; and
- (b) whether any correspondence has passed between the Government of India and Burma and the respective Provincial Governments on the subject of the effect of the unsettled state of affairs in Burma on trade and the effect of the losses of the Bihar and United Provinces settlers in Burma on the economic conditions of the Province ?

†For answer to this question, see answer to question No. 652.

‡For answer to this question, see answer to question No. 654.

### SERIOUS SITUATION OF INDIANS IN BURMA.

656. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government please state whether the Bihar and Orissa Chamber of Commerce has drawn the attention of the Government of India to "the serious situation of Indians particularly of Biharis in that country" and urged that Government should take special measures to protect the lives of Indians in Burma? What special measures have been taken so far?

The Honourable Sir James Orerar : The answer to the first part of the Honourable Member's question is in the affirmative: With regard to the second part I would refer the Honourable Member to the reply given by me to his question No. 649.

### PROTECTION OF INDIANS IN BURMA.

†657. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether they have suggested to the Burma Government to depute armed guards to such parts of the country where Indian settlements are fairly large, particularly in Toungoo and Pegu districts ;
- (b) whether where the Indians are willing to contribute to the costs required for the purpose, any preference was sought in their favour by the Bihar Chamber of Commerce and, if so, with what result ;
- (c) whether licences of fire-arms to Indians were liberally granted and, if not, why not ; and
- (d) whether facilities will be given for the Indian population wherever it is scattered and scanty in order to bring them to large centres of Indian settlements ?

### FINANCIAL AID FOR INDIANS IN BURMA.

658. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether Government have taken adequate steps to give Indians settled in Burma sufficient financial help ; and
- (b) if so, what are those steps and, if none, why ?

The Honourable Sir James Orerar : (a) and (b). I presume the Honourable Member's question has reference to conditions prevailing this year in Burma as a result of the rebellion. The only financial assistance which Government are in a position to grant is in the shape of loans to agriculturists. The Local Government have a large provision for this purpose in the current Budget.

### EXPORT OF MONKEYS FROM INDIA.

659. \*Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) if their attention has been drawn to an editorial paragraph in the *Times of India* and an article by Mr. W. G. Ward in the

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† For answer to this question, see answer to question No. 654.



same paper reprinted in the *Calicut Champion* of August 23rd, under the title, "*The Monkey Trade: Cruelty in Transit*";

- (b) if it is a fact that the Railways refuse to take monkeys as freight during the months of March, April, May, June and July; if so, why;
- (c) if they are aware that during these hot months monkeys are transported in lorries to Bombay; and
- (d) if they are aware that monkeys bound for the United States are used mainly for rejuvenation, while those bound for Hamburg go to the Manager of a large zoo; if not, what are the facts?

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

(b) On account of the heat, monkeys are not booked to Karachi by the North Western Railway during the months of March to September, and on other Railways there are no bookings during the months of March to July.

(c) The only official information Government have, is that contained in a communiqué issued by the Government of Bombay and published in the issue of the Leader, dated the 13th September, 1931.

(d) Government are not in possession of the facts.

#### EXPORT OF MONKEYS FROM INDIA.

660. **Mr. K. P. Thampan** (on behalf of **Mr. C. S. Ranga Iyer**) : Will Government be pleased to state :

- (a) if they are aware that monkeys are bought in India for Rs. 2 or 3 each and sold abroad for Rs. 10 or more each;
- (b) if Government are aware that the export trade in monkeys is a profitable one;
- (c) if they are aware of the conditions of transit within India of monkeys from the places of their capture to the ports of exportation and, if so, what are the conditions like;
- (d) if they have informed provincial authorities to prevent the squeezing together of monkeys during transit; if not, why not; if yes, whether they will place the correspondence on the table; if not, why not; and
- (e) if, and when, steps will be taken to prohibit monkey-export; if not, why not?

**The Honourable Sir James Orerar :** (a) and (b). The Government of India have no information.

(c) Railways transport monkeys only in strong wooden or bamboo cages at least 2 feet in height. For a small sized monkey the minimum space must be  $\frac{1}{4}$  cubic foot; for a medium sized monkey 1 cubic foot; and for a large sized monkey 2 cubic feet. Not more than 25 small, 20 medium and 10 large sized monkeys are loaded in one cage. Food and water are supplied for the journey and where the journey is over 12 hours an attendant must accompany the animals to supply them with food, etc.

(d) and (e). I will include a reply on these points if I can in the communication I have promised the Honourable Member in my answer to his question Nos. 615—618.

**ANNUAL EXAMINATION FOR RECRUITMENT TO THE MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.**

661 \*Mr. S. C. Mitra : (a) Is it a fact that Government have decided to hold annual examinations for recruitment to the ministerial establishment of the Government of India and its Attached Offices ?

(b) Do Government propose to hold this examination for the next recruitment year also ?

(c) Is it the intention that those persons who are axed as a result of the retrenchment proposals will have to be provided for in preference to others and that consequently the number of vacancies that it will be possible to throw open for external recruitment will be very small ?

(d) Is it a fact that there is still a large number of men who qualified for the various grades as early as 1920 and have not yet been permanently provided for ?

(e) Are Government prepared to consider the advisability of not holding any examination during the next recruitment year ?

(f) If the reply to the above is in the affirmative, are Government prepared to consider the advisability of filling the vacancies that may occur in the interval from the existing list of qualified men ? If not, why not ?

The Honourable Sir James Orerar : (a) Yes, provided there are enough vacancies to justify this.

(b) It is not yet possible to say whether an examination will be held next year.

(c) The possibility of finding alternative employment for retrenched officers whose work has been satisfactory will be duly considered. In so far as retrenched officers are given such employment, the number of vacancies for appointment otherwise will be reduced.

(d) The information available shows that in August, 1930, there were only five such men who had not been permanently provided for.

(e) and (f). The matter will be considered when the requirements are known.

**AGRICULTURAL DEPRESSION AND AGRARIAN DISTRESS.**

662 \*Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that the whole system of agricultural rent and land revenue has been disorganised under stress of the acute agricultural depression and there have been agrarian troubles in various provinces ?

(b) What steps have the Government of India taken to solve these difficulties ?

(c) Why do Government not appoint a small committee of officials and non-officials to go into the whole question of agricultural depression and agrarian distress ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : (a), (b) and (c). Provincial Governments are taking necessary action.

The whole subject was thoroughly discussed in this House in the debates on the two Resolutions moved on the 10th instant, and there is no more to be added to what I stated then.

CAUSE OF FALL IN PRICES IN INDIA.

663. \*Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Is it a fact that Government instituted an inquiry to investigate into the causes of the rise in prices in 1914 ?

(b) Do Government similarly propose to find out the causes of the present unprecedented fall in prices ?

(c) What steps do Government propose to take to investigate the causes of the present slump in prices ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The present fall in prices is not confined to India alone. It is due to world causes and the Government of India consider that no useful purpose would be served by instituting an enquiry in India.

FALL IN THE PRICES OF WHEAT.

664. \*Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the price of wheat in India from month to month since the imposition of the import duty on wheat ?

(b) Is it a fact that in spite of the import duty there has been a continuous fall in the prices of wheat ?

(c) What further steps do Government propose to take in order to maintain the price of wheat ?

The Honourable Sir George Rainy : (a) I lay on the table a statement showing week by week the prices of Indian wheat f. o. r. Lyallpur since the imposition of the import duty.

(b) and (c). The attention of the Honourable Member is invited to my speeches in the Legislative Assembly on the 31st March, 1931, on the Wheat (Import Duty) Bill in which I explained that, apart from securing the Indian market for the Indian produce, the import duty was not likely to have any effect on the prices of wheat in India until the surplus existing in the Northern India markets was absorbed and that any action that could be taken would not have the effect of raising the level of prices. As will be seen from the statement laid on the table, there has not actually been a continuous fall in wheat prices since the import duty was imposed. The price has fluctuated and is not now much below the figure at which it stood immediately before the import duty became effective.

Price of wheat.

Per maund  
f. o. r. Lyallpur.  
Rs. s. p.

March,	19	..	..	..	..	..	1	15	0
	26	..	..	..	..	..	2	0	0
April,	2	..	..	..	..	..	1	14	0
	9	..	..	..	..	..	1	12	3
	16	..	..	..	..	..	1	13	6
	23	..	..	..	..	..	1	13	9
	30	..	..	..	..	..	1	9	6

		Price of wheat.	Per maund
			f. o. r. Lyallpur.
			Ras. p.
May,	7	.. .. .	1 11 0
	14	.. .. .	1 13 6
	21	.. .. .	1 13 3
	28	.. .. .	1 10 0
June,	4	.. .. .	1 9 6
	11	.. .. .	1 10 9
	18	.. .. .	1 9 6
	25	.. .. .	1 10 0
July,	2	.. .. .	1 9 0
	16	.. .. .	1 8 0
	23	.. .. .	1 9 6
	30	.. .. .	1 14 0
August,	6	.. .. .	1 12 6
	13	.. .. .	1 14 6
	20	.. .. .	1 13 6
	27	.. .. .	1 12 6
September,	3	.. .. .	1 11 6

**Dr. Ziauddin Ahmad :** Will the Honourable Member admit that on account of the unprecedented concessions given to some of the Bombay merchants at the time when we passed this Wheat Bill, a very large amount of wheat has been imported during the last few months ?

**The Honourable Sir George Rainy :** I have given, in reply to a previous question, the figures of actual importation of wheat.

#### RETRENCHMENT IN THE SALARIES OF SUPERIOR SERVICES.

**665. \*Sirdar Harbans Singh Brar** (on behalf of Lala Hari Raj Swarup) : (a) Has any correspondence passed between the Government of India and the Secretary of State on the question of retrenchment in salary of the superior services ? If so, will Government be pleased to lay on the table a copy of that correspondence ?

(b) Have they arrived at any decision on this question ? If so, what ?

**The Honourable Sir George Schuster :** Government are unable to make any statement at present.

#### GOVERNMENT POLICY IN REGARD TO CIVIL AVIATION.

**666. \*Sirdar Harbans Singh Brar** (on behalf of Lala Hari Raj Swarup) : In view of the various conflicting reports in the papers, will Government be pleased to state clearly its present and future policy with regard to civil aviation in India ?

**Mr. J. A. Shillidy :** I regret that no statement on the present and future policy with regard to Civil Aviation in India can be made until Government have reached a decision on the recommendations of the Retrenchment Committee.

**LICENSES FOR CARRYING ON TRADE IN CANTONMENTS.**

**667. \*Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the All-India Cantonments' Association had a lengthy correspondence with Government on the correct interpretation of section 210 (3) (a) of the Cantonments Act ?

(b) Is it a fact that the Association's reading of the section is :

(i) that it exempts persons carrying on trade before April, 1924, when the new Cantonments Act came in force, from applying for licenses for trades and occupations enumerated in section 210 (1) ;

(ii) that the above exemption cannot be withdrawn except for strong sanitary reasons ;

(iii) that the fact of an old shopkeeper applying for a licence in ignorance of the provision of the exemption, does not deprive him of the benefit of the same ?

(c) Will Government be pleased to state the views they have conveyed to the Association on the above points ? Did they consult their Legal Adviser before expressing their views ?

(d) Are Government aware that the practical result of Government interpretation of the section is to deprive the old shopkeepers of the above concession and that this has caused great discontent among them ?

(e) Do Government propose to take legal opinion in the matter and issue an authoritative ruling ?

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

(b) Yes.

(c) A copy of Army Department letter No. 794-R. (A. D.4), dated the 1st December, 1930, on the interpretation of section 210 (3) (a) of the Cantonments Act, 1924, is placed on the table. This letter was issued in consultation with the Legislative Department of the Government of India.

(d) The Honourable Member will be able to see from the letter laid on the table in reply to part (c) that in the view of Government the section does not confer the supposed concession. Consequently no question of depriving any one of that concession arises.

(e) Government do not propose to take any further legal opinion. Any party aggrieved by the operation of the section as interpreted by Government is free to seek a remedy in the courts if so advised.

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**COPY OF A LETTER FROM DIRECTOR, MILITARY LANDS AND CANTONMENTS, TO THE HONORARY SECRETARY, ALL-INDIA CANTONMENTS ASSOCIATION, AMBALA, No. 794-R.A.D.-4, DATED THE 1ST DECEMBER 1930.**

*Interpretation of section 210 (3) (a) of the Cantonments Act, 1924.*

In continuation of Army Department letter No. 718-R./A.D.-4, dated the 1st November 1930, on the above subject, I am directed to say that in the opinion of the Government of India your assumption that a person who was carrying on his trade in the cantonment at the commencement of the Cantonments Act, 1924, cannot be required to apply for a licence under section 210 without "good reason" is not correct. The application of section 210 to such persons is differentiated from its application

to any other person by the provision of clause (a) of sub-section (3) and not otherwise. That clause provides special treatment for such person in the following respects :—

- (1) He is not bound to apply for a licence till he has received the requisite notice.
- (2) If the Cantonment Authority refuses to grant a licence, he is entitled to compensation.

The notice referred to in clause (a) of sub-section (3) is not a notice imposing an obligation to apply for a licence, but a notice informing the recipient of the existence of that obligation, and if a person not bound to apply for a licence till he receives such notice elects spontaneously to apply for a licence, whether in ignorance of the provisions of clause (a) of sub-section (3) or otherwise, the first element in that clause becomes spent and the applicant is to this extent placed on the same footing as an applicant for a licence under section 210 to whom clause (a) of sub-section (3) does not apply, i.e., his licence, if he obtains one, is valid for one year and must be renewed thereafter. Spontaneous application for a licence by a person to whom clause (a) of sub-section (3) applies does not of course deprive that person of the benefit of the second provision made in clause (a), namely, that if a licence is refused, the Cantonment Authority must pay compensation for any loss incurred by reason of the refusal.

#### AMENDMENT OF THE CANTONMENTS ACT.

668. \***Dr. Ziauddin Ahmadi** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that in introducing the Cantonments Bill in the Legislative Assembly and the Council of State in 1923, the then Army Secretary made it clear that there was a possibility of many defects in the Bill coming to light in its actual working ?

(b) Are Government aware that the All-India Cantonments' Conference held in 1928 at Jubbulpore passed a resolution urging the desirability of a special committee of officials and non-officials being appointed to report about the amendments to be made in the Act in the light of actual experience of its working since its introduction in 1924 ?

(c) Is it a fact that the Army Secretary, Government of India, held out an assurance to a deputation of the All-India Cantonments' Association that met him in 1929 at Simla that the proposal of appointing a Committee will be considered by Government ?

(d) Is it a fact that the Government of India had to issue a large number of circulars about the interpretation and application of many sections of the Act ?

(e) Is it a fact that the volume of these circulars issued to explain various sections of the Act is as big as the Act itself ?

(f) Are Government prepared to appoint a committee of officials and non-officials at an early date to consider and to report what changes are necessary in the Act ?

**Mr. G. M. Young** : (a) The Honourable Member is referred to the official record of the speeches of the then Commander-in-Chief and Army Secretary on the Bill. I have not been able to find in them any statement to the effect suggested by the Honourable Member.

(b) A conference was held at Jubbulpore in 1929, and passed a resolution to the effect stated.

(c) The Army Secretary, on the occasion in question, stated that in his opinion no useful purpose would be served at present by constituting such a committee of inquiry. He promised, however, to consider the matter further.

(d) and (e). The answer is in the negative.

(f) No, Sir. Government consider that there is no necessity for the appointment of such a committee, which would moreover entail considerable expenditure. They are always willing to examine any defects in the working of the Act that may be brought to their notice, and have introduced and carried several amendments to the Act in this House during the past seven years.

#### APPOINTMENT OF PRESIDENT OF THE SECUNDERABAD CANTONMENT BOARD.

669, \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that Lt.-Col. E. C. D. Thorne, Executive Officer, Mhow Cantonment, has been appointed as the President of the Secunderabad Cantonment Board ?

(b) Are Government aware that under section 20 of the Cantonments Act, the Commanding Officer of the Cantonment is the legally constituted President of the Cantonment Board ?

(c) Does Lt.-Col. E. C. D. Thorne occupy the position of the Officer Commanding of the Cantonment, if not, under what section has this appointment been made ?

(d) What are the reasons that have led Government to appoint a permanent President of the Cantonment Board ?

(e) In how many Cantonments has such an appointment been made or is proposed to be made ?

Mr. G. M. Young : (a) Yes, except that the officers' initials are A. C. D. not E. C. D.

(b) Government are aware of the legal position, which, in Secunderabad, is not as stated by the Honourable Member.

(c) Lieutenant-Colonel Thorne is not the Officer Commanding the Cantonment. His appointment has been made under sub-section 1 (A) of section 20 of the Cantonments Act, 1924, as applied to the Cantonment of Secunderabad.

(d) I do not know what the Honourable Member means by "Permanent President". Lieutenant-Colonel Thorne is a whole-time President, but his appointment is not more "permanent" than that of other Presidents. Government considered a whole-time appointment necessary, as Secunderabad is by far the largest cantonment in India.

(e) A similar appointment has not been made in any other cantonment, nor is there, at present, any proposal to that effect.

#### CREATION OF ELECTED BOARDS IN CANTONMENTS.

670, \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state in how many cantonments having a civil population of 2,500 or more elected Boards have not been created ?

(b) Will Government please state in each case their reasons for not creating an elected Board ?

(c) Are Government aware that the people of Ohakrata, Nowgong, Raisalpur, have already expressed their grievance in this connection more than once ?

(d) Will Government be pleased to state the considerations that weigh with regard to their decision in the matter of creation of elected Boards apart from the consideration of population ?

**Mr. G. M. Young :** (a) 19. Of these, five cantonments, four of which are on the Frontier, have nominated Boards.

(b) and (d). The local conditions, financial position and the size and character of the civil population, which is mainly composed of persons of the follower class, do not justify the creation of elected Boards.

(c) Yes. Nowgong no longer contains troops, and will shortly be converted into a civil station when the Cantonments Act will be withdrawn. In Chakrata and Risalpur the civil population is only slightly above the prescribed minimum, and consists mainly of menial classes. The number of electors would be too small in either case to justify an elected Board.

#### ALLEGED REACTIONARY BYE-LAWS IN MARDAN CANTONMENT.

671. **\*Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Has the attention of Government been drawn to an article published in the *Cantonment Advocate* of August, 1931, under the heading ' Reactionary bye-laws in Mardan Cantonment ' ?

(b) Is it a fact that the bye-laws contemplate leaving the inspection of municipal files by the public and the furnishing of copies of municipal papers to the public to the discretion of the Executive Officer ?

(c) Are Government aware that section 289 of the *Cantonments Act* already lays down specific documents, of which a copy can be given to the public ?

(d) Are Government prepared to draw the attention of the Cantonment Authority, Mardan, to the provisions of section 289 and direct them to reduce the fee proposed to be charged for inspection and giving copies ?

**Mr. G. M. Young :** (a) Government have seen the article.

(b) to (d). Government have called for a copy of the by-laws and will examine them on receipt.

#### DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.

672. **\*Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that under the present system, Government depute a Military Sub-Assistant Surgeon to hold charge of a hospital maintained by a Cantonment Board ?

(b) Are Government aware of the constant changes of the Sub-Assistant Surgeon due to transfers ?

(c) Is it a fact that the pay given to the Military Sub-Assistant Surgeon deputed by Government is sufficient to secure the services of an Assistant Surgeon, provided the Cantonment Board is authorised to make the appointment ?

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

(b) and (c). Government recently received a representation on the subject from the All-India Cantonments Association and have issued instructions to local military authorities to consult Cantonment Authorities



more freely in the matter of the selection, tenure, and removal of Sub-Assistant Surgeons in Cantonment hospitals.

**DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.**

673. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Board of Lucknow proposed to have its own doctor in charge of its hospital but this proposal was not carried, owing to the opposition of the official members, on the basis of a certain circular issued by the Government of India that the hospitals maintained by Cantonment Boards should as far as possible be controlled by military medical staff ?

(b) Will Government lay on the table a copy of this circular and state the reasons for issuing the same ?

(c) Are Government aware that there is a great disappointment among the people of the Cantonment of Lucknow at the inability of the Board to appoint its own doctor in charge of the Cantonment General Hospital ?

(d) Are Government prepared to withdraw any restriction that they may have imposed upon the freedom of the Cantonment Authority to make its own arrangement for running its own hospital ?

Mr. G. M. Young : (a) Government have no information.

(b) No, Sir.

(c) and (d). The Honourable Member is referred to the answer which I have just given to the preceding question.

**FEES CHARGED FROM HAWKERS AT FAIRS IN CAWNPORE CANTONMENT.**

674. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Authority, Cawnpore, has recently ordered that a fee of annas eight per day shall be charged from every hawker on the occasion of a fair ?

(b) Is it a fact that in a Hindu fair, named *Guriyon ka Mela* held on the 19th August, 1931, in the Cawnpore Cantonment a fee of annas eight was charged from every petty hawker ?

(c) Will Government be pleased to state under what rules this fee is being charged in the Cantonment of Cawnpore and, if the charging of such a fee be irregular, are Government prepared to consider the desirability of doing away with it ?

Mr. G. M. Young : (a) and (b). Government have no information.

(c) Such fees are leviable by means of by-laws framed under section 292 (13) of the Act. The latter part of this question does not arise.

**DRAINAGE AND WATER SUPPLY SCHEME REQUIRED FOR CAWNPORE CANTONMENT.**

675. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if any drainage and water supply scheme is under contemplation in the Cawnpore Cantonment ?

(b) Are Government aware that the bazar area of the Cawnpore Cantonment is in an insanitary state for want of a regular drainage ?

(c) If no such proposal is under contemplation, are Government prepared to direct the Cantonment Authority, Cawnpore, to pay their attention to the above scheme in the interests of public health ?

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

(b) No, Sir.

(c) Does not arise.

#### POLICE ACTION AGAINST TWO INDIANS IN TANGANYIKA.

676. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 27th July, 1931, in which it is stated that as a result of a simple quarrel between two Indians, a native Askari policeman arrested without warrant four Indians, under orders of the Labour Officer, Muhesa, beat them hard, tied their hands with ropes, and threw them into the native police lock-up, rejecting the surety offered by the accused ; and next morning they were paraded hand-cuffed through the most trafficking part of the locality ?

(b) What are the facts of the case and who is there to look after the interests of the Indians in such matters ?

(c) Do Government propose to take any action in the matter ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain :** (a) and (b). Government have no information beyond what is contained in the article referred to by the Honourable Member. It is stated in this article that the Tanga Indian Association has approached the local authorities.

(b) and (c). If the Honourable Member wishes to know whether the Government of India have an Agent in East Africa, the answer is in the negative, and no action is at present contemplated.

#### GRANT OF SENIOR COMMISSIONS TO OFFICERS OF THE INDIAN TERRITORIAL FORCE AND THE UNIVERSITY TRAINING CORPS.

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

(a) whether the officers of the Army in India Reserve of Officers who have had some previous service in the Indian Territorial Force either as officers or as N. C. Os. are getting any advantage of their previous service ;

(b) whether the A. I. R. O. Officers are senior to senior officers of the Indian Territorial Force of the same rank ;

(c) whether it is a fact that officers of the Indian Territorial Force who are getting senior commissions in the I. T. F. are getting the advantage of their past services in the I. T. F. ;

(d) whether it is a fact that the recruitment in the I. T. F. in Bengal in the U. T. C. is delayed owing to the C. I. D. carrying out their inquiries ;

(e) whether they are aware of the fact that in the U. T. C. in Bengal the granting of the senior commissions to officers of the unit has been delayed too long ; and

- (f) whether they are aware also of the fact that in consequence of such delay there has been lack of enthusiasm in the unit both among officers as well as among cadets ?

**Mr. G. M. Young :** (a) Not yet, Sir, but it has recently been decided that those who hold King's Commissions in the Territorial Force will be allowed to count such service for the purposes of seniority and promotion in the Army in India Reserve of Officers.

Service as a non-commissioned officer in the Territorial Force is not permitted to count towards promotion in the Reserve.

(b) No, Sir. Officers of the Reserve and senior officers of the Territorial Force of the same rank determine their relative seniority by the date of their appointment to that rank.

(c) Yes. Half the service in the rank of Subadar and a quarter of the service in the rank of Jemadar count towards seniority and promotion. This is subject to a maximum of three years.

(d) Recruitment to the Indian Territorial Force and to the Calcutta unit of the University Training Corps in Bengal is not progressing as it should ; but this is due to the lack of satisfactory recruits.

(e) and (f). The answer is in the negative.

#### EMPLOYMENT OF STUDENTS OF THE BENARES ENGINEERING COLLEGE AS UNPAID APPRENTICES IN THE LUCKNOW RAILWAY WORKSHOP.

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

- (a) whether it is a fact that two diploma students of Benares Engineering College were accepted for practical training as unpaid apprentices in the Lucknow Railway Workshop on payment of a premium in 1930 ;
- (b) if the answer is in the affirmative, the reason or reasons for which such premium was accepted from those students ;
- (c) whether in consideration of the premium paid the workshop management has been pleased to give some sort of guarantee to the students for service after they take their diploma ; and
- (d) whether or not it is a fact that the lands on which the Railway workshop in Lucknow stands was acquired by the Indian taxpayers' money ?

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

#### ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISION.

679. \***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to the articles which have appeared in the *Muslim Outlook* of Lahore in its issue, dated the 26th June, 1931, *Alwahid* of Karachi, dated the 8th June, 1931, *Hamdard* of Hyderabad, Sind, dated the 8th June, 1931, and *Unity* of Karachi, dated the 4th July, 1931, 11th July, 1931, and 1st August, 1931, alleging mal-administration and favouritism,

etc., against the present Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) If the reply to the above be in the affirmative, will Government please state the action they have taken in the matter ?

(c) Has any inquiry been ordered into the allegations ; if so, what has been the result of such an inquiry ?

(d) Do Government propose to remove the Superintendent from his present appointment, and transfer him out of the Sind and Baluchistan Circle ?

(e) If the reply to part (d) above be in the negative, will Government be pleased to state reasons for it ?

**Sir Hubert Sams :** (a) to (e). Government have not seen the articles referred to, but officers who have a grievance in such matters should submit their appeals in accordance with the rules. Government do not propose to take any action.

#### NUMBER OF MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

680. **\*Seth Haji Abdoola Haroon :** Will Government please place the following information on the table :—

- (a) the total number of the clerical staff employed in the Lower Sind and Persian Gulf Division ;
- (b) the number of the Muslim, and non-Muslim clerks working in the said Division ;
- (c) the total number of postmen and packers in the Lower Sind and Persian Gulf Division ; and
- (d) the total number of Muslims in the above cadre ?

**Sir Hubert Sams :** I propose with your permission, Sir, to reply together to questions Nos. 680 to 685, 693, 696, 700 to 702 and 707 to 709.

The information will be collected and will be sent to the Honourable Member when received.

#### MUSLIM CLERKS AND SUB-POSTMASTERS EMPLOYED ON THE MEKRAN COAST AND THE PERSIAN GULF.

†681. **\*Seth Haji Abdoola Haroon :** (a) Will Government please state the total number of the Muslim officials, who were working in the Persian Gulf and on the Mekran Coast as clerks and Sub-Postmasters, etc., in the year 1926 ?

(b) What is the number of Muslim officials working there now ?

(c) Have any Muslim officials been removed from the Gulf and the Mekran Coast in the time of the present Superintendent ? If so, on what grounds ?

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†For answer to this question, see answer to question No. 680.

**EMPLOYMENT OF MUSLIMS IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.**

†662. \*Seth Haji Abdoola Haroon : (a) Will Government please state whether it is a fact that there are about 45 lucrative appointments, carrying late fees, etc., in the Division of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) Is it a fact that out of these 45 appointments none has been given to Muslim officials ?

(c) Is it a fact that those Muslim officials, who have been given independent charges of such lucrative appointments have been posted in the hottest and the most sandy part of the Sind desert ?

**NUMBER OF SAHITI HINDUS AND MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.**

†683. \*Seth Haji Abdoola Haroon : Will Government please state :

(a) the number of the posts that fell vacant in the time of the present Superintendent of the Lower Sind and Persian Gulf Division and the number of the officials appointed to them by the Superintendent ; and

(b) the number of Sahiti Hindus entertained and the number of the Muslims that were recruited ?

**NON-APPOINTMENT OF MUSLIMS TO THE RAILWAY MAIL SERVICE IN THE SIND AND BALUCHISTAN CIRCLE.**

†684. \*Seth Haji Abdoola Haroon : (a) Is it a fact that there are 9 record and sub-record offices of the Railway Mail Service in the Sind and Baluchistan Circle ?

(b) Is it also a fact that out of these 9 posts of Record Clerks in the R. M. S., only one is held by a Muslim and the rest by the Hindus ?

(c) Are there any Muslim officials of the R. M. S. who are eligible for the said appointments ?

(d) If the reply to part (c) above be in the affirmative, will Government please state the reasons on account of which Muslims have been debarred from holding these appointments ?

**MUSLIMS EMPLOYED IN THE RAILWAY MAIL SERVICE, SIND AND BALUCHISTAN CIRCLE.**

†685. \*Seth Haji Abdoola Haroon : Will the Government please give the following information :—

(a) the total number of the staff employed in the Sind and Baluchistan Circle, Railway Mail Service, as sorters, (b) selection grade officers and (c) officers of the higher selection grade ? How many of each are Muslims ?

**NON-GRANT OF A HOLIDAY FOR THE RAMZAN ID AT THE KARACHI GENERAL POST OFFICE.**

686, \*Seth Haji Abdoola Haroon : (a) Is it a fact that the Muslim officials of the Karachi General Post Office and its Town Sub-offices were not granted a holiday on the occasion of *Ramzan Id* ?

(b) Is it a fact that the Muslim officials had informed the Postmaster, Karachi, that the celebration of the *Id* festival depends on the visibility of the moon, and that they had requested him to order the closing of the office accordingly ?

(c) Is it a fact that the Muslim officials had represented their grievances in this connection to the Director-General of Posts and Telegraphs ?

(d) If the reply to parts (a), (b) and (c) above be in the affirmative, will Government please state the reasons why no arrangements were made beforehand to close the Post Office, when the Circle office itself and all other Government offices were closed ?

(e) Did the Postmaster, Karachi, take any action on the application of the Muslims as stated in part (b) ? If not, why not ?

(f) What action was taken by the Director-General of Posts and Telegraphs on the representation made to him ?

(g) What steps have Government taken, or propose to take in order to avoid repetition of such incidents ?

**Mr. J. A. Shillidy :** (a) No. The holiday was notified for the 20th February, 1931, and given on that date.

(b) Yes.

(c) Yes.

(d) The Muslim clerks informed the Postmaster, Karachi, on the morning of the 19th February, 1931, that the moon was visible the previous evening. The Postmaster could take no action to close the office then as business had commenced, and he had no time to notify the public and the town sub-offices.

The Muslim clerks were given sufficient leisure during the day for their prayers.

(e) No, for the reasons given in reply to part (d) of this question.

(f) None, as the telegram was received from the Muslim staff of the Karachi post office on the 19th February, 1931, too late to allow of any action in connection with a holiday.

(g) The Honourable Member will see from the information given that the failure to allow the day in question as a holiday was entirely inadvertent and there is no reason to suppose the same mistake will be made again.

**Mr. K. Ahmed :** In view of the fact that only in that part of the country the authorities were not able to exercise their common sense, do Government propose to take steps to stop this irregularity in future ?

**Mr. J. A. Shillidy :** I have already stated that the mistake was due to inadvertence and there is no reason to suppose that the mistake will be made again.

**HOUSES OF WORK OF MUSLIM CLERKS IN THE KARACHI GENERAL POST OFFICE.**

687. \*Seth Haji Abdoola Haroon : (a) Is it a fact that the majority of the Muslim officials of the clerical cadre of the Karachi General Post Office are performing split duties in the sorting and delivery branches ?

(b) Will Government please state the number of hours which an official has to perform duty, under split duty system during one working day ?

Sir Hubert Sams : (a) Government have not the information.

(b) Ordinarily seven in the Karachi General Post Office.

**RECRUITMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.**

688. \*Seth Haji Abdoola Haroon : (a) Will Government please state if it is a fact that the Superintendent of Post Offices and the Postmaster, Quetta, are both Hindus, and brothers ?

(b) Has the attention of Government been drawn to various articles published in the *Postal Advocate*, Delhi, in which grave complaints regarding the recruitment, etc., of the Muslims, in the Baluchistan Division have been made ?

(c) Will Government please state if any orders were passed by Mr. George Buringham, in his tenure of office as Director of Posts and Telegraphs, Sind and Baluchistan Circle, regarding the recruitment of the Muslims in the Baluchistan Division ?

(d) Do the orders mentioned in part (c) still hold good, if not, why not ?

(e) Is it a fact that the Superintendent did not carry out the orders of the Director ? If so, do Government propose to take any action against the Superintendent and do Government propose to renew the said orders ?

(f) Will Government please state the steps they propose to take for obtaining due share for the Muslims in the Baluchistan Division ?

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

(c), (d), (e) and (f). Government have no information, but an inquiry will be made.

**ARTICLE IN THE "POSTAL ADVOCATE", DELHI.**

689. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article in the *Postal Advocate*, Delhi, dated the 1st August, 1931, under the heading "A cry of distress" ?

(b) If the reply to the above be in the affirmative, will Government please state, if an inquiry into the allegations has been made and with what results ?

(c) If the reply to part (b) above be in the negative, will Government please state the reasons why no inquiry has been ordered and do they intend to make inquiries now ?

Sir Hubert Sams : (a) Yes.

(b) and (c). Government did not order and do not propose to order an inquiry. The matter is within the competence of the Head of the

Circles, and if any official has a grievance, it is open to him to represent it through the proper channel under the rules.

#### RECRUITMENT OF STAFF IN THE QUETTA HEAD POST OFFICE AND THE BALUCHISTAN DIVISION.

690. \*Seth Haji Abdoola Haroon : (a) Will Government please state if there are any orders of the Director-General of Posts and Telegraphs, that recruitment to the Postal Department should be effected from the Revenue Division ?

(b) Are Government aware that Paharis and Garhwalis are being recruited in large numbers in the inferior staff in the Quetta Head Post Office and the Baluchistan Division ?

(c) If the reply to part (b) is in the affirmative, will Government please state why the orders of the Director-General of Posts and Telegraphs, have been allowed to be set aside ?

(d) Who is responsible for not carrying out the orders of Director-General and what action do Government propose to take ?

Sir Hubert Sams : (a) Yes, but the orders are applicable only to the clerical cadre.

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

#### RECRUITMENT OF MUSLIMS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

691. \*Seth Haji Abdoola Haroon : Will Government be pleased to state if, on the strength of rule 3 of the rules published in Director-General's special General Circular No. 16, dated 18th August, 1930, any junior time-scale clerk of the Muslim community was nominated to appear at the lowest selection grade examination held in 1930 in Bengal and Assam Circle ? If not, why not ?

Sir Hubert Sams : The reply to the first part is in the affirmative. The second part does not arise.

#### CONCESSION GRANTED TO MUSLIMS DURING THE RAMZAN.

692. \*Seth Haji Abdoola Haroon : Are Government prepared to reinforce the concession granted to Muslims in respect of leaving the office at 16 hours during the month of *Ramzan*, by renewing their instructions in this behalf ?

Sir Hubert Sams : The Honourable Member presumably refers to Postal officials. The question will be examined.

#### APPOINTMENT AND LEAVE CASES DEALT WITH BY HINDU CLERKS IN CERTAIN POST OFFICES.

†693. \*Seth Haji Abdoola Haroon : Will Government be pleased to state whether any Muslim clerk is dealing with the appointment and leave cases in the following Post Offices :—Delhi, Lahore, Amritsar, Simla, Rawalpindi and Peshawar ? If so, will Government state their names and the period for which they have held the charge ?

† For answer to this question, see answer to question No. 680.



**CLERKS DEALING WITH APPOINTMENT AND LEAVE CASES IN THE POSTAL DEPARTMENT.**

694. \***Seth Haji Abdoola Haroon** : Are Government prepared to consider the desirability of ordering that posts of clerks dealing with appointment and leave cases should be held in rotation by the Muslims and Hindu clerks for three years each and further that these posts should be held by Muslims for the next three years ?

**Mr. J. A. Shillidy** : Postings are not made on communal grounds, and Government cannot undertake to issue the orders suggested by the Honourable Member.

†695.

**CLERKS APPOINTED BY MR. RAI IN THE ALIGARH POSTAL DIVISION.**

†696. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the total number of candidate clerks entertained in the Aligarh Postal Division during the time Mr. D. Rai held charge of the Division ?

(b) Will Government be pleased to state separately the number of (i) Muslim and (ii) non-Muslim candidate clerks entertained during the time of Mr. D. Rai, Superintendent of Post Offices, Aligarh Division ?

**APPOINTMENT OF TWO BROTHERS AS HEAD CLERKS IN THE DELHI GENERAL POST OFFICE.**

697. \***Seth Haji Abdoola Haroon** : (a) Is it a fact that according to certain orders two or more near relatives should not be posted in one and the same post office ?

(b) If so, is it a fact that Messrs. Hiralal and Pannalal, two real brothers have been working side by side for several years as Head Clerks, Mail and Delivery in the Delhi General Post Office ?

(c) Is it a fact that the officials named in part (b) above, are working as Head Clerks superseding many of their seniors who are working as clerks in the same office ?

**Sir Hubert Sams** : (a) The rule is that it is desirable that members of the same family should not be transferred to the same office.

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

**APPOINTMENT OF POSTMEN IN THE DELHI GENERAL POST OFFICE.**

698. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state separately the number of approved candidates for postmanship and inferior service in the Delhi General Post Office and how many of them are (a) Muslims and (b) Hindus ?

(b) Is it a fact that from the date a Muslim Town Inspector was sent by the Postmaster-General to Delhi efforts were made by (i) Hindu Assistant Postmaster, Delivery, (ii) Hindu Accountant, (iii) Hindu Head

† This question was withdrawn by the questioner.

† For answer to this question, see answer to question No. 680.

Clerk, Delivery and (iv) Hindu Head Clerk of the office to deprive him of the appointment powers ?

(c) Is it a fact that the new Postmaster, Delhi, has entrusted these duties to the Town Inspector ?

**Sir Hubert Sams :** (a), (b) and (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Punjab and North West Frontier Province.

#### APPOINTMENT OF TEMPORARY POSTAL CLERKS AT DELHI AND SIMLA.

699. \***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the number of temporary and season postal clerks sanctioned every year for (i) Delhi, and (ii) Simla ?

(b) Is it a fact that the rules about entertainment in Government services apply equally to all appointments whether permanent or temporary or seasonal ?

(c) Is it a fact that Muslims do not get their due share in these appointments in Delhi and Simla ?

(d) Do Government propose to order that Muslims are given their due share to prevent preponderance of the members of any one community ?

**Mr. J. A. Shillidy :** (a) Government do not possess the information and do not propose to call for it in view of the reply to (b) following.

(b) No, only to permanent vacancies.

(c) and (d). Do not arise.

#### SUPERINTENDENTS AND POSTMASTERS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

† 700. \***Seth Haji Abdoola Haroon :** (a) Will Government please state how many Superintendents and First Class Postmasters, including non-gazetted Postmasters there are in the Sind and Baluchistan Postal Circle

(b) How many of these officers are Hindus ?

(c) How many of them are Muslims ?

#### NUMBER OF MUSLIM CLERKS AND HEAD CLERKS IN CERTAIN POSTAL DIVISIONS.

† 701. \***Seth Haji Abdoola Haroon :** Will Government please furnish the following information :—(a) the total number of clerks and head clerks employed in the office of the Superintendent of Post Offices, Baluchistan Division, (b) Superintendent of Post Offices, Upper Sind Division, (c) Superintendent of Post Offices, Lower Sind and Persian Gulf Division, (d) Office of the Superintendent, R. M. S., Karachi, and (e) the number of the Muslim clerks and head clerks in each office ?

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†For answer to this question, see answer to question No. 680.

**NON-TRANSFER OF HEAD CLERKS AND APPOINTMENT CLERKS FROM CERTAIN POSTAL OFFICES.**

†702. \*Seth Haji Abdoola Haroon : (a) Is it a fact that many Head Clerks and appointment clerks in the head post offices and offices of the Superintendents have been holding their present appointments for more than three years ?

(b) If the reply to the above be in the affirmative, will Government please place on the table a list showing the number of such officials in respect of each office ?

(c) Are there any departmental rules which lay down that no head clerk to the Superintendent or Inspector of Post Offices should hold charge of an appointment for more than three years ?

(d) Do the Head Clerks, Correspondence, and the Accountant of the Karachi General Post Office come under the category of these officials, mentioned in part (c) ?

(e) If the reply to part (c) above be in the affirmative, will Government please lay on the table the reasons for not enforcing the said rules ?

(f) Do Government propose to transfer such officials from their present posts now ? If not, why not ?

**DEATH OF MR. MOHAMMAD IBRAHIM, A CLERK IN THE DELHI POST OFFICE.**

703. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article entitled " Heart-rending Tragedy " published in the May 1931 issue of the *Postal Advocate* of Delhi ?

(b) Have Government inquired into the circumstances in which Mr. Mohammad Ibrahim, clerk, Delhi Post Office, met his death ?

(c) What action, if any, has been taken by Government against the officer or officers responsible for refusing leave on Sunday to Mr. Mohammad Ibrahim ?

(d) Will Government be pleased to state whether a compassionate pension has been granted to the widow of Mr. Mohammad Ibrahim who died in harness after putting in long service ?

Sir Hubert Sams : (a) Yes.

(b), (c) and (d). The matter is being looked into.

**REPRESENTATION OF MUSLIMS IN THE POSTAL AND RAILWAY MAIL SERVICE.**

704. \*Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to the figures of communal composition published on pages 4 and 7 of the *Postal Advocate*, Delhi, May 1931 issue ?

(b) Will Government be pleased to state whether the figures stated are correct and, if not, will Government be pleased to state the correct figures ?

(c) Are Government prepared to take such measures as may give the Muslims their due share in the Postal and R. M. S. Departments in all cadres ?

<sup>1</sup>For answer to this question, see answer to question No. 680.

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

(b) Government have no information whether the figures are correct.

(c) Orders to prevent the undue preponderance of any one community are already in force.

#### NUMBER OF MUSLIM CLERKS, ETC., IN CERTAIN POSTAL CIRCLES.

**705. \*Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state separately the total number of Muslim and non-Muslim (1) officials in selection grades, (2) clerks, (3) R. M. S. sorters, (4) postmen and (5) inferior servants employed on the 31st March, 1931, in the following Postal Circles and post offices :

(i) Bengal and Assam Circle, (ii) Sind and Baluchistan Circle, (iii) Madras Circle, (iv) Bombay Circle, (v) Central Circle, (vi) Punjab and North-West Frontier Circle, (vii) United Provinces Circle, (viii) Behar and Orissa Circle and in the General Post Offices of Bombay, Madras, Calcutta, Karachi, Delhi, Lahore, Nagpur, Lucknow and Patna ?

(b) Will Government be pleased to state separately the total number of approved candidates entertained during the year 1929-30 and 1930-31 for the cadres and circles and offices referred to in part (a) above ?

(c) Is it a fact that the remedial measures adopted by Government have been ignored by the officers empowered to recruit ?

**Sir Hubert Sams :** (a) and (b). Inquiry is being made and the result will be communicated to the Honourable Member separately.

(c) No.

#### EMPLOYMENT OF MUSLIMS IN THE POSTAL DEPARTMENT.

**706. \*Seth Haji Abdoola Haroon :** (a) Are Government aware that the orders issued in the Home Department Memorandum No. F 21/2-30-Ests., dated 22nd March, 1930, about increased employment of Muslims are not followed in the Postal Department ?

(b) Is it a fact that Muslims, Sikhs, and other minority communities are taken together to distribute the third vacancies referred to in Government of India Memorandum No. F. 176/25-Ests., dated 5th February, 1926 ?

(c) Do Government propose to order strict enforcement of the instructions contained in their Memorandum, dated the 22nd March, 1930, referred to in part (a) above ?

**Mr. J. A. Shillidy :** (a) No.

(b) The fact is not as stated. In the Post Office third vacancies are filled from all minority communities, but chiefly from Muslims.

(c) Government see no reason to issue any further orders as they are satisfied that the orders referred to are being observed by the Post Office.

**CORRESPONDENCE STAFF IN THE DELHI GENERAL POST OFFICE.**

†707. \*Seth Haji Abdoola Haroon : Will Government be pleased to state whether the following communal composition of the correspondence staff in the Delhi General Post Office is correct and, if not, will Government be pleased to furnish their figures as they stood on the 1st September, 1931 ?—

		<i>Hindus.</i>	<i>Muslims.</i>
(1) Head Clerk, correspondence	..	1	..
(2) Assistant correspondence clerk	..	1	..
(3) Money order correspondence clerks	..	2	..
(4) Parcel registration correspondence clerks		2	..
(5) V. P. and V. P. claims correspondence clerks	.. .. .	3	..

**APPOINTMENTS IN THE DELHI GENERAL POST OFFICE.**

†708. \*Seth Haji Abdoola Haroon : Will Government be pleased to state whether the following appointments were held as stated below in the Delhi General Post Office on 1st September, 1931 ?

<i>Appointment.</i>		<i>Hindus.</i>	<i>Muslims.</i>
(1) Accountant	.. .. .	1	..
(2) Assistant Accountant	.. .. .	1	..
(3) Head clerks	.. .. .	6	..
(4) Assistant Postmasters	.. .. .	3	..

**APPOINTMENT OF MUSLIMS IN THE DELHI GENERAL POST OFFICE.**

†709. \*Seth Haji Abdoola Haroon : (a) Is it a fact that there are altogether 3 selection grade and 20 time-scale Sub-Postmasters under the Delhi General Post Office ?

(b) Is it a fact that all the three posts of selection grade under Delhi General Post Office are held by Hindus and out of the twenty time-scale Sub-Postmasterships only five are held by Muslims and 15 by non-Muslims ?

(c) If so, are Government prepared to grant due representation to the Muslims ?

**NON-REPRESENTATION OF THE PEOPLE OF CANTONMENTS AT THE ROUND TABLE CONFERENCE.**

710. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that on the Round Table Conference there are no representatives of the people of the cantonments ?

(b) Is it a fact that the attention of Government has been drawn in the matter to get a chance of nomination to the resumed Round Table Conference ?

(c) Is it a fact that assurance was given by Government that the matter would receive careful consideration ?

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†For answer to this question, see answer to question No. 690.

(d) Did Government actually recommend any of the cantonment residents to the Round Table Conference? If not, why not?

(e) With a view to remove the deficiency and to consider the due demands for constitutional advance in cantonment administration what arrangements do Government propose to make now? If not, why?

**The Honourable Sir George Rainy :** (a) to (e). I would invite a reference to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Singh's unstarred question No. 18.

#### ABOLITION OF PLURAL MEMBER CONSTITUENCIES FOR CANTONMENT BOARDS.

711. **\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that under the rules framed by Provincial Governments for Cantonment Board elections more than one member is returned from one ward in most cantonments?

(b) Are Government aware that the constitution of these plural member wards is such that all the seats allotted to that ward are captured by the majority party of that ward though in a particular section of that ward that minority is in absolute majority?

(c) Is it a fact that the tendency of all the reformed constitutional administrations is to do away with plural member constituency and to substitute single member constituency in its place?

(d) Are Government prepared to issue instructions to Provincial Governments that for a better representation of all classes in Cantonment Boards plural member constituencies be abolished and single member constituencies be substituted?

**Mr. G. M. Young :** (a) to (c). Government have no information.

(d) The matter is within the discretion of Local Governments.

#### APPOINTMENT OF ADVISORY BOARDS IN CANTONMENTS.

712. **\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in small cantonments the system of administration is what is known as "Corporation Sole"?

(b) Is it a fact that under this system the Officer Commanding the Station is the Cantonment Authority and conducts the Cantonment Administration without having the advantage of being advised by the people as to their views on various problems of cantonment administration and their desires about the same?

(c) Did the All-India Cantonments Association suggest to Government the desirability of appointing Advisory Boards in such cantonments?

(d) Is it a fact that the Army Secretary endorsed the desirability of the proposal in an interview with the deputation of the Association that met him in June 1929?

(e) Are Government aware that in spite of this such an advisory committee has not been formed in any cantonment having a "Corporation Sole" administration?

(f) Will Government be pleased to state what are the reasons for not carrying out the above suggestions?

(g) In case Government are not prepared to consider the present suggestion, do they propose to abolish " Corporation Soles " ?

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

(b) Yes, but in 1929 the local military authorities were asked to consider the advisability of consulting one or two representatives of the civil population in matters affecting their civil interests in such cantonments.

(c) and (d). No, Sir. The Honourable Member is referred to my reply to unstarred question No. 98 asked by Rai Bahadur Panna Lal on the 14th July, 1930. There was no question of appointing Advisory Boards or Committees.

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

(g) The answer is in the negative.

#### ISSUE OF A DISTRESS WARRANT AGAINST BISHAMBHAR DASS IN NOWSHERA CANTONMENT.

713. \*Khan Bahadur Haji Wajihuddin : (a) Are Government aware that the Cantonment Authority, Nowshera Cantonment, issued a distress warrant against L. Bishambhar Dass, for the alleged failure to pay the tax due from him on due date ?

(b) Is it a fact that Lala Bishambhar Dass requested the Executive Officer to furnish him with a detailed account as to how he arrived at the amount said to be payable by him ?

(c) Is it a fact that without furnishing such a statement of account the Executive Officer issued a distress warrant and subsequently forced entry into the house of L. Bishambhar Dass and attached articles in execution of the distress warrant ?

(d) Is it a fact that this entry was made under section 245 of the Cantonments Act ? Does that section come under the chapter ' Inspection ' and empower the Executive Officer or duly authorised agent of the Cantonment Authority to enter into a dwelling house only in connection with the matter pertaining to conservancy and sanitation ?

(e) If so, do Government propose to take suitable action against the Executive Officer and prevent him from forcibly entering into houses for the execution of distress warrants so in future ?

**Mr. G. M. Young :** The facts have been called for, and will be communicated to the Honourable Member on receipt.

#### TAXATION IN CANTONMENTS.

714. \*Khan Bahadur Haji Wajihuddin : (a) Is it a fact that some of the Commands have issued circulars to certain Cantonment Boards to submit proposals for increase in taxation threatening that in case of their not doing so the said Command will take action under sections 49 and 50 of the Cantonments Act ?

(b) Are Government aware that the taxation in those cantonments is already in excess of that prevailing in the neighbouring city municipalities ?

(c). Is it a fact that a fair portion of the revenue of the Cantonment Authorities concerned have been appropriated by Government in the shape

of one-fourth share of the income derived from leased land and receipts from A Class area ?

(d) Are Government prepared to remit this one-fourth share of the income of the leased land to enable the Cantonment Boards of India to balance their budgets without making any increase in the existing taxation ?

**Mr. G. M. Young :** (a) and (b). Government have no information, but are making inquiries.

(c) The position is that, in addition to their ordinary cantonment revenues, Cantonment Authorities have the management of certain Government lands, and are allowed to retain  $\frac{1}{4}$ ths of the receipts from such lands. "A" class lands are not entrusted to Cantonment Authorities.

(d) No, Sir. But Government make grants-in-aid where necessary, to Cantonment Authorities, to enable them to balance their budgets.

#### STANDARD PLANS FOR HOUSES IN CAWNPORE CANTONMENT.

715. **\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that orders have recently been issued that all bungalows to be built in Cawnpore Cantonment must conform to the standard plans prepared by Government and deposited in the office of the Cantonment Authority for public inspection ?

(b) Is it a fact that the above orders contemplate that any plan of building not conforming in any detail to the standard plan is to be rejected by the Cantonment Authority ?

(c) Are Government aware that the standard plans in question involve considerable cost ?

(d) Is it a fact that section 181 (c) of the Cantonments Act II of 1924 under which the order has been issued does not give the power to dictate a certain type of plan and design of bungalows but gives the power only to restrict the erection of buildings in places where there is great congestion in the interests of public health ?

(e) Are Government aware that the house owners of the Cawnpore Cantonment consider the said order a serious interference with the rights of house owners to re-erect buildings according to a plan and design that suits their pockets ?

(f) Are Government prepared to direct the rescinding of the above order ?

**Mr. G. M. Young :** I have called for the information and will communicate with the Honourable Member on its receipt.

#### RECRUITMENT FOR THE POSTAL SERVICE IN THE MADRAS PRESIDENCY.

716. **\*Bhai Parma Nand :** (a) Do there exist any recognised restrictions on the basis of communal or local differences in the matter of recruitment for Postal Service in the Madras Presidency ?

(b) Is it a fact that Mr. Venkatesa Aiyangar, who has served the Postal Department for over 30 years, and is at present working as Postmaster, Ramnad, tried for the employment of his son, who is a graduate



in the department and the Postmaster General, Madras, informed him in his letter No. A.X.-6, dated 15th September, 1930, that his son could not be entertained in any other division except Trichinopoly, in a village of which he was born ?

(c) Is it a fact that the Superintendent of Post Offices, Trichinopoly division, informed Mr. Aiyangar that his son could not be entertained by him because there was a preponderance of Brahmins in his division ?

(d) If the answers to parts (b) and (c) are in the affirmative, are Government prepared to reconsider the question of such restrictions ?

**Sir Hubert Sams :** Part (a) of the question is not clear. If, however the Honourable Member desires to know whether any special rules exist in the matter of recruitment in the Madras Presidency, the reply is in the negative.

(b), (c) and (d). The matter is within the competence of the Postmaster-General, Madras, to whom a copy of these parts of the question is being sent.

#### REPRESENTATION OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

717. **\*Sirdar Harbans Singh Brar :** (a) Are Government aware that Sikhs have not been given proper representation in the clerical establishment of the Director-General, Indian Medical Service, for a considerable time ?

(b) Will Government please state the number of Sikhs employed in that office as compared with the total staff during the past 2 years ?

(c) What steps have Government taken to give proper representation to Sikhs in that office ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) No. A Sikh was employed in the office of the Director-General, Indian Medical Service, for the 18 years previous to January, 1931, when he died. Two Sikhs were employed in 1925-26 but they both left to join other offices.

(b) During the past two years one Sikh was employed in this office, the total strength of which is 43.

(c) Does not appear to arise.

**Sirdar Harbans Singh Brar :** May I know if after the death in January, 1931, of the only Sikh employed in the office of the Director-General, Indian Medical Service, that office recruited another Sikh in his place ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I have not got the information.

**Mr. Gaya Prasad Singh :** You had better ask the question, " Why did he die ? "

**Sirdar Harbans Singh Brar :** Will the Honourable Member consider the question of giving one place in that Department to a Sikh ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** If you will kindly tell me why ?

**Sirdar Harbans Singh Brar** : Because there is no Sikh in that office at present.

**Mr. Gaya Prasad Singh** : For communal considerations ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : I thought during the past two years one Sikh was employed ?

**Sirdar Harbans Singh Brar** : There is none at present.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Quite sure ? Isn't it enough there was one ?

**Sirdar Harbans Singh Brar** : Quite sure.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Very well, I will look into it. (Laughter).

#### COMMUNAL INEQUALITIES IN THE STAFF OF ACCOUNTS AND AUDIT OFFICES IN THE UNITED PROVINCES.

**718. \*Kunwar Hajee Ismail Ali Khan** : (a) Will Government be pleased to lay on the table a statement showing the strength of the clerical staff of the old Accountant General's office in the United Provinces as it stood on 1st April, 1926, and that of the Audit and Accounts Offices in the United Provinces as it stood on 1st July, 1926, and 1st July, 1931, showing the number and percentage of the Muslims and Indian Christians separately ?

(b) Did Government issue any instructions for the redress of communal inequalities in the above offices ?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state to what extent were these instructions put into effect ?

**The Honourable Sir George Schnster** : With your permission, Sir, I will deal with questions Nos. 718 and 720 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

#### SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

**719. \*Kunwar Hajee Ismail Ali Khan** : (a) Is it a fact that it is proposed to revert to the old arrangement and re-amalgamate the two Audit and Accounts Offices in the United Provinces and to reduce the clerical staff thereby ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if they have taken proper steps to safeguard the interest of the minority communities ? If not, why not ?

(c) If no such instructions have been issued do not Government apprehend that there will be again a preponderance of one community in the newly amalgamated office ?

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

(b) Yes.

(c) The question does not arise in view of the reply to (b).

**SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.**

1720. \*Kunwar Hajee Ismail Ali Khan : (a) Will Government please state the minimum educational qualifications required of a man who is confirmed in the clerical establishment of the Audit and Accounts Offices in the United Provinces ?

(b) Will Government kindly also state the number of the members of the minority communities recruited since April, 1926, to the clerical establishment of these offices and confirmed up to 1st July, 1931 ?

(c) Was any preference given to the members of the minority communities possessing the requisite qualification at the time of confirmation in accordance with the declared policy of Government ? If not, why not ?

(d) If the reply to part (c) above is in the negative, are Government prepared to issue proper instructions for the members of the minority communities to be given preferential treatment at the time of re-amalgamation of the Audit and Accounts Offices in the United Provinces ?

**SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.**

721. \*Kunwar Hajee Ismail Ali Khan : (a) Is it a fact that a Committee has been appointed by Government to effect the proposed amalgamation of the Audit and Accounts Offices in the United Provinces ?

(b) If the reply to the above is in the affirmative, have Government appointed any member of the minority community to the said Committee ?

(c) If not, what other steps have been taken by Government to safeguard the interest of the minority communities ?

(d) If any instructions have been issued in this connection, will Government be pleased to lay them on the table ?

**The Honourable Sir George Schuster :** (a) No ; an officer of the Finance Department has been instructed to work out the necessary details in consultation with the Local Government and the Director of Audit, United Provinces.

(b) The question does not arise.

(c) and (d). Instructions have been issued indicating the principles to be followed in effecting retrenchment of personnel generally, and due regard has been paid in these instructions to the question of safeguarding the interests of minority communities.

**HALTING ALLOWANCE PAYABLE AT DELHI TO THE DEPUTY DIRECTOR FOR EXPLORATION.**

722. \*Kunwar Hajee Ismail Ali Khan : (a) Will Government kindly state if the Deputy Director for Exploration remains at Delhi during the major portion of the winter season "as on tour" and draws halting allowance for his entire stay there ?

†For answer to this question, see answer to question No. 718.

(b) If the answer to the above is in the affirmative, will Government please state what is the justification for treating him "as on tour" at Delhi when he stays there practically under the same circumstances as the Director and the Deputy Director of Archaeology?

(c) Is it a fact that the Exploration Deputy rented a Government bungalow at Delhi while he was there "on tour" last winter and had telephones installed at Government expense both at his residence and office?

(d) Did Exploration Deputy carry out any excavation or conservation work at Delhi or had he to do anything beyond office work there?

(e) If the answer to part (e) above is in the negative, will Government kindly state in what practical aspects does this so-called "tour" of the Exploration Deputy differ from the "move" of the Director and the Deputy Director of Archaeology?

(f) Will Government kindly state why the Exploration Deputy was not treated as a "moving officer" instead of a "touring officer" for the purposes of his stay at Delhi last winter and whether they propose to treat him as a "moving officer" during the ensuing move and thus save a considerable amount of halting allowance paid to him last winter?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a) The length of stay at Delhi depends on the amount of work to be done there.

(b) The headquarters of the Deputy Director-General of Archaeology in India for Exploration are at Simla. He is required to go to Delhi to assist the Director-General of Archaeology in India in his administrative work connected with exploration and archaeological research. While at Delhi he also inspects the excavations at Bijai Mandal. He tours from Delhi to all sites in British India which are under excavation and where excavation is contemplated.

(c) The house occupied by the Deputy Director-General of Archaeology in India for Exploration last winter at Delhi was not a Government bungalow. The telephones were installed for reasons of administrative convenience.

(d) He inspected the excavations in progress at the Bijai Mandal between Delhi and the Kutab.

(e) Does not arise.

(f) The headquarters were fixed at Simla as in the case of other Exploration officers. The suggestion in the second part of the question will be considered.

**Mr. B. Das :** What is the necessity of having the headquarters of the Archaeological Department at Simla? Are there any archaeological remains in Simla?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I suppose they must be fixed somewhere. Where would the Honourable Member like it to be fixed?

**Mr. B. Das :** Why not at Delhi?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Would that mean any saving of office accommodation?

**Mr. B. Das :** Yes, and also in salaries too. Delhi salary is much lower.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** I do not think it makes any difference in salaries of officers whether they are in Delhi or Simla.

**Mr. Gaya Prasad Singh :** Do they not get an allowance at Simla ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Is it officers or clerks ? Officers do not.

**Mr. B. Das :** What incentive do they get from the hills of Simla where there are no archæological remains ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Obviously in the interests of economy. There is office accommodation available, and the officers who are working at exploration during the summer do not do that work. That is the reason why I believe as a measure of economy, they are located here rather than elsewhere.

#### CURTAILMENT OF HOLIDAYS IN THE OFFICE OF THE SURVEY OF INDIA, MUSSOORIE.

**723. \*Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly the reason for abolishing the holiday of an important Muslim festival of *Shab-e-Barat* from the office of the Survey of India, Mussoorie ?

(b) Are Government aware that the office of the Survey of India is not observing now the holiday for more than one day on many important Hindu and Muslim festivals, like *Holi*, *Dasehra*, *Diwali*, *Muharram* and *Id-ul-Fitr*, etc., which were observed till last year for two to four days ?

(c) Will Government kindly state the reasons of this curtailment of important holidays ?

(d) Are Government prepared to issue a circular letter to the Survey of India for cancelling this curtailment of public holidays ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** (a), (b), (c) and (d). The number of holidays in the Survey of India is reported to have been cut down in conformity with the scale of holidays allowed in the Government of India Secretariat. I believe many of us in this House think that we in India have too many holidays and could do with less. (Laughter).

**Kunwar Hajee Ismail Ali Khan :** What about the *Shabrat*—an important festival for Mussalmans ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** What about it ?

#### APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

**724. \*Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) With reference to the reply given by Government to

question No. 208, asked by me in the Legislative Assembly on the 17th February, 1931, will Government be pleased to state if it is a fact that :

- (i) The total strength of the establishment in the Military Accounts Department in India, as it stood on the 28th March, 1930, was as follows :—

Name of post.	Number of Muslims.	Number of non-Muslims.	Percentage of Muslims.
Clerks .. ..	316	3,404	8.5
Accountants ..	23	444	4.9
Deputy Assistant Controllers.	3	97	3

- (ii) Government of India, Home Department, issued instructions in their letter No. 176/25, dated the 5th February, 1926, regarding redressing communal inequalities in Government services;
- (iii) Military Finance Department issued instructions from time to time regarding recruitment to secure adequate representation of each community ;
- (iv) the Establishment Officer, Government of India, Army Department, issued circular letter No. 33346-1-(A.D.), dated the 19th November, 1926, to all Heads of Military Departments directing them to occasionally examine the communal composition of their respective offices and to give adequate representation to members of such communities as have been less represented ; and
- (v) in reply given to a question asked by Mr. A. H. Ghuznavi, M.L.A., in the Delhi Session of 1930, regarding the policy of Government in the matter of communal representation in Government services of minority communities, Mr. Parsons said on behalf of Government that the prevention of undue preponderance of any community in the services, the security of adequate representation of minority communities and the removal of the existing communal inequalities was the keystone of the Government policy to which effect was being given ?

(b) If the answers to the above questions are in the affirmative, will Government be pleased to state :—

- (i) whether a preponderance of members of one community has been allowed to take place in the clerical and other establishment of that Department ;
- (ii) whether they are prepared to direct that recruitment by selection of temporary clerks should be confined to the members of the Muslim community in India till their number reaches one-third of the present total strength of clerks in the Department ;
- (iii) whether they propose to adopt special measures to reserve one-third appointments of the present total strength of the

Accountants and D. A. C. M. As. for such Muslim clerks and Accountants respectively as have already qualified themselves and are yet on the waiting list ; and

- (iv) whether highly qualified Muslims may not be enlisted as Accountant and D. A. C. M. As. probationers as is being done in other Accounts Departments, if the existing number of qualified Muslims happen to be inadequate in the Military Accounts Department ?

**The Honourable Sir George Schuster :** (a), (i). The strength of the establishment of the Military Accounts Department and the position of the Muslims and non-Muslims in the various grades in that Department as shown by the Honourable Member is correct, except that the number of non-Muslim Deputy Assistant Controllers of Military Accounts should be 87 and the percentage of Muslims to non-Muslim Deputy Assistant Controllers 3.33, and that the figures given represent the position on the 31st December, 1929, and not on the 28th March, 1930. The Honourable Member is referred in this connection to the answer given in this House on the 28th March, 1930, to question No. 850 asked by Mr. Abdul Latif Sahib Farookhi.

(ii), (iii), (iv) and (v). The reply is in the affirmative.

(b), (i). The orders of the Government in regard to the redress of communal inequalities are being strictly carried out in the Military Accounts Department. Some time must, however, elapse before the desired proportion of minority communities in the upper grades of the Department can be attained.

(ii), (iii) and (iv). The present system of recruitment to the Military Accounts Department and promotion to the various grades therein has been introduced by Government after very careful consideration with due regard to seniority and efficiency in the service and they are not proposing to make any change therein.

#### APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES.

725. \*Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if it is a fact that :

- (i) out of 66 permanent Assistant Accounts Officers in India the Muslims hold only one appointment ;
- (ii) out of 321 permanent appointments in the subordinate Accounts service the Muslims hold only 8 ;
- (iii) out of 3,076 permanent appointments of clerks the Muslims hold 177 ;
- (iv) out of 246 permanent appointments of Divisional Accountants the Muslims hold only 10 ;
- (v) out of nine permanent appointments of stenographers none is held by Muslims ;
- (vi) out of 81 permanent appointments of typists the Muslims hold only 8 ; and

(vi) the percentage of Muslims in all the appointments calculated together (out of a total number of 3,793 posts the Muslims hold only 200) comes to only 5.14 per cent. ?

(b) If replies to the above questions be in the affirmative, will Government be pleased to state whether the declared policy of Government regarding redressing of the communal inequality is in force in this Department ? (See Home Department letter No. 176/25, dated the 5th February, 1926.)

(c) If reply to part (b) above be in the affirmative, will Government be pleased to state :—

(i) why the preponderance of members of one community is allowed in the Department ;

(ii) what special and effective steps do Government now propose to take to remove the existing unprecedented communal inequality ?

**The Honourable Sir George Schuster :** Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

#### RECRUITMENT TO THE INCOME-TAX DEPARTMENT.

**726. \*Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Maswood Ahmad) : Will Government be pleased to state :

(a) the number of Income-tax Officers and Inspectors employed in the Province of Bihar and Orissa in the Income-tax Department ;

(b) the percentage of representation of various communities in the said appointments ;

(c) whether recruitment to the Income-tax Service is made on provincial or all-India basis ; and

(d) the method followed in different provinces for the recruitment of the above Service ?

**The Honourable Sir George Schuster :** (a) Eighteen Income-tax Officers† and 11 Inspectors.

(b) Income-tax Officers :

Hindus	..	..	..	15 or 83.2 per cent.
Muhammadans	..	..	..	1 or 5.6 per cent.
Anglo-Indians	..	..	..	1 or 5.6 per cent.
Others	..	..	..	1 or 5.6 per cent.

Inspectors :

Hindus	..	..	..	9 or 81.8 per cent.
Muhammadans	..	..	..	2 or 18.2 per cent.
Others	..	..	..	Nil.

(c) Recruitment is made on provincial basis except in the case of the Commissioner of Income-tax.

†There are three Assistant Income-tax officers also of whom two are Hindus and one Muhammadan.



(d) (1). Assistant Commissioners of Income-tax are appointed by the Commissioners of Income-tax with the approval of the Local Government and the Public Service Commission and are selected from amongst the Income-tax Officers.

(2) Income-tax Officers are appointed by the Commissioners of Income-tax with the approval of the Local Government and are generally selected from amongst Assistant Income-tax Officers, Examiners of Accounts or Inspectors but are also occasionally recruited direct.

(3) Inspectors are appointed by the Commissioners generally by direct recruitment and in some cases from the clerical staff.

#### REPORT OF THE RETRENCHMENT COMMITTEE.

727. \*Kunwar Hajee Ismail Ali Khan : Will Government kindly inform the House when the Report of the Retrenchment Committee is expected to be ready and whether an opportunity will be given to this House to discuss it before taking action thereon ? If not, why not ?

The Honourable Sir George Schuster : Final or interim Reports of four sub-Committees were presented at a meeting to the main Retrenchment Advisory Committee on September, 19th. Reports from the remaining two Sub-Committees are expected by the end of September. With regard to the second part of the question, I refer the Honourable Member to my answer to a supplementary question put by Mr. Gaya Prasad Singh on the 15th instant, that Government cannot give any specific answer at present but will take an early opportunity to inform the House of their plans as regards the consideration of the Retrenchment Committee's Report.

#### REPORT OF THE FRONTIER CRIMES REGULATIONS COMMITTEE.

728. \*Sir Abdur Rahim : (a) Will Government be pleased to state the date on which they intend to publish the Report of the Frontier Crimes Regulations Committee ?

(b) Will Government give an opportunity to the members of this Assembly to discuss the report at the present session ?

Mr. E. B. Howell : (a) The Report of the Frontier Regulations Enquiry Committee is being printed and the question of its publication is under consideration.

(b) It seems unlikely that time will permit of the matter being discussed during the present session.

Sir Abdur Rahim : Have Government made up their minds that they are going to publish this Report as soon as it is printed, or not ?

Mr. E. B. Howell : Not yet, Sir.

**Sir Abdur Rahim :** Is there any reason ?

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

**Sir Abdur Rahim :** May I know what that reason is ?

**Mr. E. B. Howell :** If the Honourable Member really presses me, I will say that we have asked the Chief Commissioner of the North West Frontier Province whether he sees any objection to its being published. We have not yet got his reply. Here we have no objection.

#### CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

**729. \*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the names of the Postal officials recommended by the acting Postmaster, Delhi, to the Postmaster General, Punjab and North West Frontier Circle for the lowest selection grade examination ?

(b) What are the qualifications of each of the three officials nominated to the said examination ? What are their orders of seniority among the postal clerks of Delhi ?

(c) Is it a fact that two of the nominated persons were passed over last year by Mr. O'Loughlin, Postmaster, Delhi, as undeserving and unfit and an official junior to them was nominated last year ?

(d) Is it a fact that there are many Muslims fulfilling the conditions for nomination and they include one M.A., one B.A., and several undergraduates and matriculates ?

(e) Will Government be pleased to state the name of the Postmaster, Delhi, who made such recommendations as are referred to above ?

**Sir Hubert Sams :** (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier.

#### CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

**730. \*Mr. M. Maswood Ahmad :** (a) Is it a fact that the question of nomination of candidates to the lowest selection grade examination was kept a secret by the Postmaster, Delhi ?

(b) Is it a fact that one of the applicants, Mr. Basharatullah, M.A., who headed the list of successful candidates in the B.A. examination of the University of Delhi in 1928, and who took his M.A. degree in Philosophy in 1930, and who has crossed the first efficiency bar was superseded by a certain matriculate in spite of his high academic qualifications ? Had he an unblemished departmental career ?

(c) Will Government kindly state the name of the person who superseded the said Basharatullah and the reason for this supersession ?

(d) Do Government propose to set aside the nominations and order fresh nominations in order to give chances to the members of the minority communities for promotion to the lowest selection grade cadre ?

(e) What is the representation of Muslims in the lowest grade selection cadre ?

**Sir Hubert Sams :** (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier, to whom a copy of the question is being sent. With respect to parts (d) and (e) it may be mentioned that the orders regarding communal representation apply only to new recruitment and not to promotions.

#### DISMISSAL OF MUSLIMS IN THE UNITED PROVINCES POSTAL CIRCLE.

**731. \*Mr. M. Maswood Ahmad :** Is it a fact that the number of dismissals and degradations of Muslims in the United Provinces Postal Circle during the last six months exceeds that of the previous six months ? If so, will Government please ascertain and intimate to the House the reasons for the same ?

**Sir Hubert Sams :** It is regretted that the information is not available and could not easily be collected. If any of the officials concerned has a grievance it is open to him to represent it through the proper official channel.

#### SUPERIOR STAFF OF THE GARTOK AGENCY.

**732. \*Lt. Nawab Muhammad Ibrahim Ali Khan :** (a) Is it a fact that the Government of India on the recommendation of the Punjab Government deputed a Special Officer to Gartok to inspect the Agency and to make some suitable and economical suggestions regarding its future management in 1929 ?

(b) Will Government please lay on the table a statement showing the total expenditure on the superior establishment of the Agency, *viz.*, salary, travelling allowance, travelling allowance on transfer from Simla to Gartok and *vice versa* and house rent paid to each of them during the winter months separately for the financial years 1927, 1928, 1929 and 1930, and in the part of 1931 ?

(c) Are Government aware that the Agency staff practically has nothing to do during the winter months in Simla ? If so, are Government prepared, keeping in view the present financial stringency, to reconsider their decision and to sanction the old arrangement in force in 1927 ?

**Mr. E. B. Howell :** (a) A special officer was deputed, but economy was not the primary object of his inspection.

(b) A statement is laid on the table which contains all the information required by the Honourable Member except the amount paid as house-rent in Simla. The exact amount of this is not exactly known, information not yet having been received from the Local Government.

(c) Yes. Government are not prepared to revert to the old arrangements in force in 1927.

Name and designation.	1927-28.				1928-29.			
	Pay.	T. A.	Transfer T. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pala Ram, B. T. A. ..	Rs. a. 800 0	Rs. a. 740 1	Rs. a. 1,905 7	Rs. a. 3,445 8	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..
Dr. Karam Ram, S. A. S., upto 1929-1930 and B. T. A. in addition from 1930-31.	2,233 2	610 12	1,906 14	4,710 12	2,400 0	627 13	2,015 10	5,043 7
Th. Hayat Singh, B. T. A., in 1928-29	..	..	..	..	786 13	435 9	1,483 11	2,325 8
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency, in 1929-30.	..	..	..	..	..	..	..	..
Th. Isharman Singh, Jangpangi, Accountant.	..	..	..	..	..	..	..	..
Grand Total ..	3,033 2	1,550 13	3,772 6	8,156 4	3,186 13	1,162 13	3,609 5	7,368 15

Name and designation.	1929-30.				1930-31.			
	Pay.	T. A.	Transfer T. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pale Ram, B. T. A.	Rs. 8. 0.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
Dr. Kanahi Ram, S. A. S. upto 1929-30 and B. T. A. in addition from 1930-31.	2,400 0 0	275 10	1,394 13	4,560 7	3,154 0	726 0	2,228 10	6,108 10
Th. Hayat Singh, B. T. A., in 1929-30				..		..	..	..
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency in 1929-30.	4,198 8 6	728 11	1,899 6	6,824 9	..	..	..	..
Th. Lakshman Singh, Jangpangi, Accountant.				..	1,003 5	730 3	1,418 4	3,151 12
Grand Total	5,598 8 6	1,092 5	3,774 3	11,465 0	4,157 5	1,456 3	3,646 14	9,260 8

INSPECTION OF THE BRITISH TRADE AGENCY, GARTOK, AND PAY OF THE  
BRITISH TRADE AGENT.

733. \*Lt. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that the Special Officer deputed to inspect the British Trade Agency, Gartok, made a recommendation to the effect that the British Trade Agent will draw enhanced pay from the date of departure from and to date of return to Simla ? If so, is this recommendation observed strictly ?

(b) Is it not a fact that the present British Trade Agent reverts to his substantive post (Sub-Assistant Surgeon) from the date of his return to Simla and is attached to the General Hospital ? If so, is he entitled to get Rs. 60 per mensem house rent during his winter stay in Simla ?

(c) Will Government please state how many cases pending in the court of Garpons from previous years have been decided with his consultation ?

Mr. E. B. Howell : (a) Yes. He draws enhanced pay for the six summer months.

(b) Yes, the matter is under consideration.

(c) The information will not be available until the return of the Trade Agent from Gartok in two months time.

SELECTION OF OFFICERS FOR THE SALT DEPARTMENT ON ITS SEPARATION FROM  
THE EXCISE DEPARTMENT.

734. \*Mr. Muhammad Musarram Sahib Bahadur : (a) Was any, and, if so, what, principle observed at the bifurcation of the Salt and Excise Departments in 1924 in selecting officers to the Salt Department ?

(b) Is it not a fact that the officers themselves were not allowed to exercise any choice of their own and the selections were left entirely in the hands of the departmental head ?

(c) Have the Madras Salt officers memorialised Government on the subject of their being at a great disadvantage, on account of their being young, in the matter of their promotions to higher ranks and, if so, with what result ?

The Honourable Sir George Schuster : (a) and (b). At the time of the bifurcation, officers were given an opportunity to choose the Department in which they wished to serve. In many cases, however, it was not found possible to comply with their wishes, first, because the selection had to be restricted to the number of officers required in each grade of the two Departments, and, secondly, because it was desirable to select officers for the Salt Department or Excise Department according to their experience in the work of either of the two.

(c) Memorials have been received by Government from time to time from Inspectors and Assistant Inspectors of the Madras Salt Department representing their loss of prospects due to the bifurcation. Revised scales of pay were sanctioned by the Government of India in 1927 to compensate these officers to some extent for this loss of prospects.

### GRIEVANCES OF SALT DEPARTMENT OFFICERS.

735. \***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Are Government aware that some of the Assistant Inspectors, who were acting as Inspectors at the time of the bifurcation of the Salt and Excise Departments in 1924, are still Assistant Inspectors in the Salt Department, while Assistant Inspectors allotted to the Excise Department and even some Sub-Inspectors drawing Rs. 80 and Rs. 90 a month at the time of the bifurcation are now *pucca* Inspectors drawing a salary of about Rs. 425 in the Excise Department ?

(b) Are Government prepared to institute an inquiry into the grievances of the Salt Officers who have suffered on account of the bifurcation and direct their transfers to other departments such as Income-tax, Customs, Excise, Land Revenue, Police and Co-operative ?

**The Honourable Sir George Schuster :** (a) The Government of India understand that the position is, or has recently been, as stated in the question.

(b) The question has already been fully considered from time to time and efforts have been made to secure relief by arranging transfers to suitable appointments in other departments. The Government regret to say that there is nothing more that they can do in existing conditions.

CLERICAL ESTABLISHMENTS OF GOVERNMENT OF INDIA DEPARTMENTS.

736. \*Mr. Muhammad Musazzam Sahib Bahadur: Will Government please lay down particulars of the clerical establishment of the various Departments of the Government of India in the statements A and B below?—

**A**

*Statement showing strength of clerical establishment of the . . . . .  
Department at the end of each of the last five years.*

[illegible]

## B.

*Statement showing vacancies occurred and filled in the clerical establishment of the.....Department during the last five years.*

	1926-27.			1927-28.			1928-29.			1929-30.			1930-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	5	5	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
<i>Permanent—</i>															
(i) Total No. of vacancies occurred in each Division.															
(ii) Number of vacancies filled by Muslims in each Division.															
<i>Temporary—</i>															
(i) Total Number of vacancies occurred in each Division.															
(ii) Number of vacancies filled in by Muslims.															

The Honourable Sir James Ormer : I regret that the information asked for is not readily available and as the labour involved in collecting it would not be commensurate with the results obtained, I am unable to undertake the task. The Honourable Member will, however, find in the library statements showing the communal composition of the staff of each Department as a whole for the years 1927 to 1930.

PRIVATE PRESS OWNED BY THE FOREMAN PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

737. \*Mr. Muhammad Musam Sahib Bahadur : (a) Is it a fact that Babu Kamakhya Charan Mittra, officiating Foreman Printer of the Government of India Press, Aligarh, owns a private press at Aligarh known as the "Rose Press" ?

(b) Has the attention of Government been drawn to the allegations current against him that he is making use of Government press materials as well as requisitioning the services of Government Press employees in his own press ?

(c) Will Government please state what action they intend taking against employees who, in spite of warnings issued prohibiting them from carrying on any business in the names of their wives, minor children or relatives, still persist in doing so ?

Mr. J. A. Shillidy : (a) to (c). Enquiries are being made.



**APPOINTMENT OF BABU KAMAKHYA CHARAN MITTRA AS FOREMAN PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.**

738. \*Mr. Muhammad Muazzam Sahib Bahadur : Is it a fact that Babu Kamakhya Charan Mittra is only a clerk with no special qualifications, and that he has been allowed to officiate as Foreman Printer, Government of India Press, Aligarh ? Is it a fact that this is a post for which technical qualifications are absolutely essential ; and is it also a fact that this clerk has been officiating as Foreman Printer in spite of orders issued by the Controller of Printing and Stationery directing the appointment of a technical and properly qualified person ?

Mr. J. A. Shillidy : The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

**RETRENCHMENT OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.**

739. \*Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government aware that notwithstanding the small percentage of Muslim employees in the Government of India Press at Aligarh, 75 per cent. of the Muslim employees have been recently retrenched ?

(b) If the answer to part (a) is in the affirmative, will Government please state what steps they intend to take to redress the grievances of the Muslim employees retrenched ?

Mr. J. A. Shillidy : (a) and (b). Government have no information, but inquiries are being made.

**MUSLIM CANDIDATES FOR GOVERNMENT SERVICE.**

740. \*Mr. Muhammad Muazzam Sahib Bahadur : Will Government be pleased to state :

- (a) the number of such Muslim candidates (in each division) as have passed in any of the Public Service Commission (or Staff Selection Board) examination held prior to 1931, but have not yet been confirmed in the division for which they have qualified ;
- (b) the number of vacancies, in each division, reserved for Muslim candidates after the 1st April, 1930, and intended to be filled in by the Muslim candidates passing the 1931 competitive or qualifying examinations ;
- (c) the number of Muslim and non-Muslim candidates separately passing the 1931 examinations, in each division ;

(d) in the statement below, how the posts have been offered to the candidates passing the 1931 examination :

	Passed in Division.	Posts offered in					
		1st. Division.		2nd Division.		3rd Division.	
		Secretariat.	Attached Offices.	Secretariat.	Attached Offices.	Secretariat.	Attached Offices.
Muslims	I II III						
Non-Muslims	I II III						

(e) the number of vacancies, in each division, not yet permanently filled in ?

The Honourable Sir James Crerar : The information asked for is being sent to the Honourable Member separately.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

741. \*Mr. Muhammad Musazam Sahib Bahadur : (a) Is it a fact that :

(i) one of the main objects in holding the 1931 Public Service Commission examinations (competitive and qualifying) was to get an adequate number of Muslim passed candidates for adjusting the poor representation of the Muslims in the ministerial establishment of the Government of India Offices ; and

(ii) there were already a number of passed Muslim candidates working in the Government of India Offices, in temporary or officiating capacities, and not confirmed in the division for which they had qualified, at the time when it was proposed to hold a competitive examination in 1931, and orders prohibiting filling in permanently vacancies after the 1st April, 1930, were issued ?

(b) If the reply to part (a) (i) and (ii) above be in the affirmative, will Government be pleased to state the reasons why Muslim candidates, who had passed the Public Service Commission or Staff Selection Board examinations prior to 1931, were not confirmed in the posts kept vacant for the prospective Muslim candidates of 1931 examinations, when the former had at their credit years of service and experience and had passed similar tests ?

The Honourable Sir James Crerar : (a) (i). One of the objects was to fill such vacancies as existed for direct Muslim recruits.

(ii) Yes, but the orders referred to applied only to vacancies reserved for direct recruitment.

(b) I would refer the Honourable Member to the reply given in this House to parts (2) and (3) of unstarred question No. 173 on the 11th February, 1931.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

742. \*Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that as a result of 1931 examination Government could not get adequate number of passed Muslim candidates to fill in the posts kept vacant for them ?

(b) If the reply to part (a) above be in the affirmative, are Government disposed to consider the desirability of filling in these posts (as well as those, if any, occurring consequent on the voluntary or compulsory retirement of officials as a result of retrenchment), by confirming Muslim candidates as have qualified themselves in the Public Service Commission examination prior to 1931 ? If not, why not ?

The Honourable Sir James Orerar : (a) Yes, in respect of vacancies in the Third Division only.

(b) All the Muslim candidates who qualified for the Third Division in previous examinations and were temporarily employed have been provided with permanent appointments.

#### RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

743. \*Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government be pleased to state if they contemplate holding any competitive examination in the near future to get passed Muslim candidates to fill in posts reserved for Muslims but not filled in owing to inadequacy of Muslim passed candidates as a result of 1931 examinations ?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state what measures they propose taking for filling in such vacancies ?

The Honourable Sir James Orerar : It has not yet been decided when the next examination for vacancies in the Secretariat will be held. Meanwhile unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily.

#### PROMOTION OF MUSLIMS IN GOVERNMENT SERVICE.

744. \*Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that when a candidate is once confirmed in any post his name is removed from the list maintained by the Public Service Commission irrespective of the fact that he has qualified for divisions higher than the one in which he has been confirmed ?

(b) If the reply to part (a) above be in the affirmative, are Government aware of the difficulties experienced by such candidates especially Muslims, in securing posts in the division for which they qualified at their own efforts ? If so, are Government prepared to consider the desirability of keeping the names of passed candidates on the list till they have been confirmed in the division for which they have qualified ?

**The Honourable Sir James Crerar :** (a) The Public Service Commission do not maintain a waiting list of persons who have been provided with permanent appointments.

(b) The rules include reasonable provision for the promotion of qualified men and I see no necessity for a waiting list.

#### PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

**745. \*Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the candidates who have passed the 1931 competitive examination have been given permanent posts, whereas those who have passed examinations prior to that are still working in temporary or officiating capacity ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state the reasons for such preferential treatment to the new entrants over the experienced hands ?

**The Honourable Sir James Crerar :** (a) Yes, in so far as the First and the Second Divisions are concerned.

(b) Under the system of recruitment, a proportion of vacancies is required to be filled by direct recruitment, and departmental candidates, to which category the men in question belong, have no claim on these vacancies. The scheme, however, as just stated includes adequate provision for the promotion or confirmation of candidates who qualified in the previous examinations.

#### PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

**746. \*Mr. Muhammad Muazzam Sahib Bahadur :** Is it a fact that orders have been issued to the effect that such of the passed candidates as may not be given permanent posts upto 30th September, 1931, will be considered as out of the list in spite of their having passed the examination ? If so, are Government prepared to consider the desirability of confirming Muslim candidates who have passed Public Service Commission or Staff Selection Board examinations prior to 1931, with immediate effect in the vacancies reserved for Muslims ?

**The Honourable Sir James Crerar :** The orders are to the effect that those candidates who qualified in 1931, and those who qualified in previous years but have refused offers of appointment, will not be considered for vacancies occurring after the 30th September, 1931. Those who qualified previous to 1931, but who have not refused an offer of appointment in a permanent capacity will be considered for future vacancies.

#### INCOME-TAX ASSESSMENTS.

**747. \*Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state what is the total percentage of assessments under Income-tax Act made under section 23 (4) to the assessments under section 23 (3) of the Act in this country ? Is it true that the percentage is 90 ?

(b) Are Government aware of the hardships caused to the assesses by these assessments and have they issued any general instructions to apply the section with sympathy and humanity to the officers of Income-tax Department in these hard and critical times ?

(c) Are Government aware that when these assessments are cancelled under section 27 of the Act, the Income-tax officers do not refund the tax realised at once, but they make as much delay as possible in giving refunds which they do not do unless they make fresh assessments? Are there any private instructions to the effect to the officers?

**The Honourable Sir George Schuster :** (a) Statistics are not on record showing separately the number of assessments made under section 23 (4) and section 23 (3) of the Indian Income-tax Act; but the following information which is the latest available will probably serve the Honourable Member's purpose. In the year 1929-30 there were 326,719 assesses. The number of cases in which accounts were called for from assesses was 225,742, the difference between this figure and the figure for the total number of assesses being mainly accounted for by the cases of persons with income from salary only. Out of the 225,742 cases in which accounts were called for from assesses, accounts were produced in 178,844 cases, and the number of cases in which it was found possible to base the assessment on the accounts so produced was 110,435. It will be seen from these figures that the percentage of assessments under section 23 (4) to assessments under section 23 (3) cannot possibly be anything like so large as is suggested by the Honourable Member.

(b) I would draw the Honourable Member's attention to the instructions issued in paragraphs 67 and 69 on pages 197-198 and 199-200 of the Income-tax Manual, 4th edition. It will be seen that instructions have been issued to the Income-tax officers that they should administer the Act in a sympathetic spirit and in particular should give assistance to assesses if they find any difficulty in filling up their returns.

(c) I would draw the Honourable Member's attention to the instruction contained in sub-paragraph 2 of paragraph 67 on page 197 of the Income-tax Manual, 4th edition. It will be seen that we have issued instructions that where an assessment is cancelled under section 27, the Income-tax officer should refund any tax already paid at once without waiting for an application for refund from the assessee and proceed with the case *de novo*.

## MOTION FOR ADJOURNMENT.

### PRONOUNCEMENT *re* THE EXCHANGE RATIO.

**Mr. President :** I have received a notice from Sir Cowasji Jehangir that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio."

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

**The Honourable Sir George Schuster (Finance Member) :** Sir, I do not propose to raise any point of order on this motion, for I think it must be admitted that it clearly falls within the definition of those occasions

[Sir George Schuster.]

which justify a motion for the adjournment of the House. But I would venture to address, in a very few words, an appeal to my Honourable friend not to press for a discussion on this subject today, because it is not really in the public interest that this matter should be debated at the present stage. I informed the House yesterday of the steps which the Government have taken in this matter, and we shall be issuing today a short *communiqué* as regards certain further steps. Just at the present stage when the Government have got to conclude certain arrangements in order that it may be possible to resume normal business in an atmosphere of calm and with avoidance of opportunities for speculation which might upset legitimate business, it would be, as I submit, not in the public interest that it should be fully debated in this House. Opinions are bound to be expressed, views stated, which might do a good deal to disturb that atmosphere of confidence which is justified in all the circumstances and which it is the object of the Government to preserve. Therefore I would venture to ask my Honourable friend not to press for a discussion; and if I might add, I would express a hope that if he wishes to proceed, he will not be supported by 25 Members.

**Mr. President :** Does the Honourable Member wish to say anything as regards the appeal made to him?

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** I regret very much, Sir, that I cannot accede to the request made by the Honourable the Finance Member. There is no desire on the part of this House to embarrass Government. What we want to discuss is the statement made by the Secretary of State for India and that is all that we will discuss, I trust; and it is time that we gave expression to our views on a statement which I do not desire to characterise at this moment in strong language but which certainly deserves condemnation at the very first moment that this House gets an opportunity.

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

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

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

The House will now resume discussion of Sir Muhammad Yakub's Resolution.

## RESOLUTION RE CONTROL OF MONEY LENDING AND RATES OF INTEREST—*contd.*

**Lala Hari Raj Swarnp (United Provinces : Landholders) :** Mr. President, I rise to support the Resolution of my friend, Sir Muhammad Yakub. It is an admitted fact that the present economic depression is pressing very hard on every section of the people. But those who are living on agriculture are very hard pressed, and unless some steps are taken to relieve their distress, the trouble is bound to grow more and more. The fall in the price of agricultural produce has been very unprecedented, so much so that the price of wheat which the tenants get is 66 per cent. below the cost of

production, and that of sugar 30 per cent. of the cost of production, and the cases of cotton and rice are not very dissimilar. The chief burdens which the agriculturists have to bear in these times are three, land revenue and rent, irrigation rates and interest charges. As the House is aware, the Government in the various provinces are doing their best to relieve their distress so far as the land revenue and rent and irrigation rates are concerned. (*An Honourable Member* : "Question.") In my own province they have reduced 7 annas in the rupee in rent and two annas in the rupee in irrigation rates ; and in the Punjab also they have ordered remissions. But unless and until the Government tackle the problem of rural indebtedness in a broad and statesman-like manner, I doubt very much if these remissions alone will help the situation. Taking the case of the United Provinces, the total demand on account of rent payable by agriculturists is about 17 crores, and of irrigation rates about 3 crores. Against this, the tenants have to pay about Rs. 20 crores by way of interest charges, that is, the total of the land revenue and irrigation rates. The Resolution of Sir Muhammad Yakub seeks to remedy this difficulty and relieve the tenants of the huge burden that they are labouring under under present conditions.

The question of rural indebtedness may be divided broadly into two parts. Existing indebtedness and the indebtedness of the future. The Indian Central Banking Inquiry Committee has said that the total agricultural indebtedness of the rural classes is about 900 crores of rupees. So first we have to deal with the question of the existing debt of 900 crores of rupees. Unless some scheme is evolved to liquidate or redeem this debt, the chronic indebtedness of the tenant will remain there. The time to take steps in the direction of liquidating the existing debt is most opportune, because the creditors at this time are not in a position to recover their whole payment from the tenants on account of their poor economic position, and so if any steps are taken by the Government at the present time, it is quite possible that a reasonable amount of reduction may be obtained in the extent of indebtedness. Some other steps in this direction I might also indicate.

1. The establishment of Conciliation Boards, so that they may tackle the problem in the villages by educating the borrowers and the creditors and by making them to arrive at some settlement about the liquidation of the existing debt.

2. The establishment of Debt Redemption Societies on a co-operative basis in the villages. If necessary some legislation may be undertaken in this behalf with a view to start these societies.

3. Some methods should be adopted for making a simple Rural Insolvency Act, and the remarks of the Central Banking Inquiry Committee in this behalf are worth attention. They say this :

"Just as creditors have the right to insist that all the debtor's assets should be impounded and be applied towards the payment of the debts, so also the debtor who has given up all his assets should have the clear right to be allowed to earn his living if he can and to be free to make a new start in life."

4. The revision of the Limitation Act is eminently necessary. Now unsecured debts have a limit of 3 years and a decree can be continued for 12 years. In the case of labour and tenant, there is no reason why this long period of limitation should not be reduced to 2 years in the case of secured debts and to 6 years in the case of decrees. But if some steps are

[Lala Hari Raj Swarup.]

not taken to check the future growth of indebtedness, the existing indebtedness will also increase considerably. The Punjab Banking Inquiry calculated that the total agricultural debt in the province has increased from 90 crores in 1921 to 135 crores in 1929, and the case of other provinces is not much dissimilar to what it is in the Punjab. If this growth of indebtedness is not checked, there is no hope of salvation for the agricultural classes. This can be done by two methods, first by checking the usurious rates of interest and secondly by regulating money lending. Sir, much has been said about the Usurious Loans Act, and it has been said that it can be effectively checked by the existing Act, but experience has proved that the Act has not been of much use, and the Bengal Banking Inquiry says this :

“ The difficulties mentioned by the Bengal Committee in their Report, namely, want of sufficient evidence to show the usual prevalent rate in the locality ; the difficulty of establishing that a transaction is substantially unfair ; the difficulty of securing sufficient evidence to prove that consent was obtained by undue influence or unfair means.”

The onus to prove that the transaction has been unfair and the rate of interest has been very excessive naturally falls on the borrower. Moreover the Usurious Loans Act is a measure of a punitive kind, but what is required in this case is legislation of a preventive nature. Several provinces have taken steps in this direction, and the Punjab have passed a Bill known as the Regulation of Accounts Bill of 1930. It is for the Government of India to consider if some such legislation cannot be undertaken on an all-India basis, so that future indebtedness may be checked. It has been said often that such legislation is aimed at the money lender and that the relations of the borrower and the tenant should be left to natural forces and that no legislation should be undertaken to disturb the existing relations. A contract can only be a fair contract between parties who stand on an equal footing. In this case the creditor is the stronger party and the borrower is the weaker party, and the creditor certainly has the upper hand in the contract. Therefore it is for the purpose of checking this unfair treatment that legislation is necessary.

As regards the argument that such legislation as I have suggested will be a blow to the money lender, certainly the need of the village money lender is admitted on all hands, and this is what the Central Banking Inquiry Committee say about him :

“ We agree with the Provincial Committees that the money-lender is an indispensable feature of Indian rural economy. He is easily accessible. His methods of business are simple and elastic. He maintains a close personal contact with the borrower, often having hereditary relations with the family of the borrower. His local knowledge and experience and his presence on the spot enable him to accommodate persons without tangible assets and yet protect himself against losses.”

The necessity for the presence of the money lender is admitted, but it is the abuse of the practice and the deterioration in the custom of money lending that has rendered some legislation necessary, and some of the objectionable practices adopted by these money lenders are mentioned by the Central Banking Inquiry Committee in their Report, e.g.—

- (a) demand for advance interest ;
- (b) demand for a present for doing business, known as *giralā kholai* (purse opening) ;
- (c) taking of thumb impression in a blank paper with a view to inserting any arbitrary amount at a later date if the debtor becomes irregular in payment of interest ;



- (d) general manipulation of the account to the disadvantage of the debtor ;
- (e) insertion in written documents of sums considerably in excess of the actual money lent ; and
- (f) taking of conditional sale deeds in order to provide against possible evasion of payment by the debtor."

It is to check these malpractices, Sir, that some legislation, as suggested by my Honourable friend, Sir Muhammad Yakub, should be undertaken by the Government of India for the whole country.

Another argument that is usually used is that there will be a lot of evasion against any such legislation. There is hardly any legislation which cannot be evaded, and the very fact that such a measure is on the Statute-book will have a moral effect and lead to a certain amount of check. That is also what the Labour Commission have said about this argument of evasion :

" The principal objection against promulgation of the measures we have proposed above is that they are liable to be evaded in various ways, but the fact that the provisions of the law are capable of being evaded by fraudulent means should not deter the Legislature from enacting a just and necessary measure for the protection of the simple and the ignorant. The mere existence of the measure on the Statute-book would tend to educate and strengthen public opinion and make the law-abiding and less adventurous among the money-lenders averse to making any attempt at evasion."

**Mr. President :** The Honourable Member's time is up.

**Mian Muhammad Shah Nawaz** (West Central Punjab : Muhammadan) : Mr. President, the well being of a people is like a tree : agriculture is its root, manufacture and commerce are its branches and leaves. If the root is injured, the leaves fall, the branches break away, and the tree dies. This is exactly the position of the agricultural classes in India. I am afraid the Honourable Members have not paid as much attention to this Resolution, which was so ably moved by my Honourable friend, Sir Muhammad Yakub, supported by facts and figures, as it deserves.

Sir, money lending is a necessity when there is a moderate rate of interest ; it becomes at once a curse when there is an exorbitant rate of interest. Then it demoralises both the creditor and the debtor. On the most conservative calculation, it is estimated that in the Punjab not more than ten per cent. of the population is free from debt. The money lender is really the evil genius of the cultivator and the peasant proprietor. He exploits him when he is in prosperity ; he enslaves him when he is in poverty. The peasant proprietor, being ignorant, unbusiness-like, and impoverished, is no match for the rapacious and astute money lender. He always takes full advantage of the position of the peasant proprietor.

It is admitted that all the religious reformers in the ancient times condemned usury. Moses, the law-giver of the greatest money lending race in the world, condemned usury. The Christ and our Prophet (peace be on him) also condemned it in the clearest words. The Roman people did not allow a rate of interest more than 15 per cent. The Roman stoic philosopher, Cato, when being asked what he thought of usury, replied by asking his questioner what he thought of murder. The ancient Hindus never allowed the accumulated interest to exceed more than the principal. In Turkey, at present the rate of interest is not allowed to go to more than 9 per cent. by law. In Czecho-Slovakia, usury is prohibited by the constitution. The French and the German laws give wide discretion to the Judges to cut

[Mian Muhammad Shah Nawaz.]

down excessive rates of interest on the ground that they are excessive. But the laws in India are utterly inadequate to give relief to the ignorant borrower.

Sir, it is urged that the Usurious Loans Act, 1918, is a sufficient remedy. With your permission,—I am afraid the Honourable the Home Member is not here—I desire to cite the various rulings of the High Courts to show conclusively that the Usurious Loans Act of 1918 is absolutely ineffectual. I do hope that some one will jot down those rulings on behalf of the Honourable the Home Member. In the All-India Reporter, 1929, Allahabad, page 680—that is a recent ruling—it was held by Mr. Justice Bannerjee and Mr. Justice King that from the fact that the mortgagor was heavily indebted and in urgent need of money it cannot be inferred that the mortgagee was in a position to dominate his will and that the agreement was unfair within the meaning of section 3 of the Usurious Loans Act of 1918, and the rate of interest at Rs. 2-8-0 per cent. per mensem compoundable quarterly was held not excessive! Fancy, this is the ruling of a High Court—the Allahabad High Court—a province where the agriculturists are hard hit and the tenants are dying of starvation. And yet I was surprised when it was urged by my Honourable friends, Mr. Morgan and also by Mr. DeSouza who, of course, has sympathy with the agriculturist, that the Usurious Loans Act can be utilised to give relief to the borrower. How are you going to utilise it in the face of this ruling of the Allahabad High Court? The Usurious Loans Act is hedged in with so many limitations. Again, Sir, in 18 Sind Law Reporter, page 39 (1925), it was held by Justice Raymond and Justice Rup Chand, that it would not be proper for the Court to give relief as to the rate of interest on the simple ground of hardship in the absence of evidence that the creditor had taken undue advantage of the position of the debtor, even when the transaction appeared to be undoubtedly improvident.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Was it a ruling under the Usurious Loans Act?

**Mian Muhammad Shah Nawaz** : Yes. I am a lawyer and I am quite sure of my law and facts.

**Mr. President** : Order, order. Honourable Members cannot engage in discussion across the floor of the House.

**Mian Muhammad Shah Nawaz** : Yes, Sir, it is a ruling under section 3 of the Usurious Loans Act where the provisions are to the effect that the debtor has to show that the contract was substantially unfair and the rate of interest excessive. Again, Sir, in 27 Bombay Law Reporter, page 1462, it was held by a Division Bench of the Bombay High Court that the provisions of the Usurious Loans Act cannot apply to a suit by a debtor unless he comes forward to redeem his own property; that is to say, he cannot institute a suit merely on the ground that the rate of interest is excessive. These are the rulings of the various High Courts. Can any Honourable Member in this House then say that the Usurious Loans Act of 1918 is sufficient to meet the present situation?

Now, Sir, turn to the Contract Act, section 16, under which the rate of interest can be reduced on the ground that the transaction was unconscionable and was entered into between the creditor and the debtor under undue influence or coercion. But their Lordships of the Privy Council have

held, as every lawyer knows—I am only saying this for the benefit of the Executive Councillors, because I do not know whether they are aware of such a ruling—that the rate of interest, however high it may be, say, 24, 36 or for that matter 48 per cent., per annum cannot be reduced unless it is proved that the contract was unconscionable and the creditor was in a position to dominate the will of his debtor. Heavy rates of interest to the extent of 36 and 48 per cent. per annum are enforced in all Courts of India and the poor agriculturists and those who borrow money are helpless. I appeal to the Home Member and the Honourable Member for Education, Health and Lands, and ask them whether it is not proper to legislate at once to administer healing remedy to the disease of exorbitant rates of interest. If you cannot do it, you must give discretion to the courts to cut down excessive rates of interest on the mere ground that the rate is excessive—beyond 12 per cent. That is the only way you can remedy the evil. I submit, Sir, that my friend Maulvi Sir Muhammad Yakub is quite right when he says that the present law should be amended and some legislation brought forward to give relief to the agriculturists. Now, the Banking Inquiry Committee have recommended two things, firstly that unprotected debts should be cancelled, and secondly that compulsory settlement should be brought about between the debtors and the creditors. The second method was prevalent in India in the time of the Moghuls and the Sikhs. At that time two very good checks were in force on money lending ; firstly, the existence of the village community which always dealt with the money lender fairly. If he charged exorbitantly, they refused to pay the high rate. Secondly, the *Kardar* who was in the position of the Tahsildar of the present day always used to look into the accounts of the parties and tell the money lender “ your rate of interest is too high. Strike out so much interest ”. He then called the debtor and told him “ You were negligent. You have 20 heads of cattle. Give the creditor 10 and you keep ten ”. In that way, everybody went satisfied. The Britishers speak of the freedom of contract. Can there be a freedom of contract between the lion and the lamb, between the strong and the weak ? The Europeans steeped in their own traditions and their own laws have enforced 36 per cent. and 48 per cent. of interest on the ground of freedom of contract. The whole affair is fundamentally wrong. I do not say that money lending should be stopped. It is a necessity, but the rate of interest should not be more than 12 per cent. The poor producer of corn has not enough to feed his children with all his hard labour. On top of this, the land revenue and water rates and indebtedness are ever increasing and there is no sign of revision. I beg to the Home Member and all Members of this House to help the poor agriculturist. I know the Government have their own difficulties. Great Britain has its difficulties. Let us all join our heads together and help each other to arrive at a lasting settlement. I know the storm is raging all round. I know these are hard times. The storm, I believe, will pass away but take care that the back-bone of India, the agriculturists are not killed. With these words, Sir, I support the Resolution. (Loud applause.)

**Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) :** I have been trying in the Legislature since 1922 for some measure which might give relief to the debtors from the hands of the creditors, but unfortunately I have not succeeded up to this time in making the Government see eye to eye with me and give relief to the millions in India who are suffering on account of their policy, which is the cause of the real

[Mr. Muhammad Yamin Khan.]

ruination of India. The policy of Government is telling against them in every village in India. All this excitement against the Government is due to the distress which the people are feeling on account of this wrong policy of the Government in allowing the accumulation of interest, which should not have been done. Up to 1855, the law in India was the Hindu law of *damdapat*, under which interest was not allowed to accumulate more than the principal, but in 1855 the East India Company brought a law in India at a time when there was no Indian in the Council to advise the Company. They introduced the system which had come into force two years before in England, which allowed the interest to accumulate to any amount. The result was that the creditor allowed the interest to accumulate to any extent he desired, with the result that the system has brought misery to thousands and thousands of zamindars and to every cultivator in India without any exception. Every cultivator in India has suffered at the hands of money lenders and big families have dwindled away. Why? Because the British Government allowed this policy of accumulation of interest. Let the Government clearly understand that the misery of these people has been brought on them by the British Government. However loyal they may be, they can never be real supporters of Government, so long as they feel the pinch in their heart, if Government continue in this wrong policy. I have given them advice for the last ten years and I give the advice today. It is not too late yet. Government must mend their ways. Every time I moved my Bills in this House and in the other House, I was opposed on the ground that the Bombay Government did not support it. I know, Sir, that when I moved a Bill in the other House in 1925 (*An Honourable Member* : "Which other House?")—in the Council of State, I was supported by all the zamindars and all the elected Members in that House but I was opposed only by the officials and a few nominated non-official Members. (*Mr. B. E. Puri* : "And still you side with them?") I warned the Government the second time when I introduced the Bill that if they opposed my Bill, grave responsibility would lie on the Government and not on the non-official Members because all the latter were supporting my Bill to fix the rate of interest and to amend the law according to *damdapat*. But since 1925 up till now other Bills have been blocking the way for me to introduce some such measure and I could not bring it up, although one Bill of Mr. Kelkar was there in the same shape as that which Sir Muhammad Yakub had introduced in the last Assembly. Now an opportunity has arisen for Government, at a time when the country is getting towards Bolshevism, and they must take proper action at the proper time. Let it not be too late now even. I know some money lending classes may not be willing to have this law, but they must know that the people in the villages are not so much against the Government as against the money lenders, and the fate which they will soon have by the rise of the population against them will tell tales which will not be very pleasant to hear! They must come to relieve those people. They must agree to go with the times. The time has come when the agriculturist will have the greatest vote in the House, and let them not continue to do anything which will provoke unpleasant consequences. (Hear, hear.)

Let the higher and the richer classes, who are adorning the seats of this House today, come forward to amend the law in such a way that the people who will come here in future will not entertain any grudge against that law, and this is the time when you have got the opportunity today to

make the law in such a way that you will not have to repent after three or four years. Sir, I will add only one example to those given by Mian Shah Nawaz in his speech. I will give one example which I got when I moved my Money-lenders Bill in this House in 1922, and that was a report in the paper of that very day which I got in the *Pioneer*, reporting an Allahabad High Court case wherein a decree was passed in 1922 against a zamindar of Aligarh who had got only Rs. 400. The decree was passed—the House will be surprised to know—for Rs. 3,67,000. A decree for Rs. 3,67,000, in respect of Rs. 400 which the man had borrowed, that brought ruination to his whole family in the Aligarh District. And still it is alleged that the Usurious Loans Act of 1918 is sufficient to cope with the situation. I say no, because if Honourable Members will come and see the District Courts' decrees as they are passed every day, that will convince them in one day how badly this Usurious Loans Act of 1918 is worked. In what way, Sir, are the decrees passed? I have gone in my capacity as a lawyer to defend many cases in which I found about 18 or 20 times the original sum borrowed has been allowed by the Judges. These are not solitary cases but many such cases are happening every day. If an investigation is made to find out from each district what was the amount which was lent and what was the amount for which the decree was passed, that will convince you at once that the case in support of the Resolution of my Honourable friend, Sir Muhammad Yakub, is very strong, and that the Government will be guilty of lethargy if they sit quiet and not take action at this stage. With these words of advice to the Government. Sir, I support the Resolution.

**Mr. B. S. Sarma** (Nominated Non-Official) : Mr. President, my justification in taking part for one or two minutes in this discussion is only because the Indian Press has taken a good deal of interest from time to time in the motion of my Honourable friend, Sir Muhammad Yakub. I have also to congratulate myself on the good fortune that I have had an opportunity to speak on a non-controversial motion. I want to give my whole-hearted support to the motion of my Honourable friend (Hear, hear), because I do not think, Sir, that any reasonable man can withhold his support from so modest a Resolution. But I am sure the Honourable the Mover will accept the very sound advice which the Honourable the Home Member gave the other day, namely, to wait until he has had the opportunity of hearing from the various High Courts and other institutions about the working of the Usurious Loans Act. Then, Sir, the Members of the House will have an opportunity of testing the evidence and having the considered opinion of people who have a right to speak on the matter. All the same I think, Sir, that some action has got to be taken immediately, because the way in which money is being lent to agriculturists and to other people and the high rate of interest to which reference has been made has become a perfect scandal. I do not know of other provinces, but speaking for Madras, I know that there are two particular classes of people there—the Natukotai Chetties and the Vathimar Brahmins—whose sole business is to lend money and to lend money at an interest of not less than 48 per cent. ! And not only that, some of them give Rs. 100 and generally take a document for Rs. 1,000 (Laughter) ; and we have got any number of cases of that description, and the Government and the public should not allow a state of things like that to go on any longer.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Do you practise money lending ? You also are a Madrasi Brahmin ?

**Mr. R. S. Sarma** : No, Sir, but I very often borrow, and I have experience of how this is conducted ; and therefore, Sir, I honestly feel that the time has come when these vampires who suck the blood of innocent people ought to be taught a lesson, and some action should be taken against these money lenders who can be rightly characterised as a public danger.

**Shaikh Fazal Haq Piracha** (North West Punjab : Muhammadan) : Sir, among the items of business that have come before this House for consideration in this session, the Resolution moved by Sir Muhammad Yakub, which is now under discussion, is of vital importance, as it concerns a majority of the Indian population consisting of the poor cultivators, labourers, and artisans, who are generally debtors to the money lending classes in India. Since the time the Resolution was moved, I have been hearing with very great attention the speeches that have been made from different sections of this House. During all this time I was looking forward to a gesture on the part of the Treasury Benches indicative of a desire to at least safeguard the just rights of the dumb millions. But I must say that I was sorely disappointed to hear the eloquent speech of the Honourable the Home Member. The Honourable the Home Member I am constrained to say has, by withholding his support, exposed the Government to the charge of failing in their duty, and a leading Member of the Nationalist Party, by opposing the Resolution the other day, has proved that the suspicions of the minorities, that their interests will not be protected under Swaraj, are well founded.

Sir, I congratulate the Honourable the Mover of the Resolution for having given a right lead, and I make bold to say that the legislation suggested by the Resolution has long been overdue, and that the Government by accepting the Resolution will be filling a serious void in the Statute-book.

If we trace the history of the profession of money lending, we find that all nations, irrespective of their ethical beliefs, did condemn usury and did legislate with a view to regulating the dealings between the debtor and the creditor. The Hindu legislators of old took the lead and laid down the rule of *damdupat* under which a creditor could in no case charge interest more than the principal. The rapidity with which this rule was enforced is chronicled in the pages of the history of Hindu civilisation. In the West the tenets of Roman law styled the charging of usury as an act of impiety and made Herculean efforts to stop it. The Jews, who were the chief money lenders, were despised by all and even up till now the very word "Jew" signifies a degenerate man. Under Islam usury laws are very clear and very strict, having all sorts of usury as *haram* (prohibited). So far as I remember, in England laws were passed long ago regulating the dealings between the borrower and the lender. But it is a pity that so far the Indian Legislature has done nothing in this direction. Many years ago the Indian Legislature recognised the principle, which has prompted the Mover of this Resolution, by placing in the Statute-book the piece of legislation styled as the Usurious Loans Act. But it is unfortunate that the language of this enactment has been construed by the different High Courts in a manner so as to make it a dead letter. The High Court of Lahore has in a Division

Bench ruling laid down in clear and unambiguous terms, that the provisions of the Usurious Loans Act cannot be invoked so long as the debtor cannot prove a clear fraud on the part of the creditor, and so long as the terms of the contract are not unconscionable. The learned Judges, however forgot that if fraud can be established the entire transaction, and not merely the terms as to interest, is to be set aside.

I understand that some time ago the Punjab Government made inquiries about the manner in which the Usurious Loans Act was being interpreted and enforced. The House will be indebted if the Government is pleased to lay that information on the table. So far as my information goes the information so gathered is to the effect that the Usurious Loans Act is a dead letter. Sir, I cannot say what is the condition of the debtors in the other provinces, but so far as the Punjab is concerned I must say that the money lenders are so mercilessly exploiting the zamindars and other labourers that in many cases the latter prefer death to their existence under existing circumstances. The zamindar and the labourer earns to fill the coffers of the money lender, while he himself, his wife and his children are denied the barest means of subsistence. The zamindar's life is that of toil and moil. He ploughs his field, waters it, then sows seed therein, and day and night protects the crop against human and animal depredations. In harvesting the wheat crop he bears on his head the scorching mid-day heat of the months of June and July and his shabby clothed body shivers during the freezing cold of December and January nights when he is either cutting the sugar-cane crop or pressing in the sugar-cane press. All this while, the money lender is either having a nap under a *punkha*, or is enjoying the cozy warmth of his bed. But when the crop is harvested, the money lender darts like a bolt from the blue, and takes away the entire produce before the poor *kisan* has fully pleased his eyes with fruits of his labour. The money lender has taken away all the produce towards a partial liquidation of a debt of Rs. 50 raised by the great-grandfather of the present zamindar. This story has been repeated every year ever since the debt was raised, but still the debt stands, because the yearly produce has always been taken away towards the payment of the interest which was charged at the rate of 300 per cent. Perhaps some Honourable Members may consider this as an exaggerated account of the real state of affairs. But I assure them that it is so. Let any Member, who thinks like that, go to the court dealing with money suits and the whole situation will be clear. I have in fact no intention to relate the harrowing tales of woe under which the poor debtors pass their days or I would have shown in detail how the poor people are being exploited. Go to any village in the Punjab and you will find that the money lender who now owns lakhs is the son or the grandson of a man who came to that village 20 years ago with barely ten rupees in his pockets. The question arises, did they possess the Aladdin's lamp through which, while the entire village body has been reduced to a state of extreme poverty, the *sakukar* has amassed a fortune? The answer is simple. The *sakukar* who invested Rs. 10 in money lending has been putting such hard terms regarding interest that the present state of affairs is the result. I come from a district where not long ago the zamindars were known to be in opulence, but now they are bankrupts simply because they had the misfortune of falling into the clutches of the money lenders who have sucked their very life blood. It is not possible for me, during the course of this speech, to refer to the different

[Shaikh Fazal Haq Piracha.]

tricks that the professional money lender plays to relieve his unfortunate victim of all his belongings. I will only say that no dodge is too mean for him. The thumb impressions of illiterate men are taken on *bahis* and other documents by a thousand pretexts, and the courts, unsympathetic as they are towards the poor, have no inclination of sifting the truth. I have in my possession some photographs of *bahi* leaves from the file of a Civil Court in proof of my assertion, but it is a pity that I forgot to bring the same with me when I came here. Blank leaves of *bahis* contain the thumb impressions of illiterate persons and in some cases the *bahi* entries are stamped, thumb-marked and witnessed, but the amount alleged to have been advanced is not mentioned and sufficient space between the other writing is left to enter any sum therein at the time of filing the suit. Do my Honourable friends who are opposed to this Resolution approve of this state of affairs? If not, what hitch is there to remedy the evil?

An Honourable Member remarked the other day that the money lending class is a great necessity and is very useful. I agree with him, but surely there must be a check on the vagaries of the money lenders. Fire and water are essential and useful for human life, but when uncontrolled, these very boons of nature prove the worst curse. Similarly, the institution of money lending is a great asset, but its working must be controlled by the State. Some Honourable Members might say that the Legislature should not interfere with the public's right to freely contract. If two men of equal mental development enter into a contract, surely the terms should be respected. But this argument does not apply to a case where a shrewd money lender is ranged against a simple illiterate zamindar. Shall we believe that the Indian Contract Act has not placed any limitations on the public rights to freely contract? Is it not against the public policy that a great majority of the earning public should be deprived of their hard-earned bread by a few unscrupulous Shylocks?

Sir, the Honourable the Home Member in his speech the other day, if I do not err, remarked that the Provincial Governments should be moved to take action desired in the Resolution, and very kindly promised to refer the matter to the Provincial Governments. In saying so, does the Honourable the Home Member mean to say that the regulation of interest does not fall within the scope of the civil law which is a Central subject under the Government of India Act? Then again, did the Government of India, I mean the Imperial Legislature, not mould the Usurious Loans Act? Surely regulation of interest is a Central subject and the authority which promulgated the Usurious Loans Act is competent to pass another law of the same kind.

Sir, as I said in the beginning, legislation on the lines suggested in the Resolution has long been overdue and the eyes of the entire zamindar population and other debtors are rivetted on the proceedings of this House. If this House wishes to retain the confidence of the public it must adopt this Resolution, otherwise we will be proving the truth of the allegation that everything is meant for the rich and the clever and that even the law of the land is intended to help them in looting the poor and the illiterate. Mind you, if you fail to protect the agriculturist and the labouring classes,

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you will be wiping off a class, which in the words of Goldsmith, will never be recreated, although the gentry can be created by a breath of the Sovereign.

Before I close, I wish to strike a note of warning. The poor debtors have been driven to desperation and I am afraid that too much oppression on the part of the money lenders, who enforce these unconscionable terms, by the help of the British bayonets, may not result in producing in India the scenes of the French Revolution. In fact the murders of several money lenders in the Punjab during the last few months are an index of the state of affairs. If the Government do not protect the poor people, the latter will have to resort to other means to demonstrate the truth of the proverb *Tang amad bah jang amad* : I hope and pray that better counsels may prevail and avoid calamitous happenings, that are brewing under the thick clouds of the money lenders' oppressions.

It is a misfortune that often times communal prejudices stand in the way of dealing with questions of vital importance properly. I appeal to the Honourable Members to consider the Resolution dispassionately on its own merits. There are Hindu money lenders as well as Mussalmans and Sikhs. The Resolution does not exclude any from its operations, and it is certainly a very distorted interpretation which can class it as a communal measure. All that the Resolution aims at is to make an effort to save the poor debtor class from the tyranny of the money lender, because the poor have much claim to seek protection from the law of the land as the rich.

Let us show to the world that we are fit to safeguard the interests of the dumb millions, and let it not be said that at a time when the champions of the Indian cause were fighting for their rights in England, those responsible for the making of the law for the good government of the country were oblivious of their duty to the poor and the oppressed, but aimed at establishing a government in which the good of the largest number was the goal.

**Mr. Nabakumar Sing Dudhoria** (Calcutta Suburbs : Non-Muhamadan Urban) : I rise to oppose the Resolution of my Honourable friend, Sir Muhammad Yakub. I am really astonished that such an unusual and unpractical Resolution should emanate, of all persons, from a lawyer.

Sir, quite probably moved by the widespread agricultural distress in the country he has brought forward this Resolution. But the mode he proposes to adopt for the amelioration of the situation is, I should say, quite unwise and absolutely unreasonable. I wonder whether the Honourable the Mover is in possession of any precedent of any other country in the world where they have restricted money lending in the way he proposes. (*An Honourable Member* : "England.") I would respectfully ask him how the Government can effectively initiate legislation to control money lending, or for the matter of that, control unrestricted usurious rates of interest between private individuals unless there is positive proof of undue influence, coercion or fraud on the part of the creditor. Money lending is a transaction between private parties, and naturally between adults on both sides. One party in the transaction requires money to feed his business or carry on some urgent private expenses. Such a party approaches another party who has surplus money or who is anxious to lend it out. But the party having the surplus cash will not part with his

[Mr. Nabakumar Sing Dudhoria.]

substance to the party needing it unless the latter accepts the terms of interest which the former proposes to him. Then the party in need has either to close with the terms proposed—(Let us take for granted that those terms are excessive, exorbitant and unreasonable),—or forego the chance of getting the money which he requires so urgently from the other party. Can the Government profitably interfere in such transactions? Can the Government compel the creditor-party to part with his money at a rate of interest or on such terms as will be acceptable to the other party? Supposing the Government prescribe a rate of interest beyond which a creditor will not be allowed by law to charge. The result of such legislation will be that persons having money in their hands will sit tight over it and would rather not lend it out lest they might come within the clutches of the law. What will be the consequence of such a state of things in society? The consequence will be that all business whatsoever will be entirely suspended; for no business in this world can be carried on without capital or money. Business people, however great their credit may be, often get into such a position as not to have any surplus cash in their hands. Borrowing must then be resorted to by them, as trades and industries in order to be carried on properly need funds. But if the State is to dictate on what terms private borrowing and lending should be regulated, both creditor and debtor will resort to subterfuges to avoid the provisions of law in order to achieve their ends. I shall quote some instances as to how that will be affected. Supposing it is interdicted that no creditor should charge 25 per cent. interest and monthly rest for money lent out on a promissory note, a business man, who is placed in a desperate financial situation, will fight shy of these legal provisions and will agree to take the loan on the terms which his creditor will impose upon him, i.e., 25 per cent. interest and monthly rest. What the former will do is to give to the latter a solemn oral undertaking accepting all the former's terms but writing in the promissory note in favour of his *mahajan* only such terms as are acceptable to the law for the time being. The debtor will strictly keep to his word and fulfil his undertaking either in greatfulness or lest he should not be able to get such a loan in future when in a similar plight. Even if the borrower turns perfidious to his undertaking and puts his creditor to trouble over the terms, he will have much ado to prove his case, as so far as the promissory note in the case is concerned the law has not been transgressed. He actually runs the risk of taking all the proofs upon himself and also the risk of getting no accommodation for the future from the same party, or for the matter of that from any other *mahajan* by reason of his act of bad faith.

It is for these reasons that the Resolution seems to me quite impractical and extremely unwise.

If my Honourable friend has taken his inspiration from the recent Punjab Provincial Council Act restricting exorbitant rates of interest, I may tell him that the result of such legislation has been quite prejudicial to the development of business in the present state of trade depreciation in that province. Much of the wheat slump is indirectly due to that unfortunate measure, and I am informed that clever subterfuges are often resorted to by both creditor and debtor to avoid the provisions of the Act.

If my Honourable friend means business and wants to improve the agricultural outlook, he had better devise other ways and means. He should attempt to establish agricultural banks, investing his own and other similarly minded friends' fortune therein and lend out money therefrom at reasonable rates of interest and thus earn the gratitude of all concerned. With these words I oppose the Resolution.

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

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

# MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

**Mr. President :** Order, order. I wish to read out to the Honourable House a Message which I have received from His Excellency the Viceroy :

(The Message was received by the Assembly Standing) :

" In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby disallow, on the ground that it cannot be moved without detriment to the public interest, the motion of Sir Cowasji Jehangir for the adjournment of the Assembly for the purpose of discussing the pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio.

(Sd.) WILLINGDON,  
Viceroy and Governor General."

SIMLA,  
22nd September, 1931.

# RESOLUTION RE CONTROL OF MONEY LENDING AND RATES OF INTEREST—contd.

**Mr. President :** Further discussion on Sir Muhammad Yakub's Resolution.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands) : Sir, we have listened to a very important debate this morning on a Resolution in which all parts of the House seem to have taken a very keen interest indeed. The debate has been for more reasons than one very interesting. Firstly because it deals with a subject in which not only all Governments from time to time but also all political parties from time to time have taken very keen interest. It has also been interesting because the part taken therein has been by men of considerable substance, not belonging to the debtor class, from the Nationalist Party Lala Hari Raj Swarup, representing the landholders of the United Provinces, made a very valuable contribution to the debate, a thoughtful speech, well prepared, well conceived and well delivered. He made constructive suggestions for the consideration of the House and presented a very well reasoned case for undertaking some legislation. He at the same time realised that there were considerable difficulties in the way of doing something immediately. He also pointed out that legislation was

[Sir Fazl-i-Husain.]

necessary, but legislation did not invariably succeed in achieving what it set itself to achieve. Then it was also interesting because it was not a one-sided debate. All who spoke did not speak for the debtor only. I was very pleased to hear more than one Member speaking on behalf of the creditor class, pointing out how very essential in the economy of rural life, of rural construction, the money lender was bound to be. Therefore, Sir, I may say that the debate on this important Resolution has been conducted on a pretty high level, and the House may well congratulate itself on having discussed with enthusiasm and yet with dignity a Resolution which might excite a great deal of feeling on either side.

Now, Sir, although I have myself been identified with rural interests in my own province, and although in this very hall five years ago, a Money Lenders' Bill, connected with the Regulation of Accounts Bill of the Punjab Legislative Council, was discussed for many days,—and I had to take a fairly prominent part in it,—the experience gained has enabled me to see both sides of this very difficult question. Now, in this Resolution two suggestions have been made, one with reference to controlling the operations of money lenders and the second for controlling the rate of interest. With the first of these two questions I may say I am fairly familiar. That legislative measure (I have referred to) was initiated by a private Member in 1922, I believe, after the English Money Lenders' Registration Act. It went on for two or three sessions and we discovered that it was extremely difficult to register all the money lenders in the Punjab. They would not have it; it was not in the best interests of the province. Then it developed into an attempt at creating some sort of assumptions in favour of the debtor, that is to say, the creditor was to prove definitely that the amount mentioned in the bond or in the account book was actually lent. We found considerable difficulty in eventually adopting that suggestion either. After many efforts at finding a suitable provision to help the debtor class and yet not to injure the lending class, we found that all that we could really attempt was to make provision that keeping of accounts was regulated. That does not sound very pretentious—regulating keeping of accounts, but really it is the pivot on which the whole case for the debtor rests. It has been said that large sums are deducted by way of interest before the money is lent. It has been said that there are signed documents quite blank to be filled at the discretion of the money lender as he likes. Well, Members of the legal profession, who have occasion to see possibly the good side of human nature, certainly the shady side of human nature, know that these allegations are not altogether unfounded. And yet it cannot be said that this opinion is a sufficient justification for the view that there shall be no money lending class. As a matter of fact, it is impossible for the rural people to get on without the help of the money lending class. It may be asked, "Oh, why have a money lending class, why not have co-operative banks; they ought to meet all your needs; why not have large banks in different centres of agricultural activity?" Well, Sir, I am afraid neither of these two can be found to be practicable. These serve a very useful purpose, but the man in the field waiting for the monsoon to materialise, as soon as rain comes, immediately wants to sow the seed. He wants money to buy the seed, and unless he has the seed or the money within two days, it will be of no use for that particular crop. How is he going to get that? To say that there ought to be a co-opera-

tive society in every village is no doubt a great ideal. I wish we could reach it ; one could say there ought to be a bank in every large village. That again is an ideal which we cannot expect to reach very soon. And in the Indian villages a *sowcar*, a banker or a money lender combines in his person more often than not more professions than one. Money lending is not his sole business ; he is also the provider of the needs of the village community in the matter of general stores ; and in some places, he is also a cloth merchant. When he combines so many professions, he is able to make both ends meet and save money. Therefore, this money lending, one might say, is a by-industry, a subsidiary industry along with ordinary shopkeeping. That is why he is able to do it very cheaply. I am afraid in course of time when we have developed secondary education to a great extent the economical old type of *sowcar* may disappear and his place may be taken by his comfort-loving, aspiring-to-live-well grandson, and then you will find not only the zemindar will be poor, the agriculturist will be poor, but the banker-*sowcar* will also be poverty-stricken. Therefore, when Members come and urge, here are such and such money lenders ; they came into particular villages practically penniless, with perhaps a hundred rupees or so ; and now, they have developed their business and their capital runs into lakhs,—well, they must remember that those are exceptional cases and cases of men who exercised wonderful self-restraint, who also, though possessed of money, have got habituated to a standard of living much below their capital or their earnings. These are things which are soon to become things of the past and neither of the present nor of the future. Therefore I venture to suggest as regards the suggestion of controlling lending of money that it is a subject which can only be dealt with suitably and adequately in a provincial Legislature. The Report of the Indian Banking Enquiry Committee, to which reference has already been made by more speakers than one, has mentioned with flattering observations the measure which was passed by the Punjab Legislative Council, and has suggested that other provinces might as well try and examine to what extent a similar measure will be suitable for them. Therefore, if I may so suggest, perhaps the Honourable the Mover will see that that part of his Resolution is undoubtedly going to be examined by that Department of the Government which will deal with the Banking Enquiry Committee's Report and no doubt will do what it can in that direction.

As regards the controlling of interest, I was very much impressed by what was said by the Honourable Member from the Punjab, Mian Muhammad Shah Nawaz. I believe his argument as to the rulings of the High Courts was very strong, and yet what was his proposal ? It was that a maximum rate of interest should be fixed by legislation, beyond which no lender can charge more interest and no debtor can agree to pay more....

**Mian Muhammad Shah Nawaz :** That was in the alternative. If you cannot do it, then amend the law.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Well, now, as regards amending the law, he did not say it should apply to a particular class of borrowers, and I do not see how reasonably it can be expected that it should apply to all. Take the case of the man who has not earned his property but has inherited it, and as happens in many cases, having inherited it, he proposes to get rid of it, and not having cash he wants to borrow. Well, why should in the case of that man, who is keen upon getting rid of the property that his poor forefathers had collected, and who has made up his mind not to keep it but to get rid of it—he cannot borrow

[Sir Fazl-i-Husain.]

money at the statutory rate. Is there any justification for the State to say that the man of that type who has made up his mind to go to the dogs, should not do so ?

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Why is an attempt to commit suicide an offence ?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** : Committing suicide is an offence because it is an extreme measure, but if my Honourable friend makes up his mind to commit suicide piecemeal, I wonder whether he will find any law standing in his way. Does not my Honourable friend realise that it is not a criminal offence to drink oneself to death ? However, not to go into side issues, I think it will be recognised that while in many countries efforts have been made to legislate for a particular rate of interest as the maximum, it has always been done with reference to a particular class of people and not for everybody. I was told that in the case of certain agriculturist classes it has been done in some places. But I again urge that you cannot legislate for all classes and lay down particular maximum rates. Whether you can or not, to my mind it is a matter which would require very careful consideration as to whether it is possible under the existing law, with such directions as the High Courts may be pleased to give, some relief or other can be obtained by the agricultural class of debtors only.

It has been asked, why has the law been invariably interpreted in a way which might be considered to be prejudicial to the case of the debtor ? That is not very difficult to explain. All laws are essentially conservative, and courts of law rather go by precedent than by the various slogans for reform or advance. Keeping in view the juristic principles of old, every court of law says, this particular law is at variance with those principles or is a trespass on those principles, and therefore must be interpreted strictly, and in that strict interpretation the object of the framers of the law is to a certain extent defeated. That I suppose has been the case in all countries and it is not unexpected that it should be so in the case of India as well. Still, that is no justification for our being inactive. We ought really to try and see whether something cannot be done in that direction. My own view has been that in most cases the courts of law have not been able to interfere because of the absence of requisite data on which to come to a conclusion that the transaction is vitiated by the inequality of the parties at the time the contract was actually made. Here is a bond executed, say, a few years ago. That is the last bond, and why should the court go behind it and even if the court tries to go behind it, it will not have the requisite material for it. If regulation of accounts is taken seriously in hand, there will be a continuous series of accounts between the debtor and the creditor and that will, I believe, enable the court to come to a decision whether at any particular step the creditor has over-reached the debtor. Therefore, is it not possible that the regulation of accounts may supply the data which courts of law need in order to reduce the rates of interest in particular cases ? I think, Sir,—the House will permit my saying so—that in view of the impending political changes, the attention of every one of us, whether Members on Government Benches or Members sitting opposite, is naturally attracted towards the welfare of the future rulers of the country; I mean the masses in rural areas. With their enfranchisement, which is bound to happen,

their interests will come to the forefront and it is undoubtedly wise on the part of the Honourable Members to take time by the forelock and begin doing something before they come in and try to do things perhaps much more rapidly than might be advisable. For that reason alone, there is, I believe, agreement between this side of the House and that side that no step should be left untaken, no suggestion left unexplored in order to arrive at a decision which will help us to bring the case of the rural classes within the possibility either of legislation or otherwise granting relief to them. I trust Honourable Members will realise that that is the extent to which the Government can at present go. They are ready, as the Honourable the Home Member in his speech made clear, in the matter of regulation of accounts to invite the attention of Local Governments to it. As regards the interest question, already he has taken steps to obtain the requisite data from the High Courts to see to what extent proposals for amendment of the Usurious Loans Act can be examined and if necessary amending measures adopted. I am sure all of us are under an obligation to the Honourable the Mover of this Resolution for having taken great pains to collect all the data that he did and for making a very convincing and very able speech, and he was ably and strongly supported by Members from different parts of the House, and I trust what little I have been able to say has been also in the same direction. Is it necessary for us to go any further today? That is a question which the Honourable the Mover can decide.

**Mr. B. B. Puri** (West Punjab : Non-Muhammadan) : Sir, I have listened with very great attention to the very able debate which has been conducted in the interest of the agricultural classes, but I regret that I cannot endorse the arguments which have been advanced by the learned Mover of this Resolution. I note that it has become more or less a fashion to run down the class of money lenders periodically. Whenever there is no better subject to engage our attention, we revert back to this pet subject of maligning this class. By the way, I am not a money lender, nor do I hold a brief on their behalf. (Interruptions.) With the permission of the House I would like to deal with what I call the practical side of the question. As to the theory we have heard the most elaborate arguments and we have been treated to some very interesting statistics and the comparative law which prevails in various other countries beyond India. That is all very well so far as it goes, but I will put most seriously before the learned Mover a practical case, and would expect a business-like practical answer from him. Here is the case of an agriculturist on whom the Government demand is being made. He is called upon to pay a large amount of money which is due from him as land and water tax. Or say the wedding of his daughter is forthcoming and he needs money. Or again, say his son is involved in a murder case and he needs money to defend him or it may be to pay a bribe to the police officer. It may be one or the other, only one is legitimate and the other is not. And suppose in all these cases he has not got the money. What would you advise him to do under the circumstances? He knows that he cannot put in his petition in the Imperial Bank or for the matter of that in a co-operative bank. He needs the money immediately, as the Honourable the Education Member was pleased to concede. In these circumstances, is there any course open to him but to knock at the door of the money lender? The only other course for him is to go and commit burglary or dacoity. He cannot beg and he cannot borrow and the only other alternative left is to steal. In these circumstances

[Mr. B. R. Puri.]

the money lender is the one person who accommodates him in time of his dire necessity.

You can make your law that, beyond a certain limit, nobody would be permitted to charge interest, and such laws are already on the Statute-book, but you cannot make a law compelling people to lend money, if they don't want to. It requires two to make a bargain. It is generally the debtor who has got the greater necessity. It is he who in the first instance goes to seek for a loan. The money lender simply sits tight. There can be no conceivable law which can compel him to lend money, because that will be pure and simple Bolshevism. The money lender can very well say, "If I lend my money, these are my terms". This is the practical side of the question. This man is perfectly within his right in saying that, "My money will not go out of my pocket unless the man who borrows it is prepared to pay a certain amount of interest". The borrower has no other course left and he has got to decide whether he will borrow on those terms or not. Well, Sir, if he chooses to borrow the money at that

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moment of necessity, what immoral act has the creditor committed, and what justification has the debtor to come forward at a later stage and say, "Here is the rascal who accommodated me when I badly needed the money. These were his terms; I well understood his terms; but although I am in honour bound to pay back the loan, still the Court might come forward, law might be twisted to help me to slip out of this obligation which I myself helped to create". Is that moral, Sir?

**Sir Muhammad Yakub :** Most certainly.

**Mr. B. B. Puri :** My Honourable friend says that it is moral; in that case his definition of morality materially differs from mine and I will leave it at that.

Again, Sir, let us pursue this question a little further. And examine it from a purely practical and business point of view. We should endeavour to find out what are the real causes which have made the agriculturist a permanent victim of such borrowings, because, after all, that is the real question. Why should he be under the necessity of always going about borrowing? Sir, it was pointed out the other day, if not by the Honourable the Mover, by some other Honourable Member, who said that the lot of the agriculturist in this country was that he borrows from the day he is born into this world until the moment he departs from it. Sir, in a season of prosperity he is a borrower; in a season of adversity he is a borrower! Is it therefore not up to us as honest people to find out what are really the causes at the bottom of this? What is the real cause of this phenomenon? Why should a particular class of people be always under the obligation to go about and knock at the door of any one who can lend them money? Surely that is the real question, and I submit that if an investigation in that direction were to be made, it might disclose that, after all, the real cause is that he is over-taxed. I am not accusing the Government at the present moment that the agriculturist is as a matter of fact over-taxed, what we do know is that he is not in a position to meet his obligations so far as the Government demand is concerned, and in fact the very next Resolution on the Agenda I believe is intended to secure for the agriculturist some sort of exemption or relaxation from the land and water taxes of the Government. Well, now if it really turns out to be true that the present plight of the agriculturist is mainly due to



his being over-taxed, then why beat about the bush, why not call a spade a spade, why not relieve that wretched man from that obligation ; why not relax the Government demand, instead of trying to fix an imaginary blame on another class of people, whose only fault is that when money was needed by the agriculturist, he accommodated him ? Is it not the case all the world over that the creditor dictates his terms and not the borrower ? Sir, there is a touch of humour in this Resolution, that instead of finding out the real cause, you are trying to get hold of a class whom, if you look at the question from a business or a moral point of view, you cannot justly accuse of anything. If the investigation is pursued further, it will show that the agriculturist as a class, being ignorant and uneducated, have not learnt the elementary rules of thrift. And not being thrifty, they suffer from *over-living* and perhaps I might add from *over-marrying* also. Sir, I know that in my own province in a season of prosperity when the harvests are good, when everything is plentiful, the average zamindar, finding himself in good circumstances, forthwith proceeds to celebrate one further marriage in addition to what he has got already. I know, Sir, on one occasion I happened to visit Waziristan—I do not see my Honourable friend, Mr. Howell, across the floor—when he used to be the Resident of Waziristan, and I learnt a very good lesson there which I think it might be useful for me to mention here for the benefit of the House. The Waziris as a class are a stalwart, bold and fierce people. They carry their lives on the palms of their hands, and they are willing to be murdered, and they are ready to murder anybody at any time. Their normal profession was loot and dacoity until the British went there ; and the policy which the Government followed was that the contracts of constructing the roads and the military buildings were given to the Waziris rather than to any other class of people, who went from India, who were debarred from taking these contracts, and thus those Waziris, who were hitherto mere professional dacoits, came into a lot of money and hardly knew what to do with it. With these contracts thousands, in fact, lakhs of rupees went into their pockets, and that made them all luxurious, lazy, indolent, and it was a pitiable sight to see as I did, having travelled on that road 80 miles from Razmak and Bannu, big stalwart Waziris, who were capable of committing a dacoity at night and reaching their homes back 50 or 60 miles in the course of 5 or 6 or 7 hours on foot, standing on the road-side hailing every motor car to give them a lift in order to accomplish a distance of three or four miles. That is the great change which the artificial wealth, this windfall, produced in them. On further inquiries, I found that these Waziris had now acquired the habit of buying Lipton's tea in the bazaars and putting on neckties. Sir, all this was absolutely artificial life ; they began to live on a higher standard, a sort of life which was not natural to them. Now after the roads were all built and after the houses were all completed and no more money came into their pocket, they have in the meantime acquired expensive habits which they now find it difficult to get rid of. This is precisely the case of agriculturists who not being thrifty cannot make the best use of their seasons of prosperity. Their ignorance is appalling but I do not blame them, because the Government which is primarily responsible for educating and enlightening them has failed in that duty....

**Mr. President :** The Honourable Member's time is up.

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : It is all a cock and bull story. (Laughter.)

**Mr. C. Brooke Elliott** (Madras : European) : Sir, we have here in our group a practical agriculturist. (*Mr. K. Ahmad* : "Hear, hear.")—Not there, but here ! My Honourable friend could doubtless make a good contribution to the debate but I venture to make it on his behalf. He has much practical agricultural experience in Rajputana. Sir, if I may say so, we are so far only discussing a single symptom and not the root cause of the disease. The money lender is not the disease, he is a symptom ; and as long as you try merely to deal with the symptom, you may cure that symptom but you are not curing the disease. Now, the real difficulty first of all is this : you can try and try again, but you will never define "usury". Now, if you cannot define usury how are you going to define a usurer ? The only description you can give of usury is the rate of interest that will be charged to a man of poor credit. Now, if a man has no credit, the risk to the usurer is greater and he must pay more. I should say that the odds increase in the inverse ratio to the degree of credit that the person has. Now, Sir, the real disease in India is the lack of credit, and the one thing that all Honourable Members should try to do is to create credit, in which case the usurer will disappear. You will not drive him out by legislation. That was tried in every country. Even Moses has led practically to the whole of the Moses family very largely indulging in earning their living by usury. And what you do want to create in this country is to create credit. In the past various methods of legislation have been tried. The judgment given by an English Judge, I think in Allahabad, is exactly the same judgment given by another English Judge in England. He has only to administer the law which he did not make and he has to follow the case law. I have practical experience that the moment you get on to words like "harsh and unconscionable bargain", you are carried away in an air of ideas and you have to try and precipitate them to stubborn facts. If it were possible to have some kind of patriarchal justice by which the money lender—the spider—and the agriculturist—the fly—could be brought before some person without having evidence on oath and Counsel and all the rest of it, it might be possible for a man who knew the country and the people to say, "You say you paid this man so much ; that is all rubbish, you gave him much less and you might reduce it". But, Sir, the moment that was done, all the profession including myself would say, "Oh, no, you must have evidence duly recorded", and there would be cross-examination and re-examination and re-cross-examination and cross-re-examination and so on. And the moment you do that, the remedy becomes worse than the evil because what little the man could get before the enquiry started he will not get after it. A friend of mine once asked a lawyer in England, "What is the difference between common law and equity ?". The reply was, "In common law they keep all you have got, and in equity they get all you keep !" (Laughter). So that when you treat the symptoms the doctor's bill—in this case the lawyer's bill—only increases.

There is a method in this country which has worked very well and I am sorry that some of the Collectors, as we call them in Madras, and the Commissioners, as you call them up here, have not told us something about how the co-operative credit societies work. My Honourable friend here says that the only thing he has seen as a practical measure of relief and as a practical treatment of the disease is to create healthy credit instead of leaving the money lender to create unhealthy credit. And if only we could get these co-operative credit societies put upon a wider basis and if

we could only educate the people, as I think Mr. Brayne in Gurgaon started to educate, in the real sense, the peasants of that district, and if all Honourable Members went back and sought to give all the assistance they can to work of this kind, then there would be some hope of our being able to tackle the disease. And as my Honourable friend Mr. Sykes said to me, if you could do that, and if the agriculturist could get his seed corn at 12 per cent. interest instead of 50, it would work a perfect miracle in the country-side. And his suggestion to me was to put in a word of praise and commendation for all that large body of un-official workers who have interested themselves in these co-operative credit societies. Of course from the Englishman's point of view he is not very keen on tight Government control. Obviously, however, there must be a very large measure of Government control in these matters until the people get strong enough to see the advantages and begin to practise thrift. In other words, it seems to me that you have got to educate the agriculturist by partly teaching him to read and write, and partly raising his physical condition, which in our part of the world—Madras—is unhappily rather low; for the lot of some of the people in Madras is not far above the line of semi-starvation. That is the only way, and I do think that while some methods of legislation for usury may be tried, as a practical lawyer I think that the agriculturist who comes to you and wants help would say if you offer him legislation, "I asked for bread and you have given me another stone". So, Sir, if that can be done, if there is any practical method by which further credit can be created, that is the real cure for the disease. Meanwhile, until that has been done, not only the agriculturists but people a good deal higher up socially may perhaps take comfort in the good old advice, "Having food and raiment, let us be content".

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, I beg to oppose the Resolution moved by my Honourable friend Sir Muhammad Yakub. Sir, while I fully sympathise with the fine sentiments that have actuated the Honourable the Mover to bring forward this Resolution before this House, I do not suppose for a moment that his proposals would be able to ameliorate the present agricultural distress in any way. The Honourable Member has evidently overlooked the fact that in the present trade depression what is urgently needed is capital—money—in order to revive business. But if what he wants, that is, if money lending is brought within the clutches of the law and rates of interest at which money lenders would only lend out their money are penalised, then we shall have to bid good-bye to all hopes of revival of business, much less the development of trade. Without minimising the adverse conditions under which our agricultural populations are labouring at the present moment, I make bold to say that any restriction put upon private monetary transactions would spell disaster to agricultural operations. The Honourable the Mover's proposal, if accepted, would create an unnatural nervousness among money lending classes to the detriment of all our future business expansion. I think the thoughtful articles on the present British economic proposals, contributed to leading magazines by the well-known English economist, Keynes, in which he has advocated resort to extensive borrowings by the Government at Home to feed capital undertakings and industrial projects, without in any way restricting their activities, has so far escaped his attention. I say, Sir, that the Honourable the Mover's recommendation will be entirely suicidal. More mischiefs than benefits would ensue from it. In such

[Mr. Bhaipul Sing.]

a time of financial stringency, as is more than evident, we should move very cautiously.

Again, supposing his proposal is accepted by the House and the necessary legislation is brought forth in consequence, I venture to say that the ingenuity of lawyers and resourcefulness on the part of money lenders would enable both the creditor and the debtor to evade the law. On the surface of things we shall have the useful formalities according themselves to strict legal provisions, but underneath there will be the usual subterfuges to escape them. Therefore, Sir, it would be better if we had no such law which would be more honoured in the breach than in the observance. If he is really solicitous about the cause he has espoused, the Honourable the Mover should employ himself in devising other practical schemes to achieve his purpose, because such proposals as he has now brought forward are calculated to hit hard not only agricultural operations but also the future development of commerce and industries in the land.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muham-madan) : Sir, at this late stage in the debate I only wish to say just a few words, not in the spirit in which some Members have tried to tackle this question, as if it were a case of class warfare, but to consider the practical considerations underlying the proposal of my Honourable friend who has moved the Resolution.

The Resolution consists of two parts ; one is to recommend to the Governor General that he should take up immediate legislation in order to control money lending. The second is to take measures to control unrestricted usurious rates of interest in India. These two matters should be kept apart and discussed as such.

The first point is to take steps to control money lending. As my learned friend, Mr. Puri, has pointed out, it has become a fashion of the times to begin to abuse money lenders in all places and in all provinces. I think that is hardly fair. The money lender has been the financier of the country in general and of the agricultural population in particular, for more than two thousand years or perhaps centuries untold. He is the man round whom the agriculturist must revolve. He was not perhaps so essential in the pre-British period, because the produce was shared by the landlord or by the State and he had to pay a share of whatever he grew on the soil in kind. But since the advent of British rule, he must find money to pay his land revenue demand, and therefore he must find ready money, even though the produce may not have been sold. Therefore various circumstances have brought about the need for the money lender ; and as has been pointed out, it is not right to go for the money lender and to leave untouched the root cause of the evil. We have had Reports of various committees—we have had the Report of the Labour Commission and the Report of the Banking Inquiry Committee ; and all have pointed out with great emphasis that the money lender is an essential factor in rural economy. Without him you cannot finance the business of the agriculturist. Let me put an illustration before the Assembly. We are asked, " Why is this man going to the wily money lender ? ". Why he goes there is a matter for inquiry, and we know pretty well from experience why he goes there.

But suppose he wants money ; what is he to do ? He is told to apply to the Central Co-operative Bank or to the Imperial Bank or Lloyds Bank and so on. And what is the answer ? He is told to give in a written application. He has to get somebody to write out an application. He is then asked by the bank to furnish a surety ; and if a surety is furnished he is then asked " What are your assets against which you want the money ? ". The assets are a bullock or two which are likely to die in time of famine, the crop which will grow, a few bangles and that is all. The land cannot be touched in most cases ; so that the real difficulty is that he has hardly any credit and it is difficult to get any money through the banks and on such slender security ; whereas the money lender is available on the spot even at eight o'clock at night. You go to him ; he knows you and you know him, and perhaps by word of mouth the whole transaction is arranged. And you avoid all this inconvenience. It is evident therefore that all this talk of kicking the money lender out of the land and abolishing his profession is one of the very last propositions that either the Government or the people can ever achieve. If that is so, what does this Resolution mean when it says control money lending ? Does it mean some sort of licensing ? May I point out, as the Honourable Member for Education, Health and Lands has been pleased to point out, that in the Punjab Legislative Council we tried to achieve that purpose by introducing a Bill, a private Member's Bill, which had all the blessings of my learned friend opposite and of the Punjab Government, and it was passed by the Council, after a very heated debate, though ultimately it never became law having been disallowed by H. E. the Governor. The Bill was on the model of the English Money Lenders' Act. The money lender had to be registered and various restrictions were placed on him. After making various sorts of inquiries we ultimately hit upon the expedient of a Regulation of Accounts Bill ; we did not find it practicable to have any kind of licensing of money lenders, but we merely said that those who lent money should keep accounts. That was the essential point underlying it—that the fraudulent person, the man who wants to try and drive a fraudulent or deceitful bargain with another man taking advantage of his ignorance, shall not be able to profit by it. But licensing has many other evils ; *e.g.*, if you license money lenders, it would mean endless trouble for the man who wants to borrow ; he must go through the list of licensed money lenders and he will be placed at the mercy of a ring of people, since only a certain number of people will be licensed and the circle of possible lenders will be small, and this debtor may be an impecunious man and may want money at short notice ; and if he is limited in his choice, he will be placed at a great disadvantage. Therefore this first part of the proposition to control money lending is unsound. This matter was dealt with by the Central Banking Inquiry Committee and they say that if we introduce this system of licenses, much as one would like to do it, it will only result in placing greater obstacles in the way of the borrower and result in harder terms to him.

Now, we come to the second part of the question, that is, to control unrestricted usurious rates of interest. Sir, it is a very tall proposition ; to find out what is a usurious rate of interest. Let us begin by saying that the limit shall be 12 per cent. Now for a good many people it is much too high ; for another class of people it is much too low.

**Mian Muhammad Shah Nawaz :** It should not be more than 12 per cent.

**Mr. Jagan Nath Aggarwal :** Let me take my learned friend's suggestion that it should not be more than 12 per cent. The rate of interest is the measure either of the credit or of the need of the man. Suppose you are not able to get money at the rate of interest at 12 per cent. or up to any limit that has been fixed and that your need is imperative ; you will go on your knees to this man or that ; and what is there to prevent his putting in the bond Rs. 1,000 and giving you Rs. 800 and getting a year's interest in advance or by some measure of that kind getting round the law that you make ? A measure of that kind fixing the rate of interest has always defeated itself in all countries and attempts have been made in this country also, in this Assembly as well as in the Council of State, to introduce legislation of that kind to fix the rate of interest. But the expedients of the money lender are so many and the necessity of this impecunious borrower so great and his credit so low and the circle of lenders so limited that he is always at the mercy of the lender. If you fix the rate of interest at 12 per cent., you achieve really no alleviation of the trouble. The rule of *damdapat* has been suggested many a time ; but let me just tell you the great hardship that the rule will inflict, particularly at a time like the present. The idea is that the interest shall not be greater than the principal. Very well ; if that is so, the moment the interest is going to approach something like the principal, a suit will be filed against the debtor and he will be placed in the court much sooner than he would otherwise be. At a time like the present when credit is low and money is scarce, the attempt should be to extend the period of limitation and give the debtor greater credit and give him something like a moratorium. But if you fix anything like this rule of *damdapat*, it means ruin to him. It has been brought forward many a time and it has failed for the very good reason that while it may have been sanctioned by Hindu Law at a time when society was primitive, under present day circumstances, under the working of commercial conditions this rule cannot be enforced. An impecunious person will hardly derive any benefit from it.

All that has been urged in support of this measure is that there is a large class of people, a very deserving class of agriculturists, who suffer from this great load of interest. What is the remedy that you propose ? The only remedy you propose is to put another man who has helped him into difficulty. That I submit is going about the business in the wrong way. If the agriculturist is really to be helped, he is to be helped not by impairing the confidence of those who have come to his help during the last thousands of years, but by providing greater credit for him.

Now, what is the reason for the comparative failure of your co-operative credit agency in spite of the Government backing and in spite of the boosting that has been given to it ? The reason is that they appealed only to a limited circle. If the co-operative credit societies had been worked not in the spirit of attempting to run down the money lender but in the larger spirit of inviting their co-operation and enlisting their sympathy, they would have succeeded much better. The remedy then for this evil lies not in either restricting the rate of interest or in accusing the money lender, nor in restricting the claim for more than

the principal, but in a steady attempt to give him greater facilities for getting money at a cheaper rate of interest. Now, how can that be done? That can be done only by making it possible to see that the great asset which he possesses is made available as security. The co-operative credit societies can manage to get their money in the easiest of all ways. No money lender has got such legal weapons at his command as the co-operative credit societies have, and if the co-operative credit societies lend money, it is no wonder. If you grant the same facilities to the money lenders as you do to the credit societies, they will be able to deal with their creditors in a very reasonable manner. It is very easy to say that the money lenders charge 25 per cent. interest, but if you look at the figures you will find that they can hardly realise more than 10 per cent. Therefore, the real remedies would be not those suggested by my friends, but to devise some system either of land mortgage banks or of co-operative credit societies working on a larger basis and also to secure the co-operation of these very people, so that money may be lent on the credit of the lands of the agriculturists.

Then, Sir, the greatest difficulty we find is on account of the ignorance of the people. My learned friends have wasted a good deal of time in arguing about the merits or demerits of money lenders, but has any Department of Government, barring a few honourable exceptions, taken the trouble to inculcate the lessons of thrift? That is the thing that is needed. These people walk into debts on every conceivable occasion, on marriages, on providing for the needs of some near relations, on ceremonies and so on, but the real need is to inculcate in these poor ignorant agriculturists the lessons of thrift. Unless ignorance and poverty are stamped out, unless these things are driven away, these conditions are bound to remain. It would not do to pounce upon one section of the community to try to relieve the distress of another. It should be a general levelling up of all sections. I therefore feel, Sir, that this Resolution, whatever may be the good motives underlying it, certainly will not achieve the purpose which the Honourable the Mover has in view.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division : Non-Muhammadan Rural) : My Honourable friend Maulvi Sir Muhammad Yakub has impressed upon the Government the urgency and importance of this motion. Though this Resolution has been moved with a sympathetic heart, it is inopportune to pass it.

At the very outset I wish to point out that the question of usury was seriously considered by the Government of India, and as a result thereof they passed Act X of 1918. This Act was designed to give additional powers to courts to deal in certain cases with usurious loans. The said Act in my opinion provides effective remedies to deal with the complaints mentioned in the learned speech of the Honourable Member of my Province.

Now, Sir, I shall turn to another aspect. To control the money lending operations is a tremendous task. It is easier said than done. In support of my contention, I only wish to say that all the Local Governments were consulted before the Act of 1918 was passed and they were unanimous in their opinion that the control or registration of money lenders was practically unworkable.

[Lala Brij Kishore.]

Supposing that these money lenders were registered. What would then happen ? The immediate effect would be that first of all the rate of interest would be raised by the money lenders, and if this rise in the rate of interest is also checked, the money lender will not easily part with his money. Two results would follow. The lot of the poor debtor would either be rendered more miserable or all sorts of subterfuges would be adopted by those who would be prepared to lend money. All this would lead to untold oppression and extortion. Some of my Honourable friends here would remember that a Bill with similar objects was introduced in 1923 by my Honourable friend Mr. Yamin Khan. But it fell through in the second reading.

Besides this, with some practical experience as an honorary judicial officer, I venture to say that the civil courts generally follow a sane and judicious policy in regard to the rate of interest.

**Sir Muhammad Yakub :** Do they ? Especially honorary judicial officers ?

**Rai Bahadur Lala Brij Kishore :** The time for such a drastic step as proposed by Sir Muhammad Yakub is inopportune. There will be a crop of civil suits against the poor debtors and their bad lot would be rendered worse in case the principle underlying the motion is accepted by the House, especially at such a time of economic and agricultural depression as is prevailing in the country. The Honourable the Mover's purpose will be defeated if the motion is accepted, because it will have the opposite effect, recoiling on those whom he wants to help. So without some amendments, which cannot be done now, I do not find any way to support the Resolution moved by the Honourable Member for Moradabad only for the reason that the times are not better.

**Sir Muhammad Yakub :** Sir, the great interest which this Resolution has roused in the House and the great length at which it has been debated would clearly show the importance of the subject-matter underlying the Resolution. I believe hardly any non-official Resolution has created so much interest as this Resolution has done. It has been debated for nearly two full days and every aspect of the question has been fully threshed out. I have received strong support for my Resolution from all sides of the House. The opposition, which has been raised to my Resolution, is of course quite natural. In these days it is very difficult to expect that a community like that of the money lenders, or those who derive benefit through them, will accept any self-denying ordinance. I never stated in my speech or in my Resolution that money lending should be abolished. I never said that the money lender was a scoundrel. I never said that the system of money lending should be put a stop to. All that my Resolution aims at ; is that the system of money lending should be controlled, and that it should be placed on the same level as in other civilized countries.

My friend Mr. Puri asked me some questions, and said what I should reply to them as a practical man. He pointed out that a tenant may



have a demand to pay his rent or that his son may be involved in a murder case or he may want to marry his daughter and money is required urgently, he goes to a money lender and asks for money, the money lender is at liberty to refuse to pay the money or to fix any rate of interest that he chooses. I say, Sir, that it is on account of these conditions and on account of the need of the money lender, that the system requires to be controlled and overhauled. If the need of money lending is so great, then there is all the more reason that this system should be revised and some check put upon the vagaries of the money lender. The evils of the usurious system have already been recognised by the Government, and several attempts have been made by them to put a stop to it ; for instance, the amendment of the Indian Contract Act, section 16, and the introduction of the Usurious Loans Act and its amending Bill, all these go to show that the Government have realised the evils of usury and uncontrolled money lending. My point is that the steps which have already been taken by the Government are not sufficient. Reference has been made to the Usurious Loans Act. My Honourable friend Mian Muhammad Shah Nawaz has clearly shown in what way that Act has remained a dead letter. I have already tried my best to search all the digests of the Indian law reports for the last twenty years and I have been able only to find out two or three cases, to which reference has already been made by my Honourable friend, Mian Muhammad Shah Nawaz, and in all those cases, the Act affected the case of the debtor adversely, it was never used in favour of the debtor. My point is this, that the Usurious Loans Act is a defective measure and it requires amendment. In the same way, section 16 of the Contract Act has also proved to be a defective measure and does not go far enough to give help to the debtor. Also section 34 of the Evidence Act, which allows the court to pass a decree on the basis of the account book of the money lender himself, requires some amendment, which would put a stop to the money lender's vagaries.

Sir, I have not restricted my Resolution only to agricultural debts. Honourable Members who have opposed the Resolution have restricted it only to the case of agricultural debtors ; they have themselves created a formula in their own minds and they have criticised it, and in that way they have tried to oppose the Resolution. My Resolution is quite a general Resolution ; it deals with the agriculturist as well as with any other class of people in the country. Again, I do not suggest any particular means by which this system should be controlled. There may be defects in certain suggestions which my Honourable friends have themselves made for the sake of argument, and they have contradicted those suggestions themselves. I say, I will leave the whole matter open. I will leave the whole case in the hands of the Government, and I want them to institute an inquiry, to consult the Judges of the High Courts, to consult the Provincial Governments, and to take speedy measures in order to remove this evil. That the system is an evil has been admitted on all hands ; even those who have opposed the Resolution have admitted the evils of excessive and usurious loans. It has been said by one of the Honourable Members that if you restricted the rate of interest, it would be a great hardship upon the money lender. I say if tomorrow the Bank of England raises its rate of interest, say, to 25 per cent. or 30

[Sir Muhammad Yakub.]

per cent., what would be the state in the country ? My Honourable friends on the Nationalist Benches would at once give notice of a motion for adjournment of the House and probably there would be a great hue and cry against the Bank of England. If it is objectionable on the part of the Bank of England to raise the rate of interest so high, then equally objectionable is it on the part of any private individual to raise the interest rates excessively.

As regards the Usurious Loans Act, there is one thing more. Generally, the cases in which excessive interest rates are charged are those for small amounts of money ; mostly they are of the value of less than Rs. 500, and no second appeal lies to the High Court in such cases. Again, most of these cases are of the nature of small causes, and there is no appeal, but there is only a revision, and that can be done only when the man can deposit the decretal amount. When the man has got no money even to defend the case, where can he get money to deposit the decretal amount and go to the High Court ? So, I think that the whole principle upon which these measures have been enacted requires deep consideration and thorough overhauling on the part of the Government. I do not want the Government to hurry up with the thing. No doubt I recognise that there are difficulties in the matter, but I also do not want the Government to show only a lip sympathy in the House and then sleep over the matter. The great fault of the British Government is that they do not do the right thing at the right time. They would do the right thing when the whole grace of it is gone and when the redress which they give is not appreciated by the people. In 1924 the representatives of the country in the Assembly made a demand for a Round Table Conference. They refused it, they rejected it. After three or four years, when there was civil disobedience in the country, when there was political agitation in the country, and when the whole fabric of the Government was shaken, then they offered a Round Table Conference, but the people rejected it. In the same way, when there is some peace in the country—of course, agrarian trouble has started and that is worse in the villages—I ask the Government to take prompt measures now to stop that evil. But I am sure my Honourable friend the Home Member will say, we will write to the High Courts, we will write to the Provincial Governments, and then they will sleep over the matter for years and years. By that time agrarian trouble would have gone out of control of the Government, when it would have created a revolution in the country, probably when it would bring about the same conditions in India as Bolshevism has done in Russia, of which the chief victim will be the money lender himself,—then probably the Government will wake up and try to do something which will not help them at all, as an Indian poet has said :

*“ Hamne mana ke taghaful na karoge lekin,*

*Khak hojayenge ham tumko khabar honetak.”*

It means, “ We concede that you will not exercise forgetfulness, but we would have been reduced to ashes before you come to our rescue”. I hope that my Honourable friend will not delay to come to our rescue until we have been reduced to ashes.

**The Honourable Sir James Orerar** (Home Member): I should like to assure the Honourable Member that we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration. (Hear, hear.)

**Sir Muhammad Yakub**: I am very glad that the Honourable the Home Member has given me this assurance, and I hope that his promise will not be like the promise of the beloveds of the poets of Asia;—whose promises are never fulfilled. As the poet says:

*“Tere vade per jiye ham to yeh jan jhut jana,  
Ke khushi se mar na jate agar eitebar hota.”*

That is to say, “I am living on thy promise because I consider that it will never be fulfilled; I would have died on account of extreme delight if I were assured that it would soon be fulfilled. (Laughter.) On such a promise I am living, and on such a promise I beg leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

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**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): In view of the fact that we had a three days debate on the agricultural question, I do not want to move my Resolution\* and I shall take my chance next session.

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#### RESOLUTION *RE* REBELLION IN BURMA.

**Mr. B. Rajaram Pandian** (Madura and Ramnad cum Tinnevely: Non-Muhammadian Rural): Mr. President, before I move my Resolution, kindly allow me to associate myself whole-heartedly with the tributes paid by this House to my late lamented friends Messrs. Sahani and K. C. Roy.

I shall now proceed to move the following Resolution which stands in my name. It runs thus:

“This Assembly recommends to the Governor General in Council that a committee consisting of officials and non-officials be appointed,—

- (i) to investigate and find out the causes that led to the recent rebellion in Burma;
- (ii) to suggest ways and means for their removal; and
- (iii) to make proposals for awarding compensation to all those who have suffered damage both to person and property.”

I have in this connection to make pointed reference to the anti-Indian feeling that has of late crept into Burma amongst some sections of the Burmans where previously there was none. It is a matter for deep regret that such a feeling should have now found its vent in the way of a most deplorable rebellion causing the greatest possible havoc to the Indians who have gone there as peaceful traders, bankers and

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\*“This Assembly recommends to the Governor General in Council to take immediate steps in fixing the land revenue in kind which may be collected in Indian money, equivalent to the value of the grain, in the month of April after taking into consideration the average rate of prices of the preceding year.”

[Mr. B. Rajaram Pandian.]

labourers, and who have never hitherto concerned themselves very seriously about the political movements in Burma. They have, therefore, been carrying on their peaceful avocations in perfect amity with the Burmans, who in many cases even looked upon them as their own kith and kin. But it is regrettable that so great a change should have come upon the Burmans in so short a time. It may not, perhaps, be difficult to assign the reasons for the change. There is a section of the Burmans who have been clamouring for some time past for the separation of Burma from India. They are not, in any sense, representative of the public opinion in Burma which appears to be equally divided on the question of separation. The question of the separation of Burma was one of the many that engaged the attention of the Round Table Conference and it was assumed at first for all practical purposes that so far as the question of separation of Burma went, it was a settled fact. But since this decision was taken, I understand that the question of separation has been declared an open question and that the Round Table Conference has not, as yet, taken its final decision with regard to this question. There was considerable protest from some of the Indian delegates, including Mr. Shiva Rao, against the original decision on the ground that public opinion in Burma is not even now unanimous in demanding separation. There is a considerable body of Burmans who are protesting against the separation and it is a matter now in the hands of the Burma Round Table Conference which is to meet in November next. My friend Mr. Maung Maung Ji a Congressman himself, who is representing a very influential section of the Burmans and who has gone to England in this connection, is also against it.

Then again there are some anti-Indian legislative measures which may also be said to have been responsible for the recent outrages committed on the Indians in Burma. I must say, however, at the outset that the trend of events in Burma during the past nine months and more has been to create a sort of disaffection in the minds of a section of the Burmans, who are for separation, against the Indians, with the result that the Indians are now looked upon with great horror and disgust as being responsible for the impoverishment of Burma. This feeling is being sedulously fostered by a section of the anti-Indian Press in Burma, who omit no opportunity to propagate the anti-Indian feeling with all the facility which they can command. It is also widely believed, and perhaps with some show of justification, that a section of the Government officials in Burma have also contributed to the spread of this feeling to some extent. The Burma Indian delegation which waited upon His Excellency the Viceroy to make representations regarding the position of the Indians in Burma has found that the irresponsible utterances of some of the Government officials have also had their share in encouraging the recent outbreaks in Burma.

It is impossible for us, however, to close our ears to all those dreadful stories which have happened in Burma during all this period of nine months, stories the most thrilling and pathetic and the tales of sorrows and sufferings which the Indians underwent in the course of the rebellion. Even according to the scanty news that was filtering through the papers, which to all intents and purposes can never give an exact

and accurate report of all that transpired in Burma, the position of the Indians has been exceedingly precarious and the ceaseless reports of the many dacoities and murders, with which the papers were only too full, sent thrills of horror into the minds of the Indians who had not only staked their all in Burma but many of whose kith and kin were actually engaged in the peaceful avocations of banking, trading and agriculture in Burma. In this manner a position of great insecurity was created for the Indians in Burma, who had no other alternative but to return to India by the next available boat. Within my knowledge, Sir, many a gentleman in my part of the country, who had been to Burma and who had established his reputation there in the banking and in the commercial world, returned bag and baggage after having had the most miserable experiences.

The rebellion itself in the first instance was believed to be an attack against the Government with the idea of subverting the Government established there by law. But by a curious irony of circumstances it turned out to be an indiscriminate action of the mob directed against all communities without any distinction of creed, colour or nationality.

I do not however propose to take much of your time in enumerating the wrongs which unsuspecting Indians suffered at the hands of the dacoits and marauders in Burma. But assuming for a moment that the Government had to face a situation which probably they did not anticipate, is it not the evident duty of the Government of Burma to act quickly and methodically in dealing with such a situation? There are the emergency ordinances, there are the military contingents available at short notice, and yet it is passing strange that these were never resorted to even in the most trying hours of the rebellion, but only at the fag end when the rebellion was practically dying out except in a few places. The Government of Burma, in more than one official review of the situation, have made much of the amnesty which they have proclaimed to all those who have been induced to join the rebel gangs without any volition of their own. Can it ever be seriously contended that this was in any degree responsible for the disappearance of the rebellious tendencies in the people who had the courage to fly in the face of all law and order and who at one time went so far as to even establish what they styled the "Rebel Raj" in Burma? What is the inference to be drawn from all this? It can only be one of two, namely, either that the Government of Burma was absolutely incapable of dealing with the situation, or it has been deliberately indifferent to all the happenings there allowing things to take their own course. I leave it to you therefore, Sir, having heard me so far, to draw your own conclusions from these facts.

I shall now pass on to the subject-matter of my Resolution, namely, to appoint a committee consisting of officials and non-officials to investigate thoroughly into the origin and causes of these riots and to decide the question of compensating all those, whether Indians, Chinese or Europeans, who have suffered as a result of these disturbances.

I propose that there should be no discrimination whatever in the appointment of this committee. It should be a  
 4 P.M. committee composed of Indians, Burmese, Chinese and Europeans, presided over, if possible, by a Judge of the High Court of Burma or in India to secure an impartial finding on the many subjects involved in the inquiry. The personnel of the committee should be fully

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and thoroughly representative of the various public organisations in Burma such as the Burma Indian Chamber of Commerce, the Burma European Chamber of Commerce, the Nattukottai Chettiers' Association and also the representatives of other nationalities including Muslims, Chinese, etc. The official element of the committee may be drawn from the members of the Government of India and also from the Indian Legislatures. Such a committee alone would be interested in securing impartial findings on the many difficult questions such as the removal of the causes of general disaffection which seem to have been responsible for the rebellious outbreaks and also for laying down the canons of compensation to those who have suffered terribly as a result of these disturbances. With these words, I commend the Resolution to the acceptance of this House.

**Mr. Uppi Sahab Bahadur** (West Coast and Nilgiris : Muhamadan) : Sir, I rise to second the motion. Sir, the rebellion has continued for the last seven months in Burma, and the Indian Army has been engaged in quelling that rebellion, but it is a matter for regret that it has taken such a long time to quell this rebellion in a part of the British Empire. I rise to support the Resolution for this reason. Of the people who have suffered in the rebellion, the Indians are the one set of people who have suffered most terribly, and among these, the South Indian people the most, because a large number of South Indians, people who belong to my community, have migrated to Burma. The Moplah community, Sir, have emigrated far into the interior of Burma ; and it was sad for us to see that many of them have had to run away with merely their clothes on, leaving everything they earned with laborious toil behind, and many of them lost their lives also. Sir, in the circumstances, it is up to the Government to make an inquiry and to prevent any such calamity from recurring and to mitigate the existing calamity. With the anti-Indian movement going on in Burma, it is up to the Government of India to stem the tide of such a feeling and to try to bring about the amity and concord which prevailed hitherto in that country. With these words, Sir, I support the motion.

**Mr. F. B. Leach** (Burma : Nominated Official) : Sir, this Resolution does not appear to have interested the House quite so deeply as the Resolution which preceded it, and I had hoped that before I got up to speak, more or less on behalf of the Local Government of Burma, there would be a little bit more to reply to. The Honourable Member who moved the Resolution said extremely little about the rebellion at all and confined himself almost entirely, until the last two or three minutes of his speech, to dealing with the attacks which had been made on Indians by Burmans. Sir, everyone knows that attacks of this kind have been made, and nobody deplores them, I am sure, more than the better class Burmans. I am sure that both the Burman Members who are now in this House will support me when I say that. But I do not think that these attacks which have been made in any way justify the appointment of a committee, as has been proposed by the Honourable the Mover of this Resolution. In the first place, I should like to point out that the attacks on Indians, though they are doubtless due to a considerable extent to the same underlying causes as the rebellion, are not part of the rebellion

at all and are only very distantly, very vaguely connected with it. They have not even taken place in the districts where the rebellion has been most prominent. The rebellion broke out in the district of Tharawaddy, which is about 70 to 100 miles north-west of Rangoon on the railway line leading to Prome, and it has been very largely confined to the districts between Rangoon and Prome and a district on the Irrawaddy above Prome. The attacks on Indians broke out two months after the rebellion on the borders of Pegu and Toungoo districts, about 100 to 150 miles north-east of Rangoon on the railway line to Mandalay. This area is separated from Tharawaddy district, where the rebellion has been worst, by a practically impenetrable block of mountain and forest known as the Pegu Yomas and there is no reason whatever to suppose that the attacks on Indians were directly instigated in any way by the leaders of the rebellion. The attacks on Indians are doubtless the outcome of economic and agrarian difficulties with which the Province of Burma is now unfortunately faced. Sir, Burma has been hit extremely hard by the present trade depression because it depends almost entirely on its one staple crop of paddy ; and the price of paddy has dropped by 40 or 50 per cent. from last year, and by even more from the price which has prevailed during the last ten years since the war. This has very seriously affected the small cultivator and the landless labourer class. At the same time they, like the corresponding classes in India, are very much in debt. Their condition is very similar to the condition, which has been described in the speeches on the previous Resolution, of many of the small cultivators in India. Unfortunately, in Burma, this economic difficulty is to some extent complicated by the fact that the money lending business of the country, as the Honourable the Mover of this Resolution in his speech has shown, is very largely in the hands of Indians. The fact that the smaller Burman landowners and the labouring classes are getting more and more into debt has therefore aroused an anti-Indian feeling. This feeling is not altogether unnatural when, as any one who has been to Burma will realise, in any large village in Lower Burma which you enter, you will probably find that by far the best house in the village belongs to the local *chettiyar*, and that the largest and the most prosperous looking houses and shops belong to Chinamen and Indians. It is not altogether unnatural that the Burmans should, in a period of unexampled economic difficulty, begin to resent the prominent position which foreign communities have succeeded in making for themselves in the country. Now, Sir, I do not wish it to be thought by anybody in this House that in saying this I am in any way attempting to excuse the use of violence which unfortunately did occur. I am merely stating the facts as briefly as possible, because I think there is little doubt that this was the origin of the attacks on Indians. Well, Sir, these attacks started in the month of February, as I have said, on the borders of the Pegu and Toungoo districts. It was hoped at first that the local officers had succeeded in controlling the movement there. Unfortunately this hope was frustrated and the attacks broke out again in the following month and then spread very rapidly to three or four neighbouring districts, mainly to the district of Hanthawaddy round Rangoon and, to a lesser extent, three or four districts of the Irrawaddy division which forms the delta of the Irrawaddy river. There were no attacks, I think I am right in saying, in other districts at all, and the general feeling of Burmans

[Mr. F. B. Leach.]

towards Indians in the rest of Burma, particularly in Upper Burma, has not been affected.

Now, Sir, the Honourable the Mover of the Resolution tried to make out that the cause of all this was the proposal for the separation of Burma. I am afraid he has given no reasons for thinking so and I cannot possibly say what grounds there are for supposing that. The motive is admitted on all hands to be purely economic, and I do not think that there is any object in appointing a committee to inquire into this.

I will not deal with a good deal of what the Honourable Member said on the subject of separation except with one point. Most of it was entirely irrelevant, but I should like to protest very strongly against his remark that a section of Government officials in Burma, who wish for separation, have fostered the anti-Indian feeling. That, Sir, I consider a most scandalous remark to make. I am glad to say that there is absolutely no justification for it. A similar allegation was made by the Burma Indian Chamber of Commerce in a letter to the Local Government, but they did at least confine it I think to the subordinate police in one district, and said that in certain cases it had been reported to them that the subordinate police had joined the Burmans in hammering the Indians instead of helping them when they went to make complaints. The accusation which the Honourable Member has now made is an entirely new one to me and he has not explained to the House in any way any facts which support him.

Then, Sir, the Honourable Member did go on to say something about the rebellion. He tried to make out that the rebellion which was believed at first to be an attack on Government turned out later to be an indiscriminate attack on all foreigners. I have already dealt with that point and I have tried to show that the rebellion and the anti-Indian movement were really two separate things. I have no doubt, Sir, that a large number of the criminal classes in Burma were inspired by the rebellion and by the initial success of the rebels in certain areas to turn to and see what they could do in the same line, and in certain parts of the country they found it considerably easier to go and loot the houses of isolated Indian cultivators in the fields than to join in the rebellion on the lines on which it was being run in other districts. But I do not think that that amounts to saying that the anti-Indian movement was part of the rebellion.

Well, Sir, at the very end of his speech the Honourable the Mover gave a summary of the three parts of the Resolution and said that he hoped that the House would support him. It is a little difficult for me to oppose a motion which has not at present really been supported by anybody on any adequate grounds, but the ground on which I would ask the House to oppose this Resolution is mainly the ground which has been shown very clearly indeed by the speech of the Honourable the Mover, namely, that if a committee is appointed to inquire into the rebellion, it is perfectly certain to be dragged off on to the trial of this red herring of the attacks on Indians, and that it would serve no useful purpose whatever to have an open inquiry by a large committee on that subject now. The attacks on Indians have, I am thankful to say,



ceased—I think may say completely ceased—for the last two months. It is perfectly true that if you read the papers you will find occasional reports of dacoities on Indian houses. But I think I can say pretty truly that for the last two months these attacks on Indian houses have not been due to any communal ill-feeling but have merely been committed by wandering dacoit gangs, because the Indian houses happened to be more worth dacoiting than any Burman houses in the village, or possibly because they knew that the Indian had a gun and they hoped to be able to get hold of it, or some reason like that. But I do not think that there is at present any trace of the anti-Indian feeling which did exist six months ago worth holding an inquiry into. And I am convinced that if any committee of this kind went round holding inquiries, it would be far more likely to do harm than good, because it would at once stir up this feeling again. Although there are no outbreaks at present the underlying feeling is there and it is bound, I regret to say, to remain there. Indians and Burmans have to a large extent different interests in Burma, and though in the past there has been plenty of room for both of them without their interests coming into direct conflict, that period is passing, and in future their interests are, I am afraid, likely to conflict more rather than less. In the past Burma has been fortunate in being spared communal ill-feeling of this kind ; and I think that thinking men in Burma, Burman or Indian or of any other race, will join with me in hoping that it will continue to be as far as possible free from communal ill-feeling, and in desiring most earnestly to do nothing which would have a tendency to stir up that communal ill-feeling. On these grounds therefore I hope that the House will oppose this Resolution. I do not wish to say anything more about the rebellion because nothing has been said about it by previous speakers. I would merely give this one reason, that the rebellion would be certain to be mixed up with the anti-Indian feeling and for that reason alone the time is not opportune for a large committee. Nor has the Honourable the Mover shown any necessity for the appointment of such a committee at all. The rebellion is still going on to a certain extent, but it is very nearly, we hope, over, and the officers of Government should not be disturbed in the difficult task on which they are now engaged of stamping out the sporadic dacoities which the rebellion has given rise to, and they would be dragged away from this work by the appointment of any such committee. I therefore oppose the Resloution.

**U Tun Aung** (Burma : Non-European) : Sir, I am placed in a very awkward situation in taking part in this discussion for two reasons ; the first is that I have every sympathy with the Honourable the Mover in his desire to clear up the cloud in Burma over this alleged anti-Indian feeling question, but on the other hand I do not at this moment feel that any definite and useful purpose will be served by holding this inquiry at this juncture, when I understand this supposed anti-Indian feeling is dying down. The Mover has not traced how this anti-Indian feeling had crept into Burma. In his motion he referred only to the rebellion. This anti-Indian feeling crept into Burma, as a result of the Indo-Burmese riots which took place some six months before the rebellion. These Indo-Burmese riots started from a strike of dock labour. As you may know, Sir, the

[U Tun Aung.]

dock labour in Burma is entirely monopolised by the South Indians. There was a strike sometime in June, 1930, and as the employers, the stevedores, could not afford to keep their boats idle in the river, they engaged the services of Burmans. The Burmans in those days, as well as now, have been severely hit by the unprecedented fall in the paddy market. The cultivators from the districts rushed into Rangoon to get employment in the docks. Rightly or wrongly they were employed. After a week, the Indian labour came into an agreement with the employers, and without giving any notice to the Burmans employed there of the said agreement, one morning the Indians started assaulting the Burmese coolies, and thus the riots started. I am very sorry to say that the riots started as a result of the aggressive attitude taken by the Indians there ; but anyhow the riots were quelled in a few days and the Burmans, as a forgiving race, forgot all about them. Normal conditions were resumed.....

Mr. B. Rajaram Pandian : May I know if that was the finding of the Committee which inquired into the matter ?

U Tun Aung : I am coming to that. As my friend has asked me whether it was the finding of the Inquiry Committee, I may say at once that there was an inquiry made into the causes of the riots. I do not know for what reasons the Indian section *en bloc* boycotted the inquiry. Only the evidence that came from Burmans was placed before the inquiry and the Committee had to come to conclusions without the assistance or evidence of the Indian section. It is most unfortunate that the Indian section did not then take the opportunity of placing their grievances and their evidence before the inquiry. As I say, the feeling against the Indians, however, died down and normal cordial relationships were resumed. Some six months afterwards, the rebellion broke out. We do not still know what are the true causes of the rebellion. Some sections of the people ascribe it as being due to economic causes ; some say political and some say that both are responsible. In this connection I may say that in the local Legislative Council a motion was moved for an inquiry to be made into the rebellion. But the Government did not accept that motion on the ground that the matter was still *sub judice* inasmuch as trials were going on, and as such it was not proper at that moment to hold any inquiries as to the true causes of the rebellion.

My friend has referred to the unfortunate incidents that took place in course of the rebellion. I along with my friend here very much deplore that there should have been any loss of Indian lives in those unfortunate fights. But it must be remembered that when people took up arms to fight for reasons which I have already indicated, namely, that they were very hard hit and poverty-stricken by the fall in the rice market, they could not be expected to select or discriminate as to whom they should attack. They simply were driven to look out for some plunder or loot. They attacked anybody who had some property, whether he was an Englishman, Chinaman, Burman or Indian. There are many cases of well-to-do Burmans being attacked and also very many cases of village officials being killed ; but in the course of those attacks unfortunately there happened to be a few Indians also ; and I do not wish my friend at this moment to bring in this anti-Indian

question into Burma once more because as I said before that in moments of lawlessness and helplessness the Burmans could not pause and say, " We will spare the Indians and attack only the Burmans ". They wanted to loot and they wanted to get some property and they did so. I find that the accounts about the rebellion are very much exaggerated in India. They are many times more magnified than they actually are.

My friend as a representative of the Chettiar community may know that before the Indo-Burmese riots the relationships between the Burmans and the Chettiars were most cordial. As a matter of fact, in every part of the province you will find the Chettiars. I would have taken part in the Resolution moved by my friend Sir Muhammad Yakub about the Usurious Loans Act, but by so doing I did not again wish to introduce the anti-Indian feeling. It is a well known fact, Sir, that the Chettiars are simply fleecing the Burmese agriculturists in Burma, but I have an excuse for them. The Burmese want money, and so they go to the Chettiars. So why should not the Chettiars make a business out of them ?

**Mr. K. Ahmed :** At what rate ?

**U Tun Aung :** At a rate which suits their sweet will and pleasure.

**Mr. B. Rajaram Pandian :** I am not speaking for the Chettiars, but I put my Resolution on general grounds, because every community has been affected in Burma, and that is why I urge that an inquiry should be set up which will be appreciated by all people.

**U Tun Aung :** I am citing the Chettiars as an instance, and it is the best instance that I can quote so far as the relationship between Burmans and Indians goes. They are on the most intimate terms.

Now, my only anxiety is, my only fear is, that if we are to constitute an inquiry at this moment, that very unpleasant and very undesirable feeling, i.e., the anti-Indian feeling in Burma, especially at a time when such a feeling is dying out and things are settling down to normal conditions, is likely to be revived. Before the Honourable Member moved his Resolution, I had a long talk with him. I do not for a moment want to oppose him so far as the constitution of an inquiry is concerned, but I do not wish to disturb the dirty waters again. And my friend himself is not sure whether the personnel of this inquiry Committee, if constituted, would suit the whims and caprices of the Indians in Burma, and there is no assurance that they would not boycott this inquiry also, because they had already boycotted an almost similar inquiry on a former occasion. I do not think that this is the right moment to ask for an inquiry into the causes of the communal troubles in Burma, which I say do not spring from rebellion, but from a previous incident, and if the scope of the inquiry were extended to that previous incident, it would be found that the Indians were in the aggressive.

**The Honourable Sir James O'Grady (Home Member) :** Mr. President, I think that the Honourable the Mover of this Resolution will have by now realised that he is not quite to be congratulated on the opportunity which he has selected for moving this proposition, on the propriety of the procedure which he invites the House to adopt or on the prospect of any good resulting if his recommendation were accepted. His Resolution, however, has had one very useful consequence.

[Sir James Crerar.]

We have heard from two different quarters,—both quarters extremely well informed with regard to conditions in Burma,—we have heard two extremely interesting and extremely informing speeches. There is very little left, therefore, for me to add, but there are one or two points which I desire to emphasise. The first is that it is quite clear that the Honourable the Mover of this Resolution has very seriously confused the issues. There is, at the present moment, no good ground for an inquiry. The House has already been placed in possession of the fullest material bearing both upon the rebellion and upon other incidents not entirely connected with the rebellion, regarding which I laid on the table to-day a long and full statement. I think, therefore, that the appeal which was made by my friend Mr. Leach and the other Honourable gentleman from Burma opposite is one which ought to convince the House and to which Honourable Members have listened with great respect. Is it desirable for us to send out a committee to Burma to walk over ashes under which the fires are still smouldering and possibly to revive them again? Can any thing be gained by our doing that? Would we, as a matter of fact, be justified in urging this course upon the Local Government? As Mr. Leach has pointed out, so far as the rebellion is concerned, it is now to a large extent subsiding. Nevertheless there are a large number of sporadic dacoities which are still occupying the attention of the troops and the police who are engaged in the suppression of these disturbances. Thereafter there will be the urgent need of adopting such measures of reconstruction as are possible. It would be very undesirable at the present moment that the energies and the attention of the officers of Government should be diverted from these immediate and essential tasks in order to cope with an inquiry which is entirely unnecessary. And when I speak of that, Sir, I think that this House will be prepared to recognise that the Government of Burma and its officers have been engaged in dealing with a task of the greatest magnitude. They have discharged that task with the utmost courage and perseverance, with an earnest desire to terminate these disturbances as soon as may be and to do all they can to repair the damage and the injury that has been caused. This is not the moment, Sir, for us to interfere with those efforts. Still less, as both Mr. Leach and Mr. Tun Aung pointed out, is this the occasion for us deliberately with our eyes open and with warnings from those best qualified to advise us on this matter, to embark upon an enterprise which may lead to a very serious recrudescence of those unhappy animosities between communities in Burma which now have ceased and which we all hope will soon cease for good. Sir, I oppose the motion.

**Mr. B. Rajaram Pandian :** Sir, after what has fallen from the Honourable the Home Member and my friend Mr. Tun Aung, I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

#### RESOLUTION RE THE IMPERIAL BANK OF INDIA.

**Mr. President :** I am not sure whether there is time to take up the other Resolutions. Mr. Maswood Ahmad is not here. Mr. Reddi, do you wish to move your Resolution?

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural) : Yes, Sir.

Mr. President, the Resolution that stands in my name reads thus :

“ This Assembly recommends to the Governor General in Council that a Committee of Inquiry be appointed to inquire into the working of the Imperial Bank in all its various branches.”

Sir, at the outset I may mention that I am very much handicapped by not having with me a copy of the record of the evidence given before the Banking Enquiry Committee by many of the Indian witnesses, because in that enquiry they have given out all the defects that are obtaining in the working of the Imperial Bank. I tried to get the office copies at least from the Secretariat, but I find that all those copies have been sent for printing and they will not be available for a month. So, though I cannot quote facts and figures, or chapter and verse in support of my Resolution, I have to be content with stating the facts and the inferences drawn from the evidence.

Sir, the Imperial Bank is the creation of a statute of the Indian Legislature of the year 1920. Before the coming into existence of the Imperial Bank there were what were called Presidency Banks. During the Great War these Presidency Banks did yeoman service to the Government, and so after the War it was thought that it would be very good for the country if all these banks were amalgamated and a quasi-Government Bank called the Imperial Bank was established. Thus, the Imperial Bank came into existence in the year 1920, but it actually began working in the year 1921. When this Imperial Bank came into existence, the Government expected that it would be of great help to the country. I may state that the Government invest all their cash balances in the Imperial Bank without getting any interest at all, and these cash balances average to the tune of nearly 20 crores of rupees. Rs. 20 crores of Government money, or nearly to the extent of that amount, is always in the Imperial Bank and the Government do not get any interest on it. When this Imperial Bank came into existence, Government thought that various benefits would accrue to the country and the following are some of the benefits which the Government expected to flow from this Imperial Bank. I am reading from a despatch to the Secretary of State by the Government of India.

“ In course of time, we shall expect to see new branches of the Imperial Bank attract a large amount of deposits from the general public.”

They also expected the capital to be mobilised in India. They anticipated that it would serve the purpose of a bankers' bank more effectively than the Presidency Banks. I do not want to give the reasons and other things which they have stated. They also hoped that that Bank would form a solid background necessary for the healthy development of various forms of banking, agricultural, industrial and ordinary joint stocks, of which this country is admittedly in need. They considered it probable that there would be an increase in assistance which it could give through the multiplication of its branches to the internal trade of the country and through its relations with the indigenous banking. Besides, a large proportion of the Government balances

[Mr. T. N. Ramakrishna Reddi.]

being placed at its disposal, the Bank would give help to the money market in times of need. Finally, it would be an ideal school for training Indians in the science of banking. These were some of the objects which the Government thought and the country thought would be realised by the bringing into existence of this Imperial Bank.

Now, Sir, we shall see whether the Bank has realised all the expectations that were raised. Nearly ten years have elapsed since it began to work. Various complaints were raised against the Bank on account of its partiality which it has been showing to the non-Indian constituents as against the Indian constituents, and witness after witness who appeared before the Banking Enquiry Committee seems to have made allegations against the working of the Bank. Some of those witnesses could not do so openly, and so they had to be examined in camera. That shows that there are many defects in the working of the Bank. It is said that it has not been giving credit to its Indian constituents as much as it is doing to its non-Indian constituents. Further, if two firms are started, one an Indian and another a non-Indian, it would not scrutinise so much before granting loans to the non-Indian firm as it would do in the case of the Indian firm, and so on. There are many defects pointed out before the Banking Enquiry Committee. I will quote from a book called "Organisation of Indian Banking" by Mr. Thakur.....

**Dr. B. D. Dalal** (Nominated Non-Official) : There is no quorum, Sir.

**Mr. President** : As the attention of the Chair has been drawn to the fact that there is no quorum, the House stands adjourned till to-morrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd September, 1931.