

15th February, 1926

THE

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(Official Report) .

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(10th February to 1st March, 1926)

FOURTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1926



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Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

Deputy President :

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MR. ABDUL HAYE, M.L.A.

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Committee on Public Petitions :

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MR. JAMNADAS M. MEHTA, M.L.A.

MR. ABDUL HAYE, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 15th February, 1926.

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

QUESTIONS AND ANSWERS.

PREVENTION OF THE SMUGGLING OF DRUGS BY EUROPEANS.

784. ***Mr. K. Rama Aiyangar:** (a) Has the attention of Government been drawn to the case of opium and cocaine smuggling brought to light in Bombay in the recent prosecution of one Mr. King, the proprietor of the Skating Rink, and of two Eurasian boys, who are said to have brought cocaine from Indore and other places in Central India?

(b) What steps are Government taking to prevent wholesale smuggling of drugs by Europeans?

The Honourable Sir Basil Blackett: The answer to part (a) is in the affirmative. Every effort is made to prevent smuggling of drugs without regard to the nationality of the would-be smugglers.

COST OF PRINTING AT THE GOVERNMENT PRESSES.

785. ***Mr. K. Rama Aiyangar:** Will Government be pleased to state whether the figures for the cost of printing at the Government Presses in Calcutta and other places have been carefully looked into and whether Government are satisfied that they are getting their work done at market rates?

The Honourable Sir Bhupendra Nath Mitra: No general comparison with rates charged by private presses has been made in the last few years, and as the costing system has only recently been completely revised, a strict comparison is not possible at the present moment. But I would draw the Honourable Member's attention to the reply given by Sir A. C. Chatterjee to a similar question No. 59 on the 6th September 1922 and add that the statements then made still hold good.

PURCHASE OF LAND FOR MILITARY PURPOSES IN BOMBAY.

786. ***Mr. K. Rama Aiyangar:** (a) Will Government be pleased to state whether the Military Department requires any land in Bombay and, if so, for what purposes and at what cost?

(b) Has the Military Department sold any of the land vacated by it about five years ago, and will the Government be pleased to state whether from the proceeds of such sale a portion of the cost referred to in (a) was going to be recouped?

Mr. E. Burdon: (a) and (b). I presume the Honourable Member is referring to the scheme under which Government propose to purchase certain land from the Back Bay reclamation in Bombay. If so, I would invite his attention to the reply which was given in the Council of State on the 1st September, 1925, to question No 81.

APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE CONSUMPTION OF OPIUM.

787. ***Mr. K. Rama Aiyangar:** Will the Government be pleased to state when they will appoint a Committee, which was promised by the Honourable the Finance Member during the budget debate of 1925, to inquire into the consumption of opium?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to my reply to Dr. Datta's question No. 315 on the 27th January, 1926.

DATE OF THE NEXT GENERAL ELECTION TO THE MADRAS LEGISLATIVE COUNCIL.

788. ***Mr. K. Venkataramana Reddi:** Will Government be pleased to state whether the Madras Government have decided to hold the next elections to the local Council in July next?

(b) Have the Government of India been consulted in this matter?

(c) If the answer to (a) is in affirmative, are Government aware that the voters will be put to great inconvenience if they have to go twice to the polling booths, once for the Madras Legislative Council elections and a second time for the Assembly elections?

(d) What steps, if any, do Government propose to take in this matter?

Mr. L. Graham: (a) to (d). The date of the next general election to the Madras Legislative Council depends in the first place on the exercise or non-exercise by His Excellency the Governor of Madras of the powers vested in him by the provisos to sub-section (1) of section 72-B of the Government of India Act, and in the second place on the terms of the notification by the Governor under sub-rule (2) of rule 27 of the Madras Electoral Rules. In these circumstances the Government of India are not in a position to make any statement.

Mr. A. Rangaswami Iyengar: May I know whether this Government have received any communication from any of the Local Governments in regard to the dates of the coming general elections?

Mr. L. Graham: One communication has been received, but as the matter is one for the Governor, the Governor General in Council is not in a position to make any statement.

Mr. A. Rangaswami Iyengar: May I know whether the communication was addressed to the Governor General or the Governor General in Council?

Mr. L. Graham: The communication was addressed to the Governor General in Council, but the reply was that the communication should proceed personally from the Governor to the Governor General.

Mr. A. Rangaswami Iyengar: I desire to know whether the Government of India have under consideration or have already considered the question as to the dates of holding the coming general elections.

Mr. L. Graham: The reply is in the negative.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member what answer has been given to part (c)?

Mr. L. Graham: You cannot have an answer to (c) because we don't know the answer to (a).

CREATION OF RESERVE FUNDS ON RAILWAYS.

789. ***Dr. K. G. Lohokare:** Is it a fact that Government laid before the Standing Finance Committee for Railways a comparison of the laws and rules regarding finance and accounts in force on the Belgian Railways? If so, are Government aware that articles 33 and 34 of the Bill relating to the inauguration of financial autonomy on the Belgian State Railways provide for the creation of:

- (a) a fund for the redemption of capital expenditure rendered unproductive mainly through suppression, demolition and placing out of use of installations and stock which are not replaced; and
- (b) an insurance fund for the purpose of regularising the expenditure resulting from losses, thefts, accidents, fire and other damages;

so as to avoid the results of the working of a financial year being abnormally affected by heavy charges to Revenue under those heads? If so, do Government propose to create similar funds in connection with Indian railways?

Mr. G. G. Sim: A translation of the Bill relating to the inauguration of financial autonomy on Belgian State Railways was laid before the Standing Finance Committee for Railways and is recorded in Volume II, No. 1 of the Proceedings of that Committee.

It is too early yet to consider the question of setting up separate reserve funds such as those suggested.

FORMATION OF LOCAL ADVISORY COMMITTEES ON THE BENGAL NAGPUR RAILWAY.

790. ***Dr. K. G. Lohokare:** (a) Is it a fact that the Bengal Nagpur Railway Company were requested as long ago as 1922 to take steps for the formation of Local Advisory Committees on the railway system owned by the State but merely worked by the Company and that no steps have so far been taken by the Company in that direction?

(b) With reference to paragraph 106 of the Railway Administration Report for 1924-25, is it a fact that the Company are opposed to the formation of such Committees on the system? If so, will Government be pleased to indicate the grounds of their opposition?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the reply given to starred question No. 178 asked by Khan Bahadur Sarfaraz Hussain Khan on the 26th January, 1926.

STATUS OF THE CHIEF COMMISSIONER AND THE FINANCIAL COMMISSIONER
FOR RAILWAYS.

791. ***Dr. K. G. Lohokare:** Is it a fact that the Chief Commissioner and the Financial Commissioner for Railways, respectively, hold the status of Secretary and Joint Secretary to the Government of India?

The Honourable Sir Charles Innes: The Chief Commissioner of Railways is the Secretary to the Government of India in the Railway Department. The Financial Commissioner is not a Joint Secretary to Government.

EXPENDITURE ON THE ACQUISITION AND DEVELOPMENT OF THE SOR
COLLIERY.

792. ***Dr. K. G. Lohokare:** (a) Will Government be pleased to state the total amount spent in connection with the acquisition and development of the Sor colliery including the losses incurred in its working?

(b) Is it a fact that the working of the mine was closed down within a couple of years of its acquisition pending further experiments with the coal?

(c) Have the experiments been completed, and if so, what is the decision arrived at?

Mr. G. G. Sim: The Honourable Member is referred to paragraph 24 of the Audit Report on the Accounts of Railways in India for 1923-24 and the evidence recorded on pages 185 and 186 of Vol. II of the Report of the Public Accounts Committee on the accounts of that year.

RUNNING OF A SPECIAL TRAIN IN AUGUST 1924 FROM KARJAT TO
KHOPOLI ON THE GREAT INDIAN PENINSULA RAILWAY.

793. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

(a) if a special train was run in August, 1924, from Karjat to Khopoli, Great Indian Peninsula Railway, and back?

(b) if this train was run at night, and if it is a practice to run trains on this line by night and if there are arrangements for night signals, etc., on the line at Khopoli?

(c) for what purpose this train was run; and under whose orders, for whom and when it was run back, and to what department was the cost of this special charged? Is the entry of the "line clear" for this train yet in the station books?

Mr. G. G. Sim: The matter is under inquiry and a reply will be sent to the Honourable Member in due course.

Dr. K. G. Lohokare: Will it be published in the reports of the Assembly debates?

Mr. G. G. Sim: It will be given to any Member who desires it.

INJURY AND INVALID PENSIONS FOR MILITARY SUB-ASSISTANT SURGEONS.

794. ***Dr. K. G. Lohokare:** Will Government be pleased to say if final orders regarding injury and invalid pensions for military Sub-Assistant Surgeons have been passed? Are they applicable to such Sub-Assistant Surgeons as were invalided on account of injuries and disease due to service in the Great War? From what date do they take effect?

Mr. E. Burdon: The answer to the first part of the question is in the negative. As stated on the 1st September, 1925, in answer to the Honourable Member's question No. 370, it was necessary to consider certain points which had been raised by the Secretary of State in the matter. It is hoped, however, that final orders on the subject will issue shortly.

The remaining parts of the question do not arise.

CLAIMS OF MERCHANTS AGAINST THE GREAT INDIAN PENINSULA RAILWAY.

795. *Dr. K. G. Lohokare: Will Government be pleased to say what steps they have taken to remedy the delay and inconvenience to merchants in instituting claims against the Great Indian Peninsula Railway on account of the Bombay Civil Courts Act, which requires suits against Government to be filed in the District Court with previous notice? Have they written to the Bombay Government to introduce the necessary changes so as to put such suits in the Bombay Presidency on a par with those in the Madras Presidency? If so, have the Bombay Government consented to do so? If not, what are their reasons? Will they be pleased to expedite the matter?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the answer given on the 1st September 1925, to his previous question (No. 366) on the subject. As was then stated, the matter relates to a provincial subject and it rests with the Local Government and the local Legislature to take action in the matter. Such action has been proposed by the Government of Bombay, so far as Sind is concerned, in sub-clause (1) of clause 38 (3) of the Bill to consolidate and amend the law relating to the Courts in Sind which was introduced in the Bombay Legislative Council on the 21st October 1925 and published in the Bombay Government Gazette (Part V), dated the 1st November, 1925.

Dr. K. G. Lohokare: Is there anything for the other provinces?

The Honourable Sir Alexander Muddiman: I have not seen anything, it is the Local Government, as I said.

ESTABLISHMENT OF A BRANCH OF THE DEPARTMENT OF EPIGRAPHY IN BOMBAY.

796. *Dr. K. G. Lohokare: Will Government be pleased to say if they have received a representation from the Karnatak Sahitya Parishad, Bangalore, praying for the establishment of a branch of the Department of Epigraphy independently in Bombay to investigate and conduct research work in inscriptions—stone and copper found in the Karnatak? If so, what steps have they so far taken to undertake the work and if nothing is yet done, when do they propose doing so?

Mr. J. W. Bhore: The Honourable Member is referred to the reply given by me to question No. 245 by Khan Bahadur Sarfaraz Hussain Khan on the same subject from which he will see that a systematic Survey of the Kanarese inscriptions in the Bombay Presidency has already been taken in hand.

OVERTIME, SUNDAY AND HOLIDAY ALLOWANCES ON THE EAST INDIAN RAILWAY.

798. ***Mr. Amar Nath Dutt:** Is it a fact that the Anglo-Indian and European subordinates on the East Indian Railway are granted overtime allowance and that Anglo-Indian and European guards an extra day's pay for working on a Sunday or a holiday? If it is a fact, do the Government propose to extend the grant of overtime, Sunday and holiday allowance to all classes of employees irrespective of nationality and also night and relieving allowance on a uniform State Railway scale?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given to a somewhat similar question No. 559 asked by Maulvi Muhammad Yakub on the 2nd February, 1926.

ALLEGED ASSAULT BY THE INCOME-TAX OFFICER OF BANKURA ON BABU NARAYAN CHANDRA KUNDU.

799. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that the Income-tax Officer of Bankura, one Mr. Sachi Kanta Ghose, kicked a respectable trader, Babu Narayan Chandra Kundu of the town of Bankura, for which there was a criminal case against the officer?

(b) Was the criminal case withdrawn on the accused's tendering an unconditional apology? Was there any intervention by some Government officers to bring about the withdrawal? If so, will the Government be pleased to state whether they approve of such intervention? If not, will the Government be pleased to state what action they propose to take against those officers?

(c) Will the Government be pleased to state whether they propose to take any action against the Income-tax Officer for his conduct?

ALLEGED HARASSMENT OF ASSESSEES BY THE INCOME-TAX OFFICER OF BANKURA.

800. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that there is one Income-tax Officer for Bankura and Midnapur?

(b) Is it also a fact that assesseees of Bankura are called to attend the Income-tax Officer at Midnapur and those of Midnapur to Bankura? If so, will the Government be pleased to put a stop to such unnecessary harassment?

(c) Is it a fact that the travelling allowance bill of the Income-tax Officer becomes swollen by his unnecessary peregrinations?

The Honourable Sir Basil Blackett: A report has been called for from the Commissioner of Income-tax, Bengal, and on its receipt the information for which the Honourable Member has asked will be furnished to him.

CONTRACTS FOR THE CONSTRUCTION OF BARRACKS AT MUTTRA.

801. ***Lala Piyare Lal:** (a) Are Government aware that certain contracts for the construction of barracks at Muttra in the Delhi Brigade Area have been given by the Commanding Royal Engineer, Delhi, at 14 per cent. below the estimated rates in preference to the tenders at 21 per cent. below those rates?

(b) If it is so, why, and under what circumstances has this been done?

Mr. E. Burdon: (a) Yes.

(b) An officer empowered to accept tenders is also competent to reject any tender lower than the one he accepts, if he considers it is in the interests of the State to do so. In the present case, in the opinion of the officer accepting the tender, the contractor who tendered the lowest could not possibly carry out the work efficiently at the rate tendered and, therefore, in the interests of Government, the next lowest tender was accepted.

CONTRACTS MADE BY THE COMMANDING ROYAL ENGINEER, DELHI.

802. ***Lala Piyare Lal:** (a) Is it a fact that the Commanding Royal Engineer, Delhi, in the case of contracts of greater value pays no regard to the rates of tenders and gives contracts without inviting tenders at all in some cases such as for the contracts at Kingsway and the Motor Corps Shed at Agra?

(b) If the answer is in affirmative, will the Government be pleased to state under what special circumstances this has been done?

(c) Will the Government be pleased to state if a list of approved contractors is kept by the Commanding Royal Engineer? If so, why it is not utilised?

(d) Do the Government propose to stop this course in future and direct the Department to give a free chance of competition to all the approved contractors in giving contracts under its control?

Mr. E. Burdon: (a) and (b). The answer is in the negative. In exceptional and urgent cases, local officers are empowered to dispense with calling for tenders and can make any agreement within their powers with any approved contractor, a report of the case being made to the next higher authority. The work at Kingsway fell under this category. There is no such work as the Motor Corps Shed at Agra.

(c) Yes, a list of approved contractors is maintained and utilised.

(d) Does not arise.

CONSTITUTION OF THE DISTRICT BOARD OF DELHI.

803. ***Lala Piyare Lal:** (a) Are Government aware that the District Board of Delhi consists only of nominated members?

(b) Is there any other District Board so constituted in the Punjab or the United Provinces?

(c) Will Government be pleased to state the reasons for not giving a large number of the rural population of the Delhi Province their franchise? Do the Government propose to extend to them the franchise to which in justice they are entitled?

Mr. J. W. Bhore: (a) Yes.

(b) There are a few such District Boards in the Punjab, but none in the United Provinces.

(c) By the Chief Commissioner's notification No. 769, dated 5th February, 1926, 12 out of a total of 21 members of the Delhi District Board will in future be elected.

PROVISION OF ELECTRIC FANS IN THIRD AND INTERMEDIATE CLASS
RAILWAY CARRIAGES.

804. ***Lala Piyare Lal:** (a) Will the Government be pleased to state whether there is a scheme for putting electric fans in the third class and intermediate class compartments of railways, and if so, how far it has progressed and what time it will take to give it a practical shape?

(b) What would be the estimated cost?

Mr. G. G. Sim: (a) and (b). No. In this connection the Honourable Member is referred to the answer given to unstarred question No. 35 asked in this Assembly on the 25th August, 1925, in respect of the provision of electric fans in third class carriages. That decision applies also in the case of intermediate class compartments.

VEGETABLE GHIS.

805. ***Lala Piyare Lal:** (a) Will Government be pleased to state if the so-called vegetable *ghis* which are being imported into India in large quantities consist of animal fat?

(b) If the answer is in the affirmative, do the Government propose to stop the import of all such articles?

(c) What is the total amount of import of these articles in the last two years?

(d) Where are they manufactured?

(e) Which are the firms importing them into India?

The Honourable Sir Charles Innes: (a), (b) and (d). Government do not propose to take the action suggested. They have no information which supports the suggestion in the Honourable Member's question. Indeed one analysis they have seen of an imported vegetable *ghi* showed that the article was entirely free from animal fat. This particular article was imported from Holland.

(c) and (e). Separate statistics are not maintained and the information cannot be given. Nor have Government complete information as to firms importing vegetable *ghis*.

Mr. B. Das: Will Government take steps to publish notifications in the Government of India Gazette to remove this wrong impression that vegetable *ghi* is not free from animal fat?

ABOLITION OF THE POST OF INSPECTOR GENERAL OF IRRIGATION.

806. ***Sardar Gulab Singh:** (a) Is it a fact that the post of the Inspector General of Irrigation has been permanently abolished by the Government of India?

(b) If so, will the Government be pleased to state the reasons?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but in its place a new post, that of Consulting Engineer to the Government of India, has been created the incumbent of which discharges the duties which formerly

devolved upon the Inspector-General of Irrigation, subject to certain modifications which have proved necessary owing to the enhanced financial powers now exercised by Local Governments.

(b) Does not arise.

RESOLUTION RE THE RELEASE OF SARDAR KHARAK SINGH AND OTHER
SIKH POLITICAL PRISONERS.

807. ***Sardar Gulab Singh:** (a) Has any action been taken by Government on the Resolution regarding the release of Sardar Kharak Singh and other Sikh political prisoners, adopted by the Assembly on the 26th February, 1924?

(b) If so, will Government please state the action taken thereon?

The Honourable Sir Alexander Muddiman: I have nothing to add to the reply which I gave to the Honourable Member's question on the same subject on the 3rd September, 1924.

RECRUITMENT OF PROBATIONARY ASSISTANT TRAFFIC SUPERINTENDENTS
ON STATE RAILWAYS.

808. ***Mr. K. C. Neogy:** With reference to the last selection of candidates for recruitment as probationary Assistant Traffic Superintendents on State Railways, will Government be pleased to state:

- (a) the number of appointments to be made;
- (b) the number of candidates who applied;
- (c) the number permitted to appear at the competitive examination;
- (d) how many out of (b) and (c), respectively, had already undergone training as traffic probationers in England;
- (e) the procedure adopted in making the preliminary selection; and
- (f) the qualifications that were looked for in a candidate at the said preliminary selection?

Mr. G. G. Sim: (a) Three appointments have been made.

(b) Over six hundred:

(c) Twenty-seven.

(d) About 20 out of (b) and 5 out of (c).

(e) and (f). Candidates possessing high academical qualifications in Science and Engineering and also those possessing a good general education combined with an adequate period of training on British Railways were selected for interview.

PRESS REPRESENTATIVES AND MEMBERS OF THE LEGISLATIVE ASSEMBLY
INVITED TO BE PRESENT AT THE OPENING CEREMONY OF THE
KHYBER RAILWAY.

809. ***Mr. B. Das:** 1. Will the Government be pleased to state what newspapers and news agencies were invited to depute representatives to attend the opening ceremony of the Khyber Railway?

2. (a) Will the Government be pleased to state whether it is a fact that no Indian newspaper was represented at the ceremony? If not, why not?

(b) Was any distinction made between Indian newspapers and Anglo-Indian newspapers in extending the invitation?

3. Will the Government be pleased to state who were the press representatives present at the opening ceremony and the press or the newspaper which each of them represented?

4. Will the Government be pleased to state who were invited to attend the ceremony from among Members of this House, what principle was followed in extending this invitation, and the names of Members who attended?

The Honourable Sir Charles Innes: 1. and 2. The issue of invitations to attend the opening ceremony of the Khyber Railway had necessarily to be limited by the accommodation available, and invitations issued to the press were confined to the representatives of Reuter's Agency and the Associated Press, and the *Pioneer*, *Statesman* and the *Times of India*.

3. Mr. J. E. Woolacott, representing the *Pioneer*,
 Mr. H. Newman, representing the *Statesman*,
 Mr. A. H. Byrt, representing the *Times of India*,
 Mr. E. J. Buck, representing Reuter's Agency, and
 Mr. Durga Dass, representing the Associated Press.

4. As the opening ceremony of the Khyber Railway was primarily a railway function and as accommodation was limited, it was first decided to limit the invitations to the members of the Central Advisory Council for Railways. Some of these members were unable to attend, and invitations were then sent to some other members who had expressly asked for them. The following Honourable Members of the House attended:

1. Mr. K. C. Neogy,
2. Mr. K. Rama Aiyangar,
3. Maulvi Abul Kasem,
4. Mr. S. C. Ghosh,
5. Khan Bahadur Syed Mohammad Ismail Khan,
6. Mr. Devaki Prasad Sinha,
7. Mr. Jamnadas Mehta,
8. Mr. M. S. Aney, and
9. Maulvi M. Samiullah Khan.

Mr. B. Das: With reference to part 3, am I to take it that in the opinion of the Government of India the editors of Indian newspapers are not fit to attend such functions as the opening of the Khyber Railway?

The Honourable Sir Charles Innes: Certainly not.

Mr. Gaya Prasad Singh: May I know whether any invitation was extended to any newspapers other than those mentioned, in this country?

The Honourable Sir Charles Innes: I think it was confined to the gentlemen in the gallery there. There were the representatives of the papers I have mentioned, the Associated Press and Reuter's Agency.

Mr. Gaya Prasad Singh: May I know why the *Pioneer* and other Anglo-Indian papers were invited and not any of the Indian papers?

The Honourable Sir Charles Innes: I think, Sir, that the invitations were extended to the representatives up here of those papers which it was thought could best advertise the function.

Mr. Gaya Prasad Singh: May I know if the newspaper men who attended the function were all up at Delhi or had to come from Allahabad and other places?

The Honourable Sir Charles Innes: They were up in Simla, Sir.

Mr. A. Rangaswami Iyengar: May I know from the Honourable the Commerce Member whether he has made up his mind that the papers that could best advertise the function are the Anglo-Indian papers?

The Honourable Sir Charles Innes: That, Sir, was apparently the view taken.

Mr. N. M. Joshi: May I ask, Sir, if this is an indication of the new angle of vision of the Government of India?

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the fact that certain Anglo-Indian papers have managed to obtain places in the press gallery here is an indication of their being the best advertising papers in this country?

Mr. President: Order, order.

DISMISSAL OF BADRI PERSHAD, SUB-POSTMASTER, JATUSANA

810. ***Lala Duni Chand:** (1). (a) Is it a fact that the Postmaster General, Punjab and N.-W. F. Circle, Lahore, dismissed one Badri Pershad, Sub-Postmaster, Jatusana, on the ground that he had made false and defamatory allegations against Mr. Abdul Karim, Officiating Superintendent, Post Offices, Southern Division, Hissar?

(b) Is it a fact that the said Badri Pershad has had to his credit a record of service for 16 years free from any kind of blemish and that his Field Services during the Great War were considered by the Secretary of State as invaluable?

(2) Are the following statements true:

- (a) That Badri Pershad challenged the Superintendent to bring a case of defamation against him.
- (b) That he asked the Postmaster General to inquire himself into the matter or at least to grant him an interview in order to enable him to submit his case before him.
- (c) That he prayed for an inquiry by an independent officer.
- (d) That he demanded free access to official documents connected with his case.

and is it a fact that none of the above requests were acceded to?

3. (a) Do Government propose to order an inquiry into the allegations made by the said Badri Pershad?

(b) Or, in the alternative, do Government propose to order his reinstatement or at least to grant him the pension due to him under the Rules?

The Honourable Sir Bhupendra Nath Mitra: The information is being collected and will be furnished to the Honourable Member in due course.

ALLEGATIONS AGAINST SARDAR GURBAKHASH SINGH, INCOME-TAX OFFICER,
KARNAL.

811. ***Lala Duni Chand:** (a) Are Government aware that Messrs. Achhru Ram and Ram Gopal, proprietors of a ginning factory at Kaithal, Karnal District, were prosecuted and charged under sections 353 and 147, Indian Penal Code, on the complaint of Sardar Gurbakhash Singh, Income-tax Officer, Karnal?

(b) Is it true that on 23rd December, 1925, the Honourable the High Court at Lahore quashed the charges framed by the magistrate and held that instead of Messrs. Achhru Ram and Ram Gopal having been guilty of any wrongful act, the act of Sardar Gurbakhash Singh, Income-tax Officer, appears to have amounted to criminal trespass and that Messrs. Achhru Ram and Ram Gopal were lawfully exercising the right of private defence while Sardar Gurbakhash Singh's proceedings were wholly illegal and that he was not acting in good faith under colour of his office?

(c) If the reply to (b) is in the affirmative, do Government propose to take any action against him and if so, what, and further whether they propose to compensate Messrs. Achhru Ram and Ram Gopal who had been subjected to and harassed with a criminal prosecution for nearly a year?

The Honourable Sir Basil Blackett: I understand that the matter is still *sub judice*.

APPEAL OF MR. HANS RAJ, LATE SIGNALLER, JODHPUR DIVISION,
CENTRAL CIRCLE, NAGPUR.

812. ***Lala Duni Chand:** (a) With reference to the order of the Director-General, Posts and Telegraphs, passed on 23rd May, 1924 (see letter A.-7, 1633), dismissing the appeal of Mr. Hans Raj, late Signaller, Sardar Shahar, Jodhpur Division, Central Circle, Nagpur, dated 12th December, 1923, from the order of the Postmaster-General, Central Circle, Nagpur, passed on 21st April, 1923 (see letter A.-7/1633), will the Government be pleased to state if the time allowed for such an appeal under Rule 541 (3), Post Office Manual, Volume II, is one year and if so, how could his appeal be dismissed as time-barred when it was filed within 8 months?

(b) If the reply to (a) be in the affirmative, do Government propose to direct the Director General, Posts and Telegraphs, to rehear the appeal?

The Honourable Sir Bhupendra Nath Mitra: The time limit fixed for appeals to the Director-General against an order of punishment was one year until the 1st April, 1925, from which date it has been reduced to six months. This limit is calculated from the date of communication of the order of punishment. In the case referred to, the order of punishment was issued by the Postmaster-General in August, 1921, and the appeal to the Director-General, which was directed against this order, was made in December, 1923. The appeal therefore was rejected by the Director-General as time-barred.

(b) Does not arise.

RELIEF GRANTED TO POSTAL EMPLOYEES FROM THE POST OFFICE GUARANTEE FUND DURING THE LAST TWO YEARS.

813. ***Lala Duni Chand:** (a) Is it a fact that there exists a fund known as the Compassionate Gratuity Fund the interest of which is utilized for the purpose of giving rewards, etc., to the families of the post office employees in the Postal Department, and if so, will the Government be pleased to furnish a statement showing the amounts utilized during the last two years for (1) giving rewards to the postal employees, (2) and for other purposes?

(b) How many applications for relief were received during the last two years and how many of them were entertained?

The Honourable Sir Bhupendra Nath Mitra: (a) There is a fund known as the Post Office Guarantee Fund, the income of which is utilised among other purposes for:

- (1) making good any loss to Government caused by the neglect or misconduct of any postal employee,
- (2) paying rewards to postal employees or outsiders for the giving of information in Post Office robbery cases,
- (3) granting compensation to postal employees for loss of their private property,
- (4) paying rewards to postal employees for specially honest and courageous service,
- (5) paying gratuities, in very special circumstances, to the families of deserving Post Office servants left in indigent circumstances by the premature death of the individuals upon whom they depend for support and to Post Office servants who are, owing to no fault of their own, physically or mentally incapacitated for further service before they have earned pension.

The figures are as follows:

	1923-1924.	1924-1925.
	Rs.	Rs.
(1)	3,492	5,044
(2)	47,486	48,834

(b) The number of applications for relief received during the last two financial years and the number of such applications entertained, are furnished below:

	1923-1924.	1924-1925.
Number of applications received	211	308
Number of applications entertained	201	297

Mr. Gaya Prasad Singh: May I know, Sir, who is kept in charge of this fund and what is the authority that disposes of applications for relief out of this fund?

The Honourable Sir Bhupendra Nath Mitra: The Director-General of Post Offices.

SIR FREDERICK WHYTE'S BOOK ON FEDERAL CONSTITUTIONS.

814. ***Mr. Ambika Prasad Sinha:** (a) Have Government read the book of Sir Frederick Whyte on Federal Constitutions?

(b) Have they decided to take any action thereon?

(c) If not, why not?

(d) How many copies of the book have been sold so far?

The Honourable Sir Alexander Muddiman: (a), (b) and (c). I have nothing to add to the statements I have already made on the subject.

(d) The information is not available as copies are being sold through several agencies in India.

Khan Bahadur Sarfaraz Hussain Khan: Will Government consider the desirability of distributing copies of the book to the Members of this House?

The Honourable Sir Alexander Muddiman: I have already given replies to that on several occasions. Copies of the book are available to any Member who asks for it in the office.

Syed Majid Baksh: Did Sir Frederick Whyte get any emoluments for writing that book?

REPRESENTATION OF LABOUR ORGANIZATIONS IN THE CENTRAL AND PROVINCIAL LEGISLATURES.

815. ***Mr. Ambika Prasad Sinha:** (a) Has the attention of the Government been drawn to a resolution passed at the All-Bengal Clerks' Conference held at Calcutta on December 12th and 13th, 1925, relating to special representation in the Central and Provincial Legislatures of the labour organisations?

(b) Do the Government propose to take any action on the matter?

(c) If not, why not?

The Honourable Sir Alexander Muddiman: (a) No.

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

REMOVAL OF RACIAL DISCRIMINATION ON THE EAST INDIAN RAILWAY.

816. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that racial distinction regarding appointments persists on the East Indian Railway?

(b) Will the Government be pleased to state if they intend taking steps to do away with the said racial distinction?

Mr. G. G. Sim: (a) Yes.

(b) The question of removing racial discrimination on the East Indian Railway is under consideration.

EXPANSION OF THE DELHI PROVINCE.

817. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that the Government intend expanding the Delhi province?

(b) Is any Delhi expansion scheme under consideration?

(c) If so, will the Government be pleased to state what is the general plan in regard to the same?

The Honourable Sir Alexander Muddiman: As I have frequently stated, no such scheme is under consideration. I cannot imagine what has given rise to this impression.

Mr. A. Rangaswami Iyengar: Is it a fact that the Government contemplate amalgamating some of the districts in the Punjab with the Delhi Province?

The Honourable Sir Alexander Muddiman: I have no information whatever on the subject, Sir.

HINDU OPPOSITION TO THE EXTENSION OF THE REFORMS TO THE NORTH WEST FRONTIER PROVINCE.

818. ***Mr. Ambika Prasad Sinha:** (a) Has the attention of the Government been drawn to the opposition of the Hindus in the North-West Frontier Province to the extension of the reforms and franchise to the North-West Frontier Province under the present state of frontier affairs?

(b) Have Government received any communication from the Hindu Sabhas or Chairmen of Hindu meetings in the North-West Frontier Province?

(c) Has the attention of the Government been drawn to reports of the said meetings published in the newspapers?

(d) What do the Government propose to do in regard to the demand from the Muslims for the extension of the reforms to the North-West Frontier Province?

Sir Denys Bray: (a), (b) and (c). Yes, Sir.

(d) The question is still under consideration.

ROYAL COMMISSION ON AGRICULTURE.

819. ***Raja Raghunandan Prasad Singh:** (a) Are Government prepared to lay on the table the correspondence that passed between the Government of India, the Secretary of State and the Local Governments, regarding the Royal Commission on Agriculture?

(b) Do they propose to lay on the table the proposal of the Government of India on agriculture which they laid before the Secretary of State for consideration?

Mr. J. W. Bhore: (a) and (b). The correspondence between the Government of India and the Local Governments on this subject, has already been placed in the Library of the House. The correspondence between the Secretary of State and the Government of India will also be placed in the Library.

Mr. K. Ahmed: Are Government aware that the Rajas, Maharajas and Nawabs oppress and tyrannize the agriculturists and the masses, and exact exorbitant rents, and that, their interest is adverse to the interests of the masses of the peoples of this country? Do Government propose for the benefit of India to select the personnel of the Royal Commission from the popular classes, and representatives of the agriculturists, and not from these tyrannical people, Sir?

Mr. J. W. Bhore: May I suggest to the Honourable Member that he should wait until the personnel of the Commission is announced.

Mr. K. Ahmed: Before the personnel of the Commission is announced, do Government realise (I have been handed in a paper, Sir, on this point), that, in view of the fact that the Rajas, Maharajas and Nawabs are not agriculturists since they are not partners in the produce of the land, but that they despotically exact exorbitant rents from the Agriculturists and the masses, the selection of the personnel from them will frustrate the very object of the Commission?

Mr. President: Order, order. The Honourable Member is making a speech; he is not asking a question.

ESTABLISHMENT OF A CENTRAL BOARD OF AGRICULTURE IN INDIA.

820. ***Raja Raghunandan Prasad Singh:** With reference to His Excellency's speech on the 20th of January, 1926, will Government be pleased to say whether a Central Board of Agriculture is likely to be established in India?

Mr. J. W. Bhole: The answer is in the negative.

EMOLUMENTS OF THE TWO MEMBERS FROM INDIA OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

821. ***Raja Raghunandan Prasad Singh:** (a) Will Government be pleased to say whether the two members from India anticipated in His Excellency's speech to be appointed to the Judicial Committee of His Majesty's Privy Council will be entitled to draw overseas allowance or any other allowance besides the pay of £4,000 per annum?

(b) If so, will this allowance be payable from Indian revenues?

The Honourable Sir Alexander Muddiman: I have nothing to add to the details I furnished in connection with the Resolution which I moved on the subject.

PERSONNEL OF THE RATES TRIBUNAL.

822. ***Raja Raghunandan Prasad Singh:** When will the personnel of the Rates Advisory Committee be announced?

The Honourable Sir Charles Innes: Sir Narasimha Sarma has accepted the Chairmanship of the Committee. The rest of the personnel is under consideration, and it is hoped to make an announcement shortly.

Mr. A. Rangaswami Iyengar: May we know what will be the emoluments of the members of this Committee?

The Honourable Sir Charles Innes: That point will be fully explained in the Budget, Sir.

FRANCHISE FOR WOMEN.

823. ***Mr. B. Das:** (a) Will Government be pleased to state whether any action has been taken to amend rule 5 of the Electoral Rules as was unanimously recommended by this House last September so that women can stand for election to councils?

(b) Is it a fact that rule 5 thus amended will require Resolutions to be passed in every Council and Legislature?

(c) Is it a fact that in certain provinces women are entitled to vote at elections?

(d) Will Government be pleased to state whether they propose to amend rule 5 in such a way as to qualify women to stand for the Council at once and without our passing Resolutions to that effect?

The Honourable Sir Alexander Muddiman: (a) I refer the Honourable Member to my reply to Khan Bahadur Sarfaraz Hussain Khan's questions Nos. 62 and 63, dated the 21st January, 1926.

(b) and (c). The replies are in the affirmative.

(d) It would be possible but not desirable, in view of the action already taken, to amend rule 5 in the manner suggested.

NOMINATION OF A LADY MEMBER TO THE COUNCIL OF STATE.

824. ***Mr. B. Das:** (a) Will Government be pleased to state if it will be necessary to pass a Resolution in the Council of State for women to stand for election to that House?

(b) Will Government be pleased to state if it is intended to nominate a lady Member to the Council of State?

The Honourable Sir Alexander Muddiman: (a) I refer the Honourable Member to the reply which I have just given.

(b) The question will I assume be one for the discretion of the Governor General if and when the rules are altered. At the present time the rules prohibit such action.

Mr. B. Das: May I inquire if it is necessary that a Resolution should be passed in the Council of State also? Does it require that a Resolution to allow women to stand as candidates for the Council of State should be passed in the Council of State or only in the Assembly?

The Honourable Sir Alexander Muddiman: If I have properly apprehended the Honourable Member's question as relating to nominations, nomination is done by the Governor General.

Mr. B. Das: Election, I mean?

The Honourable Sir Alexander Muddiman: Election is not done by the Governor General, unfortunately. (Laughter.)

DELIVERY OF LETTERS AND CLEARANCE OF LETTER-BOXES IN VILLAGES.

825. ***Mr. Ambika Prasad Sinha:** (1) Are Government aware:

(a) that the present system of delivering letters in the villages causes much inconvenience to the villagers?

(b) that a similar grievance exists in regard to the clearance of letters from village letter-boxes?

(2) Do Government propose to order the clearance of the letter-boxes a few hours after the delivery of the letters on the same day or on the day following?

The Honourable Sir Bhupendra Nath Mitra: (1). (a) No.

(b) No.

(2) With the present establishment it is impracticable to require the village postman to wait at each village for some hours after finishing delivery in order to clear the local letter-box and then proceed to the next village in his beat. The cost of carrying out the suggested improvement would be out of all proportion to the revenue which the Post Office derives from such villages.

Mr. K. Ahmed: Are Government aware that there are many post offices in the villages where the staff of the Honourable Member does not undertake the delivery of letters to the addressees, and that in spite of promise after promise made by Sir Geoffrey Clarke last year no step has since been taken to deliver letters to the destination of addressees?

The Honourable Sir Bhupendra Nath Mitra: I should like to have notice of that question because I do not carry in my head the promises of Sir Geoffrey Clarke to which my friend refers.

Mr. K. Ahmed: Are Government aware that great inconvenience is felt in the villages, and that it is for the benefit of the people of this country that they are asking that the letters posted should reach their destination? What is the object of the Honourable Member in not answering this question directly?

The Honourable Sir Bhupendra Nath Mitra: I have no information that letters do not reach their destination.

Mr. K. Ahmed: Are Government aware that there are certain post offices that do not undertake to deliver letters at all, and do Government propose for the benefit of the country to take immediate steps to deliver such letters? Is the Honourable Member aware at all that there are such post offices in India?

The Honourable Sir Bhupendra Nath Mitra: I am fully aware that certain post offices do not deliver letters. But it does not follow that letters posted do not reach their destination because of that reason.

Mr. K. Ahmed: But do Government propose to see that letters posted should reach their destination in whichever post offices they are posted? Will they undertake to do that or not?

The Honourable Sir Bhupendra Nath Mitra: I shall be glad if the Honourable Member will put down that question on paper. I shall then be able to understand what the Honourable Member is driving at.

Mr. K. Ahmed: Will the Honourable Member refer to the proceedings of this Assembly last year, just before he arrived in this Assembly or at the time that he had just become Member in charge, and to the answer of Sir Geoffrey Clarke in reply to questions requesting the Government to take steps to deliver letters, so that he might reach the depth of my question? Will Government read before answering question

Mr. President: Order, order. The Honourable Member is asked to put down the question on paper.

REDUCTION IN POSTAL AND TELEGRAPH RATES.

826. ***Mr. Ambika Prasad Sinha:** (a) Are Government aware that a grievance does exist among the people both in regard to the inland postal and telegraph rates?

(b) Will the Government be pleased to state if they intend reducing the said rates?

(c) If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government are aware that there is some feeling in favour of a reduction in postal and telegraph rates.

(b) With respect to postal rates I can only refer the Honourable Member to the debate on this subject on Mr. Ahmad Ali Khan's Resolution on the 9th instant. With respect to telegraph rates the answer is in the negative.

(c) The reduction of the existing rates, both postal and telegraph, would result in a heavy loss, which would make it even more difficult than it now is to make the Department self-supporting.

Mr. K. Ahmed: If the telegraph rate in England is reduced why should it not be reduced in India?

The Honourable Sir Bhupendra Nath Mitra: The two things are not necessarily connected with each other.

Mr. K. Ahmed: Are the Government aware that the cost in England was much more than the cost in India and after the war if the cost in England has been reduced, why should it not be reduced in India, Sir?

The Honourable Sir Bhupendra Nath Mitra: I am not aware, Sir, of the fact assumed in the first part of the question. I think I mentioned in this House some time ago that distances in India are much greater than distances in England.

Sir Hari Singh Gour: May I draw the Honourable Member's attention to the desirability of re-introducing the deferred rate for deferred telegrams during the slack hours of the day?

The Honourable Sir Bhupendra Nath Mitra: Sir, if I may say so, that question does not arise out of the main question, but if the Honourable Member will put the question down on paper and send it to me, I can assure him that it will receive proper consideration.

THIRD CLASS PASSENGER FARES.

827. ***Mr. Ambika Prasad Sinha:** Are Government aware:

- (a) that the present third class passenger fare is very high?
- (b) that the third class passengers do not enjoy a proportionate share of convenience?
- (c) that the third class passengers are packed in their compartments like sardines?

REDUCTION OF THIRD CLASS PASSENGER FARES.

828. ***Mr. Ambika Prasad Sinha:** (a) Do the Government propose to take steps to reduce the third class passenger fares?

(b) Do they propose to provide more passenger trains to reduce the overcrowding of compartments?

(c) If not, why not?

Mr. G. G. Sim: I propose to reply to questions Nos. 827 and 828 together. As regards the reduction in third class passenger fares, I would suggest that the Honourable Member should await the Explanatory Memorandum of the Railway Budget for the year 1926-27 which will be presented to the House shortly.

In regard to the increase in passenger trains I may mention that there has been an addition of two million passenger train miles during the past two years.

REDUCTION OF THE COMMISSION ON MONEY ORDERS OF LESS THAN Rs. 50.

829. ***Mr. Ambika Prasad Sinha:** (a) Do Government propose to reduce the charge of inland money order commission by 15 per cent. on money orders of less than fifty rupees so as to relieve the burden on the poorer class of remitters?

(b) If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government regret that they are unable to reduce the charge.

(b) It does not pay the Post Office to charge less than 2 annas commission for the work involved in dealing with a money order.

RATE OF INTEREST ON POSTAL SAVINGS BANK DEPOSITS.

830. ***Mr. Ambika Prasad Sinha:** Will the Government be pleased to state if they have considered the question of increasing the rate of interest on postal savings bank deposits?

The Honourable Sir Basil Blackett: As I informed the House in reply to a question by Mr. Venkatapatiraju in September 1924, the Government do not consider it desirable to increase the rate of interest on postal savings bank deposits. I would remind the Honourable Member that there is an alternative form of investment earning a higher rate of interest suitable for the poorer classes who desire to invest small sums at a time, namely, postal cash certificates.

Mr. K. Ahmed: Is it a fact, Sir, that the Imperial Bank has given notice to its customers that they intend to reduce the rate of interest in the savings bank department of the Imperial Bank from next May?

The Honourable Sir Basil Blackett: I congratulate the Honourable Member on his assiduity in reading the press from which he has obtained the information which I have also obtained from the same source.

Mr. K. Ahmed: Have the Government of India asked the Imperial Bank to reduce the rate of interest, because the Department of the Honourable Member is put to difficulties by being asked to pay the same rate of interest in the Post Office Savings Bank Department?

The Honourable Sir Basil Blackett: If the Honourable Member will send me the question by post, it may be delivered.

LATE OPENING OF THE BOOKING OFFICE AT BHAGALPORE RAILWAY STATION.

831. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the following complaint published in the *Amrita Bazar Patrika*, dated the 2nd February, regarding the Bhagalpore railway station on the East Indian Railway:

"It is a matter of regret that the public have been put to many difficulties owing to the irregular conduct of the booking clerks. The trains stop here for 8 to 10 minutes. The booking clerks generally open the ticket window four or five minutes before the arrival of the principal trains. Within this short time, the stronger only succeed in elbowing their way to the ticket window, and the weaker and the illiterates have to wait and wait."

(b) Are Government aware that such complaints regarding the opening of the third class Booking offices are very frequent and what steps have the Government taken to remedy this sort of complaint?

Mr. G. G. Sim: (a) The reply is in the affirmative.

(b) The Honourable Member is referred to the answer given on 1st September 1925, in this Assembly to his question No. 302. The matter will again be brought to the notice of the Agent of the East Indian Railway.

Mr. Gaya Prasad Singh: Who will bring this to the notice of the East Indian Railway?

Mr. G. G. Sim: The Railway Board will bring the matter to the notice of the East Indian Railway.

ALLEGED ASSAULT ON AN INDIAN LADY PASSENGER TRAVELLING FROM RANGOON TO CHITTAGONG BY THE STEAMER *LADY BLAKE*.

832. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the following telegram from the Honorary Secretary of the Indian Merchants' Association, Akyab, published in the *Amrita Bazar Patrika*, dated the 2nd February:

"A serious complaint has been received by the Indian Merchants' Association, Akyab. While a second class respectable Indian Hindu lady passenger, travelling from Rangoon to Chittagong per *Lady Blake* on the 28th night at 2 A.M., was asleep alone in a cabin, a European Engineer of the steamer stealthily entered the cabin, and tried to molest her. On raising an alarm, the passengers and the Indian crew rushed to the scene and found the lady weeping and shaking at the door. Later the culprit was identified by the lady before the Captain and other passengers."

(b) What are the facts of the case, and what steps have been taken in the matter?

The Honourable Sir Alexander Muddiman: (a) I have seen the telegram referred to in the *Amrita Bazar Patrika*.

(b) I have no information in regard to the occurrence but I will send a copy of the Honourable Member's question and my reply to the Local Government.

RAILWAY TO THE TALCHER COAL-FIELDS.

833. ***Mr. K. C. Neogy:** (a) When did the scheme for the construction of a railway to the Talcher coal-fields, originate, and who made the initial suggestion in that behalf?

(b) Did the Mining Engineer of the Railway Board make any report in that connexion, regarding the quality and quantity of coal in the Talcher coal-fields? If so, will Government be pleased to lay a copy of his report on the table of the Library of this House?

(c) When was the survey of the projected railway ordered to be carried out, and what materials were available to the Railway Board regarding the possibilities of the coal-fields when the survey was ordered?

(d) Had any lease for working any part of the coal-fields been taken by any party when the survey was ordered? If so, who were the parties, and for what areas were such leases taken?

(e) Was there any negotiation at any time between the Railway Board and Messrs. Villiers, Limited, for the construction of the line on Branch Line terms? If so, what were the circumstances in which the negotiations fell through?

(f) When were the construction estimates received by the Railway Board, and when did the Railway Board decide to construct the line as part of the Bengal Nagpur Railway?

(g) What was the total cost of construction estimated to be, and what profits were anticipated when the construction was decided upon; and what are the latest estimates under these two heads?

Mr. G. G. Sim: (a) In 1887. The original suggestion was made by the Government of India.

(b) Yes. It is regretted that a copy of the report cannot be placed on the table of the Library, as it is a confidential document.

(c) A detailed survey was sanctioned in 1921. The materials available were reports of the Mining Engineer with the Railway Board and the Superintendent of the Geological Survey of India.

(d) Yes. The Feudatory Chief of Talcher State had granted a lease to the East India Prospecting Syndicate for an area of 5,000 acres.

(e) Yes. The negotiations fell through owing to the inability of Messrs. Villiers and Co., to float a company to finance the construction of the line.

(f) January 1923, and August 1922.

(g) The Honourable Member is referred to the answer given to his question on the same subject on 1st February 1924. The line is now estimated to cost Rs. 88 lakhs.

Mr. B. Das: Is it not a fact that this Talcher Railway line is part of the Government's Cuttack-Talcher-Sambalpur Railway scheme to develop Central Orissa and to connect Cuttack with Sambalpur?

The Honourable Sir Charles Innes: That is a development which may be undertaken in the future.

THE BENGAL NAGPUR RAILWAY MINING LEASE IN RESPECT OF THE TALCHER COAL-FIELDS.

834. ***Mr. K. C. Neogy:** Will Government be pleased to make a detailed statement regarding the prospecting licence obtained by the Bengal Nagpur Railway from Messrs. Villiers, Limited, in respect of a certain area of the Talcher coal-fields, giving the history of the undertaking up to date?

Mr. G. G. Sim: A statement giving the information asked for is laid on the table.

"The Bengal Nagpur Railway negotiated for a prospecting licence over an area of 4,900 bighas in the Talcher coal-fields in 1922. The terms arrived at for a prospecting licence of 6 months were the payment of a *salami* of Rs. 50,000. The prospecting work took much longer than was anticipated owing to the difficult nature of the strata and took 18 months instead of 6, and further difficulties arose as the terms of the mining lease would have to be governed by the terms of the head-lease granted by the Raja of Talcher to Messrs. Villiers Limited. The negotiations between the Bengal Nagpur Railway and Messrs. Villiers Limited later involved negotiations also with the Raja of Talcher in order to ascertain whether the terms of the Railway lease could be modified in a way to meet the requirements of the Railway, and it was not till February 1925 that the Bengal Nagpur Railway decided that the prospects justified taking up an area of 2,941 bighas on payment of a *salami* of Rs. 7,73,000 to Messrs. Villiers Limited (Talcher Coal-fields Limited). Although certain further difficulties have arisen since then in regard to certain terms of the mining lease it is believed that these have now been satisfactorily settled at a meeting recently held in Calcutta.

VISIT OF THE HONOURABLE SIR ALEXANDER MUDDIMAN TO THE ANDAMANS.

835. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that the Government deputed Sir Alexander Muddiman to visit the Andamans?

(b) What was the object of the visit?

(c) What are the results of the visit?

(d) Will the Government be pleased to state if any report has been published conveying the suggestions and recommendations of Sir Alexander Muddiman? If yes, what are they?

(e) What was the expense involved in the visit?

The Honourable Sir Alexander Muddiman: (a) to (d). I visited the Andaman Islands as the Member of the Executive Council directly responsible for the administration of the Settlement. The visit was entirely voluntary. The immediate object of the visit was to obtain first hand information as to conditions in the islands and the progress made in developing them as a free colony since the Government's decision to close the penal settlement, with a view to deciding upon future policy. A Resolution has been drafted embodying some of the conclusions arrived at as the result of the visit and will, I hope, be ready for publication at an early date.

(e) I cannot at present state the cost of the visit but I am having inquiries made and the cost will be communicated to the Honourable Member later.

Mr. K. Ahmed: After the visit of the Honourable Member to the Andaman Islands and on his return, what were the reasons that led him to make up his mind to send a deputation to that Island, Sir?

The Honourable Sir Alexander Muddiman: If the Honourable Member is aware of the fact, he will be also aware of the fact that I have been inviting Members to see the Moplah prisoners long before I decided to go to the Island myself.

Mr. K. Ahmed: Is it not a fact, Sir, that the terms of reference to the deputation were sent by the Honourable the Home Member after his return and not before?

The Honourable Sir Alexander Muddiman: I am quite sure about that. The terms and conditions were exactly the terms of the original offer.

Mr. K. Ahmed: Is it not a fact and am I not quite justified in saying that it was not the original offer and that is the reason why the Department of my Honourable friend sent a telegram to the Chief Commissioner of Port Blair stating their terms of reference?

The Honourable Sir Alexander Muddiman: That, Sir, is an entire mis-statement and also does not arise out of the answer.

Syed Majid Baksh: The Resolution which the Home Member has just said will be put before the House

The Honourable Sir Alexander Muddiman: Published.

Syed Majid Baksh: Will it not be put before the House?

The Honourable Sir Alexander Muddiman: Certainly not.

Syed Majid Baksh: Does the Government consider the desirability of putting any Resolution before the House which will embody the opinion expressed in the report which has been submitted by the Andamans Deputation?

The Honourable Sir Alexander Muddiman: I have not quite followed the Honourable Member. When he has read my Resolution, he can move any Resolution.

Syed Majid Baksh: Will Government bring it as a Resolution?

The Honourable Sir Alexander Muddiman: Certainly not.

Syed Majid Baksh: Embodying the recommendation of the deputation which they themselves sent?

The Honourable Sir Alexander Muddiman: I have not got the report of that deputation. If my Honourable friend has got any influence, I shall be obliged if he will ask the members to hurry up with their report. I grow impatient.

RECOMMENDATIONS OF THE BRUSSELS CONFERENCE REGARDING MILITARY EXPENDITURE.

836. ***Mr. Ambika Prasad Sinha:** (a) Is it a fact that the Brussels Conference recommended that in future the military expenditure should not exceed 20 per cent. of the gross central revenues?

(b) Do the Government of India propose to accept the recommendations of the said Conference? If not, why not?

The Honourable Sir Basil Blackett: I would invite the Honourable Member's attention to the reply given by me on the 25th January, 1926, to a similar question by Sir Hari Singh Gour.

REMOVAL OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES, FROM ALLAHABAD TO LUCKNOW.

837. ***Mr. Ambika Prasad Sinha:** Is there a proposal for removing any portion of the Accountant General's Office from Allahabad to Lucknow? If so, do Government propose to stop the removal?

The Honourable Sir Basil Blackett: The answer to the first part of the question is in the affirmative and to the second part in the negative.

Mr. Gaya Prasad Singh: Why should the Accountant General's office be removed from Allahabad to Lucknow?

The Honourable Sir Basil Blackett: If the Honourable Member will put the question down, he will get the answer.

PRESENT CONDITION OF SCIENTIFIC RESEARCH CARRIED ON BY GOVERNMENT DEPARTMENTS.

838. ***Dr. S. K. Datta:** (a) Has the attention of Government been called to a paper read by Sir Thomas Holland and published in the *Journal of the Royal Society of Arts* of November 20th. 1925, in which he comments on the necessity in India of "co-ordinating official activities in scientific research"?

(b) Is it a fact that in 1903 the Government formed a Board consisting of the principal officers of the Scientific Departments?

(c) If so, does such a Board continue to exist? If it has been abolished, will Government state the reasons?

(d) Is it a fact that " industrial research " has been provincialized?

(e) Have Government any places for co-ordinating all research work in India, whether carried on centrally or provincially?

(f) In view of Sir Thomas Holland's criticisms, will Government consider the necessity of making a statement, regarding the present condition of scientific research carried on by Government Departments?

Mr. J. W. Bhore: (a) and (b). Yes.

(c) The activities of the Board of Scientific Advice have been held in abeyance since 1924 owing to financial considerations.

(d) Yes (*vide* item 25 of Part II, Schedule I of the Devolution Rules).

(e) The Government of India maintain institutions at which certain main branches of research work whether carried on centrally or provincially are co-ordinated but do not maintain any single institution at which all research work is co-ordinated.

(f) Government do not feel that they can usefully make a statement with reference to criticisms which are mainly directed against the principle of the division of functions between central and provincial authorities which was adopted as a result of the Reforms.

Mr. Devaki Prasad Sinha: Have Government taken any steps to improve the financial condition of the Board referred to in this question?

Mr. J. W. Bhore: I do not quite follow my Honourable friend. I do not know what he means by improving the financial condition of the Board.

Mr. Devaki Prasad Sinha: I heard the Honourable Member say that owing to financial considerations the Board has not been working since 1924. My question is whether any steps have been taken since 1924, to improve the financial condition of this Board?

Mr. J. W. Bhore: The Board has no finances of its own. If, however, the Honourable Member suggests that the question might now be considered whether the activities of this Board might not be resuscitated, I can assure him the question will receive consideration.

Mr. B. Das: Do I understand the Honourable Member to say that in the opinion of the Government of India the activities of a Scientific Research Board are not necessary for the progress of science in India?

Mr. J. W. Bhore: I have not said so, Sir.

Mr. B. Das: Do I take it that the Government think that the improvement of scientific research is essential for the industrial and scientific development of India and with that end in view they will re-establish this Board?

Mr. J. W. Bhore: I have already given the answer to my friend Mr. Devaki Prasad Sinha and have told the Honourable Member that we shall consider the question of resuscitating the activities of the Board.

THE COMMONWEALTH OF INDIA BILL.

839. ***Dr. S. K. Datta:** (a) Has the attention of Government been called to a Bill introduced in the House of Commons entitled "A Bill to constitute within the British Empire a Commonwealth of India" and ordered to be printed by the House on the 17th December, 1925?

(b) Has this Bill been transmitted to the Government of India by His Majesty's Government, and if so, has the opinion of the Government of India on the Bill been asked for?

(c) If Government have expressed an opinion, will they make public their views to this House?

(d) Do the Government propose to give to this House an opportunity of discussing the Bill in order that their opinion may be transmitted to His Majesty's Government?

The Honourable Sir Alexander Muddiman: (a), (b) and (c). The Honourable Member is referred to my reply to Sir Hari Singh Gour's question No. 138, dated the 25th January, 1926.

(d) I would refer the Honourable Member to the Rules and Standing Orders of the House.

Mr. K. Ahmed: Do Government propose to send a copy of this Bill to all the Members of this Assembly?

The Honourable Sir Alexander Muddiman: I do not know if I have any copies, but if I have any copies, I agree they may be supplied to the Honourable Members.

Diwan Bahadur T. Rangachariar: May I ask if the Secretary of State has consulted the Government of India as to what attitude he is to adopt towards this Bill?

The Honourable Sir Alexander Muddiman: I am not aware of that fact, Sir.

Diwan Bahadur T. Rangachariar: Do the Government of India propose to send any information to the Secretary of State in respect of this matter when the Bill comes up before the House of Commons?

The Honourable Sir Alexander Muddiman: If we are invited to do so, we shall certainly do so.

Diwan Bahadur T. Rangachariar: Do the Government propose not to send any information to the Secretary of State if they are not invited to do so?

The Honourable Sir Alexander Muddiman: I do not know if I even have got a copy of this Bill.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government of India have taken any interest in this Bill at all and whether they have got a copy of it?

The Honourable Sir Alexander Muddiman: I have read it with great interest, but I am not sure if I have got a copy of it.

Sir Hari Singh Gour: May I ask the Honourable Member whether it is not the practice of the Secretary of State to send down to the Government of India for their information any measure pending in the House of Commons affecting the interests of India?

The Honourable Sir Alexander Muddiman: We generally get Bills out from Home. My Honourable friend Mr. Tonkinson tells me that we have received a copy of the Bill for our information.

Sir Hari Singh Gour: Not merely for information. The question that I wish to ask is whether it is not the practice of the Secretary of State to invite the opinions of the Government of India on any measure pending in the House of Commons affecting the interests of India?

The Honourable Sir Alexander Muddiman: I regret to say that it is not the invariable practice, Sir.

Diwan Bahadur T. Rangachariar: May I know, Sir, whether the Government of India propose to adopt any attitude towards this Bill on its second reading?

The Honourable Sir Alexander Muddiman: I might point out to the Honourable Member that the second reading will take place in the House of Commons and I am afraid I shall not be able to put forward any remarks about it.

Sir Hari Singh Gour: Am I to understand that the Secretary of State commits the Government of India and himself as regards the policy to be adopted in the House of Commons on the second reading of a Bill affecting India without consulting the Government of India?

The Honourable Sir Alexander Muddiman: I am sorry the Honourable Member apparently neither listened to the reply which I gave to his previous question when I told him that the Secretary of State has not consulted the Government of India as to the attitude he should adopt in regard to this Bill nor to the reply which I gave to the last question. The Secretary of State may be—and quite possibly he is—fully aware of the attitude we should advise him to adopt when this Bill is discussed.

Diwan Bahadur T. Rangachariar: May I ask, Sir, whether the Government of India will take advantage of this opportunity either to appoint a Royal Commission or to have a Round Table Conference?

The Honourable Sir Alexander Muddiman: That is a large question of policy to answer in reply to a supplementary question.

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE RIVER IRRAWADDY NEAR SAGAING.

840. ***J. Hla:** (a) Is it the intention of the Government to construct a railway bridge across the River Irrawaddy between Amarapura Shore and Sagaing?

(b) If so, when is the construction likely to be taken in hand?

Mr. G. G. Sim: (a) and (b). Government have under consideration a proposal to construct a railway bridge over the Irrawaddy river near Sagaing, but until they have received and examined the estimates and figures of traffic that have been called for from the Burma Railways administration, they are unable to state whether the construction of the bridge is likely to be taken in hand or not.

EXTENSION OF THE MANDALAY-MADAYA RAILWAY TO MOGOK.

841. ***U. Hla:** (a) Is it the intention of the Government to construct a railway line between Mandalay and Mogok?

(b) If so, when?

Mr. G. G. Sim: (a) and (b). A survey has recently been sanctioned for the extension to Singu *via* Yenatha of the Mandalay-Madaya railway, at present under conversion to metre gauge, but the Government have not under consideration at present the further extension of this line to Mogok.

APPOINTMENT OF BURMANS AS ASSISTANT TRAFFIC SUPERINTENDENTS AND STATION MASTERS ON THE BURMA RAILWAYS.

842. ***U. Hla:** (a) Is it a fact that the intention of the Government is to employ as many Burmans as possible in every department of the railways in Burma?

(b) If so, will the Government be pleased to state how many Burmans have been appointed as Assistant Traffic Superintendents and station masters of important railway stations?

Mr. G. G. Sim: (a) The reply is in the affirmative.

(b) The Burma Railways are appointing this month two Burman Assistant Traffic Superintendents in addition to the three already employed. Government have no information regarding the appointment of station masters.

THE NATAL PUBLIC HEALTH COMMITTEE'S ORDINANCE.

843. ***Mr. Ambika Prasad Sinha:** (a) Will the Government be pleased to state how far they have progressed in their negotiations with the South African Union Government?

(b) While negotiations are progressing, is it a fact that the Union Government are amending the Act of Union to legalize Acts of public health committees in Natal under the Natal Ordinance No. 7 of 1923?

(c) Are Government aware that the said Act was held *ultra vires* by the Appellate Court of South Africa in December last year?

(d) Are Government aware that the South African Indian Congress wired to the Minister of the Interior of the Union Government asking him to postpone the second reading of the Bill and to give them an opportunity to make representations?

(e) Was this representation of the South African Indian Congress not considered by the Union Government?

(f) Did the Government of India make any representations on the matter to the Union Government? If so, what was the representation? If not, why not?

Mr. J. W. Bhore: (a) I regret I am unable to add anything to-day to the statements on this subject which have been made by His Excellency the Viceroy on the occasion of the opening of the Legislative Assembly on the 20th January and the Council of State on the 9th February.

(b), (c) and (d). The reply is in the affirmative.

(e) Government are aware that the amending Bill has been passed by the House of Assembly and Senate notwithstanding the request of the South African Indian Congress for postponement.

(f) The Natal Public Health Committee's Ordinance was the subject of representations on the part of the Government of India before it became law.

Mr. Gaya Prasad Singh: May I know, Sir, when the Government of India are likely to give a day for the discussion of the South African question?

Mr. J. W. Bhore: I am not in a position to answer that question. That question must be addressed to the Honourable the Leader of the House. (*Mr. Gaya Prasad Singh:* "I am asking the Government.") I may say, however, that I hope in the course of the next few days we shall be able to give the House some information in regard to the whole question of South Africa.

PAY OF THE CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

844. ***Mr. Amar Nath Dutt:** (a) Is it a fact that in the case of the staff of the office of the Director General, Posts and Telegraphs, no service benefit in their time-scales of pay was granted and that their pay was not fixed on the analogy of the scales of pay granted to the staff of the offices of like status, i.e., the other attached offices of the Government of India Secretariat?

(b) If the answer to the above is in the negative, will the Government be pleased to say whether it was due to the Director General's office being located in Calcutta that the staff was deprived of the treatment?

(c) Do the Government propose to grant the attached offices' scales of pay to the staff of the Director General's office at the time of their move to Delhi?

(d) Will the Government be pleased to state:

- (1) what pay is actually being drawn by a clerk in each Division in the office of the Director General, Posts and Telegraphs, in the 10th year of his service; and
- (2) correspondingly how much is being drawn by such an official in each Division in the Indian Stores Department and in the Central Board of Revenue, respectively, in the 10th year of his service?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The locality of the office had nothing to do with the question. The pay was revised in 1921 in accordance with the final orders passed on the recommendations of a Departmental Committee.

(c) No.

(d). (1) Between Rs. 105 and Rs. 120 in respect of the "A" class and Rs. 71 in respect of the "B" class.

(2) The two offices mentioned have been recently constituted. According to the scales of pay sanctioned for those offices the actual pay in the 10th year will be Rs. 200 for an Upper Division Assistant and Rs. 111 for a

Lower Division clerk. In comparing the scales of pay of these two offices with those of the Director-General, Posts and Telegraphs' office, it must be borne in mind that the former scales were fixed with reference to the fact that the offices have to move with the Government of India between Simla and Delhi.

PAY OF THE SUBORDINATE STAFF OF THE OFFICES OF THE AUDITOR GENERAL, ACCOUNTANT GENERAL, CENTRAL REVENUES, AND DEPUTY ACCOUNTANT GENERAL, CENTRAL REVENUES.

845. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to say whether full benefit of service in the respective time-scales of pay was granted in the case of the subordinate staff of the offices of the Auditor General, Accountant General, Central Revenues and the Deputy Accountant General, Central Revenues?

(b) Will the Government be pleased to state whether, before the office of the Deputy Accountant General, Central Revenues, was moved to Delhi the staff of that office got a further improvement in their scales of pay, and, whether over and above those improvements they got certain concessions on their transfers to Delhi from Calcutta?

(c) Will the Government be pleased to state whether the increase in their pay on their transfer to Delhi—Rs. 40 above their pay of Rs. 100 and Rs. 20 below that—will be absorbed in their future annual increments as they fall due?

(d) What pay is drawn by a clerk in the 10th year of his service in the offices of:

- (1) the Auditor General;
- (2) the Accountant General, Central Revenues; and
- (3) the Deputy Accountant General, Central Revenues?

The Honourable Sir Basil Blackett: The information required by the Honourable Member is being collected and will be furnished to the Honourable Member in due course.

GRIEVANCES OF THE OFFICE STAFF IN CONNECTION WITH THE REMOVAL OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS FROM CALCUTTA TO DELHI.

846. ***Mr. Amar Nath Dutt:** (a) Has the attention of Government been drawn to a paragraph in the Occasional Notes in the *Statesman* of the 24th January last in regard to the move of the office of the Director General, Posts and Telegraphs, to Delhi, stating the case of a grievous hardship of that office staff?

(b) Will the Government be pleased to say whether the joint petition of the clerks of that office submitted to the Director General last year in connection with their move praying for the grant to them of certain concessions was duly and sympathetically gone into by the Director General himself before he recommended their case to the Honourable Member for obtaining approval of the Standing Finance Committee?

(c) Will the Government be pleased to state whether, when presenting their recommendations before the Standing Finance Committee, the Government also placed a copy of the petition of the officials before that Committee for their consideration of the reasonableness of the Government recommendations? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) I understand that the joint petition was received by the Director-General after he had submitted his recommendations to Government, and that after carefully considering the petition the Director-General saw no reason to modify those recommendations.

(c) No. There was no petition before Government. Even if there had been such a petition, it is unlikely that Government would have placed it before the Standing Finance Committee unless they considered it necessary to do so. As the Honourable Member is no doubt aware, the proposals of Government were approved by the Committee.

**GRANT OF CONCESSIONS TO THE STAFF OF THE OFFICE OF THE DIRECTOR
GENERAL OF POSTS AND TELEGRAPHS IN CONNECTION WITH THE
REMOVAL OF THE OFFICE FROM CALCUTTA TO DELHI.**

847. ***Mr. Amar Nath Dutt:** (a) Are the Government aware of the fact that the subordinate staff of the office of the Director General, Posts and Telegraphs, are not paid on an All-India scale of pay, and that having been recruited in Calcutta, long before the move to Delhi was contemplated the subordinate staff are not liable or are not bound by any contract to be transferred out of Calcutta permanently except under compulsion?

(b) As the staff of that office are being transferred to Delhi do the Government propose:

- (i) to grant them the same scales of pay, placing each and every clerk in suitable stages, so that they can retire after attaining the maximum of time-scale of pay such as is enjoyed by the staff of the other attached offices of like status in Simla and Delhi?
- (ii) to grant further adequate remuneration for the breaking up of their homes in their native land? If so, what? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer to the first part of the question is in the affirmative.

With respect to the second part, the clerks in the Director-General's office are not employed under a contract. They were recruited to serve in the office of the Director-General and not to serve in Calcutta. I should also like to point out that the decision that this office would eventually be located at Delhi was announced in 1912.

(b). (i) The answer is in the negative. It may be pointed out that the office of the Director-General, Posts and Telegraphs, as a whole will not move with the Government of India between Simla and Delhi as attached offices do.

(ii) Government have under consideration a proposal to grant the staff the following concessions:

- (i) A bonus of two months' pay subject to a maximum of Rs. 200.
- (ii) Personal pay at the following rates:

	Rs.
Clerks on pay up to Rs. 100	20
Clerks on pay above Rs. 100	40
Record Clerks	10
Duffries and Jamadar Peons	4
Other peons and menials	2

- (iii) An advance of two months' pay recoverable in 12 instalments.
- (iv) Travelling allowance for family following the men within the year and
- (v) Double third class fare for menials.

The personal pay referred to at (ii) would be absorbed in future increments as they fell due.

The staff of the Director-General's Camp Office including the Wireless Branch which has hitherto moved between Simla and Delhi would also under the Director-General's proposal enjoy concessions Nos. (ii) and (iv).

GRANT OF SUITABLE RATES OF PAY TO THE STAFF OF THE OFFICE OF
THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS IN CONSEQUENCE
OF THE REMOVAL OF THE OFFICE FROM CALCUTTA TO DELHI.

848. ***Mr. Amar Nath Dutt:** (a) Are the Government aware of the fact that a clerk of the office of the Director General, Posts and Telegraphs, at present drawing Rs. 110 in Calcutta, when moved permanently to Delhi with the office, will have to draw less than that sum for one year, notwithstanding the concessions proposed to be given, after deducting:

- (1) Rupees 24 approximately on account of his house-rent, electric bill, sanitation and furniture taxes, etc.;
- (2) Rupees 18 as monthly instalments on account of the advance of two months' pay?

(b) Are the Government aware that the staff of that office will have to incur an additional amount of extra expenditure perpetually on account of servants' wages, warm clothing and dearness of fuel and other commodities in the Imperial Capital?

2. (a) Will the Government be pleased to say whether the above hardships, disabilities and inconveniences, consequent on the proposed change in their service conditions, were thoroughly gone into, on their prayer before sanction was obtained from the Standing Finance Committee?

(b) Is it a fact that in no such office in Delhi, is the staff paid such low incremental rates of pay as obtain in the Director General's office?

(c) Is there any proposal under the consideration of Government to grant the staff of the office of the Director General, Posts and Telegraphs, a suitable scale of pay for the present incumbents when they are brought to Delhi?

The Honourable Sir Bhupendra Nath Mitra: 1. (a) Yes.

(b) No.

2. (a) The joint petition of the staff was carefully considered by the Director-General who did not think it necessary to modify his recommendations to Government.

(b) No.

(c) No.

INSPECTION QUARTERS IN THE CENTRAL TELEGRAPH OFFICE BUILDINGS
IN CALCUTTA.

849. ***Mr. Amar Nath Dutt:** (a) Is it a fact that there is in existence some quarters called "inspection quarters" in the Telegraph buildings in Calcutta and if so, are they furnished or not?

(b) Will the Government be pleased to state the reasons for having such inspection quarters in the Telegraph buildings in Calcutta?

(c) By whom are those quarters used and why?

(d) Are those quarters meant for accommodating families and how many rooms were there in the past and how many are there at present?

(e) Is any rent paid by the occupants to the Department or any municipal tax, as in the case of the post and telegraph masters?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. The quarters are furnished.

(b) and (c). Officers of the Department have frequently to visit Calcutta on tour, and it has been found necessary for the efficiency of the inspection work to provide them with certain rooms in the Central Telegraph Office buildings in Calcutta which were not required for any other purpose. The rooms are used by gazetted officers of the Department including accounts officers and by any other departmental officers specially authorised by the Head of the Circle.

(d) Yes. Formerly there was one room with a bath room. As that accommodation was found insufficient and inconvenient when two officers happened to visit Calcutta on duty at the same time, three more rooms, which were used as store rooms, were added.

(e) Rent is paid but not municipal tax.

RIGHT OF APPEAL OF THE STAFF OF THE POSTAL DEPARTMENT.

850. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the staff of the Postal Department, specially of the administrative offices, are denied the right of appeals generally under rule No. 11 (4) by the Head of the Department and under rules Nos. XI (8) and XI (13) by the Government of India?

(b) Is it a fact that rule 11 (4) is not applicable in the case of Government servants?

The Honourable Sir Bhupendra Nath Mitra: (a) No. The discretionary powers under the rules cited are exercised after carefully considering the circumstances of each case.

(b) No.

WITHHOLDING OF APPEALS SUBMITTED BY THE STAFF OF THE POSTAL DEPARTMENT.

851. ***Mr. Amar Nath Dutt:** (a) (i) How many appeals to the Government of India from the staff of the Postal Department (1) in the Director General's office and (2) in the office of the Postmaster General, Bengal and Assam, were withheld under rule 11 (4) in 1924?

(ii) How many appeals to the Secretary of State from the staff of the Royal Mail Service, Eastern Circle, were withheld under rule XI (8) in 1925?

(iii) How many appeals to the Secretary of State from the staff of (1) the Director General's office and (2) the office of the Postmaster General, Bengal and Assam, were withheld by the Government of India under rule XI (13) during the last two years?

(b) Were the appeals, if there were any, under (ii) and (iii) above actually gone into by the Appeals Officer of the Directorate?

(c) Was there any such appeal case in 1924 and 1925 as referred to at (iii) above, which was not gone into by that Appeals Officer? If so, was any deviation made and quite different action taken in the Director General's office, which led to the particular appeal being withheld?

(d) Is there any objection to the appeals being not withheld and being sent to the Secretary of State for final decision and not withheld under rules XI (8) and XI (13) by the Government of India in the cases mentioned at (ii) and (iii) above?

(e) Does the Honourable Member in charge of the Department propose to reconsider the particular cases referred to in (c) above and allow the appeals to be submitted to the Secretary of State?

The Honourable Sir Bhupendra Nath Mitra: (a) (i) (1) Two.

(2) None.

(ii) Two.

(iii) (1) Two.

(2) One.

(b) Yes.

(c) 1st Part—No.

2nd Part—Does not arise.

(d) Yes.

(e) No.

OPENING OF THE PORT OF CALCUTTA TO THE HEDJAZ PILGRIM TRAFFIC.

852. ***Haji Wajihuddin:** Are the Government aware that Jeddah having been opened by Sultan Ibn Saud for pilgrim traffic, an extraordinarily large number of Indian pilgrims are preparing for Holy pilgrimage in the coming season, and if so, do Government propose to consider the advisability to have the port of Calcutta also opened and the necessary shipping arrangements made without delay?

Mr. J. W. Bhore: The Government of India have no information as to the number of intending pilgrims.

The port of Calcutta has been re-opened to the Hedjaz pilgrim traffic.

Haji Wajihuddin: Are the Government of India aware that the fares charged during the last season by the steamship companies have generally been felt to be most exorbitant, and will they be pleased to see that before the necessary shipping arrangements are made with any company to carry pilgrims the fares for deck passengers are reduced?

Mr. J. W. Bhore: Will the Honourable Member be so good as to send me notice of that question?

Mr. K. Ahmed: Will the Honourable Member kindly inform the House when it is proposed to open the port of Calcutta to the Hedjaz pilgrim traffic?

Mr. J. W. Bhore: A notification declaring it open has been published about ten days ago.

Mr. K. Ahmed: Is there any likelihood of its being opened by next April?

Mr. J. W. Bhore: It has already been opened.

ALLEGED RUDE BEHAVIOUR OF A GUARD ON THE BENGAL AND NORTH WESTERN RAILWAY.

853. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a letter of Babu Rajendra Prasad, published in the *Searchlight* of Patna, dated the 3rd February, 1926, and the editorial comments of the paper thereon, regarding the ill-treatment and rude behaviour of a railway guard at Begusarai on the Bengal and North-Western Railway on the 26th January, last?

(b) What steps have been taken to ascertain the facts of the occurrence and punish the guard in question?

(c) Are Government aware that cases of ill-treatment and rude behaviour by railway employees are common on the Bengal and North-Western Railway?

Mr. G. G. Sim: (a), (b) and (c). Government have not been able to obtain a copy of the paper referred to. The answer to part (c) is in the negative.

Mr. Gaya Prasad Singh: I sent a copy of the newspaper cutting along with the question to the Secretary, Legislative Assembly; and I also spoke to my Honourable friend, Mr. Sim, about it.

Mr. G. G. Sim: I am afraid, Sir, it was not delivered.

Mr. Gaya Prasad Singh: But I sent the newspaper cutting . . .

Mr. President: The Honourable Member may send another copy of that cutting to the Member in charge.

Mr. Gaya Prasad Singh: But it is not with me. It appears to have been lost in the Legislative Department.

Mr. Devaki Prasad Sinha: Have the Government taken any steps to ascertain what the facts are since they received notice of this question?

Mr. G. G. Sim: I have already told the Honourable Member that I have not seen the newspaper referred to.

Mr. Devaki Prasad Sinha: Did the Government take any steps to ascertain what the facts are?

Mr. G. G. Sim: Government have not seen the newspaper in question.

Mr. B. Das: Is not the Honourable the Financial Commissioner aware that in the Library of the House there is a copy of the *Searchlight* of Patna and that the same is subscribed for by the Government?

Mr. G. G. Sim: I am afraid I am not aware of that fact. Is the Honourable Member referring to this particular issue?

Mr. A. Rangaswami Iyengar: I should like to ask the Honourable Member whether Government, having had notice of this question and the facts stated therein, have taken the trouble to find out whether those allegations are true?

Mr. G. G. Sim: I have told the Honourable Member that I do not know what the allegations are.

Mr. Devaki Prasad Sinha: But did the Honourable Member take the trouble to find out the facts?

The Honourable Sir Charles Innes: I must point out that the Railway in question is practically owned by a private company, and without seeing the newspaper it is impossible for us to know whether the allegations are serious enough for us to take any action. We do not ordinarily interfere with the Agent of a private railway.

Mr. Gaya Prasad Singh: Will Government now ask the local authorities to take action in the matter?

INDIANIZATION OF THE ROYAL AIR FORCE IN INDIA.

854. ***Mr. Ambika Prasad Sinha:** Will the Government be pleased to state:

- (a) how many Indians have been admitted so far to the Air Force?
- (b) whether the Air Force authorities in England have agreed to the admission of an increasing number of Indian lads to the Air Force?
- (c) if they entertain the idea of Indianizing the Royal Air Force Service in India?
- (d) how many years will it take to Indianize the said service if adequate opportunities are given to Indian lads for training in England in the Royal Air Force with the object of their serving as officers in the Air Force in India?

Mr. E. Burdon: (a), (b), (c) and (d). The attention of the Honourable Member is invited to the answers given to numerous similar questions in the past, and in particular to the statement which I made on the 4th July 1923 in connexion with a Resolution which was moved by Sir Sivaswamy Aiyer and to which I subsequently referred in my reply to starred question No. 1912, answered on the 15th September 1924. Attention is also invited to the reply given on the 22nd January 1925 to unstarred question No. 38.

UNSTARRED QUESTIONS AND ANSWERS.

PROVISION OF SERVANTS' COMPARTMENTS IN SECOND CLASS CARRIAGES, ON THE BENGAL AND NORTH WESTERN RAILWAY.

145. **Mr. Gaya Prasad Singh:** Are Government aware that no servants' compartment is provided in the second class carriages of the Bengal and North Western Railway, and that this results in much inconvenience to such passengers?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 139 asked in this Assembly on 23rd January 1925.

DIRECT RAILWAY CONNECTION BETWEEN HAJIPUR AND SAMASTIPUR.

146. **Mr. Gaya Prasad Singh:** (a) Are Government aware that passengers travelling from any station between Cawnpur and Hajipore to Samastipur and beyond on the Bengal and North Western Railway are put to great inconvenience, expense, and loss of time, as there is no direct railway connection between Hajipore and Samastipur; and they have to go either via Muzaffarpur or Bachwara?

(b) Do Government propose to have an inquiry made as to the possibility of having a direct railway line between Hajipore and Samastipur?

(c) Do the Government propose to ascertain whether such a line would be remunerative?

Mr. G. G. Sim: (a) Government are aware that there is no direct railway connection between Hajipur and Samastipur, but have no information regarding the inconvenience complained of.

(b) The Government have no proposal before them for the investigation of the prospects of this connection, and it is not included in the list of new lines recommended by the Local Government.

(c) The Agent, Bengal and North Western Railway, will be asked for his views on the proposal.

OMISSION OF NAMES FROM THE LIST OF VOTERS DURING THE LAST COUNCIL OF STATE ELECTIONS.

147. **Dr. K. G. Lohokare:** (1) Is it a fact that at the last Council of State elections many names of Members of Legislatures were not found in the list of voters, particularly in the Bombay Presidency?

(2) Was any attempt made before preparing the electoral roll to call for the information from the Departments concerned, such as the Revenue Department for a list of persons paying land revenue, Income-tax Department for a list of persons paying income-tax, local bodies for a list of their voters, the University for a list of fellows past and present, Municipalities and Local Boards for their Presidents and Vice-Presidents, etc.?

(3) Were any instructions issued by the Central and Local Governments to re-collect the information before the roll was prepared, and did the Bombay Government do so?

(4) Is it the desire of Government to rely mainly on the individual voters for asking for a correction of the list in time, without an attempt on their part to get the voters lists from the Departments and bodies concerned in due time?

(5) Are Government prepared to look into the matter at the next general elections and ensure a fairly correct list of voters for the Legislatures being prepared fairly early before the elections?

Mr. L. Graham: (1) and (2). Elections for the Indian Legislature constitute a provincial subject, and the Council of State Electoral Regulations for Bombay, as for other provinces, assign the responsibility for the preparation of electoral rolls to officers of the Local Government. In these circumstances the Government of India have no information regarding these parts of the question. With reference to the proposal that information should be obtained from the Income-tax Department, the attention of the Honourable Member is invited to the provisions of section 54 of that Act.

(3) The Government of India issued no such instructions and have no information regarding the issue of such instructions by the Bombay Government or other Local Governments.

(4) and (5). Government have no desire to cast on the electors any responsibility which may properly be held to belong to the authority preparing the roll. A copy of the Honourable Member's question and of this reply

will be sent to Local Governments with a view to consideration by them of the propriety of issuing instructions to such authorities on the lines contemplated by the Honourable Member or otherwise.

INTERMEDIATE CLASS CARRIAGES ON THE NORTH WESTERN RAILWAY.

148. **Haji Wajihuddin:** Are the Government aware that the North Western Railway have recently constructed a number of intermediate class carriages very narrow seated and have marked on them the words "for 20 passengers" and that since the reservation of "European compartments" in the same class has been removed, consequent reduction in the total number of intermediate class compartments has been made on the said line? Do the Government propose to draw the attention of the authorities concerned to these grievances as well as to the Resolution adopted in this House on 24th February, 1924, on the same subject?

Mr. G. G. Sim: The reply to the first part is in the negative. As regards the second part a copy of the question and answer will be sent to the Agent, North Western Railway.

UNAUTHORISED AUCTION OF THE PROPERTY OF MR. HAR CHARAN DASS MATHUR, OF THE 30TH LANCERS, CONVICTED IN A CRIMINAL CASE IN PESHAWAR.

149. **Dr. K. G. Lohokare:** (a) Is it a fact that the moveables of Mr. Har Charan Dass Mathur of the 30th Lancers (Gordon's Horse), who was convicted in the Peshawar District Criminal Case No. 3/7 of 1919, were auctioned some time before the 9th April, 1920, while the orders of the Judicial Commissioner, North-West Frontier Province, authorizing their attachment were passed on the 8th June, 1920?

(b) If the reply is in the affirmative, will the Government be pleased to state (i) under what authority the moveables were auctioned and (ii) what action has been taken against the officials who auctioned the property without any authority for the auction at the time?

UNAUTHORISED AUCTION OF THE PERSONAL PROPERTY OF MR. HAR CHARAN DASS MATHUR, OF THE 30TH LANCERS, CONVICTED IN A CRIMINAL CASE IN PESHAWAR.

150. **Dr. K. G. Lohokare:** Is it a fact that the testimonials, bedding, utensils, account books, seals (personal), etc., etc., of Mr. Har Charan Dass Mathur of the 30th Lancers (Gordon's Horse) which are excepted from attachment under section 60 of the Code of Civil Procedure were auctioned? If so, do the Government propose to compensate Mr. Har Charan Dass Mathur for the same, and if so, how?

UNAUTHORISED AUCTION OF A CORONA PORTABLE TYPEWRITER BELONGING TO MR. HAR CHARAN DASS MATHUR OF THE 30TH LANCERS.

151. **Dr. K. G. Lohokare:** Is it a fact that a New Corona portable typewriter costing about Rs. 220 belonging to Mr. Har Charan Dass Mathur of the 30th Lancers (Gordon's Horse) was under the orders of the District Judge, Peshawar, kept in deposit for delivery to him on release but was auctioned for Rs. 35 without authority? If so, do the Government propose to make good the loss caused to Mr. Har Charan Dass Mathur by its unauthorized auction and if so, how?

**REFUND TO MR. HAR CHARAN DASS MATHUR OF THE 30TH LANCERS
OF A SUM OF RS. 150 TAKEN OVER BY THE POLICE WHEN THEY
ARRESTED HIM.**

152. Dr. K. G. Lohokare: Is it a fact that the sum of Rs. 150 was taken over by the Police in the search from the person of Mr. Har Charan Dass Mathur of the 30th Lancers (Gordon's Horse) on arrest on the eve of the 4th August, 1919? If so, why has not this sum so far been refunded to Mr. Har Charan Dass Mathur?

The Honourable Sir Alexander Muddiman: I propose to reply to questions Nos. 149 to 152 together. The Government of India have no information in regard to the case. It is quite open to the person concerned to move the Local authorities up to the Chief Commissioner of the North West Frontier Province. The incidents are alleged to have occurred in 1919 and 1920 and until the Honourable Member indicates particular reasons for suggesting an inquiry now into events which occurred so long ago, the Government of India do not propose to make any inquiry. If he will indicate such reasons in the lobby I will consider them.

COAL SUPPLIES FOR STATE RAILWAYS.

153. Mr. K. C. Neogy: Will the Government be pleased to lay on the table a complete list of different coals tendered for the State Railways for delivery during the year 1926-27, showing the rates at which they were offered, the seams of coal in each case, and the quantity and the seams of coal purchased by the Railway Board against these tenders?

The Honourable Sir Charles Innes: A list, which has been already published, showing the names of the successful tenderers, description of coal and quantity accepted from each, and the rate per ton in each case, is laid on the table. It is not the practice to publish a complete list of all tenderers with details of their tenders.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD).

Delhi, dated the 5th February 1928.

COMMUNIQUE.

STATE RAILWAY'S COAL SUPPLIES FOR 1926-27.

Successful Tenderers.

Name of Tenderer.	Description and seams.	Quantit.	Rate per ton in Rs. f. o. r.
		Tons.	Rs. A. P.
Bird and Co.	Teetulmuri, 12 and 13	24,000	5 0 0
Ditto	Loyabad, 12, 13, 14 and 15	144,000	5 0 0
Ditto	Mudidih, 12, 13, 14 and 15	60,000	5 0 0

STATE RAILWAY'S COAL SUPPLIES FOR 1926-27—contd.

Successful Tenderers—contd.

Name of Tenderer. 1	Description and seams.	Quantity.	Rate per ton in Rs. f. o. r.
		Tons.	Rs. A. P.
N. H. Ojha	Khas Seetalpore, Sunkarpore	30,000	4 4 0
Tata Iron and Steel Co.	Jamadoba, 17 and 18	119,000	5 0 0
Kanji Manji Selected Coal Co.	Kusunda, 11 and 12	12,000	3 4 0
Roy Dutt and Co.	Kajora	24,000	4 8 0
Pure Jharla Coal Co.	Pure Jharir, 10	18,000	2 12 0
Gillanders Arbuthnot and Co.	Ekra, 12, 13 and 14	48,000	5 0 0
Ditto	South East Baraboni, Poniat	18,000	6 12 0
D. N. Ghosh and Bros.	Dharmaband, 17	12,000	5 4 0
Moti Ram Coal Co.	Kirkend, 13 and 15	18,000	4 12 0
Bengal Iron and Co.	Noonodih Jitpur, 17	72,000	5 0 0
Ditto	Ramnagar	24,000	5 0 0
Khengarji Amritlal Co.	Jote Dhemo, Sunkarpore	36,000	4 8 0
Ditto	Khrs Joyrampore, 11, 12 and 13	12,000	3 8 0
North Barakar Coal Co.	Lodna, 14	18,000	5 0 0
Turner Morrison and Co.	Lodna, 14 and 15	68,000	6 4 0
Ditto	Sripore, Bottom	59,000	6 12 0
Apcar and Co.	Charanpore, Poniat	24,000	6 8 0
Ganji Dossa and Sons	North Kujama, 11 and 12	12,000	3 4 0
Balmer Lawrie & Co.	Joyramdanga, Senetoria	18,000	6 12 0
Ditto	Victoria, Ramnagar (Tob and Middle)	48,000	6 12 0
Martin & Co.	Kusunda Nyadee, 10, 11 and 12	60,000	3 12 0
Ditto	Samla Kendra, Samla	53,500	4 12 0
Ditto	Samla Ramnagar, Samla	24,000	4 12 0
Ditto	Sathpukria, Ghusick	24,000	5 0 0
Ditto	Ghusick, Ghusick and Nega	60,000	5 4 0
Macneill & Co.	Deshherghur, Poniat	106,000	6 8 0
Jardine Skinner & Co.	Kendwadih, 13 and 15	24,000	5 0 0
Ditto	Sutikdih, 12, 13, 14 A and 15	24,000	5 0 0
N. C. Sircar & Sons	Nimcha	18,000	4 4 0
Ditto	Monoharbahal, Desherghur	20,000	6 4 0
Ditto	Madhabpore, Kajora	24,000	4 4 0
Banerjee & Co.	Jambad, Jambad	12,000	4 11 0
Ditto	Faridpur, Faridpur	12,000	5 0 0
Harsookdass Balkissendas	East Jamehari	12,000	4 8 0
F. W. Heilgers & Co.	Standard, 14-A	18,000	6 8 0
Ditto	„ 14 and 15	42,000	6 0 0
R. B. Sircar & Sons	Kirkend, 13 and 14	30,000	4 14 0
Sircar and Sircar	Kajora, Kajora	12,000	4 8 0
Pure Kajora Coal Co.	Pure Kajora	14,000	4 8 0
G. P. C. Co.	Khas Jeenagora, 11, 12, 13 and 3-A	18,000	3 8 0
Anderson Wright & Co.	Central Kirkend, 12, 13 and 15	24,000	5 0 0
Shaw Wallace & Co.	New Tetturiya, 13 and 15	24,000	5 0 0
Villiers Ltd.	Bagdigi, 14, 14-A, and 15	48,000	6 0 0
Ditto	Fowardih, 14 and 15	18,000	4 14 0
Ditto	Chatabar, Ramnagar	16,000	4 0 0
Agabeg Bros.	Jogta, 12, 13, 14 and 15	81,000	5 0 0
Turnbull Bros.	Dmaguria, Salanpur A	24,000	5 0 0
Commercial Colliery Co.	Tisra, 11 and 12	18,000	3 4 0
K. B. Seal & Sons	Kallythan Gurgaon, 17	12,000	5 8 0
Kanga & Co.	Alkusa, 10, 11 and 12	12,000	3 2 0
Indian Iron & Steel Co.	Hirapur Works Soft Coke	7,700	6 4 0
Ghela Panchan & Co.	Lower Joyrampore, 11, 12 and 13	12,000	3 8 0

VISIT OF HIS MAJESTY THE KING EMPEROR TO INDIA, ETC.

154. **Haji Wajihuddin:** (a) Are the Government aware that the facts quoted in my starred questions Nos. 608 to 610 which were duly answered on 3rd February, 1926, were widely published by *Riasat* and *Qaum* of Deihi and *Alamgir* of Meerut and that great sensation prevailed in the areas concerned?

(b) Do the Government propose to make inquiry as to the authority and source of information upon which the said papers had given publicity to this news?

The Honourable Sir Alexander Muddiman: The replies to both parts of the Honourable Member's question are in the negative.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President: I have received the following Messages from His Excellency the Governor General:

(The Messages were received by the Members of the Assembly standing.)

"In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration."

(Sd.) **READING,**

Viceroy and Governor General."

"For the purpose of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:

<i>Monday, March 1st</i>	<i>...</i>	<i>Presentation in both Chambers.</i>
<i>Thursday, March 4th</i>	<i>...</i>	<i>} General discussion in the Legislative Assembly.</i>
<i>Friday, March 5th</i>	<i>...</i>	
<i>Saturday, March 6th</i>		<i>General discussion in the Council of State.</i>
<i>Monday, March 8th</i>	<i>...</i>	<i>} Voting of Demands for Grants in the Legislative Assembly.</i>
<i>Tuesday, March 9th</i>	<i>...</i>	
<i>Wednesday, March 10th</i>	<i>...</i>	
<i>Thursday, March 11th</i>	<i>...</i>	
<i>Friday, March 12th</i>	<i>...</i>	

(Sd.) **READING,**

Viceroy and Governor General."

RESULTS OF THE ELECTIONS TO THE PANELS FOR STANDING COMMITTEES.

Mr. President: I have to inform the Assembly that the number of candidates nominated for election to the four Standing Committees to be attached to the four Departments of the Government is in each case equal to the number required, and therefore I announce that the following Members are declared to be duly elected:

For the Standing Committee for the Home Department:

Colonel J. D. Crawford.
Mr. E. S. Roffey.
Sir Hari Singh Gour.
Sheikh Mushir Hosain Kidwai.
Mr. S. C. Ghose.
Mr. K. Ahmed.
Khan Bahadur W. M. Hussanally.
Haji Wajihuddin.
Captain Hira Singh Brar.

The Standing Committee for the Commerce Department:

Mr. W. S. J. Willson.
Sir Willoughby Carey.
Mr. K. Rama Aiyangar.
Diwan Bahadur M. Ramachandra Rao.
Sheikh Mushir Hosain Kidwai.
Mr. B. Das.
Mr. Devaki Prasad Sinha.
Khan Bahadur Alimuzzaman Chowdhry.
Mr. Ahmad Ali Khan.

The Standing Committee for the Department of Education, Health and Lands:

The Revd. Dr. E. M. Macphail.
Mr. E. S. Roffey.
Maulvi Mohammad Yakub.
Sheikh Mushir Hosain Kidwai.
Sir Hari Singh Gour.
Haji Wajihuddin.
Maulvi Abul Kasem.
Pandit Krishna Kant Malaviya.
Mr. Chaman Lall.

The Standing Committee for the Department of Industries and Labour:

Mr. W. S. J. Willson.
Sir Darcy Lindsay.
Mr. Chaman Lall.
Mr. N. M. Joshi.
Maulvi Abul Kasem.
Captain Ajab Khan.
Mr. K. Rama Aiyangar.
Mr. B. Das.
Pandit Shamlal Nehru.

DEATH OF MAULVI MUHAMMAD KAZIM ALI.

***Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, it may be in the recollection of the Members of this House that you very
 12 Noon. kindly adjourned the House rather abruptly on Friday afternoon in order to enable the Members of this House to proceed to the residence of our late colleague, Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali. Our worst apprehensions unfortunately came true and our revered friend quietly and peacefully passed away at 10 o'clock that night.

Sir, I had known Maulvi Kazim Ali for just over a quarter of a century and I always found him to be an honest, sincere and devoted worker in the cause of his country and his community. He was not a highly educated man as that term is understood and applied generally in this House and elsewhere, but he was one of the most devoted educationists of his time. Forty years back he had rendered the best service he could do to his community and to the people of his locality by making education popular and cheap, and with this object in view he started a school where he himself worked for many years. The school was started on a modest scale but it was his good fortune to have the satisfaction of seeing that school raised to the status of a High English School, and to-day it is in a flourishing condition. Sir, he was one of those men—and they are very rare in this country—who worked silently without thought of fear or favour and he worked without any idea of advertisement or notoriety or popularity. He worked because he believed in doing good and I must say this, as I know from personal experience, that he was a man who had the courage of his convictions and was not one to be induced to do one thing or the other at the dictation of any one however high or mighty he might be, and he did not care even for popular applause. Whatever he thought right to do, he did. He was not blessed with all the good things of the world, but he was far richer in heart than many of our big men, because he gave his all for the cause of his community and his country. I might tell this House that in order to make this school of his flourishing and prosperous he gave up all the property he had and has scarcely left anything for his family. Though he was not much in evidence in this House so far as debates are concerned, he watched the proceedings keenly and attentively, and those who had known him long appreciated his virtues. I believe the whole House will agree with me that we are all deeply grieved at his sad demise and, if I may say so, he died far away from his home and from those near and dear to him. I hope, Sir, the House will agree with me in my request that you may be pleased to communicate to his son and his family our expression of regret and sympathy with them in their bereavement.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I associate myself with all that has fallen from Maulvi Abul Kasem. Although I have not had the good fortune of a long acquaintance with my late lamented colleague Maulvi Kazim Ali, I can say from the short experience I have had of him that his was a noble heart, and that he possessed in an eminent degree all the qualities that have been referred to by Maulvi Abul Kasem. It is my personal experience, Sir, that he was a staunch Swarajist and a very strong upholder of his principles. From the moment this Assembly sat he was a member of the Swaraj Party and he acquitted himself as a member of that Party in the most admirable way. He took a keen interest in the proceedings not only of the Assembly as they went on, but also in all that

*Speech not corrected by the Honourable Member.

[Pandit Motilal Nehru.]

concerned the Party and in all that concerned the country at any time. We are all very sorry for his death. He died full of years and honours. But his presence was needed in the present state of the country and we wished that he had been spared a little longer. I associate myself, Sir, with the request made by Mr. Abul Kasem that the sympathy and condolence of this House may be communicated to the family of the deceased.

Mr. Bipin Chandra Pal. (Calcutta: Non-Muhammadan Urban): I beg to associate myself, Sir, with this sad Resolution. I had the honour—and I do not use the language of convention when I say I had the honour—of knowing our late lamented friend for the last 20 or 22 years. I first met him in Chittagong during the last Swadeshi and anti-partition days. He was one of the very few Muhammadan gentlemen who did not accept the partition of that province in a good spirit. It was a very unpopular cause then and our late lamented friend throughout his whole life had been a supporter of unpopular causes. The last thing that he did was, last year, to completely efface himself from an institution which he had himself established and supported with all his private resources and with all the labour of his body. He was the founder of a school in Chittagong. He was a teacher there and he was the Secretary, and when the non-co-operation agitation came on and people were asked to give up all connections with schools and colleges associated with the Government or the University our late friend retired, out of regard for his allegiance to the new non-co-operation movement, from his association with that school. He made it over practically to the Government. Practically, I say, because the Sub-Divisional Officer of Chittagong and some prominent members of the Chittagong community were made trustees and responsible for the carrying on of this school. When he so nobly retired from the school, a proposal was made that instead of calling it the Chittagong High English School, it ought to be named after him but he strongly repudiated the idea saying that he did not want his name to be associated with an institution which was meant for the public good and supported by public contributions. He was a poor man, and he did not like his name to be associated with that institution. The last act of self-sacrifice on his part was practically to sell his ancestral homestead to pay the debts of this institution. He was born a poor man, he died a poor man, but all through his life he sacrificed everything that he had for the service of his people and the good of his country.

Sir Darcy Lindsay (Bengal: European): Sir, on behalf of myself and my colleagues I desire to be associated with this expression of sorrow at the death of our late Member. We all admire his pluck at the advanced age of 83 taking up politics on behalf of his country, and I fear that it may have been the cold of Delhi that has hastened his death.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I desire to associate myself with the expressions of regret that have fallen from all sides of the House and to strongly support the proposal that has been made to you by Maulvi Abul Kasem that the regret and sympathy of the House should be communicated to the relatives of the deceased.

Mr. President: The Chair desires to associate itself with the feelings expressed by Members on this occasion and it will be the duty of the Chair to convey the unanimous expression of regret of the House to the family of the deceased.

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

Mr. President: The House will now proceed to the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, clause by clause.

COMMENTS IN A NEWSPAPER REFLECTING ON THE IMPARTIALITY OF THE CHAIR.

The Honourable Sir Alexander Muddiman (Home Member): Sir, before we proceed with the further consideration of this Bill I desire, with your permission, to make a few observations regarding a misunderstanding with regard to the progress of the Bill on the last date. During the division, Sir, I told you that I was not anxious to proceed with the further business on the agenda. This, doubtless, misled you into the view that I did not wish to make a further motion on the Bill then under consideration. I will not conceal from the House that I should have been glad to have made the other motions that stood in my name with regard to the Bill as I regarded them as entirely formal (and I have no doubt that the House to-day will take the same view) after the discussion we had on that day. But I want to make it perfectly clear that if there was any misunderstanding, I was to blame for it, and I make no complaint at all on account of the procedure adopted by the Chair which was due to a misunderstanding. I may tell the House that I have read certain observations which might be construed as a reflection against the Chair. I dissociate myself entirely from that view. May I assure you that we are fully satisfied that the rulings of the Chair are based on the principles that have always been and I trust will always be the basis of the rulings of the Chair.

Mr. President: The Chair welcomes the statement just made by the Honourable the Home Member on behalf of the Government. It gives the Chair an opportunity to express its view on this newspaper report which has evoked the statement from the Home Member. The attention of the Chair has been drawn to the writing under the heading "From our special correspondent" appearing in a certain newspaper. There is no doubt that the statement contains an insinuation of partiality directed against the Chair and the publication of such an insinuation constitutes, in the opinion of the Chair, a grave breach of the privileges of this House, deserving of the severest condemnation. The Chair, however, is not prepared to take a serious view of the matter at present and hopes that the statement made by the Home Member will have the desired effect on the newspaper concerned and it will express its unqualified regret for the publication of the report in question forthwith. If the matter is again mentioned by any Member of this House at a later date complaining that the newspaper in question is unrepentant, the Chair will pass such orders against it as are permissible. The Press must know that no suggestion of partiality, however remote, directed against the Chair will be tolerated. At the same time the Press is fully entitled to criticise the conduct of the Chair as much as it pleases, without casting or suggesting any reflection on its partiality. The Speaker must guard and maintain his reputation for impartiality of all things at any cost, and he cannot do so if he allows such suggestions or insinuations to pass unnoticed.

[Mr. President.]

The Chair takes this opportunity of explaining to the House the practice it has hitherto followed and proposes to follow hereafter in adjourning the House. On non-official days, the Chair endeavours, as far as possible, to accommodate the non-official Members and consult their convenience before adjourning. On official days, the Chair endeavours to treat the official Benches on the same principle. In the absence of any instructions from either side of the House on any particular day, the Chair uses its own discretion and adjourns the House at such hour as it considers proper having regard to the state of business for that day. Generally speaking, the Chair is always anxious to consult the convenience of the House and shows its readiness to sit even very late hours irrespective of its personal convenience.

Last Wednesday was an official day and in accordance with its usual practice the Chair adjourned the House in consultation with the Leader of the House.

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL—*contd.*

Mr. President: The question is that clause 2 stand part of the Bill.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): I have here a couple of amendments on the agenda (3 and 4)* which practically cover the same ground as amendements Nos. 1 and 2. My purpose in bringing these amendments is to make the issue demanded by the Honourable the Home Member clearer still further. He wants in this Bill that the words 'section 109' in section 123 should be displaced from their present position and be grouped with the words 'section 110' in the line below, so that all offenders under section 109 should have rigorous imprisonment. Now, we know that section 109 consists of two parts (a) and (b), of which (a) deals with men who are suspected of being prepared to commit a grave offence, while (b) deals with men who have no ostensible means of livelihood and includes vagrants and ascetics too. To put both these classes of persons together would, I think, be doing a further injustice. Instead of, therefore, making criminals under both parts to undergo the penalty of rigorous imprisonment I have made a distinction between the two so that criminals under (b), if some of them can be called criminals at all, may have nothing more than simple imprisonment as before. The issue that the Honourable the Home Member demanded—the issue of helping the executive with power which he says is badly needed—has, therefore, been narrowed down to criminals only and not to persons who may not be criminals and yet could be taken up under that section. The clear cut issue therefore is, that the House may consider the grant of so much power as is really necessary, and the Honourable Member's demand should have been only for (a) and nothing more. This is the purport of the amendments that I have placed before the House. I need not take the House into the wording that I have

*" In clause 2 for the words and figures " the words and figures ' or section 109 ' shall be omitted " the words and figures " for the words and figures ' section 109 ' the words and figures " clause (b) of section 109 or ' shall be substituted " be substituted.

" In clause 2 for the words and figures " section 109 or " the words and figures " clause (a) of section 109 or " be substituted."

adopted and add that all these motions make the change needed in section 2 of the Bill. There is some advantage in having parts (a) and (b) dealt with separately and I commend these amendments to the consideration of the House.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): I gave notice of a similar amendment consolidating both the amendments Nos. 3 and 4 of Dr. Lohokare, but I do not move my amendment directly because I have got a mandate not to move it. All the same I wish to say a few words with reference to the amendment which has just now been moved by Dr. Lohokare. From the nature of the discussion which took place on the consideration stage of this Bill I found on one side, on the part of Government a suspicious obstinacy to convert the whole section into a serious matter of providing rigorous imprisonment for both classes in (a) and (b) of section 109. On the other side of the House there has naturally been a serious legitimate apprehension of the misuse to which this provision would be put as it has been proved in the past by the experience of the Nagpur trials. The other day, no doubt, the Honourable the Home Member regretted very much the abuse of the section in Nagpur and whatever pious regrets he may give expression to here, we know full well that it will not be of any serious use in practice in Courts. We have also had an assurance from one ex-District Magistrate and one current District Magistrate bearing testimony to the fact that they have never made a misuse of this section

The Honourable Sir Alexander Muddiman (Home Member): I do not know what the Honourable Member is driving at, but we have had a long discussion on the consideration stage of this Bill. If I am right, the question before the House is the amendment of Dr. Lohokare.

Mr. C. Duraiswami Aiyangar: I am only pointing out the reasons why I have taken this intermediate view which Dr. Lohokare has put before the House. It seemed to me from the discussions on both sides of the House that it was possible to find a distinction between part (a) and part (b) of section 109, that one side need not insist that both the clauses should be put on the same level in order to give the magistrate discretion to award simple or rigorous imprisonment. On the other side they might make a distinction between clause (a) and clause (b) of section 109 because clause (a) deals specifically with a case in which a man may be lurking, may be concealing himself in order to commit an offence and may make preparations in order to commit the offence, taking all necessary steps in order to ensure his concealment. I do not believe clause (c) of section 109 can be ever used by any honest magistrate against any political offender because no political worker is worth his name if he conceals himself or if he prepares to conceal his presence in any way in order to commit any offence, even if it be the offence of sedition. Therefore, Sir, I think that clause (a) may be separately viewed from clause (b). But, on the other hand, if you put both under the same category and leave it to the discretion of the magistrate himself we cannot trust to such discretion in spite of the statement made to us in this House that the District Magistrates or magistrates never make any bad use of these provisions, as was said by the Honourable Mr. Rahman, a nominated Member of this Assembly. Suppose that in the place of my Honourable friend Mr. Rahman the very magistrate who made a misuse of this section in the Nagpur Flag cases had been brought here as a nominated Member of this Assembly; he would have been equally eloquent in

[Mr. C. Duraiswami Aiyangar.]

self-praise that he never made a misuse of this section. So long as the judicial and executive functions are combined in one person, as was pointed out by Diwan Bahadur Rangachariar, it is not the Procedure Code or the rules that guide the subordinate magistracy but the circulars that are issued. I can tell you one funny incident, but it is true all the same. A subordinate magistrate discharged two or three cases of abkari prosecutions and prosecutions under the Forest Act. The District Magistrate said that the magistrate was going headlong and wrote on the calendar "You must be an ass". The subordinate magistrate said "Respected Sir, noted for future guidance". This is the view that magistrates take. I would therefore ask you to see the distinction between clause (a) and clause (b). So far as clause (b) is concerned the position is this. You find a man with no ostensible means of livelihood. For the matter of that your census reports show that there are millions in this country who have no ostensible means of livelihood. You find lacs of people calling themselves *sadhus* or *bairagis*. You find them in every nook and corner of India. They proceed from the Himalayas to Cape Comorin. They travel without buying tickets. They get down when there is an inspecting officer and travel again. Are you going to put all of them in jail under clause (b) of section 109? There is therefore a clear distinction between clause (a) of section 109 and clause (b) of the same section. I should very much like you to make clause (a) more severe than clause (b) and not to place both on the same level. The Honourable the Home Member said in this House the other day that the Vagrancy Act is very severe. If you read sections 3 and 4 of the British Vagrancy Act of 1824 you will find that they clearly and definitely point out the specific kinds of persons who can be made liable under that Act. If you make the definition in clause (b) equally definite, we can understand that it should be put on the same level. Then again you have the European Vagrancy Act of 1874 in India. A very considerate and liberal treatment is accorded to the European Vagrants. Will you treat the Indian Vagrants on a par with them? I will be then satisfied. Therefore I maintain that there is every reason for making a distinction between clause (a) and clause (b). Section 108 of the Criminal Procedure Code deals with taking security for dissemination of seditious matter, for committing offences under sections 124A and 153A of the Indian Penal Code, criminal intimidation of any judge, defamation of a judge. All these are involved in section 108 and the punishment is only simple. Then why do you take a beggar, who is an ordinary man, and make him do hard labour? Will you at least guarantee that you will give him a *charka* and enable him to earn his living in that way when he comes out of jail? That is the kind of hard labour to which you should put him. As the Government of Bengal has said in the opinions which we have received after circulation, these homeless vagrants should not be given hard labour but only simple imprisonment. In the case of persons who are lurking to commit an offence, you must give a severer punishment. The Government of Bengal therefore agrees with the spirit of the amendment which has been moved by my friend Dr. Lohokare. I therefore think that you can reasonably draw a distinction between clause (a) and clause (b) and I hope Government will agree to it. If the Government do not consent, I for my part do not ask for a division and I will not vote.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Permit me after the speech of the last speaker to make the position of the Swaraj Party quite clear on this point. I am sorry I was not

present is the House when the discussion on the consideration of the Bill took place but I shall abide by the caution given by my Honourable friend the Home Member in the remarks I am going to make, that is to say, I shall not go into the merits of the motion already adopted.

Mr. President: The Honourable Member can go into the merits on the motion that the Bill be passed.

Pandit Motilal Nehru: At this moment we are considering this particular amendment. Now, a certain view has been expressed by Mr. Duraiswami Aiyangar about the merits of the amendment which does not find favour with the general Party. It is my duty to stand up and explain the position of the Party. The broad principle upon which we rely is that section 109 is a section which occurs in Chapter IV of the Criminal Procedure Code and relates to the prevention of offences. Apart from cases of habitual offenders, which stand upon a different footing and as to which no question arises at the present stage, all measures taken for the purpose of preventing offences have the specific object of merely prevention of crime, and not punishment of crime. Clauses (a) and (b) of section 109 are absolutely indistinguishable in their nature looked at from that point of view. The person contemplated by clause (a) has taken precautions to conceal himself and is expected to do something wrong. The person contemplated in clause (b) has no means of livelihood and is suspected of harbouring some criminal intentions. That is the distinction, if distinction it can be called. But the broad ground upon which we rely is that no man shall be punished whatever his antecedents, except on conviction for a criminal offence, except in so far as it is necessary for the actual purpose of the prevention of crime. Now, the moment you get hold of a man from whom you have such apprehensions and you lock him up in the safe custody of the jailor the possibility of his committing an offence is avoided for the time being. Well, the Legislature in its wisdom has considered that detention for a year would be enough to meet the case. The question here is, what is to be the nature of this detention, whether it is to be accompanied by hard labour or be simple imprisonment? I say that so far as the object is concerned, namely, the prevention of crime, all that is necessary is that this man should be detained, the man you suspect. If you go beyond that, if you go beyond simply making it impossible for him to commit the offence which you suspect he may commit, then you are punishing the man for something which he has not done. I would not carry the provisions of the section as far as that. So the position that we took in opposing the consideration of the Bill and the position which we shall in the discussion of its provisions, as well as on the motion that the Bill be passed, will be that we are against the whole principle of it. Therefore I would ask all Honourable Members—not only those of the Swaraj Party but all others—and would appeal to them not to place this dangerous weapon in the hands of the Executive. I would ask them to vote against all the amendments as well as the clause itself.

The Honourable Sir Alexander Muddiman: Sir, I do not propose to detain the House with a long speech at the present moment. We discussed this at very great length at the consideration stage and I regret much that the Honourable Pandit was not there. I have not the faintest doubt if he had heard my arguments that he would have taken a different view. His position is not now really before the House. He opposes the whole thing; that is, he says the imprisonment must be simple in all cases of security except under section 110. That is hardly the amendment before

[Sir Alexander Muddiman.]

the House, but if I may be permitted to reply to what he has said I will do so. The answer is that you already have in the Code a law which is apparently not opposed in section 110, which allows rigorous imprisonment. The issue raised is not really, if I may say so, whether you should have simple or rigorous imprisonment. The issue which the Pandit would like to put before the House is whether you should have section 109 at all. That is not the issue. On the general question this was very fully debated at the consideration stage. There is one clause in the Bill, and if there was any principle to affirm the House then affirmed that the imprisonment should be simple or rigorous. That was the decision of the House. The House may revise its decision but I trust it will not.

Now, on the amendment my position is this—and there I am rather inclined to agree with the Honourable Pandit—the clauses do stand on the same footing. You may have an objection to the whole thing, but you cannot really separate the two sections at all. (a) and (b) are on the same lines and should remain on the same lines. All that we ask is that the magistrate should have discretion to impose simple or rigorous imprisonment. It might well be argued that there may be an amendment to the clause itself. But that is not put forward. We are asked to retain the law as it stands and to take away the discretion in the case of one portion of the section. That I think is neither logical nor quite reasonable after the decision which the House has already arrived at.

There is one other point that I have to bring out on every occasion. It is this question of the allegation that these powers are dangerous in the hands of the Executive. Now, it is perfectly true at the time the Nagpur cases took place it was so. But the Code was amended in 1923 or thereafter, and the amenders of the Code in their wisdom inserted the new appeal to the Sessions Judge and to the High Court. Now, I do submit to this House that this is a great protection, and I therefore ask the House to stand by its decision which really was arrived at at the consideration stage and to pass this Bill without amendment. I must therefore oppose my Honourable friend Dr. Lohokare's amendment.

Dr. K. G. Lohokare: Sir, may I withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, it is not with any hope that my amendment is going to be accepted that I move it. I wish to assure the Honourable the Home Member that it is in a spirit of co-operation and to make an effort to meet the difficulty which he has put to the House that I have proposed this amendment. My Honourable friend the Home Member appealed to us very ardently the other day to meet cases of persons who are really bad characters and who deserve rigorous imprisonment for failure to give security under this section. There may be such cases, probably about one per cent., as my Honourable friend Sir Henry Stanyon said. Even if it is one per cent. we must provide for such cases. For such classes of cases our objection was that they did not deserve rigorous imprisonment because this is a purely preventive measure. But still, as the Executive feel that some discretion should be had in such matters, we wish to meet the Executive in this way. Not that I believe in it myself, but simply to meet the executive view I come forward with this amendment. My proposition is this—just as in

clause (2) of section 123, as Honourable Members will see from their Codes, in serious cases, the Code already provides that the discretion to award rigorous imprisonment or simple imprisonment should be in the hands of the Sessions Judge or the High Court. Honourable Members will notice that in cases coming under section 110 where security for good behaviour is called for for more than one year and up to three years, section 123 (2) already provides that in such cases, when there is failure to give security the magistrate himself is not to decide whether he should give simple or rigorous imprisonment. That has to be referred either to a Sessions Judge or the High Court, as the case may be, and then the Sessions Judge or the High Court will decide whether the bond was correctly ordered to be given and whether there should be simple or rigorous imprisonment. I follow that suggestion on similar lines and I say that in serious cases coming under section 109, that is cases in which a distinction as made by the Bengal Government appears, discretion may be given. This is what they say :

“ Where a professional criminal is caught under suspicious circumstances . . . ”

—and those are the cases which the Executive have in view—

“ . . . discretion may be given to award rigorous imprisonment.”

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): He can be had up under section 110.

Diwan Bahadur T. Rangachariar: That was my argument on the other occasion.

Mr. M. A. Jinnah: Then why change your argument.

Diwan Bahadur T. Rangachariar: They say that they cannot do it.

Mr. M. A. Jinnah: They are wrong.

Diwan Bahadur T. Rangachariar: They are wrong. I believe they are wrong, but still they complain that this Legislature is not responsive, and they say, “ We have come forward, the whole of the Executive Government want this, we appealed to the Legislature, the Legislature says ‘ No ’. it returns an emphatic ‘ No ’ ”. In order that we may not be open to that accusation, because the Royal Commission is coming (Hear, hear), and there may be no justification for such a charge, I offer this on behalf of the non-officials, at any rate on my behalf (Laughter), so that such a charge may not be laid at our door. I offer this co-operation to the Government, and it is this, in the words of the Bengal Government: “ A professional criminal caught under suspicious circumstances may be given rigorous imprisonment, while a homeless vagabond may be sentenced to simple imprisonment ”. That is the division of section 109 into two clauses. In the latter case, where a professional criminal is caught under suspicious circumstances I want to give a discretion not to the magistrate, who combines in himself executive and judicial functions, but to the Sessions Judge. That is the scheme of the Act already in clause 2 of the same section where, because the magistrate has no discretion, he has to report it for the orders of the Sessions Judge or of the High Court. Similarly, I say that where the magistrate considers that in the circumstances of the case rigorous imprisonment is called for, then, instead of deciding it himself, he shall report it for the orders of the Sessions Judge or of the High Court, and that

[Diwan Bahadur T. Rangachariar.]

is my amendment. There is, Sir, a slight printing error. It is not my object to retain the original clause, it is in substitution of the clause in the original Bill that I propose to add this, namely:

" To sub-section (6) of section 123 of the said Code the following proviso be added :

' Provided that in cases of persons called upon to give security for good behaviour under clause (a) of section 109 if the magistrate considers that rigorous imprisonment is called for, on failure to give security he may report such case to the Sessions Judge for orders who after perusing the records and hearing the person concerned may award rigorous imprisonment in lieu of simple imprisonment and if the magistrate is a Presidency Magistrate such report shall be made to the High Court '."

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): What about the appeal?

Diwan Bahadur T. Rangachariar: The appeal is already there. My Honourable friend has not apparently recently read the Code. An appeal is allowed against an order demanding security. This section only comes in after he has failed to give security. There is no further appeal allowed under section 406 against an order awarding imprisonment on failure to give security. It is only after he has failed to give security that section 123 comes in, and my Honourable friend, Sir Hari Singh Gour, if he will kindly turn to section 406, will find that this is already provided for in clause 2 of the section. Similarly this will be provided for. Therefore, my submission is that this is a reasonable amendment, a reasonable response to the very earnest appeal made by the Honourable Home Member, and I hope he will accept it. If not, I may have to vote against the whole Bill.

Mr. M. A. Jinnah: I hope the Royal Commission will be announced.

The Honourable Sir Alexander Muddiman: Sir, I always like to hear my Honourable friend Diwan Bahadur Rangachariar's appeals; I always like to give them very earnest consideration; and I always like to give if possible a favourable answer. But on this amendment he has certainly not convinced me. As far as I can follow his main argument, his argument is really this that he is constructing a defence against any charges which may be brought against him before the Royal Commission in order that he may be able to say, " Here, I co-operated because I know it was of no importance " (Laughter). That seems to be the answer to that. Secondly, I do not think he honestly feels that the clause he is inserting is of any value: it is adding to what is going on continually in this country, and he forgets the absolute neglect of economy of judicial time. Sir, the time will come in this country when I earnestly believe some Member will propose that cattle trespass cases should be tried alone by the High Court, and that there should be a second appeal to the Judicial Committee. We have gone a very long way. He is quite aware that under the old law " section 110 " cases used to come up, when it was on an order for over one year, before the Sessions Judge. There has been no change made in that law. We have made a change in section 109. We have given an appeal to the Sessions Court and not to the District Magistrate; and therefore I do hope that my Honourable friend, being defeated in his amendment, will not take the extreme course of voting against the passage of this Bill. Sir, I oppose the amendment.

Mr. President: The question is :

“ That for clause 2 of the Bill the following be substituted :

“ To sub-section (6) of section 123 of the said Code the following proviso be added :

“ Provided that in cases of persons called upon to give security for good behaviour under clause (a) of section 109 if the magistrate considers that rigorous imprisonment is called for, on failure to give security he may report such case to the Sessions Judge for orders who after perusing the records and hearing the person concerned may award rigorous imprisonment in lieu of simple imprisonment and if the magistrate is a Presidency Magistrate such report shall be made to the High Court ’.”

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, I move that the Bill be passed.

***Mr. M. A. Jinnah:** Sir, I am not standing here with a view to securing the Royal Commission, and I do not think that it is the business of this House to take that into consideration when we are passing a penal statute which is going to affect a very large body of people in this country. The question before the House is whether this Bill is one which ought to be passed by this House or whether it ought to be rejected; and I am not afraid to stand the examination before the Royal Commission if it ever does come. I think, in spite of the fact that we propose to oppose this Bill—and I hope that we shall succeed in rejecting it—that the Royal Commission, if it consists of men who are men of experience and integrity and honour, as I expect them to be, will also agree with us.

Now, Sir, coming to the merits of the Bill, I have failed to understand why the Government have not yet replied to my question which I put in the course of the debate. An attempt was made by the Honourable the Home Member to give a reply to it. The question which I put to the Government is this. Government come before this House and the Honourable the Home Member made a very passionate appeal to this House and he said “Remember almost all the Local Governments have recommended and desire that this amendment should be made; remember, if you refuse to do this, it will show that you are not prepared to assist the Executive in carrying on the administration of this country”. Now Sir, it was because of that appeal that I wanted to understand the case of the Government thoroughly. I asked the Government “What class of cases do you say you had to deal with which ought to have got rigorous imprisonment but which owing to the change in this law in 1923 could only be given simple imprisonment”. This Act was amended in 1923. Has a single Local Government in their opinions, which are in front of us, pointed out that they had in their province half a dozen cases, a dozen cases, in which they had to deal with men who could only be brought under section 109 and no other section and they were such persons as ought to have received rigorous imprisonment, but could not be awarded this punishment because the Statute prevented the magistrate from doing so. I asked that question and Mr. Tonkinson in reply to me said certain cases of certain habituals could not be brought under any other section except 109. Sir, at that time I said that it was as vague and as irrelevant

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as it could be. The Honourable the Home Member wanted to improve that and he gave an illustration and that illustration was this. If a man was convicted several times you cannot possibly bring him under section 110; merely because the man has been convicted half a dozen times and he comes out of jail when he has finished his last term of imprisonment, you cannot haul him up under section 110 unless he has done something which can be construed as a suspicion that he is about to commit an offence. This was the illustration given by the Honourable the Home Member. With great respect to the Honourable the Home Member, he said this is the illustration. A man has been convicted on several occasions and he comes out of jail and he is found in his compound, I think he said in his compound, with a picklock.

The Honourable Sir Alexander Muddiman: Hiding himself.

Mr. M. A. Jinnah: With a picklock hiding himself. Now, Sir, I ask him, will he be pleased to read section 110? Will he be pleased to read the numerous decisions of the High Courts? That is a case which directly comes under section 110.

Mr. H. Tonkinson (Home Department: Nominated Official): No.

Mr. M. A. Jinnah: I will read it to enlighten the Honourable the Home Member and the Secretary, who seems to think he knows a great deal of law. I will only refer him to page 154 of Sohoni, which gives you a collection of cases. If a man is a habitual offender and if he is about to do anything which is dishonest, I submit the series of authorities which you will find at page 156 lay down that the moment he is about to do something in the shape of earning his livelihood or attempting to earn his livelihood by dishonest means, you can bring him under section 110. You will find a series of authorities lay it down at page 156.

Khan Bahadur A. Rahman (Bengal: Nominated Official): May I ask the Honourable gentleman one question? If a man is convicted under 110 and he comes out of jail to-day and to-morrow he is found hiding in the compound of Mr. Jinnah, under suspicious circumstances, can he be convicted under any other section except 109?

Mr. M. A. Jinnah: I submit he will be more easily brought under 110 under those circumstances. You have got a case of a habitual offender. He was bound over under section 110 and he cannot give security, and therefore he is sentenced to a year's rigorous imprisonment. The moment he comes out of imprisonment, he is found doing something which is dishonest on the face of it. I submit that under section 110 there is not the slightest doubt that the magistrate will be entitled again to call upon him to give security.

Khan Bahadur A. Rahman: There is a distinct High Court ruling against it. He must be given time to reform himself.

Mr. M. A. Jinnah: He must be given time to reform himself, but he must not be given time to commit offences or to be about to commit offences. According to the Honourable Member, even if he committed an offence, he ought not to be convicted because he must be given time to reform himself. It is an extraordinary interpretation. But I do not wish really to enter into this discussion. I submit, Sir, that Government have not given me and this House a single instance where a habitual offender,

who is about to do what I consider a dishonest act and what a magistrate ought to consider a dishonest act, cannot be bound over under section 110.

Then, Sir, we are told that so far as section 109 is concerned there is the right of appeal. I am not disputing that there is a right of appeal. I am not disputing that for a moment. Here again I ask the Honourable the Home Member—he knows perfectly well and I think if he does not, he will perhaps take this much at least from me—that a court of appeal very seldom interferes with the decision of the lower court on questions of fact. The court of appeal will decide what? The magistrate has heard the evidence; he has therefore seen the witnesses. He is the best person to appreciate the evidence and the magistrate gives his findings of facts; and in his judgment, as my Honourable friend, Sir Henry Stanyon, will tell you, he will write “I believe X Y Z is a truthful witness, and he impressed me a great deal by his demeanour and the straightforward evidence he gave before me. I am convinced that those depositions are reliable and as a judge of facts I give my finding that I am satisfied that those facts are proved”. Now, Sir, you ask me to go to the

1 P.M. Sessions Judge. I grant it. That is an appeal. What will

the Sessions Judge do? Let me tell you—and I think any lawyer who has got even an elementary experience of courts of law will agree with me—that the court of appeal will not interfere unless there is a very glaring defect in the findings of facts and a hundred to one the Sessions Court will say: “The lower court is the best judge of the evidence. The lower court was the best judge because it saw the evidence. Therefore, I will not interfere with it”. That is your appeal. Therefore, it is really no use attaching too much importance to it.

Now, Sir, apart from that I take my stand, as I did in the course of the debate on the consideration of the Bill, on this. You have three classes of people that can be brought under this section 109. One is a person who is about to commit an offence and who takes precautions to conceal his presence from the magistrate, which is very easily proved. To put it substantially, you have got one class of person who is about to commit an offence. You have a second class of person who has got no ostensible means of subsistence and is about to commit an offence.

Sir Hari Singh Gour: No, no.

Mr. M. A. Jinnah: I beg your pardon. I have great respect for my learned friend. The mere fact that a man has got no means of subsistence is not sufficient to send him to jail or to bind him over. He must be not only a vagrant but a vagabond as my learned friend himself put it. That is to say, there is a suspicion not only that the man has no means of subsistence but that the court also suspects that he is likely to do something wrong.

Colonel Sir Henry Stanyon (United Provinces: European): The law does not say so.

Mr. M. A. Jinnah: Quite so. Now, Sir, that is the second class. The third class is the unfortunate man who cannot give a satisfactory account of himself. Now, Sir, what satisfactory account can a person always give of himself? These are the three classes of cases where you admit that you cannot convict a person of any offence known to the Indian Penal Code because he has not attempted to commit an offence. Therefore, under these three heads you are going to bind him over not because he has committed any of

[Mr. M. A. Jinnah.]

these offences but because you suspect that he might do something wrong. Now, Sir, for that purpose do you desire us to pass this Statute and increase the rigour of the punishment from simple to rigorous imprisonment?

The Honourable Sir Alexander Muddiman: We ask only for the discretion.

Mr. M. A. Jinnah: The Honourable the Home Member has brought me to the point and I am much obliged to him. He asks for discretion. Now, Sir, talking of discretion, will any appeal lie against that discretion? (*An Honourable Member:* "Yes.") Who says "Yes"? I would ask him to read the Criminal Procedure Code again. Sir, no appeal will lie. And who is to exercise that discretion? It is the magistrate who is under a system of judiciary which combines executive and judicial functions. That magistrate will exercise his discretion. Sir, I should not like to be that magistrate to exercise that discretion because I do not think I would continue to be a magistrate for long. Now, Sir, I venture to say with the utmost respect for the Honourable the Home Member that I differ from him so radically on the floor of this House. But I really ask him to reconsider his position. This amendment was made in 1923; we are in 1926 now. Apart from the question of co-operation or non-co-operation, for which I do not care a straw, I am here to do what I think is right. If the Government are right, I am here to support them, not because I wish to co-operate or non-co-operate with Government, but in the best interests of the country. I ask the Honourable the Home Member to give us more information and in particular the information for which I have asked over and over again. What are those cases which you say ought to have received rigorous imprisonment and have, owing to this disability, received only simple imprisonment? Give me those cases. Give me those facts which you may have come across in the course of your administration for the last three years. If I am satisfied that there is a class of men that cannot be brought under any other section but section 109, I shall be as ready to support the Bill as anybody else in this House. But I have not got that information yet, although I asked for it. In conclusion, I say, Sir, as I said before, that I am not in a position to support this Bill and, therefore, I oppose it.

Mr. President: Honourable Members know that this Bill was fully discussed during the consideration stage. The Chair would, therefore, suggest to the House that Honourable Members should not take more time for its consideration now.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammudan Rural): Sir, I very much regret that I differ from my friend Mr. Jinnah in the view of the law that he has put forward before this House in relation to section 110. I do not think he is right in saying that action can be taken under section 110 against persons against whom action may be taken or is contemplated under section 109. A perusal of section 110 makes it absolutely clear and leaves no room for either argument or doubt. That section simply says:

"Whenever a Presidency Magistrate, etc., receives information that any person within the local limits of his jurisdiction:

(a) is by habit a robber, house-breaker, thief "

—that is not the class of persons which comes under section 109—

- “ or ”
- “ (b) is by habit a receiver of stolen property knowing the same to have been stolen, or
 - (c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or
 - (d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief of any offence punishable under Chapter XII of the Indian Penal Code ”

—which relates, I think, to counterfeit coins—

“ or under section 489A ”

—which relates to forging notes—

- “ or, ”
- “ (e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or
 - (f) is so desperate and dangerous as to render his being at large without security hazardous to the community ”.

None of this class of criminals will come under the description given in section 109 (a), namely:

“ any person who is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view in committing any offence,”

or in 109 (b), namely:

“ that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself ”.

I submit, Sir, that the scope of the two sections is clearly different.

Mr. M. A. Jinnah: Nobody disputes that.

Pandit Madan Mohan Malaviya: And I think my friend is not right in saying that the magistrate could proceed under section 110 against a man who has been convicted under section 110 and who may be trying to conceal himself, merely for that reason.

Mr. M. A. Jinnah: I never said that. I maintain that the two sections are quite different.

Pandit Madan Mohan Malaviya: I submit that the class of men dealt with in section 109 is different from the class of men who come within section 110, and on that ground I do not agree with my Honourable friend. But I submit that the Bill is one which does not deserve the support of this House, and with great respect to my friend the Honourable Home Member I hope he will yet reconsider the position.

I wish to draw attention to one very cardinal point. Everybody has agreed that that section 109 deals with cases of prevention of crime. You wish to prevent crime, you wish to apprehend persons who may not have committed any single offence but who might be inclined to do so, and prevent them from committing an offence. The section provides that you apprehend such a person and if he cannot give security you lock him up in prison. So far so good. As my Honourable friend Pandit Motilal Nehru has pointed out, your object in preventing the crime has been achieved. So long as the person apprehended remains in jail, he cannot commit a crime. But the real objection to the section as it stands is that when you lock up such a person you have to feed him at the public expense, and there is no satisfactory reason why men of that class should be kept in jail at the public expense for a year or years. That I consider to be the real objection. I can well imagine that magistrates and Local Governments might be inclined to say, “If you only arm us with power to lock up such persons, we shall not take action under section

[Pandit Madan Mohan Malaviya.]

109". That is the danger which I consider to be a real danger. If he is a man who ought in the interests of the public to be locked up in jail, if he cannot give security, the court should have power to lock him up, and nothing should be done to deter the court from taking action under that section. But I ask the Honourable the Home Member what is the correct remedy to apply. You have to remember that you have only to prevent crime, the man has not yet committed any crime, you want to prevent him from committing one. You ought not to punish him at this stage. If you give the magistrate discretion to impose hard labour, which includes such work as rope-making with *moonj*, which is a very terrible process, grinding corn, etc., there is no justification for your inflicting this punishment upon a man who you suspect was going to commit some crime but has not yet committed any. What are you to do with such a man? I suggest that if you want to deal satisfactorily with such cases, then create work-houses, put them in reformatories, create departments for that purpose in your jails, let such men who have not yet committed a crime be given work to do, so that the amount you spend in feeding them may be recovered by the fruits of their labour. If you do that, I do not think anybody on this side of the House will object to such a procedure. You will reform the man to improve his chances of leading a useful life, and that is the course which should be adopted. But I object to the course proposed in the Bill. If a man has been unfortunate and unable to give a satisfactory account of himself or if, while suffering the pinch of poverty or hunger, he thought of committing a crime but was apprehended and prevented from actually committing it, you ought not to send him to jail and punish him with hard labour—that will be to inflict a severe punishment upon him for his misfortune without giving him a chance to improve himself. I submit therefore that the real objection to the Bill lies here, and the real remedy lies in providing work-houses where such men may be dealt with in a proper way. As the Bill stands it will inflict great hardship on some of those who may be hauled up under section 109, and for this reason I am very sorry that I must oppose the Bill.

Mr. E. S. Rofsey (Assam: European): Sir, the debates show that the opposition to this Bill has been solely due to the fear that political offenders will be dealt with under section 109. Now, Sir, with that I must say I have a certain amount of sympathy, but I submit that the question of the misuse of section 109 is irrelevant in discussing this Bill which merely provides for the question of whether you give rigorous imprisonment or simple imprisonment to such offenders. Now, Sir, in these debates, so far as I have been able to follow them, all Honourable Members have based their opinions on the assumption that rigorous imprisonment will be given to all persons dealt with under section 109. (*Honourable Members*: "No, no.") I say that practically all speakers have missed the point that it is merely a discretion given to magistrates. (*Honourable Members*: "No, no.") I submit that in any case it will be absolutely impossible to exclude political offenders specifically from section 109. The first point is, what is the definition of a political offender? I submit what really would happen is that habitual thieves and burglars would immediately become political offenders in order to excuse themselves from the purview of section 109. Now, Sir, what are the facts? They are these, that one third of the inhabitants of jails, who have been dealt with under section 109, are proved to have been habitual thieves and burglars. Do my Honourable friends

suggest that that class of person should be kept at Government expense and in idleness? (*Honourable Members*: "Nobody says that.") A lot has been made of the point that it has been very difficult to bring these men under section 110. You have the statement of Mr. Tonkinson that in certain cases it is impossible to bring them under section 110. (*Honourable Members*: "Which are those cases?") You have also the statement of the Bombay Government in which they have said that where it is possible these men should be brought under section 110, and therefore it is presumed that there are many cases in which it is impossible to bring them under section 110. You also have my Honourable friend, Mr. Jinnah, stating this. On the 10th February, in this House he said:

"I beg to differ from the Honourable Member who has better knowledge of law than I have, but I say we are now really running away from the real issue. It is no use saying that a magistrate will be abusing that power. It is not for that reason that I am opposing this Bill. My reason is this, that under section 110 if you wish to collar a habitual offender for specified offences which cover a very large area—almost everything that you can imagine is covered—"

which, I take it, means nothing less than that there are cases which are not covered by section 110 and which therefore would be covered by section 109.

Now, Sir, the Home Member has already expressed his dislike of political offenders being dealt with under section 109, and I think offered to forward that opinion to Local Governments. I submit that offer should be accepted, and that the Bill in its present form should be passed. You have the discretion given to all magistrates and my experience, which extends to over 20 years of District Magistrates down to the youngest joined Extra Assistant Commissioner, is this, where discretion has been given that discretion has always been fairly and impartially exercised, and I do not see why Members should think that under this Bill that discretion would be exercised in any other way.

The Honourable Sir Alexander Muddiman: Sir, I rise to say a few words at this late stage because I feel once again that I must endeavour to place the real issue before the House. We had a very long debate on the consideration stage and we have had a rather ragged debate on the passing of this Bill and in the debate I fear the main issues have been lost sight of. The position is this. On the 1st of October, 1925, you had in jail in India under section 109—and as the maximum detention is one year, they must all have been sent to jail within a year before that period and therefore they must have been convicted in 1924-25—3,134 prisoners. These were all under section 109. 1,013 of these were previous convicts, men who had been to jail before. Mr. Jinnah said that section 109 had really no application to them and that they ought to be brought under section 110. I will deal with that later. With an appeal to the Court of Session and with an appeal to the High Court, as I have just mentioned to you, there were over 3,000 of these men in jail, of whom 1,013 were old jail birds. Of these men, 222 had been convicted once before, 149 had been convicted twice and 129 had been convicted three times. . . .

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural): Under the same section?

The Honourable Sir Alexander Muddiman: No, no. They had substantive convictions for theft, that is, they were all old offenders.

Sir Hari Singh Gour: They were habitual offenders.

The Honourable Sir Alexander Muddiman: Yes. I am told that men of this class should be awarded simple imprisonment.

Sir Hari Singh Gour: They should be dealt with under section 110.

The Honourable Sir Alexander Muddiman: The Honourable Member is perfectly well aware that the point has no validity and it was ably argued by my friend Pandit Madan Mohan Malaviya. I do not wish to argue it further. I should like to hear my Honourable friend Mr. Jinnah arguing his point before the High Court on the same law that he appeared to lay before this Assembly. It is well known that section 110 does not cover all the cases that come under section 109. I am not to be led away on that point.

Secondly, my Honourable friend Pandit Madan Mohan Malaviya made a suggestion. He said that if I can provide workhouses he would consider the case and would vote with the Government. May I ask him whether he really considers that it would be a wise thing to shut up these previous convicts in workhouses with other persons who may have been merely unfortunate? Are these hardened jail birds to be confined in the same jail with these other persons? Is it not right that the court should be given discretion to give them simple or rigorous imprisonment? I am not taking away any discretion from the court. I am not saying that the court must give a sentence of rigorous imprisonment. What I say is that the courts should scrutinise carefully and thoroughly the circumstances of each case and that the magistrates should exercise their discretion whether these men should be given rigorous or simple imprisonment. If a magistrate cannot exercise the discretion wisely under this section, why should he be supposed to exercise it wisely under any other section? What is the difference? You may object on the ground that there is no necessity for these sections at all and that these men should not be confined at all without substantive conviction. I have not heard that argued from any part of the House.

It has been said that this section has been abused and that it may be used for political purposes. If that section is abused, you can abuse any section. We have provided you with an appeal to the Sessions Court which goes far to meet that point and I am quite prepared to address Local Governments and point out to them that the section is only to be used for its legitimate aims. Now, Sir, having said that, having had all this argument before the House, I trust that the House will recognise that this is a Bill not brought forward for any political object, not brought forward to serve any political aim, but brought forward solely in the interests of law and order and to support the citizen and to protect him against his enemies. I am not here, as Mr. Jinnah rightly pointed out, to put this forward as a defence or argument to be used before a Royal Commission. I am here to appeal to this House to do what is right and proper and I trust it will do it.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Will the Honourable the Home Member give us an assurance that he will issue a circular to the High Courts that section 109 will not be used in connection with political offences?

The Honourable Sir Alexander Muddiman: I have no authority to issue a circular to High Courts, as the Honourable gentleman knows. . . .

Maulvi Muhammad Yakub: To Local Governments.

The Honourable Sir Alexander Muddiman: . . . I should not like to place myself in an unpleasant position *vis-à-vis* the High Courts but I can and will issue a circular to Local Governments.

Mr. President: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose be passed."

The Assembly divided:

AYES—56.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Donovan, Mr. J. T.
Ghulam Bari, Khan Bahadur.
Gidney, Lt.-Col. H. A. J.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.

Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Rahman, Khan Bahadur A.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Ujagar Singh Bedi, Baba.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Wajihuddin, Haji.
Willson, Mr. W. S. J.

NOES—42.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ariff, Mr. Yacob C.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Gour, Sir Hari Singh.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Mahmood Schammad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehra, Mr. Jannadas M.

Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi Sayad.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Piyare Lal, Lala.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samuillal Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapatiraju, Mr. B.

The motion was adopted.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

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

THE DELHI JOINT WATER BOARD BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I beg to move for leave to introduce a Bill to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi and for that purpose to constitute a Joint Water Board to undertake such maintenance.

This is a very simple Bill and the reasons for my introducing it are given in the Statement of Objects and Reasons. I do not want to add anything to that statement.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra: I introduce the Bill.

THE MADRAS CIVIL COURTS (SECOND AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): I move for leave to introduce a Bill further to amend the Madras Civil Courts Act, 1873.

The Bill seeks to give effect to a proposal to increase the jurisdiction as Judges of Courts of Small Causes, which may be vested in the presiding officers of ordinary Courts by the Madras High Court. The proposal is made as a result of the recommendations of the Civil Justice Committee, and we propose to attempt to give effect to it here because in doing so we are conferring jurisdiction upon the Madras High Court which we hold requires central legislation. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Member for Commerce and Railways): I move that the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Mr. A. H. Lloyd, Haji S. A. K. Jeelani, Khan Bahadur Maulvi Ghulam Bari, Mr. W. S. J. Willson, Mr. K. Rama Aiyangar, Maulvi Muhammad Yakub, Mr. C. Duraiswami Aiyangar, Mr. Jamnadas M. Mehta, U. Tok Kyi and myself with instructions to report within a fortnight; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

When I introduced this Bill a few days ago I said that I would consult my friends opposite as regards the further action to be taken on the Bill. I have made those consultations and I have found that there is some desire on the part of the House that the Bill should be referred to a Select Committee. The leaders of the various parties have been consulted as regards the Select Committee. I move.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhamadan Rural): The motion for a Select Committee is the stage when the House is asked to accept or to reject the principle underlying a Bill. It is generally easy to decide whether you agree with the principle or not. But in a Bill like this, where there are more than one item of importance, it is often difficult for a member to make up his mind whether or not he agrees with the principle of the Bill. While agreeing with one or more of the changes suggested he may disagree with the rest or agree with very important qualifications. That is the position in which I find myself on this Bill, and therefore I hope the House will bear with me when I make a few observations on two of the items included in this Bill. One is the item about cement and the other is about saccharine. The history of the cement industry is a somewhat painful history. This time last year the Tariff Board recommended certain measures of protection for the cement industry. It was pointed out in the report that the cement industry came within the description of the industries which the Fiscal Commission had indicated for purposes of protection. It is an important industry. It is an industry which would flourish in this country under certain conditions and therefore the Tariff Board recommended that it deserved a certain measure of protection for a number of years. That report, although it was made this time last year, did not see the light of day until six months later, probably in July last, and side by side with the report, or a few days after, the Government published a Resolution in which they threw overboard all the recommendations of the Tariff Board and stated that they did not intend to take any action. Now, Sir, as the Tariff Board points out, the cement industry is peculiarly suited to this country. There is abundant raw material for the manufacture of cement. There is abundant labour which is also cheap, and, with a reasonable measure of protection, the industry will make good its claim for supplying all the cement that the country might need. That was what the Tariff Board pointed out and they thereupon recommended certain measures of protection for a number of years. India can manufacture cement as good as any that comes from England; various engineers and firms, particularly the engineer who is responsible for this New Delhi—they have given the opinion that Indian cement is as good as the best that comes from the United Kingdom; therefore it is only a question of a few years during which, if it got a measure of protection, it will be able to supply all the cement that the country would require. The Tariff Board recommended that all cement which went to certain ports and within a certain distance of certain ports should get a certain number of rupees as bounties per ton and that the tariff wall against foreign cement should be Rs. 9 per ton. Government did nothing. As I said, in the Resolution which was published in the Gazette on the 1st August, 1925, they simply say:

"The Governor General in Council is satisfied that there is no justification for the intervention of Government and as at present advised he proposes to take no action on the report."

In the meantime the industry has been adjusting itself to very small margins of profits and finding it very hard to go on in competition with foreign imported cement. The main competition is with British cement because continental cement is not as good as the Indian cement and, on account of the British cement having been in the field for so many years and being a very superior kind of cement, the consumer is willing to pay a very high price for British cement. Indian cement is as good as the

[Mr. Jambadas M. Mehta.]

best British cement, and therefore if for a few years this industry could be made to stand on its own legs with the help of the very modest measure of protection proposed by the Tariff Board, it would be very soon in a flourishing condition. There is a natural market protected in the interior of the country because foreign imported cement would require to pay the freight from Bombay and Calcutta and other ports right up to the centre of the country and therefore it cannot compete; but in the ports where the foreign cement is landed—there the Indian cement companies are unable to compete because they have to send their cement from Katni, Porbandar, Dwarka and other places. They have to pay freight charges in sending cement to the ports from these places and therefore they find it hard to compete with this British imported cement, and Government might at least have accepted for three years the proposal of the Tariff Board. India unfortunately is the only country in which the Government will not come in time to the rescue of industries which could make their claim good to be flourishing industries. No Government I think could have sat idle for 12 months after the report of a Tariff Board constituted by itself, a Board which certifies and bears testimony to the excellent character of Indian cement and to the certainty of the industry being able to manufacture all the cement required and at competitive prices; India is the only unfortunate country that suffers from this kind of thing. Only last year when Government found that the revenue from sugar was falling because the price of sugar was going down, they took steps, and instead of having an *ad valorem* duty they made a change in the tariff which would give them a definite amount and not an *ad valorem* amount. Some step should have been taken at that time, when Sir Charles Innes himself last year brought a measure for an amendment of the Tariff Act in the matter of sugar and other articles. If he had at that time taken a similar step about cement I think, Sir, some protection would have been accorded to the cement industry. But that was not done and at last now after 12 months, without reference to any of those recommendations of the Tariff Board, purely as a revenue measure, the Member for Commerce has brought this forward. For this small mercy I am sure the cement manufacturer will give him thanks. I am only pointing out that in India things are done often very late and sometimes almost too late. This is only a partial acceptance of the Tariff Board's recommendations, the Board recommended a certain amount of bounty on cement landed in ports in India, and that does not find a place in this measure, and only the other recommendation of the Tariff Board that the duty on foreign cement should be Rs. 9 is now accepted. Therefore, Sir, while making my protest that the Government do not move in time to afford the necessary protection to the cement industry, even at this late stage I say this measure is welcome.

Passing on, now, Sir, to saccharine, its history shows how Government act in a hurry and repent at leisure. In 1923 they imposed a duty of Rs. 20 per pound on imported saccharine to save their revenues from sugar; I am not an expert on saccharine. I understand that a given piece of saccharine is several hundred times sweeter than an equivalent piece of sugar; saccharine is thus at an advantage in the matter of sweetness and there is a danger of its being used as a substitute. In restaurants, particularly in Indian refreshment rooms where tea and coffee are served with sugar mixed in the cup, what is sometimes served as tea containing sugar is really tea plus saccharine and not sugar. Government found that in this way

their sugar revenue was suffering and they imposed a duty of Rs. 20 per pound on saccharine. But, Sir, having imposed the duty they seem to have slept over the business and have done nothing to see that the smugglers are checked. When I say "done nothing" I mean that whatever they might have done has come to nothing. Their best efforts have been as bad as no efforts, if there have been any efforts; and the whole saccharine trade has been paralysed. The saccharine merchants in Bombay, those who are honest dealers, have been practically ruined and the smuggler has the best of it. One smuggler according to reports in Bombay, who was a beggar in 1923, to-day owns 8 lakhs of rupees, a palatial house and several motor cars. And that is by no means an isolated case. Many representations of the saccharine merchants against smuggling have been received, but so far as any relief to them is concerned none whatever has come. There was last year a Land Customs Frontier Act which was intended to check smuggling, but unhappily no relief has come to the saccharine merchants from that measure. With a duty of Rs. 20 per pound and with the price of saccharine about Rs. 4 per pound, the ordinary price in the market should be about Rs. 24 to Rs. 25 a pound. Instead you find saccharine selling at Rs. 7-8-0 a pound in the market. This is the clearest indication that all the activities of Government have failed to bring the smuggler to book. In the meantime the honest trader has been paralysed and practically ruined. The imports of saccharine have practically been reduced to zero point. The imports of saccharine before the duty was levied amounted to 100,254 pounds in 1922-23. They dwindled immediately by 66 per cent. and to-day they are very nearly near the vanishing point, so that the Government are getting no revenue and the smuggler has captured the market. There is no dearth of saccharine in the country. You can get as much as you want. You can get it much cheaper than it ought to be. All that has happened is that the import of saccharine has practically ceased and the honest trader does not know what to do. (Mr. Devaki Prasad Sinha: "Is there any honest trader?") There are many, Sir. All those who have been trading and are willing to pay duty are in my opinion honest traders. If Mr. Devaki Prasad has any other definition perhaps he will enlighten the House. Any man who imports saccharine and pays duty on it is an honest trader. That trader has been ruined. His business is paralysed and what do the Government now want

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadan Rural): I submit no trader in saccharine can be honest, because saccharine is a poison.

Mr. Jamnadas M. Mehta: Well, Sir, I am not a medical authority and I do not think my friend Mr. Majid Baksh is either. So long as Government have not labelled it as poison I think I can leave that question between the Government and Mr. Majid Baksh.

Syed Majid Baksh: You can consult any book of chemistry.

Mr. Jamnadas M. Mehta: Well, Sir, that is not the point. If saccharine is indeed a poison my friend would be well advised in moving that imports should be stopped or at least kept under control. So long as its import is allowed it is the first duty of Government to see that those who honestly deal in saccharine are protected and that their trade does not suffer by any omission on the part of Government. Now Government come forward and say they will abolish this duty except to the extent of Rs. 5 per pound.

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That will mean that those who have laid in stocks at the rate of Rs. 20 per pound duty, will be further ruined; and those stocks which are lying in Bombay bonded warehouses will be subject to the original duty of Rs. 20 while new imports will be paying only Rs. 5. To-day as Government know, there is an immense quantity of saccharine in the bonded warehouses of Bombay. I do not know whether they will have to pay Rs. 20 or Rs. 5, but I presume they would have to pay Rs. 20.

The Honourable Sir Charles Innes: Not if they are taking it out of bond. Then they will pay Rs. 5.

Mr. Jamnadas M. Mehta: To the extent that they have already got in stock they have paid Rs. 20. Well to that extent they will suffer a serious blow by this measure.

An Honourable Member: That must always be the case.

Mr. Jamnadas M. Mehta: What is the duty of the Government in these circumstances? I say the duty of the Government is not to admit defeat at the hands of the smuggler. Because they have been unable to catch him, that is no reason why they should go back and ruin the saccharine merchant. Their first duty should be to see that their customs staff is strengthened and made more effective in their attempts to catch the smuggler. Besides that, the saccharine merchants suggested various other measures to Government in their representations with a view to arrest the smuggling of saccharine. There was a deputation of saccharine merchants which waited upon my friend the Honourable Mr. Chadwick in Bombay. They suggested certain lines on which the Government should proceed with the view that, the evasion of duty should not be possible, and with that view they suggested certain measures to Government. I do not know how far these measures were practical, but people who ought to know say that it is a wrong policy which the Government are pursuing, and that they ought to be able to devise measures which will make it possible to identify saccharine which has paid duty and which is smuggled, and that if Government had tried this alternative of arresting the smuggling activities, it would not be necessary to go back and reduce the duty to Rs. 5. I do not say, Sir, that if these measures fail, in the last resort Government should not do this, but certainly it is a duty which they owe to the trade and also to their own revenues; Government revenues I am afraid will suffer by several lakhs of rupees a year. Besides the competition with sugar which Government were anxious to prevent would be also set in force, and Government revenues from sugar will be affected if they allow saccharine to be imported at Rs. 5 per pound. So, firstly, in the interest of Government revenues themselves, secondly, in order to protect the honest trader in saccharine, and thirdly and principally, in the interests of law and order, Government should tackle the smuggler first. They are fond of passing measures ostensibly for law or order as they did before lunch to-day (Laughter.) But they were anxious for law and order because that measure was intended against the political offender. If the Government Members are pleased with it, they are welcome. They are entitled to congratulation on having imposed more disabilities on the political worker, but here is another measure here; if they were really anxious to protect law and order, they ought to have been in the field during the last three

years to protect law and to protect order and to protect the honest citizen from the encroachments of the smuggler. But, Sir, I am not for that reason opposing the principle. I may suggest in the Select Committee that instead of Rs. 5, Rs. 19 may be the duty from 1926. What I want is to point out to Government that it is possible still for them before it is too late to consider the situation in the light of the observations I am making that this is not the right way to proceed, because it will really ruin whatever honest trade still remains, and on that ground I am reserving my attitude on the question of what particular duty should be imposed on the import of saccharine, although I agree that some changes may be made, and to that extent also I endorse the principle underlying the Bill. Sir, with these observations I support this motion.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I wish to say very few words. I have always urged that taxation Bills should be circulated. I merely rise now to say that I have agreed to this Bill being referred to a Select Committee on the ground of its simplicity and that no very vital issues are involved. I merely make these remarks, Sir, so as not to give up my principle of the circulation of taxation Bills.

***Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I shall make one small observation and that is with reference to cement. Sir, 3 P.M. sometime last year the Tariff Board made a very elaborate report in regard to the protection of the cement industry, and I was one of those who thought that the whole report should be brought under discussion in this House. I tabled a Resolution, but through the exigencies of the ballot box I have not been successful in bringing it under discussion in this House. I would suggest to the Honourable Member that every report of the Tariff Board and the action which the Government wish to take or resolve to take thereon should be subjected to the criticism of this House; and I think, Sir, that if the Honourable Member felt that he could not give effect to any of the recommendations of the Tariff Board in regard to cement, he should have tabled a Resolution and brought up the action of the Government for discussion in this House. Thus although the Tariff Board has now investigated many of these industries, the House has practically no voice in bringing these matters under discussion. My Honourable friend will perhaps say that it is open to me to table a Resolution. Here in connection with this matter I wish to make an inquiry as to whether the present proposal will produce any considerable revenue from this source, or whether it is merely the adoption of a specific duty in place of an *ad valorem* duty. The wider policy which was recommended by the Tariff Board in connection with cement still remains without being discussed in this House. I venture to suggest to the Honourable Member that whatever may be the decision of the Government, it would be certainly much more consonant with the purpose for which the Tariff Board has been appointed to bring the decision of Government under discussion in this House. That is, Sir, the only observation I have to make. There are many of these observations which are very interesting and instructive and which might lead to a slight change of policy in regard to the discriminating protection which was resolved upon some time ago. Therefore, Sir, I venture to think that I am asking

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the Honourable Member really to give effect to the wishes of this House that in future every report, or rather the decision of the Government on such report, should be brought up in the shape of a Resolution for discussion in this House. If the action of the Government is approved in the House, all the better for the Government. If not, I think the public interests would be served by an expression of the views of this House on the questions involved.

The Honourable Sir Charles Innes: Sir, I should just like to say a few words in reply to my Honourable friend, Mr. Jamnadas Mehta. He made a very interesting speech on cement, but I should like to suggest that he gave a very misleading account of the Tariff Board's recommendations. It is perfectly true that the Tariff Board did make certain recommendations for the protection of the cement industry. But the House will remember that the definite finding of the Tariff Board was that what the cement industry was suffering from was not the competition of the imported material, but over-production; and it said in so many words that so long as over-production went on, nothing that the Government could do would help the industry.

Mr. Jamnadas M. Mehta: Still, they made proposals.

The Honourable Sir Charles Innes: True. It went on to say that it believed that these conditions were purely temporary, and it suggested that those conditions must change, either under the operation of economic forces, that is to say by some of the existing cement companies going into liquidation or by concerted action among the cement manufacturers, that is to say by the cement manufacturers of India forming some kind of combine; and it suggested that we should pass a Bill authorising the Government to give bounties, but that that Bill should not be brought into force until this change of conditions did take place; that is to say we were to pass conditional legislation, and we were practically to invite the cement manufacturers to form themselves into a combine. Sir, I have no very strong views about economic combines. They may be good, or they may be bad. But it seems to me that it is asking Government to do a lot when they suggest that we should definitely issue in so many words an invitation to the cement manufacturers of India to form a combine. It seems to me that it is asking us to take a very great responsibility, and the case seemed to us to be so clear that we did not think it necessary to do more than issue our Resolution upon the subject. That is the reason why we did not think it necessary to bring the matter before the House for discussion. I cannot give the definite pledge that Diwan Bahadur Ramachandra Rao has asked for. For instance, would any Member of the House suggest that we should not have passed orders about magnesium chloride without discussing it with this House? It is a matter which has to be decided in each individual case, and the House is aware that only a few days ago I gave notice of a Resolution about fabricated steel. We are not making any proposals about fabricated steel, but I have brought the case up before you in order that the House may have an opportunity of discussing it.

I do not propose to follow Mr. Jamnadas Mehta into the question of saccharine. It is in India, as it has been in every country in the world, an extremely difficult problem. It is, as I told Mr. Jamnadas Mehta, 550 times as sweet as sugar. Therefore, unrestricted imports of saccharine into the country do constitute a serious menace to your sugar revenue.

Some countries, such as France, have gone to the length of prohibiting saccharine altogether. Other countries have imposed prohibitive duties. Whatever action you may take you are always up against a difficult problem, and we are up against a very difficult problem owing to the existence of what I may call certain back-doors into India. That is a difficulty which my Honourable friend on my right is constantly examining. I do not know whether Mr. Jamnadas Mehta will go so far as to suggest that we should reimpose the Virangam Line.

Mr. Jamnadas M. Mehta: I am definitely opposed to it.

The Honourable Sir Charles Innes: Mr. Jamnadas Mehta then said that we might have taken certain alternative action. I know what suggestions Mr. Jamnadas has in his mind. As he said, they have been put before us by means of a deputation. We have examined them most carefully and our definite conclusion is that the actual proposals made to us would cause so much worry and trouble to the people that really we should not be justified in going to that extreme. Therefore it is that we have made this proposal. I admit it is not a very satisfactory proposal, but it is the best that in the circumstances we could find. The whole matter will no doubt be discussed in the Select Committee.

Mr. President: The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Mr. A. H. Lloyd, Haji S. A. K. Jeelani, Khan Bahadur Maulvi Ghulam Bari, Mr. W. S. J. Willson, Mr. K. Rama Aiyangar, Maulvi Mohammad Yakub, Mr. C. Duraiswami Aiyangar, Mr. Jamnadas M. Mehta, U. Tok Kyi and the Honourable Sir Charles Innes, with instructions to report within a fortnight; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

DEMANDS FOR EXCESS GRANTS.

ADMINISTRATION OF JUSTICE.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That an excess grant of Rs. 654 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of 'Administration of Justice'."

As this is the first of a series of six excess votes and the explanation of them all is rather general than particular, I hope, Sir, that you will permit me to travel a little outside the actual Rs. 654 that we are discussing and deal with the general question of excess votes. An excess vote is in essence a thing which ought not to occur. It represents a failure to observe the limits set by the Assembly in voting grants for expenditure by the executive. It is the duty of the executive to keep within the amount granted under each grant if it possibly can. If circumstances arise during the year which show that it is either impossible or would be entirely contrary to the general interest to limit the expenditure of the year within the amount voted under any particular head, it is the duty of the Government to come before the Assembly with a demand for a supplementary grant before the end of the year. An excess vote arises only when the expenditure under any particular grant is found at the end of the year to have

[Sir Basil Blackett.]

exceeded the amount granted and steps have not been taken before the end of the year to secure authority which will regularise that expenditure. Nothing is then left for the Government but to bring the matter before the Public Accounts Committee, explain the circumstances and then after the event *ex post facto* to apply for an excess grant to regularise the expenditure. It is therefore clear that an excess grant ought to arise only in very exceptional circumstances. The number of grants this year is 6 and they total Rs. 8,40,000. A year ago the number of excess grants was 24 and they totalled Rs. 93½ lakhs; the year before they were 26 and totalled 498 lakhs. The House will see that very considerable progress has been registered in the course of these three years towards the ideal of having no excess votes at all. For that progress the House and the Government are very greatly indebted to the labours of the Public Accounts Committee. In order to understand the situation now before us it really is necessary for members to study the report of the Public Accounts Committee. I do not know how many have done so. At the same time I should like to express my own conviction that the work that is being done by the Public Accounts Committee year by year is one of the most important pieces of work towards making our machinery of Government parliamentary in respect of expenditure and to establish a system of control of expenditure by a parliamentary body. The essence of parliamentary control as understood in the United Kingdom is the control of Parliament of the annual expenditure of the executive, and the Public Accounts Committee is one of the most important instruments for securing the effectiveness of that control. I should like to express at the same time my own obligation to those members of the Public Accounts Committee who have given very considerable time and labour to the work that has been done year by year. Last year in particular I think that the work done was of very great value. The Committee was able to take up what had been done in the two previous years and push a good many points to a conclusion which will be very valuable in our financial machinery in future. It is, if I may say so, a very great opportunity for responsive co-operation and we have had that even from some unresponsive non-co-operators. The individual explanation in each vote that is before the House to-day will be found on a careful study both of the report and of the appendices of the Public Accounts Committee. I do not think that it is necessary for me to enter into detailed explanations of each particular excess. Broadly speaking each of these excesses is due to unfamiliarity of Government servants with the new conditions that have been brought into existence by the grant to this House of the power of controlling voted expenditure, and every effort is being made to bring that state of things to an end, so that mistakes leading to excess votes, that is, to failure to recognise the need in good time to obtain a supplementary estimate, will no longer occur. I may just add that the number of excess grants dealt with at page 4 of the Public Accounts Committee's report is 7. We have actually brought forward only 6. The reason for that is, that on further examination, it has been discovered that item No. 5 on page 4 of the Public Accounts Committee report has been wrongly classified as voted. It is really non-voted because it is expenditure under Devolution Rule 15. The omission of that item reduces, as I have said, the total amount required to be voted to Rs. 8,40,000. With that explanation, Sir, I move my motion.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, in rising to speak on the motion of the Honourable the Finance Member in respect of these excess grants, I do not desire to be taken as endorsing his observation that I have become a responsible co-operator or anything of the kind. I am merely rising to make a few observations that I feel bound to make upon the position of things so far as this House is concerned in regard to the control which my friend said this House possessed over the expenditure of this country. My friend rightly pointed out that the Public Accounts Committee of any Legislative Assembly should tend to make parliamentary control of the Government in every sense real. Sir, I wish I could endorse that observation as regards this House notwithstanding the fact that my Honourable friend did me the honour to say that we did some kind of valuable or useful work in the Public Accounts Committee. I desire, Sir, to take this occasion to point out that we are here in this country having merely most of the forms of parliamentary government; the shell is here without the substance. I desire, therefore, this House to understand what really the position is of the Public Accounts Committee in reference to the finances of the country. You will find, Sir, that in the course of the Public Accounts Committee's Report for 1923-24, various questions connected with the control of this House over the expenditure and the revenues of this country have been raised. You will find, if you examine it closely, that at every step we come into conflict with the fixed and immutable position into which we have been cast. Sir, so far as this House is concerned, it has no control over the bulk of the expenditure incurred by the Government of this country. The expenditure of this country is divided into voted and non-voted heads, and in respect of the non-voted heads we in the Assembly have no control. I felt, Sir, when this House was statutorily deprived of this power and when these rules were framed and when the Public Accounts Committee was given some power of scrutiny over the audit reports that are submitted of the amounts actually expended by the Government, that at least then this House and its representatives on the Public Accounts Committee would possess the power to scrutinise the expenditure, both voted and non-voted, with a view to enable the Government, as well as this House, to correct any extravagance and any mismanagement of the finances of this country under all heads. There, again, Sir, I was up against the position that was taken by the Finance Department and by the Audit Department. I found, on the one hand, that serious doubts were expressed as to whether the Public Accounts Committee could go into the question of the revenues of this country, or whether it could deal only with that part of the expenditure of the country which was voted. I found that doubts were raised as to whether the army expenditure should come under the scrutiny of the Public Accounts Committee, or whether it should be dealt with by a departmental Committee, whose report by the Finance Member's grace we were able to obtain for perusal. I found, again, Sir, that in regard to the questions of reappropriation from one grant to another, we had difficulties. We found that the Department concerned always thought that so long as they have powers of reappropriation they could do anything with the grants placed under those heads, and that their duty to obtain the vote of this House or the sanction of the proper authority was more or less a matter of form. We have made comments on these parts of the audit and appropriation reports. We have also made comments on the several cases of mismanagement, embezzlement, frauds, and the like.

[Mr. A. Rangaswami Iyengar.]

Throughout the proceedings of that Committee, notwithstanding the fact that I tried to keep in fairly close touch with the whole of the proceedings of the Committee and notwithstanding the fact that I tried to obtain as much information as I could upon all matters under voted and non-voted heads alike, which I could manage to get hold of—and I must acknowledge my obligation to the Finance Member on that behalf—notwithstanding all this, I still found that we were far, far away indeed from obtaining that grip over the expenditure of the country which, if this Public Accounts Committee is to be of any real good, we ought to possess.

Therefore, Sir, the excess grants that we are now asked to sanction are after all a small matter. You will find from the observations that we have made that the excesses of erroneous expenditure, the excess of expenditure against rules and without sanction, are far greater in the case of non-voted expenditure than in the case of voted expenditure. Sir, this is proof positive to show that where the spending authorities and the departments of Government know that they have to come to this House for a supplementary grant, and that where there was a case of excess this Public Accounts Committee would scrutinise them and would make the authorities that are concerned responsible for mismanagement of finances, they have been more careful with such cases than they have been with non-voted heads. If there was one argument that was needed to show that this House should possess control over those items of expenditure for those spending departments which it does not now possess, I say it has been furnished by the reports of the Public Accounts Committee. Sir, so far as I can see, the Government have until now not taken the work which has been done by the Public Accounts Committee very seriously and this, I say, without any disparagement to the efforts of the Honourable the Finance Member. The Public Accounts Committee's work results only in an application for a few excess grants, and it is generally believed that these excess grants are only *ex post facto* validation of the expenditure that has already been incurred, and nothing need be said about it. But, I know, Sir, that in England the work of the Public Accounts Committee is treated much more seriously. I think it is true that every member of the House of Commons does not take much interest in figures and statistics, but many members do. I also know that so far as the principle of control is concerned, the House always devotes a number of days to the discussion by members interested of the Public Accounts Committee Report and the reports of the Controller and Auditor General. Sir, the fact that these reports come before the House and the fact that these people are ready to read, digest and study and offer observations on these reports in the House of Commons and discuss them in public, act as the greatest deterrent in England to prevent excess. Sir, there is another thing I would like to say as regards the position in England. There, Sir, these applications for excess grants are generally made very soon after the accounts disclose them. Now, in this country so far as I can recollect, these applications for excess grants come to us long after the accounts for the year have been closed and indeed after the Committee reporting them has ceased to exist. It has always been found in England that the moment they find these excesses—and the continuous process of controlling expenditure is of such a character—that applications for excess grants are generally made to the House.

That, Sir, is a thing which I think the Finance Departments as well as other departments concerned, should bear in mind in dealing with the

applications for excess. Then, Sir, the position in this country is such, this division into voted and non-voted is so confusing, so perplexing, that we find and the Departments find that they have plenty of money to spend on non-voted objects in the same office which they cannot use for voted. So far as spending money from the voted section for the non-voted is concerned, no sanction of this Assembly is required, but so far as the utilisation of any money from the non-voted to the voted section is concerned, then they have to go to this House under the rules. Similarly, we find that a lot of unnecessary demands are always made for supplementary grants. Whenever the departments think that they would have more money, they feel it is always safer to put down supplementary demands for a few lakhs and then they come to this House and obtain the grants. There is no control over this estimated expenditure then and you find at the end of the year that this supplementary demand was put forward unnecessarily before the House and that the grant was not spent. That shows an amount of laxity not merely in estimating but also laxity in spending, laxity in administration which clearly shows that the control by this House in every department of the Government of India is absolutely essential.

Then as regards the question of revenues. It has been said very often that this Assembly has only to do with expenditure and not with revenues. That is a most one-sided view of the functions of this House. The functions of this House are to deal as much with revenue as with expenditure, inasmuch as such a large part of this expenditure conduces to the production of revenue. For instance, in the railways or in any of the great departments which yield revenue and also render service to the country, in all those cases we have to deal with expenditure from the point of view of its productivity, therefore you cannot deal with the question of expenditure without also dealing with the question of revenue, and yet doubts have been raised as to whether this Assembly or the Public Accounts Committee have any power to do so.

So far as I can see, the duty of the Public Accounts Committee is "to deal with the audit and appropriation accounts of the Governor General and such other matters as the Finance Department may refer to the Committee". A proper consideration of these accounts must be made by the Public Accounts Committee if they are to make recommendations to this House upon all those matters that arise out of those accounts. Therefore, I am all the more disappointed that the Government have not been anxious, have not been active enough, in taking the opinion of the Legislative Department on one or two important matters raised by the Committee upon which I expected they would. We have been told that the Legislative Department are still dealing with these two questions and also with other supplementary matters. I do not want to trouble the House with details of them all.

There was one other matter also dealt with in the Public Accounts Committee on which I wish Government had shown more alacrity, that was in regard to the special report to make the accounts of the Government of India more or less on the same plan as those presented to Parliament in order to enable this House to have a clear idea of the state of the accounts and to offer more valuable criticism. There were many valuable suggestions made in that report and this House is not yet in possession of the final decisions of the Government of India. I do hope that, since Government have delayed it, it will be possible for this House to discuss it during the course of the budget debate.

[Mr. A. Rangaswami Iyengar.]

Then in regard to the form of the accounts of the several departments of the State, the Government have not taken as much care as they ought to have done in dealing with the military accounts. I know the difficulties of dealing with the military budget. I know also that by the pressure exercised by the Finance Department, the military budget is in much more manageable proportions than was the case some years ago. Still, the military budget shows signs of much extravagance, examples of fraud and mismanagement which are very glaring, and although the special committee which sat to consider the Military Appropriation Reports, under the presidency of the Finance Member, have made comments which have been reproduced in the Public Accounts Committee's Report, I am sorry still to say that the Military Department has not shown any anxiety to place these accounts before the House so as to make the House capable of understanding the manner in which our money is spent in a department of public expenditure which swallows between forty to fifty per cent. of the total revenue of this country.

This morning we had a message from His Excellency the Viceroy to the effect that the Budget under the Military, Political and Foreign departments are by order placed for discussion before this House. I wish to know how we can usefully discuss these military provisions unless we have an intelligent presentation of these military accounts before us. There have been various kinds of committees dealing with military questions and there has recently been sitting a Committee to go into the present methods of the costing system of accounts that are now observed in some of the military departments. I find that the general tendency of the military department is always to evade methods by which it will be shown that the administration has been extravagant. I find that in England the step of discontinuing this system has been taken in some sections of the Army Departments and there have been great debates in Parliament over it. I find our late Secretary of State, Lord Olivier, made very strong and very vehement protests against the attempt to abolish the costing system in military accounts, and yet that our Government here has appointed a committee to consider the question of similar action here. So far as I have been able to understand, I find that there is still very great reluctance on the part of the military authorities to present accounts in a form which will enable us to offer criticism and enforce economy in military administration. I think these are matters in which I am sure, if we had power to deal with them in the way we ought to, we should be able to enforce our will upon the military authorities. Therefore, although my friend, the Finance Member, might say that he had a great deal of responsible co-operation, I may tell him that my co-operation extends to finding out by what steps we can increase the powers of the representatives of the people and exercise greater supervision in financial matters. With these views, I commend my observations to the House.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I should like to make one or two observations on the Report as a whole. In the first place, the Honourable the Finance Member made a suggestion as to whether any Members of the House read the report of the Public Accounts Committee. I have, I may assure him, read it carefully. The report is not very exhilarating reading to anybody. It is a narration of the many complicated questions relating to our finances and the way in which departments have managed them, and how they have expended the funds entrusted to them,

and the difficulties which have cropped up in the financial administration of these departments. It is true that a report such as this does not generally appeal to many Members of this House, but, as pointed out by Mr. Rangaswami Iyengar, the constitutional machinery set up for this purpose is the Public Accounts Committee which is entrusted with the duty of going into these questions once in a year thoroughly with a view to place the results of their investigations before this House. Therefore, Sir, most Honourable Members in this House will have, I am confident, a feeling of appreciation for the labours of this Committee and for the results that have so far been achieved. But I think we shall have to go a little further. And that is that the rules for the constitution of this Committee should be so altered as to secure the valuable experience of the members of this Committee not only for the year for which they are appointed, but for a longer period. I have stated in this House more than once that the experience gained of the technique of these departments and in the working of the financial codes of the spending departments, is a valuable experience for the members of the Public Accounts Committee, but the election of this Committee once a year does not ensure the continuance of these services. It is to avoid this that I suggest that the Committee should be elected once in two years and that one-half of the Committee should vacate their seats at the end of the first year and offer themselves for re-election. We have such a system in the municipalities. For example, the Madras Corporation is elected for three years, one-third of the councillors going out of office every year and coming back by election again. Such a system I consider would ensure to the Public Accounts Committee, at least half the number of members who have gained experience, and we shall secure in this way a continuity of work in this Committee. As I have said I have made this suggestion more than once and I again put this matter before the House and the Honourable the Finance Member for consideration.

I should like to bring to the notice of the House another matter. The Honourable the Finance Member made some reference to parliamentary procedure in regard to the Public Accounts Committee. The procedure in Parliament is that the report, as a whole, is brought up for consideration before the House. It should be open to us to offer observations on every part of this report to indicate administrative improvements, to suggest ways and means for tightening control over our spending departments. I think the proper procedure, which my Honourable friend might consider, is that the report as a whole should be brought up before the House for consideration and that he should move a Resolution that the report should be adopted. If such a procedure is introduced, it seems to me that it would be open to every Honourable Member in this House to scrutinise this report, to criticise every part of it, not only with reference to the excess for which sanction is now sought, but also with reference to the various criticisms offered in the report by the Public Accounts Committee. I understand that such a procedure prevails elsewhere, and if my Honourable friend is interested in developing parliamentary procedure he cannot do better than bring the procedure in this House into conformity with the procedure in the House of Commons. (*An Honourable Member*: "It is so.") My Honourable friend says it is so; I say it is not so. The actual motion before the House is that Rs. 654 be granted. I wish that the matter should be brought up in this House in conformity with the practice that prevails elsewhere. It may be that we are now discussing the whole of this report and I am glad that I have the opportunity of saying what I

[Diwan Bahadur M. Ramachandra Rao.]

wish to say not necessarily on the sum of Rs. 654 with reference to which my Honourable friend has moved his motion, but on some of the points that have formed the subject of consideration in this report. My Honourable friend, Mr. Rangaswami Iyengar has already referred to the difficulties in dealing with the question of expenditure, difficulties which arise from the Devolution Rules and the difficulties which are due to the present limited control that we have over the finances of this country. The whole of the military expenditure in the spending Departments of the Military is outside the scope of the work of the Public Accounts Committee. That means that nearly half of our own expenditure cannot be brought under the scrutiny of the Public Accounts Committee. Then, Sir, there is this interminable tangle between the voted and non-voted items. Honourable Members will notice that it has been stated in this report that there has been an increase in the non-voted items. As regards this matter the present position seems to be that the House has no control whatever either on the Departments concerned or on the action of the Governor General who ultimately has the power of declaring any item as non-votable. Honourable Members will find the following statement on page 8:

"The excess in the non-voted grants for Railways was mainly due to the fact that the rate of interest chargeable could not be calculated till after the close of the year. At the time of the preparation of the budget estimates the rate of interest calculated for the previous year had to be taken into account and the actual rate that would be taken in the accounts could not be foreseen. . . ."

Any item which the Governor General declares as non-voted can be added to our expenditure without a word in this House. This House has no control, the Public Accounts Committee cannot go into the desirability or necessity of adding to our non-voted expenditure. Of course, we had the other day an instance where the Director of Public Information who was a voted officer till recently, has by the action of the Government been placed outside the control of this House. Sir, this is our difficulty, namely, that it is open now to any spending Department to move the Governor General to declare any item as non-voted and this House automatically loses control. These are the two essential circumstances which militate against the usefulness of this Committee.

There are other matters in this report to which I wish to refer briefly. One of them is the question of reappropriations within a grant. This is another matter about which I have spoken in previous years more than once in this House. The present position seems to be this: If, for example, Rs. 55 crores is granted by this House for Railways, it is open to the Honourable Mr. Sim to reappropriate within that grant the expenditure items as he likes. He can transfer funds from one sub-head to another and we do not hear of the transfer again in this House. The question for consideration is, whether the spending Departments should have this power of reappropriation at their pleasure without the sanction either of the Standing Finance Committee or of this House. (*Some Honourable Members*: "No, no.") I do not know what the Honourable Members mean. I have been in the Standing Finance Committee for two years and I have not seen any proposals for reappropriation,—it may be that my Honourable friends of the present Standing Finance Committee are seeing more of these reappropriations than I did before. But so far as I know, it seems to me that there is not enough of control even with reference to the transfers from one sub-head to another.

Mr. A. Rangaswami Iyengar: I may say that there is a *post-mortem* examination by the Public Accounts Committee.

Diwan Bahadur M. Ramachandra Rao: I am talking of the powers now possessed by the spending departments of reappropriation within a grant of any amount they think proper, any amount they like. They may be subject to the control of the Finance Department. If the Honourable the Finance Member exercises any control, it is a departmental control. But we are speaking of parliamentary control, and I submit that at present the reappropriations from one grant to another do not come,—subject to any correction that my Honourable friend may make—either before the Standing Finance Committee for their sanction or before any other Committee of this House. I am talking of reappropriations within a particular grant. That is what I feel and therefore, I say that my Honourable friend, Mr. Sim, can say: “I have got Rs. 55 crores for the Railways—I do not say that is the amount”

Mr. G. G. Sim (Financial Commissioner, Railways): There are 15 grants.

Diwan Bahadur M. Ramachandra Rao: One of these grants may be Rs. 11 crores and Mr. Sim will say: “I have got Rs. 11 crores under this head and I will spend it as I like”. Is that right or is that not right?

Mr. A. Rangaswami Iyengar: In answer to a question put by me to Mr. Sim he said that transfers of crores from one head to another were effected by reappropriations.

Mr. G. G. Sim: I think the Honourable Member is referring to the fact that we reappropriate between one Railway Administration and another within the same grant.

Diwan Bahadur M. Ramachandra Rao: That is exactly what I am saying. My statement stands good. Within a grant Mr. Sim can do what he likes. He may submit his proposals to the Finance Department and my Honourable friend may say what he likes about it. But so far as this House is concerned, there are two Committees, the Standing Finance Committee and the Public Accounts Committee neither of whom hears anything about reappropriations.

The Honourable Sir Basil Blackett: If it is new expenditure it does come before the Standing Finance Committee.

Diwan Bahadur M. Ramachandra Rao: I am talking of reappropriation.

The Honourable Sir Basil Blackett: If it is new expenditure.

Diwan Bahadur M. Ramachandra Rao: I was on the Standing Finance Committee and I never heard anything about this reappropriation.

Mr. R. K. Shanmukham Oshetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): All new items of expenditure which are met by reappropriation are brought before the Standing Finance Committee.

Diwan Bahadur M. Ramachandra Rao: I am referring to paragraph 26 in which the following statement will be found:

“The question of the powers of re-appropriation to be exercised by the Government of India and the subordinate authorities within a grant is closely connected with the question of the control of expenditure. We have noticed that in certain cases these powers are utilised merely to conceal defective budgetting. . . . In the new form Appropriation Accounts in which all variations of the actual expenditure from the original grant under a certain number of prescribed sub-heads will be specifically brought to notice, it will be easy to discover whether the action taken by the responsible authorities for regularising these excesses by re-appropriations from other sub-heads within the grant conforms to the rules prescribed by the Finance Department and whether there is any necessity for suggesting any change in the rules.”

Mr. A. Rangaswami Iyengar: The Honourable Member is really confusing the question of excesses. Where certain expenditure is put on the Budget under one sub-head of a grant, where there is an excess under one head, it is made up by saving under another head. So far as that is concerned, it does not go before the Standing Finance Committee.

Diwan Bahadur M. Ramachandra Rao: With great respect, I am not at all confusing the matter. My friend is trying to confuse me. I will not be confused in this matter. I ask the Honourable Member to explain the position, whether it is not so, whether the powers of reappropriation within a grant are absolute and only subject to the scrutiny of the Finance Department? That is what I understand to be the position. Some Honourable Members on this side say that it is so. Therefore, Sir, I submit that some change in regard to this matter is called for.

There are one or two other matters to which I should like to refer. One is the allotment from the reserve, under the head "Miscellaneous". The present method is a fruitful source of what I may say wasteful expenditure. The Finance Department puts up a big figure under this head and during the course of the year every Department can come up to the Finance Member and ask for funds to supplement their own budget allotments, and the Finance Department proceeds to distribute this figure. With a view to suggest a change of practice the Honourable Member has suggested a change of procedure. He advocates something like the fund which they have in England, and which is called the Civil Contingencies Fund. I think that is a matter which has to be thoroughly gone into. I do not deny that there are circumstances under which the Finance Department should have a certain amount for unforeseen charges for meeting expenditure not provided for in the Budget, but as to how much it should be and under what circumstances appropriations from that head should be given to other departments, is a matter which requires very serious consideration.

I do not wish to take up any more time. I am glad to notice that the Honourable Member who presided over this Committee and other Honourable Members have made some suggestions as to the disciplinary action that should be taken against those who were responsible for frauds and embezzlements. I trust that a stricter control will be enforced and that our finances will be improved by the action so taken. I think on the whole I cannot say that there is anything seriously wrong with this Report; there are questions of principle and questions of policy raised in this report which deserve the serious consideration of the Finance Department. I hope we shall watch with interest the action taken by the Government on the various points referred to in the Report.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I wish to touch only on one or two points in connection with this Report because they are connected with what I think is vital in the interests of the country. I refer to paragraph 4, page 26 of this Report. We find there is actually a difference in budgeting of about 3½ crores under revenue expenditure and of about 18½ crores under capital expenditure and more than 2 crores under loans and advances. The matter has been considered by the Public Accounts Committee and my object in referring to it is that the Public Accounts Committee have not really devoted the time that is required to consider the question fully. I will draw the attention of the House to the table given on page 9 of the Report. It will be found that there have been balances in the amount granted by the Assembly at first. Yet excess amounts have been taken, though there

was a balance which could not be spent during the remaining portion of the year. In fact what we find is about 40 lakhs of rupees had been taken by various departments by revised estimates when actually they could not spend the money already allotted. That is a point which deserves to be carefully considered. The actual time that is now taken by the Public Accounts Committee to go into this question is absolutely insufficient. This taking of excess money means that no department has before its view the progress of expenditure in the department in the course of the year. Two years back I was in the Public Accounts Committee. Then I knew that the actual revised estimate was practically prepared by the Finance Department on guesses and that is referred to in this Report. They have gone back upon that now they say. Each department is asked to advise how much more money is needed. From this table on page 9 it is clear that these departments have no idea of their expenditure in their departments and therefore they come to this Assembly and waste its time and their time by putting forward claims for various amounts and we find later that they have got money which they could not spend. My point in bringing this matter forward is that the Public Accounts Committee hereafter ought to insist on each department framing the Budget properly and accurately with sufficient materials before it about the progress of expenditure in the course of the year. Some steps have been taken in that direction but that will not do. It should be possible for the departments, for example, when they give the revised estimates, to budget so very accurately that only one or two months later actuals alone should cause any doubt. That will mean that each department should keep itself in communication with the various parts of the country and see that expenditure incurred up to that date, is placed before it. As I said, the other day, military expenditure in 1923-24 was expected to be 56 crores at the end of February, but on the 1st April, it came down to 52½, about 3½ crores less than it was at the time. That is, on the 28th February they did not know that 3½ crores of expenditure was to be reduced and that had been reduced in the course of 11 months in that year. The real reason for the whole position is that information is not taken and there is no aggregation of expenditure as it goes on to enable them to say at any moment what the expenditure has hitherto been, say, for nine or ten months. I know that certain statistics are published in the Gazette of India; for instance in the January Gazette information is given of the expenditure up to the end of September. That is practically of no use to us Members of the Assembly. But the departments themselves ought not to be in that position. They ought to be able to say what the expenditure has been up to the end of the previous month. That would enable the Government to budget properly for the next year and every department could instruct the Finance Department properly. I have no doubt, Sir, that some steps are being taken in that direction. I would only submit that the steps taken so far are absolutely effective. It has been pointed out in the course of the report that out of the 3½ crores less expenditure under the revenue head, two crores was contributed by the railways; that is, the railways budgetted for two crores excess expenditure. I have no doubt that that continues even to-day and will continue in the coming Budget also. I want to draw the attention of the Honourable the Finance Member and the Honourable the Financial Commissioner for Railways to this and hope that they will not budget for crores over and above what may be necessary. Extraordinary circumstances may exist. In the case of capital expenditure although 18½ crores have not been spent, that is

[Mr. K. Rama Aiyangar.]

quite understandable, because with various new constructions in progress and new schemes proposed the expenditure actually incurred may not be as much as was expected. But so far as ordinary revenue expenditure is concerned, ordinarily there ought not to be much difference, and that matter ought to be attended to carefully. In fact I find, Sir, that the number of days this has been considered by the Committee cannot be sufficient at all. I felt when I was in the Public Accounts Committee that everything was rushed through and we had to consider a series of items while we had little or no time to actually understand the whole question. I find here that the Honourable Mr. Sim was examined by the Committee in connection with various economies in expenditure effected by the Great Indian Peninsula Railway to the extent of 1 crore in their expenditure. The Auditor General took the matter up and wanted to know if similar steps taken on other railways would secure further economies, and Mr. Sim replied that they were not likely to yield similar results. Upon what he made that statement I am unable to understand. Now though this reduction was effected on the Great Indian Peninsula Railway in 1924-25 the Madras and Southern Mahratta Railway took up the question of coal consumption and at a cost for establishment of Rs. 20,000 they were able to effect a reduction of four lakhs by a reduction in the consumption of coal only. And so I would point out to the Honourable Mr. Sim that on almost every line there are directions in which expenditure could be considerably curtailed if attention is paid to some items. But what I am concerned with is that the Public Accounts Committee did not proceed any further with that matter. They should not have left it there. They should have gone further and inquired why in some railways various heads of expenditure were extravagant and could be curtailed. It is wrong for even the Honourable Mr. Sim to say that one railway, which has not so far as I know taken up the question of coal consumption, and has been able to

The Honourable Sir Basil Blackett (Finance Member): I should like to ask your ruling, Sir, whether this is entirely in order. We
 4 P.M. are getting rather far away on to the question of coal consumption on railways which does not seem to me to arise even out of the Report of the Public Accounts Committee.

Mr. President: The Honourable Member is turning this into a budget debate.

Mr. K. Rama Aiyangar: Sir, I am afraid I have not been understood. However, it will be enough for me to say that the Public Accounts Committee should if necessary be divided by the Honourable the Finance Member into sub-committees to go into each department, with more time given so that the whole thing might be fully sifted. That is the object of all I have been saying. I say that this business of rushing all the work through in a week or ten days with witnesses coming and giving evidence and disposing of the whole thing in a report is most unsatisfactory. That was not I think what was meant when it was statutorily enacted that the Public Accounts Committee should go into the expenditure and accounts of the previous year. That statutory body ought to have full time and opportunity to go into every question and place before this House its views so that the House may adopt the suggestions made therein and actually control the expenditure and Budget as far as possible.

There is only one thing more I want to say, and the matter has been raised I find by my friend Mr. Rangaswami Iyengar. In the first year's

Report of the Public Accounts Committee I was in the second Committee—I find that much of the non-voted expenditure was also placed before the Committee and they had occasion to sift it and to see what suggestions could be made. But subsequently these non-voted items have been more and more shut out from the Committee and Mr. Rangaswami Iyengar raised the question. I submit, Sir, that it is impossible that this statutory body should only see the voted heads and not know anything about the non-voted heads. It is that statutory body that must look into all the accounts and tell this Assembly how far the accounts are being kept properly and without waste. That is a matter on which the Honourable the Finance Member should move on behalf of the Public Accounts Committee of which he is President. I submit these are various aspects and the question of the sub-committees I have suggested ought to be carefully considered.

The Honourable Sir Basil Blackett: Sir, I think the House probably now desires that this debate should be brought to an end. It has been I think a very interesting one, certainly for the Finance Department, and it shows evidence that every Member who has spoken has very clearly both read and studied, and very carefully studied, the Report of the Committee. Regarding Mr. Rama Aiyangar, I do not think I need follow him very far. He seems to me always to forget that neither this House nor he himself nor any Committee on which he sits is the sole executive authority in the country. If Mr. Rama Aiyangar is on a Committee, he wishes to raise every possible question that may be raised in connection with the finance of the whole subject that it is dealing with. It never occurs to him that there are other people who are continually doing work on a particular subject and following out the business of controlling expenditure, and he makes suggestion after suggestion in regard to the figures which at first one listens to with interest till finally one really feels that one must do one's best to curtail the discussion by any of the means in one's power. I do not think however that he is justified, or Mr. Rangaswami Iyengar is justified, in saying that this Committee's powers have been curtailed. I have been I think Chairman of this Committee ever since it first came into being in 1923, and I have done my very best to secure that although, constitutionally perhaps, voted expenditure is the only sort of expenditure in which this Committee is very directly concerned, it should have and has had the opportunity of scrutinising the non-voted expenditure, of examining my friend, Mr. Sim, on the non-voted expenditure, of examining the military expenditure; I agree that it has not been possible to allow it to go in the same detail into the non-voted expenditure as into the voted, but I have always done my best to err on the side of allowing it to extend the scope of its inquiries rather than restrict it, and I am sure those who have sat with me on the Committee will do me the justice to agree that this is so. (Hear, hear.)

My Honourable friend Mr. Ramachandra Rao raised two points: the annual discussion of the Report in the House, and the question of the continuity of the personnel of the Committee, with which I wish to deal. As regards the discussion of the Public Accounts Committee's Report in the House of Commons, he said that he was under the impression that it was a regular thing for the Report of the Committee to be discussed in the House of Commons. My experience is that there are always a certain number of members of the Public Accounts Committee who are always trying to persuade the House of Commons to discuss the Report of the Public Accounts Committee.

[Sir Basil Blackett.]

Once every 10 years they succeed perhaps in getting a discussion, and I am afraid what generally happens is that the House is counted out. It is not the fact I think that the regular practice is for the Report to be discussed in the House of Commons. Nonetheless, speaking for myself, if time could be found and a real debate could be arranged in this House on the Report of the Public Accounts Committee year by year, I should be the first to welcome it and the first to do my best to make the debate a success. I do not know what the form would be. The House of Commons form, as far as I remember, is, to move that the Report be taken into consideration, and at 11 o'clock without any voting the discussion comes to an end. It does enable those Members who take an interest to range over all the subjects connected with the Report, as I think we have done to-day. With regard to continuity, I agree entirely in the desirability of continuity of the personnel of a committee of this sort. The question of continuity of the personnel of the Public Accounts Committee was discussed at the Conference of Finance Members in Delhi last November, and it was the general view of those present that continuity was most desirable. There was a feeling that it would be undesirable to appoint the whole Committee for three years, that is for the whole life of an Assembly or Council, as that might not give the proper opportunity for Members who come to take an interest to get on to the Committee, but I think the suggestion made by my Honourable friend Mr. Ramachandra Rao is a very attractive one—that we should have members elected in the first year; we should have 4 Members elected for two years and after one year, of the 8 Members 4 should retire at the end of the first year by ballot but should be eligible for re-election. Some arrangement of that sort would I think be most desirable; and if it is the view of the House that steps should be taken to that end, the Government are quite willing to take steps to secure the required amendment in the Legislative Rules in order to bring that arrangement into force at the beginning of the new Assembly next year. There is no point doing it at this moment, unfortunately.

Perhaps I may say one word, Sir, about reappropriation within a vote on which Mr. Ramachandra Rao also made some observations. That is one undoubtedly of the difficult questions that have arisen before the Public Accounts Committee. We have endeavoured to meet it by an improvement in the form of our Demands for Grants. In the Railways we have, instead of one grant for revenue and one grant for capital, now I think fifteen—isn't it?—for revenue alone and more than one for capital. A similar question arises in connection with the Post Office. Under General Administration we have now separated the controversies that arise around the Department of my Honourable friend on my left, Sir Charles Innes, and those that arise around the Department of my Honourable friend on my right, Sir Bhupendra Nath Mitra, each of them being put in as a separate vote. An addition to the number of votes does definitely diminish the power of reappropriation. I should like to make it clear that, though reappropriation within the vote is within the constitutional power of the Governor General in Council, Mr. Chetty's interruption was perfectly correct. Every item of new expenditure which is not simply a continuation of existing expenditure, every item of new expenditure of the least importance, and some perhaps which are not of importance, are brought

before the Standing Finance Committee. Reappropriation is not in practice resorted to without the matter having been considered by the Standing Finance Committee before such reappropriation is made, unless it is simply a continuance of expenditure of an entirely minor kind where there is no option but to exceed the estimate, the estimate having proved perhaps wrong. Where there is any new item, it comes before the Standing Finance Committee. Mr. Rangaswami Iyengar was I think a little less fair when he said that the Government of India in the Finance Department do not take the Reports of the Public Accounts Committee as seriously as they might. The first appendix in this Report contains a Resolution of the Finance Department dealing with the Report of the year before. The second appendix contains a list of 29 recommendations showing exactly the action taken by the Government of India in respect of each of those recommendations. In nearly every case it reads. "instructions have been issued accordingly", or something of that kind. Everyone of the recommendations is carefully considered, and a Resolution is eventually framed and issued by the Government of India in regard to them. The same is true in regard to all the recommendations in the Report which we have had under discussion to-day. Only the Resolution has not yet been issued, and one of the reasons why the Resolution has not been issued is the difficulty which was referred to by my friend, Mr. Rangaswami Iyengar, in regard to the legal position on certain points. We have been referring again and again to the Legislative Department and discussing with them the exact position in these matters: and it is not because we have not pressed this matter upon the Legislative Department but because we are determined to press it to an issue that there has been a delay in issuing the Resolution.

Mr. A. Rangaswami Iyengar: Thank you.

The Honourable Sir Basil Blackett: As regards the form of the appropriation account, I was under the impression that Mr. Rangaswami Iyengar had already been informed of this fact. The appropriation accounts for 1924-25 now under preparation are being framed in the new form recommended by the Public Accounts Committee.

Mr. President: The question is:

"That an excess grant of Rs. 654 be voted by the Assembly to regularise the expenditure chargeable to revenue incurred in excess of the voted grant for the year 1923-24 in respect of the 'Administration of Justice'."

The motion was adopted.

JAILS AND CONVICT SETTLEMENTS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That an excess grant of Rs. 3,070 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of 'Jails and Convict Settlements'."

The motion was adopted.

CIVIL VETERINARY SERVICES.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That an excess grant of Rs. 3,319 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of 'Civil Veterinary Services'."

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir Basil Blackett: Sir, I beg to move:

“That an excess grant of Rs. 7,882 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of ‘Emigration—External’.”

The motion was adopted.

REFUNDS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

“That an excess grant of Rs. 3,81,059 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of ‘Refunds’.”

The motion was adopted.

INTEREST-FREE ADVANCES.

The Honourable Sir Basil Blackett: Sir, I beg to move:

“That an excess grant of Rs. 4,45,006 be voted by the Assembly to regularise expenditure chargeable to Revenue actually incurred in excess of the voted grant in the year 1923-24 in respect of ‘Interest-free Advances’.”

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

IRRIGATION, NAVIGATION, EMBANKMENTS AND DRAINAGE WORKS.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 1,40,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of ‘Irrigation, Navigation, Embankment and Drainage Works—including expenditure in England’.”

The details working up to Rs. 1,40,000 are given in the Blue-book which is in the hands of all the Members of this House and I do not want to waste the time of the House by further dilating on these items.

The motion was adopted.

INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 1,06,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of ‘Interest on Ordinary Debt and Reduction or Avoidance of Debt’.”

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,54,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,92,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Payments to Provincial Governments on account of Administration of Agency Subjects'."

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): I should like to ask the Honourable Member whether other Local Governments are also reimbursed for the administration of central subjects as Bombay has been. I should like to know what the position is. I have not seen any items from other Local Governments with reference to the administration of central subjects.

The Honourable Sir Basil Blackett: The introduction of the Reforms and the separation of central from local finance left over a very large number of items, some important and some unimportant, of expenditure where liability was doubtful. Most of them were dealt with in the first few years, but from time to time since that date other matters have come to light or new points have been raised and it has been decided after careful study of each case that the charge is a Central charge or a Local Government charge as the case may be. In some cases the Governments concerned have been willing to accept an arrangement under which such charges will be taken over by the Central Government or the Local Government from the beginning of the new financial year in which the charge has come to light. In others we have been more strongly pressed by the Local Governments and it has been a matter of bargaining to some extent in individual cases as to how far back we have gone. But broadly speaking, the attitude the Government of India has tried to take is that it is the "big brother" and if a Provincial Government proves that a charge is a central charge and that it has expended certain sums and claims that it should be reimbursed from the 1st April 1921, it cannot be refused.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Will that apply to other provinces?

The Honourable Sir Basil Blackett: That applies to every province.

The motion was adopted.

POLICE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,09,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Police'."

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I wish to say

Mr. President: I gave the Honourable Member an opportunity to get up and move his amendment. He did not do so.

Mr. K. Ahmed: The practice is that the name of the Member giving notice of a motion is called out, Mr. so and so. As it was not so done I am

The motion was adopted.

PORTS AND PILOTAGE.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Ports and Pilotage'."

The motion was adopted.

SURVEY OF INDIA.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 4,89,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Survey of India'."

The motion was adopted.

PUBLIC HEALTH.

Mr. J. W. Bhore: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,06,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Public Health'."

The motion was adopted.

CIVIL VETERINARY SERVICES.

Mr. J. W. Bhore: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Civil Veterinary Services'."

The motion was adopted.

AVIATION.

The Honourable Sir Bhupendra Nath Mitra: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,00,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Aviation'."

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member, Sir, kindly to tell us what the ultimate cost to India will be of the Imperial airship scheme?

The Honourable Sir Bhupendra Nath Mitra: Sir, the position is fully explained at page 314 of the proceedings of the meeting of the Standing Finance Committee, Volume IV, No. 4, and I would refer the Honourable

Member to that particular document. I hope that it will answer the question which he has asked.

The motion was adopted.

MISCELLANEOUS DEPARTMENTS.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 98,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Miscellaneous Departments'."

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, I would like to ask the Honourable Sir Bhupendra Nath Mitra whether this sum includes the amount required for the construction of quarters at Belvédère in Calcutta referred to on page 441 of the Standing Finance Committee proceedings, dated the 11th February, 1926, Volume V, No. 10. If that is so, I have some observations to make.

The Honourable Sir Bhupendra Nath Mitra: This item refers to the expenditure of the Indian Stores Department.

Mr. Jamnadas M. Mehta: I would like to know whether it comes under Aviation, Navigation or Embankment. I want to know under what head it comes

The Honourable Sir Bhupendra Nath Mitra: It certainly does not come under Miscellaneous Departments which include the Indian Stores Department.

Indianization of the Indian Stores Department.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I rise to oppose the whole grant of the Indian Stores Department. The Indian Stores Department has taken no pains to Indianize that Department. It has taken more and more Europeans. In spite of numbers of questions being asked in this Assembly on this subject, since the last Budget, when we sanctioned 14 or 15 lakhs, Government have taken no steps to abide by the recommendations of the Indian Stores Purchase Committee. Only recently the Controller of Purchases at Karachi was appointed and Government took no pains to find an Indian for the vacancy. And in the recruitment list we find that the percentage of Indians is about 40 to 50 per cent. Sir, in a department which was going to be manned entirely by Indians we find the percentage of Indians to be only 50. I do not want to raise the other question namely the question of rupee tender. This question also affects the Indian Stores Department. Only the other day the Honourable Member in reply to a question of mine said that he was inquiring through the minor heads of departments whether tenders for small Indian things, such as ink, pencils or gum, would be called for in rupees or sterling. That is not the thing that this House wants. What we want is that everything that is being purchased should be purchases in rupees and not in sterling. That was the main recommendation of the Resolution which my Honourable friend Mr. Jinnah moved in this House. No effect has been given to it.

Mr. President: The Honourable Member will have ample opportunity to raise this question at the time when the General Budget is discussed. This, as the Honourable Member is aware, is only a supplementary demand for grant.

Mr. B. Das: Sir, I bow to your ruling. But, as the Indian Stores Department is doing no useful work and is doing everything against the recommendations of the Indian Stores Purchase Committee, I oppose this further grant to this Department.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muham-madan Rural): May I know, Sir, whether the failure to Indianize the department has not been a sufficient reason for not making a saving in the department and thus effecting reduction?

The Honourable Sir Bhupendra Nath Mitra: Sir, the inability to get the larger saving is in no way connected with our inability to take more Indian recruits into the Department than we have taken. At the same time, I think it is necessary for me to observe that Mr. Das has not been fair in the allegations he has made. This House is probably aware that all the selections of recruits for the Department which have been made since 1st April, 1925, have been made with the help of a Selection Board on which Members not only of this House but of the other House have been present. It is only on the unanimous recommendation of this Board that I have been compelled in certain cases to take Europeans.

Mr. B. Das: May I inquire who were those members of the Board? Does the majority of the members of the Board consist of Members of this House and of the Council of State?

The Honourable Sir Bhupendra Nath Mitra: There was a Member of this House and a Member of the Council of State, but the recommendation was unanimous. That is the point.

Syed Majid Baksh: What is the reason of the failure? That is not clear to me.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 98,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Miscellaneous Departments'."

The motion was adopted.

CURRENCY.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 84,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Currency'."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 22,38,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

STATIONERY AND PRINTING.

The Honourable Sir Bhupendra Nath Mitra: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 5,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Stationery and Printing'."

The motion was adopted.

MISCELLANEOUS.

The Honourable Sir Basil Blackett: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 11,05,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Miscellaneous'."

1. *Deputation to South Africa.*

2. *Taxation Inquiry Committee.*

3. *Royal Commission on Currency.*

Mr. Jamnadas M. Mehta: Sir, I beg to move:

"That the Demand under the head 'Miscellaneous' be reduced by Rs. 2,97,000 (Deputation to South Africa, Taxation Inquiry Committee and Royal Commission on Currency)."

The amount required for the Deputation to South Africa is Rs. 75,000, the amount required for the Taxation Inquiry Committee is Rs. 58,000, and the amount required for the Royal Commission on Currency is Rs. 1,64,000. I move that all these Demands be cut, and my reasons are these. I am not going at length into these questions because two at least of them have been debated in this House at fairly good length. The first one however has not been debated at all, namely, the question of the Deputation to South Africa. I want to confine my observations to the question of principle involved in this question of the Deputation. I am not going into details nor the personnel nor the work that this Deputation might or might not be able to do. My main objection to this Deputation is that this Deputation was appointed in a hurry without consulting the House (*An Honourable Member*: "The House was not sitting then.") But they knew the Bill was coming in the Union Parliament and the House was sitting up to the end of September, and if they wanted to, they could have consulted the House, but this habit of appointing committees after the House has dispersed is getting too common. On one occasion it was the Bengal Ordinance, this time it is the South African Deputation. I object on principle to the Government appointing these important committees without taking the House into confidence. I do not want to go into details of the expenditure and whether the amount of the expenditure was justified. I could say of course that it was an eleventh hour attempt to find out facts about the economic condition of Indians in South Africa, but I am prepared to leave the matter as it is and emphasize mainly the question of principle, that this House has no control in any important actions, particularly in the matter of the question of Indians in South Africa, and having made this protest I will deal with the question of the Taxation Inquiry Committee. That is a subject with which this House is familiar. This Committee was appointed without consulting the House and it was continued in defiance of

[Mr. Jamnadas M. Mehta.]

repeated protests from this House. The House said, "We do not want any machinery that would show Government the lines on which it could impose more taxation," and in 1924, the House indicated what it wanted. They said the appointment of the Taxation Inquiry Committee was putting the cart before the horse. Unless you first knew the economic condition of the people, for which a preliminary inquiry was necessary, it was no use having a Taxation Inquiry Committee, and though Government latterly appointed an Economic Inquiry Committee, it was a sort of half-hearted measure. That was not what the House wanted. The House wanted the whole investigation into the economic condition of the people and their power to bear additional taxation, and their incomes, before any question of further taxation could be explored. Government knew that this was the opinion of the House. All that they did was to add one more member. Further I feel that the repeated visits of the Honourable the Finance Member to the place where the Taxation Inquiry Committee was sitting was certainly not creating any reassuring effect. Many of us did not think it the right thing.

The Honourable Sir Basil Blackett: Will the Honourable Member please develop that?

Mr. Jamnadas M. Mehta: I do say that these repeated visits of the Finance Member to the place where this Taxation Inquiry Committee was carrying on its inquiry or was writing its report, that these incidents were not in themselves reassuring features of this inquiry.

The Honourable Sir Basil Blackett: Why?

Mr. Jamnadas M. Mehta: Because he had no business to be there. (*An Honourable Member:* "Perhaps he was there to give evidence.") Not when the Committee was writing its report. If he was giving evidence I could quite understand, but what business could the Finance Member have with the inquiry of a committee of which he was not a member?

The Honourable Sir Basil Blackett: I hope the Honourable Member will develop this and realise that he is making a serious charge against me which is extremely objectionable and one which he ought not to make without being sure of his facts.

Mr. Jamnadas M. Mehta: I do not wish to impugn the honesty or integrity of the Honourable Member.

The Honourable Sir Basil Blackett: What does he mean then?

Mr. Jamnadas M. Mehta: I mean that the visits themselves were objectionable.

The Honourable Sir Basil Blackett: Why?

Mr. Jamnadas M. Mehta: I do say that unless it can be said that the Taxation Inquiry Committee wanted his presence, his visits were not right.

The Honourable Sir Basil Blackett: Why does not the Honourable Member first find out whether that was not the fact?

Mr. Jamnadas M. Mehta: I had no wish to make a charge against the Honourable the Finance Member.

The Honourable Sir Basil Blackett: He was entirely unjustified in stating that I had no business there.

Mr. Jamnadas M. Mehta: I am giving the Honourable Member an opportunity of making an explanation. (*Cries of "Withdraw, withdraw."*) Withdraw what? I think the Chair is quite competent to ask me to withdraw. I qualified my statement by saying that I make no charge against the Honourable Member, but I still say that I object to his visits. But if he went there in response to requests from the Committee, that they wanted his presence, if he says that, I have nothing more to complain about. But even apart from this, our original objection to the Taxation Committee still remains. That was only an incidental remark which I have fully qualified by the observation that I did not want to make any attack on his personal integrity.

Lastly comes what is stated in the Demand as "the Royal Commission on Indian Currency and Finance". I thought it was Royal Commission on Indian Currency and Exchange. Whether this is a mistake or whether another Commission has been appointed later, I do not know. But I think it is an evident mistake, and this is a Commission to which we most decidedly objected; it was appointed not only in defiance of this House but in defiance of the Government's own promises. (*The Honourable Sir Basil Blackett:* "No.") The Honourable the Finance Member must, I think, admit that he said that the Indian people would have an adequate and effective representation. And certainly a minority is neither adequate nor effective. That is so obvious. How can a minority be effective? If the Indians are in a minority in the Commission the Indian representation is not effective, and what is not effective cannot be adequate. So that the Government have clearly gone behind their promise. They said that the Indian representation would be both adequate and effective. They certainly defied the Resolution of this House; the House wanted the Royal Commission on Indian Currency and Exchange to be a body on which the majority of Members would be Indians, of which the Chairman was to be an Indian and the appointment was to be made as soon as possible after the Resolution was passed. On all these three questions the Government have not respected the wishes of this House. The House will be fully justified in not giving a grant for that Royal Commission on Currency and Exchange. I hope that the House will reject this Demand to that extent and support my amendment.

***Mr. O. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): I rise to associate myself with the principle which the previous speaker enunciated though not with his remarks against the Honourable the Finance Member.

Mr. Jamnadas M. Mehta: I object to my Honourable friend saying that I made any remarks against the Honourable the Finance Member.

Mr. President: Order, order. The Honourable Member is perfectly entitled to say that he does not wish to associate himself with the remarks of the Honourable Member from Bombay.

Mr. Jamnadas M. Mehta: He said that I made remarks against the Honourable the Finance Member. I do not mind his associating with the Honourable the Finance Member.

*Speech not corrected by the Honourable Member.

Mr. O. S. Ranga Iyer: I do not associate myself with the Honourable the Finance Member for the simple reason that I have not heard his pronouncement on the subject. But I certainly do not agree with the previous speaker on certain references which provoked a passage at arms in this House. I do think that the principle which he enunciated is strong enough for us to take our stand upon and it is on that principle that I take my stand to-day. It is very unfair to this House for the Government to appoint a deputation of such vital importance to Indians in South Africa. The House is aware, the Government are aware, the country is aware, that this question is of momentous importance and it would have been very fair to the country and to this House to have appointed a Committee which would have represented the feeling of the country. I do not want to make any personal remarks about the members of this important deputation for the simple reason that I do not want to embarrass them or at any rate to minimise the importance of the work on which they are engaged. But I do think that a much better deputation could have been constituted, and on a question of this kind the Government have insulted the House by not consulting it. The Government cannot be supported in persisting in a policy which is worthy of the ostrich, and I think that we should veto that portion of the Demand which relates to the Deputation to South Africa without further discussion if possible.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I also wish to support my Honourable friend Mr. Mehta particularly with regard to the portion of this Demand which relates to the Deputation to South Africa. It has been urged that the House was not sitting when the Deputation was sent. But it may be pointed out that the subject matter of the legislation against Indians in South Africa was fairly long-standing; and in any case it was open to the Government to have at least consulted that body about whose utility some questions have been raised, which is supposed to be the Advisory Committee of this House, advising every Department including the Department of Emigration. Not even that Committee I believe was consulted when this Deputation was sent. There would have been at least one opportunity of justifying the existence of some such Committee, if at least on an occasion so grave, so full of national importance, a Committee of that kind, some members of this House at least, had been consulted before the Deputation was sent, before the personnel of the Deputation was fixed upon, before the terms of reference were drawn up for that Deputation. I am objecting much more because the Deputation was sent before even the Government of India were sure that their Deputation would receive a hearing at the hands of the South African Government. It was a piece of national humiliation to read in the papers that the Union Government, the responsible Ministers of the South African Government, would not receive our Deputation officially. The Government of India is, in my opinion, in spite of our quarrels with the opposite side, a much more respectable Government than the Government of South Africa; and for us to send a Deputation which will not be officially received or recognised is belittling our own importance and it is certainly adding to the indignity of India as a whole. On those grounds, Sir, because the Government did not consult this House as they should have consulted it, because they did not consult even the Standing Advisory Committee

The Honourable Sir Basil Blackett: They did consult the Emigration Committee.

Mr. M. K. Acharya: It has not been put before us at all, what that Committee said. The proceedings of that Committee have not been furnished to us and we have a right to know what they were. If it were true, I fear that we have been misled by the information not being supplied to us. So long as the information is not supplied to me, I have a right to presume either that the Committee did not meet or if it did meet its pronouncement was not worthy of being placed in our hands. We knew nothing of it all until we read the announcement that the Deputation had been sent. In the Standing Finance Committee the Chairman ruled this discussion out of order, and said that the thing might be discussed on the floor of this House. Without getting anything in return, without really safeguarding the interests of the people of India, why should we simply sacrifice the dignity of the Government of India and the people of India by sending a Deputation which the responsible Ministers of South Africa had the impudence to say that they would not receive officially and consult officially. On these grounds it is time that the responsibility for sending this Deputation were taken off our hands. We shall not be a party to Government doing anything which commits us to a piece of national indignity. Therefore, I oppose this portion of the Demand.

***Maulvi Abul Kasem (Bengal: Nominated Non-Official):** I cannot agree with my Honourable friends on the other side in their demand that this Demand should be rejected. It has been said that this Deputation to South Africa has been sent without consulting this House, and it has been remarked that the House was not sitting. The situation was simply this, that a grave crisis had arisen in South Africa and certainly it was being talked of while we were in Simla and the Honourable Member in charge not only consulted the members of the Standing Emigration Committee but some other leaders of this House and discussed the matter and wanted their opinion as to what to do. I do not exactly remember if any proceedings were published, but it was decided at that meeting that a deputation should be sent to South Africa to press upon the Union Government the mischief they were creating by the introduction of this legislation. Certainly the personnel of the Deputation was neither discussed nor settled. I for one, Sir, strongly object to the personnel of any deputation or committee of this sort being elected by the House for the simple reason that, whatever we may say, when questions of election come up a good deal of canvassing goes on and I do not think that the people whom we want to be on that committee will be the people who will go about canvassing.

Mr. M. K. Acharya: Is there no canvassing for nomination?

Maulvi Abul Kasem: People may go to the Member in charge of Education, Health and Lands and ask him to send them, but I think it is going too far to say that men like Sir Deva Prasad Sarvadhikary and Mr. Raza Ali would go to the Finance Member or Mr. Bhore and ask that they might be sent to South Africa. At least I know that they have made great sacrifices in going to South Africa. It is not a very pleasant trip and they are professional men with very important engagements. Something has been said and repeated about the Currency Commission. There has been a good deal of feeling expressed in this House and outside about the composition of this Commission. It was said that the members of the Commission with the solitary exception of one who belongs to this House were

[Maulvi Abul Kasem.]

not men who should have been there. That was a reflection on the personnel of certain distinguished gentlemen. I admit, Sir, that Sir Rajendra Nath Mukherjee or Sir Maneckji Dadabhoy or Professor Coyajee are not the men who would head the poll at an election but they are men who have distinguished themselves in their respective walks of life. Sir Rajendra Nath Mukherjee is an industrial magnate. He has done more for the industrial advancement of the country than any of those who head the poll at an election. It may be true that Professor Coyajee is not a fine orator to move masses and make platform speeches, but you will admit that he has devoted his energies and his extraordinary abilities to the study of economics and he is the man who ought to sit on a technical commission like this. Sir Maneckji Dadabhoy is a great expert on financial matters and he is well known throughout India. He has been a great adviser of the Indian people and public on financial questions. He has been in the field of public life long before certain politicians came into the arena, and it is rather unfair to throw reflections on them. I believe there is great disappointment in certain quarters that particular individuals were not included and I believe it is not fair that this Legislature should pass comments because certain interested persons were not chosen for any particular work. I strongly support the Finance Member's motion that this item should be passed.

Mr. B. Das: Sir, we have heard the very splendid certificates given by my friend Maulvi Abul Kasem to certain gentlemen whose names were not referred to by any of us, at least on this side of the House. We do not desire to give certificates to Sir Rajendra Nath Mukherjee or Sir Maneckji Dadabhoy. If we on this side proposed the motion of adjournment last September and carried it, to protest against the composition of the Royal Commission on Currency and Exchange, it was on quite a different principle. We asked the Honourable the Finance Member to say why it was not possible for him to consult leaders on this side (*Mr. Devaki Prasad Sinha*: "Which side? Your side?") Not the labour side. I find the Honourable Member is alone on the Labour Benches to-day. His party has dwindled to one to-day. Sir, I mean leaders on the popular side, the people's side. I do not want to ask my friend Mr. Bhore again the question whether he consulted the leaders before the Paddison Committee was sent out. The other day Mr. Bhore told me in reply to a question that the Assembly was not sitting and therefore it was not possible to consult the leaders. There was an interjection on the part of the Honourable the Finance Member who asked "Who are the leaders?" Whenever there is a constituted opposition in this Assembly there are surely some leaders of the opposition and they must be recognised by the Government as such and they must be consulted whether they are present on the floor of this House or whether they are present at Allahabad or Bombay. I have not one word to speak against any of the Members who constitute the personnel of the Royal Commission. Some of us have given oral and written evidence before this Commission. We want the Royal Commission to come to a certain decision on our currency problem. But we strongly protest against the way in which the personnel was recruited. When the Finance Member was asked to consult the leaders on this side, he said on the 25th August, 1925:

"Yes, Members of the Legislature, quite a considerable number, certainly, Members of this House, so that the original answer that I gave to Mr. Jinnah was quite right.

I do not think that it is either a desirable or a possible practice that in every case, specially when you are dealing with an expert committee, the views of the various leaders of parties in this House should be consulted. It is rather difficult because you might have consulted the leader of a party that did not exist by the time you have appointed the Commission in some cases and there would be considerable difficulties in adopting any such course."

I strongly object to this kind of flouting of the popular leaders by a very responsible Member of the Government. In fact, it is said, that the Finance Member is himself the Government of India. A Government, however bureaucratic, it may be (Mr. N. M. Joshi here asked whether a democratic Government would do any better.) Yes, I want a democratic Government. I hope there will be a democratic Government here very soon, when it will not be possible for a Member of the Government to give a reply like that. The Home Member has asked us very often to co-operate. It is a pity that whenever we show signs of co-operation Government always treat us lightly

Mr. President: The Honourable Member is not making out a case for non-co-operation?

Mr. B. Das: No, Sir. Whenever we ask the Government to do something they laugh at us and ask us "Who are the leaders." Before we give our votes for this Demand, we want to know the mind of the Government as to what is their attitude towards the leaders of this House, whether they are going to consult them in matters of high importance that affect the interests of the country or only come to the House for getting funds to spend. The Finance Member evades all responsibilities to the Legislature, flouts the non-official leaders, even taunts them as to their leadership and does not consult them on the policy of so important a question. And he then comes with a bayonet or rather with a loaded pistol in his hand to this House and asks us to provide money for the journeys of these Commissions all over India and Europe and America. Sir, this is intolerable!

The Honourable Sir Basil Blackett: Sir, I must decline the invitation of the last speaker to give my candid opinion of the leaders of this House. They might enjoy it so much that they might vote for me. I gladly acknowledge that this debate has not taken the somewhat unfortunate turn which debates on the personnel and terms of reference of Royal Commissions and Committees have been apt to take in the past. I gladly acknowledge that the main point raised is not a question of the suitability of individual Members for a Committee, or the desirability of the appointment of that particular Committee, but it is the question of principle, namely, as to what the Executive Government should or should not do in regard to consultation with this House regarding the personnel and terms of reference of Committees and Commissions. So far as the Deputation to South Africa is concerned, I think the House is under some misapprehension. I understand that the matter was brought before the Emigration Committee early in September last and that at the same time individual leaders of this House were consulted on the general question of sending a deputation to South Africa. And the general feeling expressed at that meeting was in favour of the sending of a deputation. The personnel of the Deputation and the terms of reference of that Deputation were not, I understand, discussed. Now, on the question of general principle I quite understand the desire of this House to see that a matter in which it takes

[Sir Basil Blackett.]

an interest, such as taxation or currency, is not prejudiced by action on the part of the Government to which it may take objection; but it must be recognised that you cannot run the Executive Government by Committees of this House, or even a Committee of the Leaders of this House. I maintain quite definitely that the function of determining the terms of reference and the personnel of a Committee or Commission is an executive function, and the Executive cannot in the interests of India tie itself by any promise of any kind to consult any particular individual or groups in advance in regard to either the terms of reference or the personnel. On the general question of appointment of a Committee, or the wider general question of the desirability of investigating a particular subject, opportunities for consultation may arise, but it is, broadly speaking, out of the question for an Executive Government anywhere to consult the Legislature anywhere as to the personnel and terms of reference of particular bodies of inquiry; and the only result of any effort to interpolate a Legislature into such questions is to destroy the efficiency of the Government of the country which does it.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhamadan Rural): What is the practice in England, Sir?

The Honourable Sir Basil Blackett: The practice in England is certainly in no circumstances to give any undertaking of any kind as to consultation with the opposition in regard either to the appointment or the personnel or the terms of reference of an inquiry of any kind.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): May I know whether there is no practice at all in England in constituting Committees or Commissions to consult the leaders of parties as to the personnel?

The Honourable Sir Basil Blackett: No, certainly not; no practice of that sort. It would be an impossible practice. I do not say that occasions may not arise when such consultation may take place; but there is no rule of any sort; nor do I think it is at all a frequent occurrence, and if such inquiries are made they are much more likely to be made of a past experienced member of Government as to the most likely men.

Mr. A. Rangaswami Iyengar: Our difficulty is, Sir, that if we had also been in the position of having been in the Government, we should have been thought fit enough to be consulted.

The Honourable Sir Basil Blackett: If the Honourable Member had been in the Government I should have been delighted to have him. I am sure that he will realize that the personnel and terms of reference of this body is a great deal better than he seems to have expected. (*An Honourable Member*: "Question?") On the question of principle therefore I must put it quite definitely to the House that we should not misunderstand each other. It is not possible, unless you wish to destroy both the Legislature and the Executive, to mix up their functions in the way that this House is demanding when it puts these proposals forward.

Mr. A. Rangaswami Iyengar: We are talking solely of consulting, not of deciding.

The Honourable Sir Basil Blackett: I am speaking of consulting. I do not think you make any advance when after consulting you do not follow the advice taken. As regards the Resolution of this House I do not think we need go over that ground again. We discussed it in a way that was

perhaps not altogether desirable last September. I maintain that the Government have more than fully carried out their promise to give adequate and effective representation to India on the Currency Commission. That body contains four Indians. No previous Currency Commission contained more than one. That body came to India and has worked very hard in taking evidence; the taking of evidence in India being an entirely new departure in the case of Currency Commissions. And I say with all respect that I think the agitation, which, in the end I think fell rather flat, against this Commission was a manufactured one which had no real basis behind it. Sir, I oppose the motion.

Mr. President: The question is that the following amendment be made:

"That the Demand under the head 'Miscellaneous' be reduced by Rs. 2,97,000 (Deputation to South Africa, Taxation Inquiry Committee and Royal Commission on Currency)."

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the objection raised by the Honourable Mr. Jamnadas Mehta relates to three Demands. But there are certain Members of the House who are in favour of voting on certain Demands and rejecting certain Demands. Therefore, may I request you, Sir, to take votes separately on each of the three items.

The Honourable Sir Basil Blackett: May I point out that we were discussing one amendment all the time? If the Honourable Member had indicated his wish to make any change in that motion the Government would have dealt with it accordingly, and it is rather late now for any change to be made.

Mr. President: There is no doubt the amendment includes three different items, the Deputation to South Africa, the Taxation Inquiry Committee and the Royal Commission on Currency. If there is a desire on the part of some Members that the Chair should put all these three items separately, the Chair has no objection to do so.

The Honourable Sir Basil Blackett: I submit that it was open to the Honourable Member to put down a separate amendment for each of these items. We were deliberately discussing it as a whole, and I think it is unfair on Government Members who were dealing with it as a whole to have this sprung on them at this stage.

Mr. President: The question is:

"That the Demand under the head 'Miscellaneous' be reduced by Rs. 75,000 (Deputation to South Africa)."

The motion was negatived.

Mr. President: The question is:

"That the Demand under the head 'Miscellaneous' be reduced by Rs. 58,000 (Taxation Inquiry Committee)."

The motion was negatived.

Mr. President: The question is:

"That the Demand under the head 'Miscellaneous' be reduced by Rs. 1,64,000 (Royal Commission on Indian Currency and Finance)."

The motion was negatived.

Mr. President: There are supplementary motions on the paper. If no Honourable Member wishes to move them, I will put the original motion. Mr. Neogy.

Curtailment of the Powers of the Standing Finance Committee.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move:

“That the Demand under the head ‘Miscellaneous’ be reduced by Rs. 100.”

My intention in this motion is to raise a question of principle which relates to the three items which have just now been disposed of. The Honourable the Finance Member stated in connection with the discussion of the Report of the Public Accounts Committee that it has been his intention all along to extend the scope of the work of that Committee rather than to restrict it. I wish he could say that with reference to the Standing Finance Committee—because what do we find? At page 15 of the Demand for Grants we find that the three items, the first regarding the South African Deputation, the second regarding the Taxation Inquiry Committee and the third regarding the Royal Commission on Indian Currency and Finance, come up before us without any recommendation from the Standing Finance Committee. I referred to the proceedings of the Standing Finance Committee to find out the reasons that induced that Committee not to make any recommendation in regard to these three questions. I found that the Honourable the Chairman of that Committee took the view that as the questions raised were of a non-financial character, he would not press the demands before the Standing Finance Committee but that they would be brought up in due course before the Legislative Assembly where all the issues would be germane. Sir, I have been long enough in this House,—and I have served in several Standing Finance Committees in the past,—to know that by withdrawing these three items from the purview of the Standing Finance Committee, the Honourable the Finance Member was making an inroad upon the privileges and the powers of that Committee. (*The Honourable Sir Basil Blackett*: “No, no.”) Sir, the Honourable the Finance Member says, “No”, but if he refers to the discussion that we had in the Assembly in 1921 at the instance of Sir Malcolm Hailey when he requested this House to constitute a Standing Finance Committee, he will see that the Standing Finance Committee was intended to be an advisory committee to this House, to go into all the different aspects of every financial question that may be placed before it on behalf of this House itself—there was no limitation placed upon the powers of the Standing Finance Committee at all. If the Honourable Member will refer to the discussion which was held

Mr. President: Order, order. Will the Honourable Member say how all this is relevant in connection with this Supplementary demand for a grant?

Mr. K. C. Neogy: It is relevant, Sir, in connection with the three items which form part of this Supplementary demand and which have come up before us without being discussed by the Standing Finance Committee. I take exception to the procedure that has been adopted by the Honourable the Finance Member in not allowing the Standing Finance Committee to have its say on these three items. And I submit I am in order in raising this question. Sir, the Honourable the Finance Member will find that on the 22nd February, 1921, the Honourable Sir Malcolm Hailey referred in great detail to the functions that he contemplated this body to discharge.

He said there were voluminous papers which had to be placed before the House in connection with different financial proposals, and then he said:

"I propose, therefore, that for the future, the Standing Finance Committee, if it is accepted by the House, should have that material placed in their hands, some short time before the Budget, and should deal with it on behalf of the House."

Then, Sir, later he stated:

"I think, as time goes on, it will be found that the Committee can take up a very much wider scope of work on behalf of the Assembly than I have laid down to-day".

But instead of widening the scope of the work of this Committee, by the action that he has taken the Honourable the Finance Member has put fresh limitations upon the activities of this body. Sir, this question again came up for discussion in the Assembly on the 11th March 1922, when the functions of this body were all detailed with greater definiteness at the instance of some non-official Members, and the Resolution which was passed ultimately described the functions of the Committee to be as follows:

"(a) To scrutinise all proposals for new votable expenditure in all Departments of the Government of India, (b) to sanction allotments out of lump sum grants, (c) to suggest retrenchments and economy in expenditure, and (d) generally to assist the Finance Department of the Government of India by advising on such cases as may be referred to it by that Department."

If we go through the discussion that was held on that occasion, we shall have no doubt that there was absolutely no intention of placing any limitation on the scope of the work of this Committee. Sir Malcolm Hailey repeated what he had stated on the previous occasion and said:

"The Standing Finance Committee was primarily intended by us—and I think we were right in that intention—as an advisory committee to the House to deal with those items of expenditure which would come under its vote."

Then, Sir, my Honourable friend Mr. Joshi raised certain questions as to how far the Standing Finance Committee would be competent to deal with non-voted appointments—new appointments that might be created under the authority of the Secretary of State. With reference to that matter the Honourable Sir Malcolm Hailey stated this:

"Mr. Joshi has found certain difficulties in regard to the procedure of the Standing Finance Committee. He says that difficulty arises because a non-votable post is sometimes sanctioned by the Secretary of State: we then come before the Standing Finance Committee for sanction to the expenditure on the establishment necessary for that non-votable post. The Standing Finance Committee thinks that the post is unnecessary and consequently the establishment is unnecessary. Sir, in that case I have only to say, if such rare cases do arise, that the Standing Finance Committee, and following that the Assembly, have full powers in this matter. If they think that a post which has been created by the joint decision of the Government of India and the Secretary of State is unnecessary, they have undoubtedly full powers to refuse to allow that officer to function by denying him the necessary establishment."

In this particular question mentioned by the Honourable the Finance Member, only the votable portion of the establishment relating to a non-voted officer would come up before the Standing Finance Committee, and the Honourable the Finance Member made it quite clear that even in such a case it would be competent for the Standing Finance Committee to refuse to vote that votable section of the expenditure on the ground that the whole

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establishment, including the non-voted officer, was unnecessary. This interpretation shows that the powers of the Finance Committee were of the widest kind. But, Sir, the Honourable the Finance Member in taking the view that he has taken in connection with the present three items is really curtailing not merely the powers of the Standing Finance Committee but indirectly also the privileges of this House. It is with a view to record our protest against the procedure that he has adopted in connection with these three items that I have brought forward this motion.

Mr. Jamnadas M. Mehta: Sir, as a member of the Finance Committee I should like to make a few observations in connection with the protest which my friend, Mr. Neogy, has made. I agree with him that the Honourable the Finance Member has really limited the powers and functions of the Finance Committee by his rulings. I may tell the House, Sir, that at the time he ruled us out, on the ground that our case was based on non-financial considerations, I protested that this Committee would then be reduced to a mathematical committee or arithmetical committee, whose only function would be to add figures and see whether they were correct. But the Finance Member took the view that, so far as certain questions which were not questions of policy were concerned, the Committee could only consider whether the expenditure was justifiable or not, but the moment a question of policy came in, he could not permit the Finance Committee to discuss the question of policy. This attitude has also been extended by him to the Railway Finance Committee, although I am not here to refer to the Railway Finance Committee. I shall give only one instance where the Finance Member took the view that these Committees were bodies whose only function was to see whether the expenditure as put before them was correct or not, without going behind the object for which that expenditure was designed. For instance we had in the Railway Finance Committee asked the Government to consider whether interest on capital on new lines during the period of construction should be charged to Capital or to Revenue, and my friend Mr. Sim on behalf of Government undertook to report that matter to the Government and to give the Government's views in the matter. That is recorded in the minutes of the proceedings of the Railway Standing Finance Committee. But one day to our great horror and surprise he mentioned that the Finance Member had communicated to him that it was no business of the Railway Finance Committee to discuss this question and make suggestions. Until this House had desired Government to review this question about charging of interest during new constructions to Capital, the Government did not think it was their business to consider that question simply because the Railway Standing Finance Committee had asked them to do so. So, this is the policy of the Finance Member. He thinks that he is justified in ruling us out on questions of policy and that the only function of this Committee is to consider whether expenditure is in itself justifiable or not. I submit that is not the real object of these Committees. Those Committees ought to be able to go into the whole question of policy as well as finance, because most of these questions are not quite clear cut, as the Finance Member wants. Questions of policy and finance are mixed up in most of these questions and if he rigorously restricts us to merely adding figures, he will be ruling us with an iron hand. I am free to say that to the extent he allows discussion, he allows the fullest discussion, but he does not allow

discussion on every subject and that is the complaint which is embodied in my friend Mr. Neogy's reduction and I whole-heartedly associate myself with it.

Sir Darcy Lindsay (Bengal : European): Sir, I am glad to find that my Honourable friend Mr. Jamnadas Mehta was not in agreement with my Honourable friend Mr. Neogy in the statement he made. (*An Honourable Member*: "He is in agreement".) He was not in agreement in the statement that the Finance Member had refused to allow discussion on these matters.

Mr. Jamnadas M. Mehta: Sir, I have spoken in vain if my Honourable friend Sir Darcy Lindsay takes this view.

Sir Darcy Lindsay: Such to my mind is not the case. I am also a Member of the Standing Finance Committee and according to my recollection the Honourable the Finance Member allowed full discussion on all financial matters connected with these proposals. It looked like developing into a full dress debate on the question of policy and principle, and the Honourable Member said "I do not think we can go into those matters; they had better be debated on the floor of the House", and I think I am correct in stating that my Honourable friend Mr. Jamnadas raised no objection whatsoever to this.

Mr. Jamnadas M. Mehta: After having made one protest I never spoke again.

Sir Darcy Lindsay: I do not know if Mr. Neogy was present at all.

Mr. K. C. Neogy: I was not a Member of the Standing Finance Committee.

Sir Darcy Lindsay: Mr. Neogy has read various extracts from speeches made by the then Finance Member, Sir Malcolm Hailey, when he introduced the principle of a Standing Finance Committee, I do not know that I am very convinced from these extracts that the real intention was that this Committee should go outside the scope of finance and discuss all matters of policy. I am afraid we would have to meet a great many more times than we have to do now. We have already this session met on seven occasions—very full days—and if we are to discuss matters of policy in addition to matters of finance, we will be here for two or three months. On these grounds, Sir, I am not at all in agreement with either of the last speakers.

Mr. B. Venkatapathiraju: Sir, it is true, as my friend Sir Darcy Lindsay said, that Sir Basil Blackett as Chairman of the Finance Committee, has allowed us to discuss the financial aspects of the problem. But that is not at all the point raised on the floor of this House at this time. What Honourable Members have said is that Sir Basil Blackett as Chairman stated definitely on more than one occasion whenever that question was raised that the Committee is intended to look after financial problems and not at all to discuss the policy underlying them. If the question of policy has to be discussed, it must be discussed on the floor of this House, according to Sir Basil Blackett, and therefore my friend Mr. Neogy is right in raising before the House the question as to the real functions of the Finance Committee. Sir Darcy Lindsay says he cannot understand or at

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least cannot accept the inferences drawn by Mr. Neogy from what Sir Malcolm Hailey, the predecessor of Sir Basil Blackett, had stated. But perhaps I may convince Sir Darcy Lindsay if I quote what was decided by the Government as stated by Mr. Wattal of the Indian Audit and Accounts Service who has published a book with reference to the functions of the Committee as approved by the Government. I shall read so that he may not think I am inferring. This is what he says:

"The Committee is not mentioned either in the Government of India Act or in the statutory rules framed thereunder. Consequently, both its constitution and functions are determined by the Government in consonance with the wishes of the Legislative Assembly . . ."

Now, that is the first point. We want to consider whether the Government are still prepared to have the functions of this Committee settled in consonance with the wishes of the Legislative Assembly. And he goes further and says that the Committee at present consists of 10 members, the Chairman being nominated.

"The functions of the Committee are as follows:

- (a) to scrutinise proposals for new votable expenditure in all departments of the Government of India;
- (b) to sanction allotments out of lump sum grants;
- (c) to suggest retrenchments and economy in expenditure; and
- (d) generally to assist the Finance Department of the Government of India by advising on such cases as may be referred to it by that Department."

Now, I ask, Sir, if within the four corners of this we are not entitled to discuss policy on any new proposal which is placed before the Committee, how can we say whether the amount to be spent is necessary at all? For instance, the other day there was a proposal that a survey of the tribal country in the North-West Frontier Province should be undertaken. If we are not to consider whether it is necessary to go into other than British territory in order to survey it, how can we sanction the amount? If we are asked only to add or subtract, I do not think the Finance Committee is necessary at all. Therefore, I think that Sir Basil Blackett must be in the wrong or the Assembly itself has no power to go into these questions. If the Assembly appoints the Finance Committee on its behalf to look into these matters, they cannot efficiently perform their duty unless on occasions, when new proposals are made, policy is allowed to be discussed, because after all expenditure always depends upon the underlying policy. If we want to accept the policy, of course the expenditure must be sanctioned because we cannot say that we want to appoint half a dozen chap-rasis on Rs. 16 more or less a month. For this purpose a Standing Finance Committee is not wanted. We want a Standing Finance Committee for the purpose of finding out whether any officer is wanted or whether any establishment is needed. Therefore, it is far better that on this or any other occasion the Government and the Assembly should come to a definite understanding as to what are the functions of the Committee. We would like to know whether the Government are going back upon the functions which they themselves gave to the Committee or whether they want to improve them. With these few words, Sir, I support the observations of Mr. Jamnadas Mehta and Mr. Neogy which are to the effect that the powers, if any, which we feel we possess, as stated by Sir Malcolm Hailey and as published in this book, should be enjoyed by us. According to my

interpretation, those functions allow us to discuss matters of policy. With these words, Sir, I support the motion.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, as a member who served on the first Standing Finance Committee for nearly two years, when Sir Malcolm Hailey was the Finance Member, I may inform the House that oftentimes we discussed questions of policy in various matters. I did not know that this matter was coming up on Mr. Neogy's motion, but it is a matter to which we used to attach the greatest importance. For instance, my Honourable friend Sir Charles Innes will remember that when he was Secretary in the Department of which he is now Member he used to present the proposals relating to the Customs Department, for increasing the pay or allowances of the staff. We made it a point to record in our proceedings of the Finance Committee, as I remember it, in 1921-22 the process of Indianization in that Department which we used to inquire of him. We used to make it a condition at the time of making the grant that there should be more Indianization in that department. (*An Honourable Member*: "That we do even now.") If we do that even now, then I do not see what the Honourable the Finance Member means by saying that you cannot go into the question of policy. Questions of policy which arise on a particular demand before the Finance Committee should, I think, be allowed to be gone into, otherwise the Finance Committee will be serving no useful purpose. I also remember another instance. The question came up whether we should make a grant to the Empire Parliamentary Association which proposed to visit India. We made a suggestion in the Finance Committee that the rules of the Empire Parliamentary Association should be amended in order that the Indian Legislature may come within the competence of the Association rules. That suggestion was made and the grant was held up in order that the Empire Parliamentary Association might amend its rules. There were several other questions like that which came up. I cannot call to my mind at once the various questions of important policy which we discussed. For instance, there was the question of creating certain appointments in various departments and we made it a condition that those appointments should be filled up by Indians. That certainly is a question of policy, which the Honourable the Finance Member cannot rule out as outside the scope of the Finance Committee. I do think it is a very vital question, otherwise there is no object in having a Finance Committee. I remember Sir Malcolm Hailey was very very generous. In fact, the Government of 1921 were very anxious to co-operate with the Assembly and wanted the Assembly's co-operation. (Hear, hear.) Therefore, they gave us very generous treatment which we accepted. I do think it is now too late for the present Finance Member to go back upon the words of Sir Malcolm Hailey. Sir Malcolm Hailey as Chairman of the Finance Committee allowed us free opportunities to discuss broad questions of policy and principle. I do not want this question to go to a vote. At the same time, if the Honourable the Finance Member disputes the correctness of this position and wants to insist upon his ruling, namely, that no question of policy or principle should be discussed when Demands for Grants are laid before the Finance Committee, I think the House ought to emphasise the view that the Finance Committee will serve no useful purpose by merely going into this question. So, I wish to support the remarks of Mr. Neogy.

The 'Honourable Sir Basil Blackett: I should have been glad, Sir, if I had known that this point was going to be raised. But I had no warning of it. I should have liked to have come prepared, because undoubtedly it is a very difficult question and it is one of those questions where nuances and the exact lines of division become extremely important. It is not true, I think, to say that I have ruled that policy cannot be discussed in the Standing Finance Committee. What I have ruled is brought out very clearly in the three particular cases which are under discussion now. You have the case of a proposal to spend an extra Rs. 50,000 on finishing the Taxation Committee's inquiry. The question of the expenditure hardly arose because the Committee actually signed its Report about the middle of December and the money that was necessary was required to enable it to continue until the time it signed its Report and for a few weeks after in the case of the Secretary. The money had been spent. It is quite obvious that no real financial question arose. I brought the proposal before the Standing Finance Committee because it involved a supplementary estimate. Other questions immediately arose. Some members of the Standing Finance Committee did not desire to commit themselves to this proposal because of the previous history of the case in the House. We had obviously no financial questions to discuss at all. Were we to have a long debate on the policy whether we ought to have appointed the Taxation Committee or not? I said if members of the Committee desired not to commit themselves, the best way for me would be to bring the question before the House where it could be discussed as a whole and not waste our time in discussing it in the Committee. Was not that a reasonable point of view? What else could I have done? What good could it have done if we in a small Committee were to argue that question as Swarajists, Independents, Moderates or Government members? We wanted to discuss the subjects really before us. I should certainly have had no objection to a vote of the Members, not on the question of policy, but whether the money should be spent or not. The broad question of policy could only be brought up before the House. There was no point in bringing it before the Committee. Almost exactly the same thing is true of the Royal Commission on Indian Currency. There was no possibility of discussing any financial question. In consideration for my own time, which is quite valuable, and the time of the Committee . . .

Mr. B. Venkatapatiraju: Which is equally valuable!

The Honourable Sir Basil Blackett: Probably more valuable!

Mr. Jamnadas M. Mehta: The policy is more valuable! "

The Honourable Sir Basil Blackett: What policy could we have discussed there. Of course, we could have voted on the subject, but no one would have cared very much which way the vote went. It would not have affected the position at all.

Mr. B. Venkatapatiraju: Am to understand that you did not "rule" that we could not discuss questions of policy in the Finance Committee?

The Honourable Sir Basil Blackett: I laid down no such broad decision at all. What I said was that the question which we were discussing was not really a financial question but a question of policy which must be discussed in the House. It is, I said, in the interests of our time that we

should leave such discussion of policy out of the Standing Finance Committee. I think that was a perfectly reasonable suggestion.

Then we came to the third case, namely, the proposal for a Deputation to South Africa. The Deputation had actually sailed. The question whether or not a Deputation should go was a question which, I submit, was not for the Standing Finance Committee. If it was for any committee, it was a question for the Emigration Committee which had already discussed it. How is the Standing Finance Committee going to discuss the policy whether you should send a deputation to South Africa or not without taking over the functions of the Emigration Committee?

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadian): Are the proceedings of the Emigration Committee published?

The Honourable Sir Basil Blackett: I believe they are not.

What I do say is that I have been connected with Finance Departments since I left the University, and I know the capacity of a Finance Department to extend the scope of its operations, if it allows rein to its natural tendency to run the whole show. I suggest that the Standing Finance Committee is trying to take a leaf out of the book of some Finance Department, and I do not say that I altogether object. But I do say that we must be moderate in this matter. I do not for a moment say that the Standing Committee cannot discuss policy, but when the matter is mainly one of policy, in many cases it is in everyone's interest not to waste the time of the Committee but to leave matters to be discussed in the House.

Mr. Jamnadas M. Mehta: What about allocation between revenue and capital?

The Honourable Sir Basil Blackett: That does not arise here, but as the matter has been mentioned, perhaps the Chair will allow me to say one word about that. It is a big question of financial policy and if it belongs to any committee at all it is the Public Accounts Committee, which is concerned with questions of allocation. I think, therefore, that there is no question that it is not desirable that it should be discussed at any length by the Standing Finance Committee. It is a very important question involving big financial policy, and if it belongs to any committee at all it belongs to the Public Accounts Committee. It is always difficult to see which is the exact dividing line between one committee and another; that is the difficulty with which you are met here. But so far as allocation between revenue and capital is concerned, it is a big question and must be discussed as a matter of high policy. It cannot be taken up incidentally with any advantage to anybody. That is why I ruled it out of order when discussing whether particular post offices should or should not be built.

Diwan Bahadur T. Rangachariar: Do we understand that the Standing Finance Committee cannot refuse to vote particular sums, that is to say, they cannot take it out of revenue but it must go to capital?

The Honourable Sir Basil Blackett: I do not say that they could not refuse to vote. I say that time cannot usefully be spent on an incidental discussion of such a big question of financial policy which can arise on almost any individual item. You can raise the question whether you should not

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charge my salary to capital, being probably productive, but if you raise such questions frequently in the Standing Finance Committee, I think any Chairman will rule that it is a question of public policy

Diwan Bahadur T. Rangachariar: If, for instance, I refuse to vote it to revenue, because I consider that it should properly be allocated to capital, would you rule me out?

The Honourable Sir Basil Blackett: I would refuse to allow it to be discussed.

Diwan Bahadur T. Rangachariar: You cannot prevent me from giving my reasons.

The Honourable Sir Basil Blackett: I cannot prevent you, but I can prevent you from taking up the time of the Committee over the reasons.

Mr. President: The question is:

"That the total Demand under the head 'Miscellaneous' be reduced by Rs. 100."

The motion was negatived.

Payment of Compensation for Losses due to Enemy Action during the Great War.

Mr. O. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, there is another item relating to Rs. 47,000 about which Mr. Neogy gave notice but which he has not moved. I wish to say a few words. Sir, that amount relates to compensation to persons who suffered from enemy action. Going through the reasons given in the proceedings of the Standing Finance Committee I find there is absolutely no case made out for giving any compensation to the five claimants who are mentioned there, and I may say from a perusal of the proceedings it seems very clear that it is practically admitted that there is no legal or moral claim in the case of those five claimants. These are all claimants who made claims on the amount which was allotted in the United Kingdom for payment of compensation for losses incurred by enemy action, but having failed there and not having any claim on the Indian purse the claims have now been put forward here for the simple reason that in one case there is some compassionate consideration to be paid and in the other case that there was a mistake of the post office and therefore the claim was not received in time by the English authorities. I do not want to go into the merits of the claims but on principle I may at once mention that not one of those five claims may be legally payable out of the Indian purse. The Indian tax-payer need not bear the losses of persons who have no Indian domicile and these are not claimants who have any sort of domicile here and therefore, Sir, the claims have been postponed. The first claim is one of Rs. 30,000 on behalf of Professor Geddes. I sympathise with the reasons given in the proceedings that he is an officer of advanced age and not well off, but there are several persons in India who are advanced in years and not well off, and I do not believe that it is possible for the Indian Exchequer to pay any compensation to all these claimants. You find that there were two occasions in the United Kingdom on which they were distributing compensation to those who suffered on account of enemy

action, but these claims were altogether rejected by the Royal Commission appointed for making awards, and now this Government after eleven years—the loss was incurred in 1914—want to pay compensation to the extent of Rs. 30,000 to Professor Geddes. What is the reason assigned? Professor Geddes without insuring his articles against war risk brought his articles after war had been declared in a steamer which was torpedoed by the "Emden", and it is said that because he brought those articles for exhibition at the request of the Bengal, Madras and Bombay Governments, therefore it is necessary that we should pay and recoup his losses. I for one do not find my way to compensate him either on legal or moral grounds, because under war conditions everybody was bound to suffer, and if he had a claim it should have been put forward in the United Kingdom. They ruled he had no claim.

As to claims, 2, 3 and 4, I will only dispose of them without mentioning names. These claims were also based not on any legal or moral ground but simply on the ground that in the case of one there was delay in the transmission of his claim and therefore we must take the responsibility. If there was no such delay, the United Kingdom would have paid, but because there was a delay we have to pay. That was in the case of No. 2. So far as 3 and 4 are concerned, there was a dispute between the United Kingdom and the Government of India as to where those claims should be lodged. The Government of Great Britain said that the Government of India should pay, the Government of India said that the Government of Great Britain should pay. It was sent backwards and forwards and now also they are not in a position to say that they have a claim on the Indian Exchequer on any score of domicile; still we are asked to pay many years after the losses were incurred.

In regard to claimant No. 5, he is a gentleman who is not in bad circumstances, but in well-to-do circumstances. He can afford to waive his claim instead of asking the Indian tax-payer to pay. He may take it as his contribution to the war, as part of other contributions he might have made, as India made its own contribution. Above all there is the question of limitation. Government raise the question of limitation in suits against the Secretary of State.

The Honourable Sir Basil Blackett: Will the Honourable Member recognise that there is no legal right in this case.

Mr. C. Duraiswami Aiyangar: Thanks. We are custodians of the public money. Unless there is a legal claim in the first instance we have no right to pay. If there is a legal claim it cannot be paid if it is barred by limitation. Therefore, in either view of the matter it seems to me that we should not lend ourselves to a demand of this kind. I will only add that through the kindness of the Secretary of the Legislative Department, along with the books and list of business which he transmitted to the Members last night he also sent us a pamphlet headed "How they feed fat at the cost of voters". I could not see the connection between our work and what was contained in that book, and I thought that it must have been advice to us as to how we should deal with the supplementary demands. Therefore I think that we will not be justified in feeding any one fat at the cost of the tax-payers.

Mr. L. Graham (Secretary, Legislative Department): Has any motion been moved to reduce this supplementary demand?

Mr. President: No. But the Honourable Member can, if he likes, address the House on the main question.

Mr. L. Graham: I was merely asking as a matter of information.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 11,05,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Miscellaneous'."

The motion was adopted.

ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

The Honourable Sir Basil Blackett: I move:

"That a supplementary sum not exceeding Rs. 52,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Adjustments with Provincial Governments'."

The motion was adopted.

NORTH-WEST FRONTIER PROVINCE.

Sir Denys Bray (Foreign Secretary): I move:

"That a supplementary sum not exceeding Rs. 7,75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of the 'North-West Frontier Province'."

The motion was adopted.

DELHI.

The Honourable Sir Alexander Muddiman: I move:

"That a supplementary sum not exceeding Rs. 3,26,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Delhi'."

The motion was adopted.

AJMER AND MERWARA.

Sir Denys Bray: I move:

"That a supplementary sum not exceeding Rs. 30,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Ajmer and Merwara'."

The motion was adopted.

EXPENDITURE UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

The Honourable Sir Basil Blackett: I move:

"That a supplementary sum not exceeding Rs. 3,21,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

Syed Majid Baksh: I beg to oppose this demand. I do not think that I shall be justified in taking up the time of the House at this late hour. (Cheers.) I am coming to it. I think the ranks on this side are thin and so I do not think that my motion will have a chance of being carried. I raise the same question as has been raised by my Honourable friend over here. The Demand is:

"The increase is the net result of a number of variations including mainly an additional provision of £14,200 under 'Relief and Repatriation' in respect of a claim from the Foreign Office for relief of British Indians at Baghdad during the War, and the insertion of provision in connection with the loss on conveyance of civilian passengers in 1919 (£15,400) which was included in 1924-25 Revised Estimate. No settlement has yet been arrived at in respect of the latter item and provision is accordingly made in the current year."

My first objection to this is that whereas we find that the Standing Finance Committee has been consulted with respect to all other items, so far as this Demand is concerned there is no mention here whether the Standing Finance Committee has been consulted or not and I conclude that the Standing Finance Committee has not been consulted. That is the one particular question of principle which was raised by my Honourable friend over there a few minutes ago and this Demand should be rejected on account of that principle. Further, I should like to know from my Honourable friend what has led my Honourable friend after about 8 or 9 years

Mr. President: What Honourable friend is the Honourable Member referring to?

Syed Majid Baksh: The Honourable the Finance Member if he chooses to be so. I ask him what has led him to come to this House
6 P.M. with this Demand 7 or 8 years after the war. Just as my Honourable friend Mr. Duraiswami Aiyangar has raised the question of limitation on a former demand I can very well raise a question of limitation here also; but that is a minor matter. The first and chief objection to this is that the War was not of our seeking. The War was between England and her enemies and England has come out victorious. She has got reparations from her enemies in money and in territory.

The Honourable Sir Alexander Muddiman: It is because she was victorious you are here to-day.

Syed Majid Baksh: And this small sum should have been debited to them instead of being charged to Indian revenues. It seems to me that the Indian revenue is a sort of orphan having no father and no mother and everybody comes and lays his hand on the orphan's property. As to British Indians in Baghdad! Why were they sent to Baghdad? They were sent by the British Government and if the British Government sent them there it is up to the British Government to see that they are compensated. Whether they are to be compensated or not is a question for them to decide. I strongly object to such things being charged to the Indian Exchequer after a lapse of so many years. I think so many years after the War the tale is insipid and I do not think my Honourable friend the Finance Member or the Mover of this Demand will be able to raise any sympathy in any man after the war fever has subsided even in England. I oppose this motion.

The Honourable Sir Basil Blackett: I should like to apologise to the Honourable Member. I can raise no sympathy about this subject because I find I know nothing about it. We are unfortunately not in possession of

[Sir Basil Blackett.]

the information that ought to be available in regard to this claim but it is a claim that has been outstanding for a long time and provision has regularly been made pending the date when it will be settled. The provision is quite straightforward. We are liable for the money under an agreement arrived at at the time and we cannot in any way repudiate the liability. I assure the Honourable Member that he can raise no enthusiasm in my mind for paying any more in this case except that I like to keep a bargain.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,21,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

The motion was adopted.

CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS.

The Honourable Sir Bhupendra Nath Mitra: I beg to move:

"That a supplementary sum not exceeding Rs. 11,26,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Capital outlay on Indian Posts and Telegraphs'."

The motion was adopted.

CAPITAL OUTLAY ON INDO-EUROPEAN TELEGRAPHS.

The Honourable Sir Bhupendra Nath Mitra: I beg to move:

"That a supplementary sum not exceeding Rs. 6,87,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st March, 1926, in respect of 'Capital outlay on Indo-European Telegraphs'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th February, 1926.
