Wednesday, 6th April, 1932

THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

VOLUME III, 1932

(14th March to 6th April, 1932)

THIRD SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932





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Legislative Assembly

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CONTENTS.

VOLUME III.—*14th March to 6th April, 1932.*

PAGE.

Monday, 14th March, 1932—

Members Sworn 1923

Questions and Answers . . . . . 1923—1948

Unstarred Questions and Answers . . . . . 1948—1950

Motion for Adjournment *re* Excesses of the Police in Delhi and Desecration of the Mosque in Kucha Rahman—Negatived . . 1951, 1985—2008

Election to the Standing Committee for the Department of Education, Health and Lands 1951

The General Budget—List of Demands— . . . . . 1951—1985

Demand No. 28—Executive Council— . . . . . 1952—1985

The Constitutional Issue . . . . . 1952—1985

Tuesday, 15th March, 1932—

Questions and Answers . . . . . 2009—2018

Unstarred Questions and Answers . . . . . 2018—2025

Bill passed by the Council of State laid on the Table . . . 2025

The General Budget—List of Demands—*contd.* . . . . 2025—2083

Demand No. 28—Executive Council—*contd.* . . . 2025—2083

Retrenchment . . . . . 2025—2083

Wednesday, 16th March, 1932—

Questions and Answers . . . . . 2085—2095

Unstarred Questions and Answers . . . . 2095—2096

The General Budget—List of Demands—*contd.* . . 2096—2144

Demand No. 28—Executive Council—*contd.* . . . 2096—2144

Avoidance of Income-tax . . . . 2096—2118

Indianisation of the Army . . . . 2118—2144

Thursday, 17th March, 1932—

The General Budget—List of Demands—*contd.* . . . . 2145—2199

Demand No. 28—Executive Council—*contd.* . . . . 2145—2199

Royal Commission on Labour . . . . . 2145—2155

Lack of Supervision over the Coal Transactions of Railways . 2155—2172

Separation of Burma from India . . . . . 2173—2193

Improper Interference by the Secretary of State in the Financial Affairs of India . . . . . 2194—2199

Friday, 18th March, 1932—

Questions and Answers . . . . . 2201—2217

Unstarred Questions and Answers . . . . . 2217—2224

Statement laid on the Table *re* Report on the Howard-Nixon Memorandum regarding Financial Questions arising out of the Separation of Burma from India . . . . . 2224—2229

PAGE.

Friday, 18th March, 1932—*contd.*

Statement of Business . . . . . 2229—2231
Election of Members to the Public Accounts Committee . . . 2231
The General Budget—List of Demands—*contd.* . . . . . 2231—2281
Demand No. 28—Executive Council—*concld.* . . . . . 2231—2232
Demand No. 16—Customs— . . . . . 2232—2266
Insufficient Economy effected by Government under Customs . 2232—2266
Demand No. 17—Taxes on Income 2267
Demand No. 18—Salt 2267
Demand No. 19—Opium 2268
Demand No. 20—Stamps 2268
Demand No. 21—Forests 2268
Demand No. 22—Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works 2268
Demand No. 23—Indian Posts and Telegraphs Department (including Working Expenses) . . . . . 2268—2281

Saturday, 19th March, 1932—

Motion for Adjournment *re* Alleged Maltreatment of Women Political Prisoners—Request for leave to be renewed on Wednesday 2283
The General Budget—List of Demands—*concld.* . . . . . 2283—2345
Demand No. 23—Indain Posts and Telegraphs Department—*contd.* . . . . . 2283—2288
Demand No. 25—Interest on Ordinary Debt and Reduction or Avoidance of Debt 2288
Demand No. 26—Interest on Miscellaneous Obligations . . 2288
Demand No. 27—Staff, Household and Allowances of the Governor General 2288
Demand No. 29—Council of State 2288
Demand No. 30—Legislative Assembly and Legislative Assembly Department 2289
Demand No. 31—Foreign and Political Department . . . 2290—2314
Demand No. 32—Home Department . . . . . 2314—2325
Demand No. 33—Public Service Commission . . . . . 2325—2334
Demand No. 34—Legislative Department 2334
Demand No. 35—Department of Education, Health and Lands . 2334
Demand No. 36—Finance Department 2335
Demand No. 38—Commerce Department 2335
Demand No. 39—Army Department 2335
Demand No. 40—Department of Industries and Labour . . 2335
Demand No. 41—Central Board of Revenue 2335
Demand No. 42—Payments to Provincial Governments on account of Administration of Agency Subjects 2335
Demand No. 43—Audit 2336
Demand No. 44—Administration of Justice 2336
Demand No. 45—Police 2336
Demand No. 46—Ports and Pilotage 2336
Demand No. 47—Lighthouses and Lightships 2336
Demand No. 48—Survey of India 2336
Demand No. 49—Meteorology 2337
Demand No. 50—Geological Survey 2337
Demand No. 51—Botanical Survey 2337
Demand No. 52—Zoological Survey 2337

PAGE.

Saturday, 19th March, 1932—*contd.*

Demand No. 53—Archæology. 2337
Demand No. 54—Mines 2337
Demand No. 55—Other Scientific Departments 2238
Demand No. 56—Education 2338
Demand No. 57—Medical Services 2338
Demand No. 58—Public Health 2338
Demand No. 59—Agriculture 2338
Demand No. 60—Imperial Council of Agricultural Research Department 2338
Demand No. 61—Civil Veterinary Services 2339
Demand No. 62—Industries 2339
Demand No. 63—Aviation 2339
Demand No. 64—Commercial Intelligence and Statistics . . 2339
Demand No. 65—Census 2339
Demand No. 66—Emigration—Internal 2339
Demand No. 67—Emigration—External 2340
Demand No. 68—Joint Stock Companies 2340
Demand No. 69—Miscellaneous Departments 2340
Demand No. 70—Indian Stores Department 2340
Demand No. 71—Currency 2340
Demand No. 72—Mint 2340
Demand No. 73—Civil Works 2341
Demand No. 74—Superannuation Allowances and Pensions . 2341
Demand No. 75—Stationery and Printing 2341
Demand No. 76—Miscellaneous 2341
Demand No. 76-A—Expenditure on Retrenched Personnel Charged to Revenue 2341
Demand No. 77—Refunds 2341
Demand No. 78—North-West Frontier Province 2342
Demand No. 79—Baluchistan 2342
Demand No. 80—Delhi 2342
Demand No. 81—Ajmer-Merwara 2342
Demand No. 82—Andamans and Nicobar Islands . . . 2342
Demand No. 83—Rajputana 2342
Demand No. 84—Central India 2343
Demand No. 85—Hyderabad 2343
Demand No. 85-A—Aden 2343
Demand No. 86—Expenditure in England—Secretary of State . 2343
Demand No. 87—Expenditure in England—High Commissioner for India 2343
Demand No. 88—Capital Outlay and Security Printing . . 2343
Demand No. 89—Forest Capital Outlay 2344
Demand No. 90—Irrigation 2344
Demand No. 91—Indian Posts and Telegraphs 2344
Demand No. 93—Capital Outlay on Currency Note Press . . 2344
Demand No. 94—Capital Outlay on Vizagapatam Harbour . 2344
Demand No. 95—Capital Outlay on Lighthouses and Lightships 2344
Demand No. 96—Commuted Value of Pensions 2345
Demand No. 96-A—Expenditure on Retrenched Personnel Charged to Capital 2345
Demand No. 98—Interest-free Advances 2345
Demand No. 99—Loans and Advances bearing Interest . . 2345

PAGE.

Wednesday, 23rd March, 1932—

Members Sworn 2347
Questions and Answers . . . . . 2347—2385
Unstarred Questions and Answers . . . . . 2386—2408
Motion for Adjournment *re* Alleged maltreatment of women political Prisoners—Negatived . . . . . 2408—2409, 2442—2463
Statements laid on the Table . . . . . 2409—2414
The Hindu Marriages Dissolution Bill—Presentation of the Report of the Committee on Public Petitions 2414
The Hindu Untouchable Castes (Removal of Disabilities) Bill—Presentation of the Report of the Committee on Public Petitions 2415
Election of Members to the Standing Finance Committee . . 2415
Election of Members to the Standing Committee on Emigration . 2415
The Ancient Monuments Preservation (Amendment) Bill—Appointment of Sir Cowasji Jehangir to Select Committee . . . 2415
The Indian Medical Council Bill—Introduced . . . . . 2415—2416
The Salt Additional Import Duty (Extending) Bill—Passed . . 2416—2438
The Bengal Criminal Law Amendment (Supplementary) Bill—*contd.* 2438—2442
Appendix . . . . . 2465—2466

Thursday, 24th March, 1932—

Questions and Answers . . . . . 2467—2489
Election to the Standing Finance Committee 2490
Election to the Standing Committee on Emigration . . . 2490
Statements laid on the Table . . . . . 2490—2499
Election of Members to the Public Accounts Committee . . . 2500
Election of Members to the Standing Finance Committee for Railways 2500
The Bengal Criminal Law Amendment (Supplementary) Bill—*contd.* 2500—2542

Tuesday, 29th March, 1932—

Members Sworn 2543
Questions and Answers . . . . . 2543—2590
Short Notice Question and Answer . . . . . 2590—2591
Unstarred Questions and Answers . . . . . 2591—2608
Death of Mr. K. V Rangaswami Iyengar . . . . . 2608—2612
Election of Members to the Public Accounts Committee . . . 2612
Election of Members to the Standing Finance Committee for Railways 2612
Statements laid on the Table . . . . . 2612—2617
Draft Convention and Recommendations *re* Protection against accidents of workers employed in loading and unloading ships . 2618—2619
The Bengal Criminal Law Amendment (Supplementary) Bill—*contd.* 2619—2654

Wednesday, 30th March, 1932—

Questions and Answers . . . . . 2655—2664
Unstarred Questions and Answers . . . . . 2664—2667
Death of Mr. F. W. Allison . . . . . 2668—2670
Statements laid on the Table . . . . . 2670—2671
Election of Members to the Central Advisory Council for Railways 2671
The Bengal Criminal Law Amendment (Supplementary) Bill—Passed as amended . . . . . 2672—2714

PAGE.

Thursday, 31st March, 1932—

Questions and Answers . . . . . 2715—2721
Short Notice Question and Answer . . . . . 2721—2728
Election to the Central Advisory Council for Railways . . . 2729
Message from the Council of State 2729
Statements laid on the Table . . . . . 2729—2730
The Port Haj Committees Bill—Introduced 2730
The Hedjaz Pilgrims (*Muallims*) Bill—Introduced 2730
The Foreign Relations Bill—*contd.* . . . . . 2731—2776

Friday, 1st April, 1932—

Members Sworn 2777
Questions and Answers . . . . . 2777—2784
Short Notice Question and Answer . . . . . 2784—2785
Motion for Adjournment *re* unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in Jail—Negatived . . . . . 2785—2788, 2829—2847
Statements laid on the Table . . . . . 2788—2794
The Foreign Relations Bill—*contd.* . . . . . 2794—2821
The Sugar Industry (Protection) Bill—*contd.* . . . . . 2821—2829
Appendix . . . . . 2849—2850

Saturday, 2nd April, 1932—

Statement of Business . . . . . 2851—2852
Statements laid on the Table . . . . . 2852—2854
The Sugar Industry (Protection) Bill—Passed . . . . . 2855—2879
The Foreign Relations Bill—Passed as amended . . . . . 2879—2902

Monday, 4th April, 1932—

Member Sworn 2903
Questions and Answers . . . . . 2903—2908
Unstarred Questions and Answers . . . . . 2908—2909
Short Notice Question and Answer . . . . . 2910—2912
Statement laid on the Table 2912
The Indian Air Force Bill—Passed . . . . . 2912—2925
The Indian Tariff (Wireless Broadcasting) Amendment Bill—Passed 2925—2933
The Public Suits Validation Bill—Passed . . . . . 2933—2962

Tuesday, 5th April, 1932—

Member Sworn 2963
Statement *re* South Africa . . . . . 2963—2966, 3012—3014
Statements laid on the Table . . . . . 2966—2969
The Ancient Monuments Preservation (Amendment) Bill—Presentation of the Report of Select Committee 2969
The Code of Civil Procedure (Amendment) Bill—Passed . . . . 2969—2970
The Indian Partnership Bill—Amendments made by the Council of State agreed to . . . . . 2970—2971
The Indian Merchant Shipping (Amendment) Bill—Referred to Select Committee . . . . . 2971—2978
The Tea Districts Emigrant Labour Bill—Referred to Select Committee . . . . . 2978—2998

PAGE.

Tuesday, 5th April, 1932—*contd.*

The Port Haj Committees Bill—Referred to Select Committee . 2998—3006

The Hedjaz Pilgrims (*Muallims*) Bill—Referred to Select Committee 3006—3009

Resolution to amend the previous Resolution on Roads—Adopted . 3010—3012

Report on financial questions arising out of the proposed separation of Burma from India . . . . . 3014—3025

Wednesday, 6th April, 1932—

Question and Answer 3027

Message from the Council of State 3027

Death of Sir Bomanji Dalal . . . . . 3027—3029

Statement laid on the Table . . . . . 3029—3030

Report on financial questions arising out of the proposed separation of Burma from India—Consideration postponed till the next Simla Session . . . . . 3030—3050

LEGISLATIVE ASSEMBLY.

Wednesday, 6th April, 1932.

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

QUESTION AND ANSWER.

EMPLOYMENT OF MUSLIMS IN THE EAST INDIAN RAILWAY.

1117. *__Dr. Ziauddin Ahmad__: Are Government aware that Sir Hasan Suhrawardy submitted a memorandum to the Railway Court of Inquiry regarding the present position of Muslim employment in the East Indian Railway? Was the memorandum considered by the Court of Inquiry? If so, what was its decision?

__The Honourable Sir Joseph Bhore__: The reply to the first part is in the affirmative. The Government of India presume that the Court considered the memorandum to the extent to which its contents were relevant to the inquiry. The findings of the Court on the issues referred to it by Government will be found at paragraphs 388 to 412 of the Report, a copy of which is in the Library of the House.

__Dr. Ziauddin Ahmad__: I read the Report of the Court of Inquiry, but I find there is no reference anywhere to the contents of this particular document.

__The Honourable Sir Joseph Bhore__: Nor have I been able to find any reference.

__Dr. Ziauddin Ahmad__: So, practically the memorandum was not considered.

MESSAGE FROM THE COUNCIL OF STATE.

__Secretary of the Assembly__: The following message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 5th April, 1932, agreed without any amendments to the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 30th March 1932."

DEATH OF SIR BOMANJI DALAL.

__The Honourable Sir George Rainy__ (Leader of the House): Sir, it has fallen to my lot during the last two years on a number of occasions to refer to the death of present or former Members of this House. But I

[Sir George Rainy.]

little thought that on the last occasion on which I shall sit in this House it would fall to me yet once again to perform the same melancholy duty. All Members must have heard with the greatest possible regret of the death of Sir Bomanji Dalal who for eight years was a most respected Member of this House and one who, I think I may say, was personally beloved by Members in all sections of the House. I had no personal acquaintance with Sir Bomanji Dalal until I became a Member of the Assembly, but from the time I first joined, I always found him a most friendly counsellor and a Member of the House who was widely influential and who could therefore in times of difficulty often give helpful advice. It is well known that in his own home he took an active interest in agriculture, and at his own expense he introduced valuable experiments and took an active part in promoting colonization and development in unbroken areas. Those of us who were Members of this House some three years ago, will recollect that he was the only Member who was so unfortunate on the occasion, when the bombs were thrown in this House, as to receive personal injury, and it is at any rate a satisfaction to know, and I believe it is so, that the injury he then received was in no way responsible for his death. I feel, Mr. President—I always feel—that to multiply words on these occasions serves no purpose, but I shall always miss Sir Bomanji Dalal with the feeling that I have lost a personal friend. I am sure, Mr. President, the House will wish that you should communicate to his relatives their deep sympathy and regret.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I rise to associate my party and myself with the observations made by the Honourable the Leader of the House about the mournful and sorrowful passing away of Sir Bomanji Dalal. Sir, he was a gentleman from top to toe and everyone on this side of the House who came in contact with him learnt to love him and to admire him and to respect him. His quiet dignity and his frequent entertainment of friends at social functions revealed to us that we had in him a very good friend and not merely an excellent counsellor. We all deeply mourn his loss and sympathise with the bereaved family in their sorrow.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I never had the privilege of personal acquaintance with Sir Bomanji Dalal, but I have no hesitation in associating myself whole-heartedly with what has fallen from the Leader of the House.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I am very sorry to hear just now of the death of my old friend, Sir Bomanji Dalal. He was a great figure in this House for many many years. His genial spirit and his great entertainments which he used to give here were well known to all the Members of the Legislature. Only in the last Assembly we found that he was one of the victims who suffered from the bombs which were thrown in this House. Even after the injuries he received, he showed a great spirit of courage and he was cheerful throughout when we saw him in the hospital. His place had been taken by one of his cousins, Dr. Dalal, and though we always welcome Dr. Dalal, we certainly missed Sir Bomanji in the present House greatly. I do not find adequate words to express the sorrow which I felt when I just heard, as soon as I came up to my seat, that Sir Bomanji passed away. With these words, I associate myself and my party with what the previous speakers have said about him.

Mr. J. Ramsay Scott (United Provinces: European): The European Group wish to be associated with the condolences which will be sent to the relatives of Sir Bomanji Dalal. I personally have not had the pleasure of knowing Sir Bomanji, but some of my group have had, and I feel certain that they will miss him much, now that he is gone.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, as an old and personal friend of the late Sir Bomanji Dalal, I rise to associate myself with all the sentiments that have been expressed in this House. I had the privilege of knowing him in the early days of this Assembly till the day he left it. I can recall to memory that day when bombs were thrown in this House, the wonderful courage and spirit displayed by him in utter disregard of his own injuries and his concern for others who were wounded. This House possessed in the late Sir Bomanji a not frequent speaker, but as the Honourable the Leader of the House said, a true counsellor and a genial friend whom every one respected. I echo the sentiments that have been expressed by my friend Mr. Ranga Iyer when he described the late Sir Bomanji Dalal as a gentleman from top to toe and it is with great pain and grief that I mourn the loss of my dear friend, Sir Bomanji Dalal.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to associate itself with all that has fallen from Honourable Members, and wishes to join in the sentiments which have been expressed on the lamentable loss which has been sustained. The Chair will communicate to the relatives of the deceased the unanimous feeling of sorrow and sympathy to which the House has given expression.

STATEMENT LAID ON THE TABLE.

Undistributed Credit Balance of a Driver in a Mule Corps.

Mr. J. R. Blair (Government of India: Nominated Official): Sir, I lay on the table, a statement giving the information promised in reply to starred question No. 1083 asked by Mr. S. C. Mitra on the 30th March, 1932, regarding undisbursed credit balance due to Driver 431 of the 37th Mule Corps.

I presume that the Honourable Member is referring to undisbursed credit balances due for services rendered during the Great War and Waziristan Operations 1919—24. If my presumption is correct, the answer to his question is as follows:

(*a*) Yes, but obviously identity has to be established.

(*b*) Yes.

(*c*) None can be traced.

(*d*), (*e*) and (*f*). In 1928 inquiries were made through the Deputy Commissioner, Rawalpindi, who reported that the relatives of a driver of the same name stated that the man had died on service. It was established that this was not the man to whom money was due, and no further inquiries were made until January, 1932, when a claim was received through a third party empowered to receive payment. Before making any payment, the Officer-in-Charge, Records, satisfied himself as to the genuineness of the claim.

(*g*) Balances must be retained until claims are established. Entitled persons who bring their claims to the notice of civil officials, commanding and recruiting officers and District Soldiers' Boards should not ordinarily require to employ paid agents. Payment has been made to agents only in cases where the civil authorities have been unable to trace the person entitled to the credit balance.

(*h*) Since the publication of Army Instruction (India) No. A.-16 of 1927, a total sum of Rs. 6,22,145-0-10 has been paid out. Of this, only Rs. 1,991-7-3, have been paid through a third party.

REPORT ON FINANCIAL QUESTIONS ARISING OUT OF THE PROPOSED SEPARATION OF BURMA FROM INDIA—*contd.*

Mr. President: Further consideration of the motion* and amendment.†

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was supporting this motion for postponement, and as I said yesterday, I do not like to enter into any details of the various proposals, but shall confine myself to mere general observations; and in case the motion is not accepted, then I hope that I will be able to enter into various details. . . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member should address the House on both the motion and the amendment. There cannot be two discussions.

Dr. Ziauddin Ahmad: Then I will take my chance. The next thing that I should like to make quite clear is that, by my participating in this discussion, I should not be assumed or misunderstood as being in favour of separation. In fact I am neither in favour of separation nor against it. But I believe that this is a question for the Burmans to decide, and not for the people of India or for the Legislative Assembly; but I do maintain that if artificial propaganda is carried on, then we Members of the Assembly ought to resent it. The first thing that I should like to consider is the question of the customs between Burma and India. In this connection. . . . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member cannot go into the question of the separation of Burma on this motion. The only issue before the House is the financial adjustments between Burma and India if separation materialises by the vote of the Burma Legislative Council. That is the issue before the House, and the amendment is that the House should postpone consideration till the next session in Simla. The question of separation of Burma is not relevant to the present discussion.

Dr. Ziauddin Ahmad: In case Burma is separated from India, I should like to mention one or two indispensable conditions which must be laid down before we can agree to the separation, and that is the only point which is the subject matter of the Nixon-Howard scheme, under what conditions financially we should agree to it.

---

*"That the Report of the Standing Finance Committee on financial questions arising out of the proposed separation of Burma from India be taken into consideration."

†"That the consideration of this motion be postponed till the next Simla Session."

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question is what should be the financial adjustments between India and Burma if Burma decides to separate.

Dr. Ziauddin Ahmad: I am just taking up those financial adjustments. The first question that I should like to take up is the question of currency. That is really an important thing. I maintain and am very strongly in favour of the arrangement that the Government of India should continue to be the currency authority both for India and for Burma, until such time as our dues are paid up and until some better arrangements may be found; and in case the Reserve Bank is established, then the Reserve Bank should be the currency authority and it should have a special branch at Rangoon for carrying on the business. Until such time, the Imperial Bank may carry on the work on behalf of the Government of India. But I consider it is rather important that the currency policy should be one for both countries. That, I think, is one of the financial adjustments which we should have before we can agree to any separation.

The second thing which is referred to in this question is about the allocation of debts. I believe that the calculations have omitted certain very important items, and they ought to be included; and the amount of charge now shown is much less than really we ought to claim. They have only allocated the present debts of the Government of India; but I think they should have included not only the expenditure we have incurred out of our revenue accounts, but the money actually spent in Burma during the first and second Burmese wars and also the overhead charges, by which I mean the maintenance of the Government of India and the charges for the maintenance of the Secretary of State and his office. All these things have to be calculated and they ought to be debited to the account of Burma; and for this purpose as my friend, Mr. Raju, suggested in the Finance Committee a historical approach is unavoidable; though it may be difficult, still we have to calculate some figures which may be accepted by us; and it is therefore desirable to have a historical approach and calculate the expenditure we have incurred on Burma as well as the overhead charges since Burma came into India. This figure will be much bigger and it is one of the reasons for which I am going to support the motion of my Honourable friend Mr. Mitra, because this calculation is exceedingly desirable and perhaps it may be ready by the time we meet at Simla.

Another question is the question of pensions. This also is not a very simple matter and I think the recommendations involved in the Nixon Report do not go far enough; still we can have some kind of adjustment of this particular question. We started with the suggestion that all these persons who are now serving in India irrespective of the fact whether they have their service in Burma years before, we may take them and be responsible for all the pensions that may accrue in future. Similarly Burma may be responsible for the pensions of persons who are now serving in Burma irrespective of the fact whether they served partly in Burma and partly in India. But the calculation of pensions of persons who have served partly in Burma and partly in India depending on the length of service may be difficult. Therefore this is a thing which requires more careful consideration, and this is another reason why I support the motion for postponement.

My next argument is on the question of defence. This point was also raised by the Finance Member. I notice that practically all our income

[Dr. Ziauddin Ahmad.]

from Customs is equivalent to our expenditure on the Army approximately; and I also notice that if you take the figures of customs receipts in Burma alone, they come to about one-fifteenth of the total income derived from Customs in all the ports of India. Therefore we can make adjustment in either of two ways: either India may take the responsibility of the entire Army and may give such Army as may be necessary for the internal administration in Burma; but in that case India should have complete control of Customs duties in Burma and all the customs collected in Burma should come to India. The second method of adjustment, which is also to be calculated and which we cannot hurry over is this: that the Customs may be realised by the Government of Burma and they should, by some mutual agreement, pay us a certain amount of money for the maintenance of Burma. It is really to the mutual advantage of both Burma and India if we pool together in matters of defence. If an Army is maintained for the defence of Burma from India, or if an Army is maintained in India for the defence of India expecting a possible attack from Burma on India, then expenditure for both countries will be very high. Therefore, it would be to our advantage to pool together in matters of defence, and the two methods which I have suggested may be considered carefully by the time we meet in Simla. If we pool together in matters of defence, then both India and Burma would be mutually responsible for the defence of either country.

Then the last point is the question of customs. If these two countries are separated, then there ought to be no customs between India and Burma. This will also be to the mutual advantage of both countries. We may pool together in customs and in defence, and both countries will be benefited by this arrangement. Here I may say that there are two kinds of Customs duties, one is for the sake of protection like the duty on wheat. The income for this duty is practically nil. The same is the case with regard to the duty on sugar. But there are also other duties called the revenue-yielding duties, and in this case it is very desirable that we should, if possible, take the whole world as one unit and adopt free trade, and if that is not possible, the next unit which we will have to consider is the unit of the British Empire. That might be taken to be the unit, and I hope in the Ottowa Conference the Honourable the Leader of the House will consider the question and put forward a claim. We know that 55 per cent. of our articles are imported from the British Empire and 45 per cent. come from outside the British Empire, and if the whole of the British Empire forms one unit as regards Customs duties, it will be to the mutual advantage of the countries forming part of the British Empire. At this stage we should very much like that Burma and India should form one unit and there ought not to be any customs barrier. Therefore, this is a point which has to be very carefully considered when discussing the Nixon-Howard Report, and the broader question of the British Empire forming one unit can be discussed at the Ottowa Conference.

Before closing my observations, Sir, I should like to say a few words as this is perhaps the last occasion when we can meet the Honourable the Leader of the House. I want to pay my tribute to the services which he has rendered to this House and also to individual Members, and when he leaves the shores of this country, I hope he will remember us and will continue to render his help and advice to this country, and that he will always think of us while enjoying his well earned rest at Home.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, the matter of this motion is of very great importance. It is very complex and controversial in character, so controversial that the decision will have to be taken not by an agreed conclusion between the two countries but by a third party. The matter is also one for financial experts to decide. The Standing Finance Committee have considered the matter, and some of us have appended a separate note to it to stress some of the more important points which should be considered by Government. In fairness to ourselves and to all, I must say that the matter can be properly handled only by financial experts, and the Report of the Standing Finance Committee in so far as it represents the views of the non-official Members and our separate note, do not represent Indian expert opinion. The Honourable the Finance Member has said that this matter does not lie entirely in the hands of the Government of India, but in those of the British Government. That being so, the case for India and Burma will have to be placed before a tribunal which will have to be appointed either by the British Government or by agreement of the two parties. The Government of India have not stated what their views are and what case they are going to put before the tribunal. The case for India which should be put before the tribunal would be the case for the people of India, because it is the people of India who would eventually have to bear the burden of the decision which the tribunal will arrive at. It appears to me, therefore, that in order to settle this matter properly, Government should appoint a committee of Indian experts consisting of two or three people like Sir Purshotamdas Thakurdas, who would consider the matter, investigate the entire question and come to a decision, and that decision should be submitted in the form of a brief which should be handed over to the counsel who will argue the Government of India's case before the tribunal. I am sure Government will accept the decision and the conclusions which the Indian experts will arrive at because the interests of the Government of India and of the people of India in this matter are identical. I am of opinion that the Government should entrust this matter to two or three Indian financial experts and take their opinion and place that opinion before this House. If however there is not enough time for it and the tribunal is appointed in the meantime, and that tribunal proceeds to consider the matter, then the opinion of the experts and the final instructions of the Government of India should be placed in the hands of the counsel who will argue India's case before the tribunal and he should be asked to do so on the strength of the facts which are placed in his hands.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, we are discussing a hypothetical question. It is seldom that this House discusses hypothetical questions but the Honourable the Finance Member made it clear that his hands are tied in this matter as were the hands tied of the Indian members of the Conference at the Round Table Conference in London. So we have to express our opinion on a hypothetical question—in case such and such a thing would happen, how the financial relations between Burma and India should be adjusted. When I express my views about the adjustment of financial relations, whatever views I have expressed before on the other aspects of the question relating to the separation of Burma, I stand by the same.

Sir, before I go into the merits of the question, let me say I was surprised to find my friend Dr. Ziauddin Ahmad bringing out extraneous matters like the Ottowa Conference, the Imperial Conference and Free Trade,

[Mr. B. Das.]

which do not arise when we are considering the problem about the financial adjustment of the future Burma and future India. If they will be separated, Burma will be a sovereign country and India too will be a sovereign country and their trade and commercial relations would be adjusted according to their commercial exigencies, by their sovereign Legislatures. Nobody wants that India should separate from Burma, nor Burma should separate from India; nor does India want to separate from the Empire. But if Burma is separated from India by Britain, I will wish Burma good luck. When my friend the Honourable the Finance Member spoke yesterday, he was labouring under certain difficulties as most of us are labouring under similar difficulties. The Honourable the Finance Member pointed out three courses open to the House; one was to discuss the matter fully to-day, the second was to adjourn the question, and the third was to express our views about the difficulties that Members feel, and then the question can be adjourned till the next session. Sir, I adhere to the third course suggested by my Honourable friend, the Finance Member. I am equally labouring under difficulties and I shall point out certain difficulties which will have to be solved if the grand Moghul in London appoints an arbitral tribunal to settle the financial relations between India and Burma. Whether the grand Moghul will be allowed by the members of the Round Table Conference to do that, I am not concerned at present.

Sir, my Honourable friend Mr. Munshi was rather hard on my friend Mr. Nixon. He mentioned that Mr. Nixon had been a Shylock, and that he had been very hard on Burma. The difficulty that I find is that there are seven or eight opinions about the adjustment of the financial relations between Burma and India current in the public press. There is the extreme view of Sir Henry Howard, who does not want to concede anything to India, who rather adopts the line of the Congress and wants to repudiate all financial responsibilities to India and even debts to India. Then there is the middle course which my Honourable friend Mr. Nixon has adopted. He has tried to apply his mind as best as he could and he does not want to go into the historical analysis of the situation. He has suggested a mid-way and he has assessed the debt position at Rs. 66 crores. Then the Standing Finance Committee considered it and they came to two different views. One view was urged by my Honourable friend Mr. Raju, and three other members afterwards signed a minute of dissent on those lines, and the other view was expressed by the main Committee. The four gentlemen stick to the idea that the historical analysis should be followed up. Then, there are two other views that are public property not only in India but in England. It is the Report on the financial obligations between Great Britain and India which was made by three financial experts of the Congress Select Committee appointed by the Indian National Congress. My Honourable friend the Finance Member the other day quoted in his Budget speech from Mr. K. T. Shah's "Federal Finance of India", and Mr. Shah, in his minute of dissent which is to be found in volume 2 of the Report of the Congress Select Committee, has put the figure at Rs. 100 crores as public debt against Burma, while the majority of the Congress Committee has assessed it at Rs. 80 crores. I do not know if my friend Mr. Nixon has had access to these Reports. I am glad to know that he has seen them, and I hope that he will agree with Mr. Shah's findings. These are difficulties which can be solved by an arbitral tribunal. But

who will appoint the tribunal? Not the Secretary of State, not Great Britain. The fact is that the Congress Committee has found that part of the debt should be a charge on England. Then how can Great Britain appoint an arbitral tribunal, which will go and decide against Great Britain herself? So, I would suggest if there is to be an arbitral tribunal, it should be appointed by the League of Nations, and there should be a representative of Great Britain, a representative of India and a representative of Burma on it. In that case the different aspects of the question can be examined and all fears, suspicions and apprehensions can be met, and the findings of the Chairman of that tribunal would be acceptable to us.

When I read this Howard-Nixon memorandum, I was faced with certain difficulties. I find at page 4:

"The proportions of gold, securities and silver receivable by the Government of Burma would have been approximately—

Gold 21 per cent.

Sterling securities 30 per cent.

Indian securities 11 per cent.

Silver, 38 per cent."

If Burma's revenue is 10½ per cent. of the total revenue of India, I cannot understand why Burma should expect a 21 per cent. share of the gold reserves or 38 per cent. of silver. I am not concerned with the question of separation, but I do not agree with that part of the recommendation that if Burma is separated the two countries should have a combined currency or should have a combined Reserve Bank. It will create a lot of bad blood and friction if the two countries are not directly responsible to a central authority, if they have to operate on the same bank and operate on the same currency. I cannot understand the logic of Sir Henry Howard when he wants to pay only 5 per cent. of the pensionary charges, and at the same time claims 21 per cent. of the gold reserves. I think there must be equity. If the representatives of the Burmese Government do not want to pay the other obligations to the same extent, then why should they claim on the reserves so much? There is another thing. The Standing Finance Committee has not expressed its final view on the military charges. If separation be a settled fact, as Mr. Ramsay MacDonald has said elsewhere, then I do not understand why India should bear any responsibility for the defence of Burma.

Mr. S. C. Mitra: It should be borne by the English Exchequer.

Mr. B. Das: The military expenditure of India should be reduced by 10½ per cent. at least, if not more. As I understand the military charges of India, half of them are on the Western frontier and the other half on the Eastern frontier. Considering the frontier that Burma has, I think that Burma should bear 20 or 30 per cent. of the present military charges, because a good deal of money is spent on the Eastern frontier. Therefore, I say that the Chairman of the tribunal should be an independent man who does not belong to the British Empire, because at every stage the interest of Great Britain comes in, and knowing as I do that Burma, if she is separated, will have to run her administration at a serious loss for years and years. We have run the administration of Burma for many years at a loss, and we will not grudge it if she continues to remain as

[Mr. B. Das.]

part of British India. But if she is to be separated, Great Britain will have to bear all future losses and all obligations and not India. As we object to the Indian Army being transferred to the Chinese frontier or the Egyptian frontier, or anywhere else in case there is war in any other portion of the globe, without our specific sanction and approval, so we will not like Indian armies to go and defend Burma or the Burmese frontiers. Burma will be a separate entity then like South Africa or any of the British Colonies and we will be only tied together through the silken Imperial tie or through the League of Nations. I recognise that Burma has great religious ties with India. Burma is entirely a Buddhist country, and for centuries the sons and daughters of Burma will look to Budh Gaya as their sacred place for religious and cultural inspirations. If there is separation, let it be peaceful and harmonious and let the financial adjustment be done in justice and equity. Let it not be in the interest of the poorer member which is to-day forced to be separated through high Imperial policy and I trust that the authority which will preside over the destinies of India and Burma would so assess the debt position in a manner which will be fair to both countries and India will not be asked to forego money spent on account of Burma or Great Britain.

My friend Mr. Harbilas Sarda suggested that Sir Purshotamdas Thakurdas and other experts from India should give their opinion. My friend Sir Purshotamdas Thakurdas, being a member of the Round Table Conference, cannot very well be an independent arbitrator at present, and so I think my original suggestion will be the best for the settlement and adjustment of financial relations. The Standing Finance Committee made certain mention of tariffs and my Honourable friend Dr. Ziauddin talked glibly of free trade, which is indirectly a pressure on Burma. I have made my position clear. No pressure should be applied on either country and India will not ask for any "most favoured" treatment from Burma. For long India will consume Burma rice and teakwood and other timbers. (*An Honourable Member*: "and kerosine oil.") Of course kerosine oil to-day has an excise duty, and probably next year the excise duty will equalise the import duty, and if separation comes, it will be surely equalised. That situation does not arise and India will also supply Burma with steel and other articles of Indian manufacture. I do not want any favoured treatment for Burma on the tariff matter, nor would I suggest that Burma should ask the Government for that. If the two countries enjoy equal status, Dominion Status, then the two countries can negotiate for favoured treatment like what Canada does to-day with Germany and Japan, and what Australia or South Africa do with sovereign nations but if Burma is not created sovereign State and asks Great Britain for favoured treatment, we will also be asked by Great Britain to show similar favours to Burma and that will create other difficulties and raise other complications. These are some of the difficulties which are facing me. My friends may raise other points in regard to difficulties facing them, and if the British Government are going to settle everything in their own way, let them at least appoint as Chairman of the tribunal some one from outside the British Empire.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): I was on the Standing Finance Committee and was one of the signatories of this Report, and I thought it desirable that I should make

one or two matters clear and submit a little explanation before the House on the five specific points raised by the Honourable the Finance Member so that this House may give such direction as it may think proper for the representatives of the Standing Finance Committee in accordance with the wishes of the Round Table Conference to submit their case. At the very outset, it must be stated that the question of Burma separation was not in issue before the Standing Finance Committee, and it is not in issue here either. That issue of separation has been eluding our grasp. There is another question which is intimately connected with the question of separation and which is in the nature of a financial obligation. That is the question of Madras. Madras has by Andhra labour and Chetty gold made Burma what it is and it is very important to know to what extent money has been invested by the Chetties of Madras in Burma. I am told it approximates to 80 crores and when the question of financial obligations is considered, I think it might be desirable to have some sort of assurance or safeguards for those who have invested large sums of money in that country. The matter that was referred to the Standing Finance Committee was as to how the financial obligations between the two countries should be taken up from the point of view of the Governments of both countries. In that light, the Howard-Nixon Memorandum was prepared. I must confess that we were not financial experts on the Standing Finance Committee. With our knowledge we might have made mistakes. If mistakes were made, they were made unintentionally. We were guided by the points raised in the Howard-Nixon Memorandum and we thought that the approach of that subject from the point of view of the two Governments in its adjustment of financial obligations should be approached as was shown by the Howard-Nixon Memorandum. Accordingly we proceeded on that Memorandum. There was some difference of opinion on some issues but on the whole it was a fairly unanimous Report, I should say. The questions which engaged our attention and which also showed that there was some difference of opinion were the question of the historical approach. The other was the financial obligations with the maintenance of the Army in India, and the third was about the pensions. With regard to the historical approach, I would like to refer to this paragraph:

> "The Committee was not in a position to arrive at any definite conclusion on the question whether it is possible to make a historical analysis of the elements composing the public debt in order to calculate Burma's liability to India in the matter of the so-called 'unproductive' debt."

To this I expressed my dissent which is found in the footnote which was referred to by my Honourable friend Mr. Das. I thought that such a historical approach was possible, but in all fairness to Government, it must be said one formidable argument that was brought to bear upon that question against the view that I then took and I still take was that the question of going into this historical approach was largely complicated by the exchange. Sometimes the exchange was at Rs. 10 a pound and sometimes Rs. 15 a pound. Then, Sir, some difficulty was expressed on the part of the Government in making that historical approach that it might not be possible to go into that record because, even in the records which were available to the Government of India, there were statistics which were sometimes shown under pounds and sometimes under rupees and on account of that, complication with the exchange question, the exchange being at various rates, it was contended on behalf of the Government that such a historical approach was not possible . . . . .

Dr. Ziauddin Ahmad: Can you not show pounds and rupees separately?

Mr. B. Sitaramaraju: I am simply putting forward the view of the Government as to why they thought a historical approach was not possible. That was, as I said, the only formidable argument that could be brought to bear upon that question. Now considering the announcement made by Mr. Shah in the Congress memorandum referred to by Mr. Das, and considering also that those periods were specific periods when exchange was at certain periods at Rs. 10 and at certain other periods at Rs. 15, I thought it was quite possible, since those periods were specific, that we could approach that question from the historical point of view and thus be able to see how far we have incurred expenses on account of Burma and how much Burma is liable to pay under those conditions. That was one question which this Assembly in giving a direction to the Standing Finance Committee might consider. If they think that it is quite possible for a historical approach to be made notwithstanding that objection that the exchange situation has complicated matters, I think a specific direction should be given to its representative to press that point before the impartial tribunal.

The second question on which some difference of opinion was expressed by some Members who appended a note concerned the military charges. Sir, this particular paragraph on the military charges in the Standing Finance Committee's Report runs as follows:

"15. It is of course accepted that Burma must bear the cost of any military garrison to be maintained in Burma and that this garrison must be maintained at sufficient strength to provide for all the normal requirements of Burma. The Committee particularly having regard to the uncertainty as to the future constitutional position in the matter of the defence of India did not feel able to make any final recommendations on the wider issue as to whether beyond this Burma ought to contribute to the general cost of the Army to be maintained in India, but it recognized that there might be grounds on which such a contribution might be demanded."

Sir, that was the recommendation of the Standing Finance Committee. In their minute of dissent some Honourable Members have expressed the view that a contribution should be levied from England and also that a portion of that contribution should be borne by Burma as the Army maintained in India is an Imperial Army. Sir, that possibility was not excluded in the paragraph I refer to, but some explanation is necessary for me to explain the point. If there was any mistake in making any recommendation on behalf of the Standing Finance Committee, I take the full responsibility because the original draft was in accordance with the minute, but I requested the Standing Finance Committee to consider it in its present form and it was approved namely, that as the constitutional position of India is still uncertain, we do not know what shape the future control of the English Army in India will take. If we were to say that the Imperial Government should bear a portion of the cost, then it could reasonably be contended that the Imperial Government should have control over that expenditure and over that Army; but in view of the fact that it is our earnest desire that we should assume complete control over the military expenditure, and in view of the uncertainty of the future constitution, we thought that question might not now be decided. Further, there was no question of India bearing any portion of Burma's share of the cost. It will be seen from the Howard-Nixon Memorandum, that Burma said that she would be satisfied with the cost of about Rs. 2 crores on the score of its defence, but, Sir, we have been spending several crores of

rupees on army purposes,—so at the rate of 2 crores of rupees for Burma, the ordinary cost for the whole of India on account of the Army would be something like 17 crores of rupees only—a cost which was once considered to be adequate by Lord Ripon's Government. But since we are spending so much money now, the question arises whether all this expenditure on army purposes is being incurred for India's sole benefit and sole interest. It is not so; and therefore the extra cost should either be chucked out and our cost should be reduced on the analogy of Burma, or, if it is to be carried as an Imperial charge here, then somebody else must be got to pay for it; and therefore, Sir, in that light I request that the House may consider this paragraph, and they will, I submit, find that all possible objections can be met by the wording of the paragraph itself. So far as the Congress is concerned, it is not my desire to go into this Congress memorandum at great length, because the whole question was reviewed here in the Report of the Committee on financial obligations presented by the Congress, at great length. The majority of that Committee were of the opinion that it is not Burma but England which has got to pay for all these things, because it is really for Imperial purposes that the whole cost arising on the conquest of Burma has been incurred. I consider that, having regard to the fact that Honourable gentlemen have not yet come forward with any definite recommendation with regard to the specific points raised, there is a great necessity for this debate to be adjourned to the Simla Session to enable Honourable Members to have the specific points specifically raised before the House in the shape of specific motions, and then give directions on them. Otherwise it would be impracticable for any directions to be given now on all the five points together, because honest differences of opinion may be expected on some of these points. Therefore I submit that it is desirable that we should postpone the debate of this subject till the Simla Session.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I support the motion of my Honourable friend, Mr. Mitra, that the consideration of this memorandum, which has been described as the Howard-Nixon Memorandum, should be postponed till the Simla Session.

The Honourable Sir George Schuster (Finance Member): May I remind the Honourable Member that the motion is not for consideration of the Howard-Nixon Memorandum but for consideration of the Standing Finance Committee's Report on that Memorandum.

Sir Abdur Rahim: If I am technically incorrect, I would ask that the consideration of the Report on that Memorandum should be postponed till the Simla Session. Sir, it seems somewhat difficult to realize the necessity for bringing forward this motion at this stage. The separation of Burma admittedly has not yet been decided upon. There is to be an election, I understand, in Burma to which this specific question will be referred; and it will greatly depend, if not entirely, upon the result of that election—that is, the broad and general issue as to whether Burma should or should not be separated from India will be decided upon. That undoubtedly is the position now. On a previous occasion we had made it absolutely clear that, so far as the separation of Burma from India was concerned, we should not stand in the way of Burma if she decided to separate. That is the position we have taken up and we adhere to it. We, Indians, do not desire the separation of Burma, but if she desires to

12 Noon.

[Sir Abdur Rahim.]

separate, we shall not stand in her way. If Burma desires separation, then the financial adjustments between two countries must be carried out on this principle that it must be fair and reasonable to both parties. There is no question of generosity. We are not here to sacrifice the financial interests of India in order to help Burma to separate. I am not sure that the Honourable the Finance Member also will not agree with this proposition. He is the custodian of the finances of the country, and I am sure he will be the first person to see that adjustments between the two countries are made on a fair and impartial basis. We on this side of the House cannot agree to sacrifice the financial interests of India to help Burma to separate. I believe it is not the desire of Burma, nor does she expect, that we should make sacrifices in that direction. In fact, so far as the representatives of Burma in this Assembly are concerned, they seem to be strongly opposed to separation, and we do not want to do anything in order to help the party which wants separation from India. But if separation is to be made ultimately, that is, if Burma decides on separation, she must agree to a fair adjustment of the financial questions that arise. We are not in a position to express ourselves on the five propositions which the Honourable the Finance Member has laid down for our consideration. It is evident that the questions involved are all extremely complicated and difficult in character, and the Honourable the Finance Member will himself realise that it is not possible for this House now to formulate propositions which will really help in arriving at a proper settlement even in a very general way. We fully recognise that a Board of Arbitration has to be ultimately appointed. But we cannot agree to the appointment of this Board before we have had opportunities of more fully considering this matter. I should go further and say that no such Board should be appointed until Burma has decided to separate. Sir, if the Board be appointed before the question of separation has finally been decided, it really amounts to this, that we should be either throwing away all that has been done in the meantime, or we should be forcing the hands of Burma. Either of two alternatives this House cannot agree to. It is quite as well that the financial position has been examined by my friend Mr. Nixon and Sir Henry Howard, and we have got a valuable Report before us. We have also the Report of the Standing Finance Committee. This has given us certain facts and figures and we shall have to consider those facts, but if we are to go to arbitration now, that really means that we commit ourselves to whatever decisions the Board may arrive at. Surely if the Honourable the Finance Member does not want to commit us at this stage to the appointment of the Board and to a reference to this Board of the questions that have been raised in the Memorandum and in the Report of the Standing Finance Committee, there should be no difficulty in having the consideration postponed till the Simla Session. But we cannot on any account commit ourselves to referring very important financial questions that would arise if Burma is separated to any tribunal before the question of separation itself has been finally decided upon. Sir, the amount involved according to the estimate given us by the Finance Member is 66½ crores, but according to the Congress Report, at any rate according to the Report of Mr. Shah which has been referred to by my Honourable friend Mr. B. Das, it amounts to 100 crores. Surely no decision should be taken even of a general character in the shape of directions or advice to any tribunal on a matter of such importance and such magnitude without giving the House and the parties concerned proper and full opportunities

to consider the whole situation and all the issues that are involved. I may incidentally observe that my Honourable friend Dr. Ziauddin Ahmad has made some observations regarding free trade and the Ottawa Conference which the Leader of the House will attend as one of the members and my Honourable friend Mr. B. Das has taken objection to what he said. I am sure what Dr. Ziauddin Ahmad said was merely his personal opinion and he did not want that his opinion should be accepted either as the opinion of this party or of any sections of the House. As regards the question before the House, I do hope that my Honourable friend Sir George Schuster will have due regard to the position in which this House is placed, for instance there is not a single Member of the European Group present now, and yet questions involving crores and crores of rupees are involved, and the same is the case with many Members on this side of the House. Surely in a House like this, the Honourable the Finance Member will not try to tie our hands in any way or to commit us to any sort of proposition whatever at this stage.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I wish to say only a few words as regards the procedure to be adopted in settling this question. The question of the separation of Burma first came up for discussion in the Round Table Conference and therefore that question, if it is to be finally settled by any organisation or any party, must be settled by the Round Table Conference. The Prime Minister gave an assurance, and a definite assurance, that the Round Table Conference would have an opportunity of discussing the question of the separation of Burma before a final decision was taken on the whole constitutional question.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): There is a separate Round Table Conference for Burma now.

Mr. N. M. Joshi: I am quite aware that there was a separate Round Table Conference for Burma; but if the separation of Burma is to be given effect to, both India and Burma have to be parties to the deed of separation. That deed cannot be signed by Burma alone. I therefore feel that the final settlement of this question has to be arrived at the Round Table Conference and, I am quite prepared to admit, in a Round Table Conference consisting of the representatives of India and the representatives of Burma. But I fail to understand how the Government of India and the Government of Burma come in in this affair. I thought, and the whole country understood, that the constitutional question was going to be settled by the Round Table Conference and not by the Government of India or the Government of Burma. I quite realise that this question of financial adjustment is a complex one and a difficult one; and the Round Table Conference will require the assistance of an expert body in order that this question should be properly discussed, decided and settled. But, I feel that that expert assistance can be made available to the Round Table Conference, and the two sides of that Conference, with the help of the experts which they may possess, will come to a decision, and if they fail to come to a decision, then I admit the question will have to be decided by arbitrators. But as regards the arbitrators themselves, I agree with my Honourable friend the Leader of the Independent Party, that that arbitration should take place after it is decided that Burma should be separated. Otherwise, in my view there is a great danger and that danger

[Mr. N. M. Joshi.]

is this: who is to appoint the arbitrators? I heard some Members say the Secretary of State for India will appoint the Board of arbitrators. Now, I feel that the Secretary of State for India, as well as the British Government, is interested in the question of separation. The question of separation has been forced upon the Round Table Conference primarily by the British Government. When they found that India had to be given self-government, they decided in their minds to create some difficulties for Indians before they got self-government. They decided that, before we got self-government we must accept the control of the Indian Princes. Secondly, they decided that if we are to get self-government at all, we must at least part with Burma. Therefore the British Government, as represented by the Secretary of State, is interested in this question If he is interested in that question and if he is to appoint arbitrators, the decision of the arbitrators is not likely to be approved of by the British Indians and by the whole of India. (*Opposition cries of* "Hear, hear.") We want the arbitrators to be appointed by an impartial body, a body which is not interested either in the separation or in keeping Burma and India together. It is then only that the arbitration will be accepted by India, and I may say, even by Burma. I therefore feel that this question of procedure is a very important one, and I would like the Honourable the Finance Member to tell me how the Government of India come in in this affair. The Government of India did not take part in the Round Table Conference; the Government of Burma did not take part in the Round Table Conference; this question is a question before the Round Table Conference, and I want to know from the Honourable the Finance Member how the Government of India came in. Even accepting for a moment that the arbitrators will be appointed by an impartial body and the case of India and the case of Burma will have to be put before the Board of arbitrators by some people, I claim that it is not the Government of India and it is not the Government of Burma who are to place the case before the arbitrators of India and of Burma respectively. It is that section of the Round Table Conference which represents India and that other section of the Round Table Conference which represents Burma which should put the case before the Board of arbitrators. I am quite aware of the fact that the Round Table Conference does not consist of financial experts. But the Round Table Conference will have the assistance of such experts. They have on their own body some financial experts; on the staff of the Conference there are financial experts; and, if even they are not enough, these sections of the Round Table Conference can appoint committees of financial experts, who will help them to place their respective cases before the Board of arbitrators. I feel that this financial adjustment is not going to affect the present Government of India as it is, and the present Government of Burma as it is; but the financial adjustment is going to affect the future Government of India and the future Government of Burma; and what position has the present Government of India to represent the future Government of India? And what position has the present Government of Burma to represent the future Government of Burma? It has been admitted by everybody, including the British Government, that the future Government of India is going to be decided by the general Round Table Conference, and I therefore feel that the only party competent to place the case of the future Government of India and the future Government of Burma before the Board of arbitration is the

Round Table Conference or any of its Committees—the Federal Structure Committee or even the Consultative Committee—with the experts which they can command, and not the Government of India or the Government of Burma.

I do not wish to touch upon the question of the debts and currencies and other matters. I would only say just a word or two on that point and it is this. On the whole it is much better both for Burma and for India if we can, in a joint conference, accept some simple principle on which we can make a division of our debts and can arrange other financial matters, instead of going into the correct historical past of the two countries. I am quite aware there is a feeling that Burma should pay for the Burmese wars. I was very glad to hear from my Honourable friend, Mr. Raju, that there is not much justice in that. If anybody is to pay for the Burmese war, it is Great Britain, and neither India nor Burma; and as a Burmese friend reminded me a very short time ago, Burma will be morally right if she claims some compensation from India when India claims that Burma should pay for the Burmese wars. The Burmese were enslaved by the help of Indians with the help of Indian money, and the Burmese will be entitled to claim compensation. I therefore feel that no useful purpose will be served by going into the historical events to settle the question of the adjustment of debts between Burma and India. Let us adopt some simple principle which will be acceptable to both, and the question will be decided very easily. Mr. President, I have done.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is not necessary to make a very long speech on this occasion, but it is very necessary to indicate the complications that are involved in this issue. The question of financial adjustment between India and Burma of the future is a very important question, both from the Indian and the Burman financial point of view. It ranges over a wide field such as currency arrangements in the case of Burma, retaining the course of Indian currency arrangements in the event of Burma introducing a separate currency system. Then there is the debt question, the amount of the debt, the allocation of portions of the debt against productive or commercialised assets, apportionment of certain specific assets and liabilities on territorial grounds, the apportionment of the unallocated debt, the ascertainment of the rate or rates of interest payable on the portion of the debt assigned to Burma, the settlement of the form which Burma's share of the debt should take under the terms of repayment. Then, Sir, there is the question of the pensions. We have the observations on these matters both of Mr. Nixon and Sir Henry Howard, also the opinion of the dissentients in the Standing Finance Committee. Again, Sir, there is the question of reparation and of defence and the general financial results so far as India is concerned on the defence settlement, for it is an obvious fact that India has been paying for the defence of Burma. It is a very old question, and there are references to it even in Mr. Montagu's diary and in the earlier debates of the old Imperial Legislative Council, when you, Sir, the late Mr. Gokhale and others used to take part in the discussions. The Congress has already expressed its opinion in voluminous documents regarding the historical aspect which Mr. Munshi ought to have taken notice of before he described Mr. Nixon as asking for a pound of flesh without a drop of blood, for the historical aspect, I am certain, did not appeal to Mr. Nixon, though the historical aspect involves something to the extent of 90 crores of rupees, as revealed in the Appendix to

[Mr. C. S. Ranga Iyer.]

the financial Report of the Simon Commission, in which the following passage occurs:

"On the question of the debt there has been much discussion. . . .From the time of the conquest of Burma onwards that the cost of these wars is debited to Burma she has practically throughout her association with India been a deficit province and these deficits accumulated. . . . . and at compound interest the amount is now 90 crores. . . . ."

I do not want to read much from that document. I only mention these facts, because these facts have got to be carefully gone into. The Government of India in their despatch, relevant passages from which are quoted both in the Memorandum of the Nixon Report and also in the discussions by way of footnote to the Round Table Conference, had stated: "We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion". Sir, a Committee has got to be appointed, and the very fact that they want to appoint a Committee of the Privy Council shows that they are inclined to the Opposition view that the Committee has got to be impartial. The opinion on this side is that it would be good to refer the matter to the League of Nations and an impartial tribunal appointed by the League of Nations. There are difficulties in this matter, and I for my part have no definite opinion as to whether it should be left to the League of Nations or to the Privy Council Committee, for the very simple reason that both Burma and India are not going out of the British Empire, and therefore they should be able to find an impartial tribunal from within the British Empire itself. (Hear, hear.) At the same time, every attempt should be made to see that the Commission is impartial. The Finance Member has said that the members of the Standing Finance Committee would be associated in this matter, and I would strongly suggest to the Finance Member to take Members of the Opposition Benches, who are in the Standing Finance Committee. I am not particular either about supporting the motion for postponement or for that matter opposing it; but what we are really concerned with is this, that Indian interests must be protected now that Burma is cutting the painter so to say so far as India is concerned. The moment Burma cuts the painter, it becomes necessary for the Government of India to see to it that Indian interests are adequately protected. Mr. Nixon has been a moderate in that respect, and in my own opinion Sir Henry Howard has been something in the nature of an extreme advocate of Burmese claims. With these observations, I resume my seat.

Mr. B. V. Jadhav: Sir, the present motion before the House is to consider the Report of the Standing Finance Committee on the Howard-Nixon Report, and this side of the House desires that the consideration of the whole question should be postponed till the next session. But the argument advanced by the Honourable the Finance Member yesterday was that this House ought to consider this question now because there is no knowing when the Government of Burma might force the hands of the Government of India and ask them to decide what precise amount was to be paid by Burma to India in the event of separation. For that purpose the appointment of an impartial tribunal will be necessary, and the deliberations of the tribunal will take some time, and as the Government of Burma may desire that the decision should be put before their elections take place and as the figure of the debt of India due by Burma will be one

of the arguments for or against separation that figure should be made known. That is, as I understand the position, the argument of the Finance Member. I may point out, Sir, that this argument does not appeal to me. If Burma wants separation from India, it ought to be on the ground whether the connection of Burma with India is advantageous to her or not. If it is not advantageous to her, and if Burma expects that she can advance her interests adequately and more favourably by separation, then of course she has the right to separate from India. But if the Burmese people find that their future advancement will lie with the advancement of India, they will be perfectly justified in deciding that Burma should remain with India. The question of how many crores of rupees should be paid by Burma to India does not come in at all. Is it the argument of the Finance Member, or for that matter of the Government of Burma, that the question of the separation of Burma from India is to be decided by the amount of the debt? If it is a bigger debt, then Burma will not like to pay that big amount and would like to remain with India, and if it is a smaller amount, is that to be an inducement for Burma to go out of the Indian Empire? I do not think that the Government of Burma will be justified in forcing the hands of the Government of India in asking them to decide this question this summer, and for that reason I claim that the consideration of this question ought to be postponed till the next session. There is no hurry about it. Let the Burmese people decide whether they would like to remain within the Indian Empire or to go out of the Indian Empire, and then there will be time enough, before the actual separation takes place, to decide what amount is due by one side or the other. I have to say that the connection of Burma with India was not of India's own choosing. India was under a perpetual tutelage of the British people, and I do not know how long that tutelage is going to continue. We have been put under guardians, and our guardians chose that a foreign member should be introduced into the family. Burma was given in adoption to India against her will, and for that purpose a huge amount of debt was incurred and India was saddled with that debt as if the whole estate was managed for the advantage of India. Burma now wants to go out, or it has been shown that Burma wants to separate, and I think it is the desire of the guardians of both the countries that they should now separate. But on what terms? Burma has not become a major. Burma was once a major, but in order to bring her under the guardianship of the British Government her ruler was taken a prisoner and brought to Ratnagiri. In that way Burma was reduced to the position of a ward and was taken under guardianship. Now, this farce of joining Burma to India and separating Burma from India is to be carried on, not in the interests of India, nor in the interests of Burma, but perhaps in the interests of Great Britain, the trustee, the guardian. I for my part am not satisfied with the whole procedure that is being carried on in the special Burma Round Table Conference, and now in the Howard-Nixon conversations, and the future tribunal that is going to be appointed. I want to press again that the whole thing, the settlement of the financial questions, ought to be postponed till the question of separation of Burma is decided by an independent vote of the Burmese themselves. India never wanted Burma and would not like to keep her against her will within the Indian Empire, but if Burma wants to go out, she ought to be free to go out and seek her own destiny. I think that the consideration of this question ought to be postponed till the next session, and as I see it, there is no hurry to decide it now.

An Honourable Member: Let the question be now put.

(At this stage Mr. Jehangir K. Munshi rose in his seat.)

Mr. President: You have already spoken.

Mr. Jehangir K. Munshi: I spoke only on the amendment, Sir.

Mr. President: The whole question was before the House. Sir George Schuster.

The Honourable Sir George Schuster: While it is still fresh in my mind, I should like to reply to my Honourable friend from Bombay who has just spoken. He referred several times to "my arguments". According to him I was responsible for certain arguments for pressing the consideration of this business at the present stage. I would remind him that I tried yesterday to explain the position very clearly to the House. And the position is this. We understand from the results of the Round Table Conference and from the statement made by the Prime Minister in his speech winding up the Burma Round Table Conference that the general view accepted then was that, before the public of Burma were asked to decide on the issue of separation, they should have the financial issues put before them. That is the position with which we are confronted. It is not our decision, and it is not my argument. That being the position, we felt that it was right, and in fact it was our duty to put the matter before the House in the course of the present session because, as a result of the procedure which apparently is going to be adopted, it may be necessary to advance the consideration of this question in the course of the next Summer months.

Mr. B. V. Jadhav: May I know whether it is a reasonable one?

The Honourable Sir George Schuster: I am only putting this to my Honourable friend because it is important in discussing the whole matter in this House to remember that this is not our argument, it is not our position, and we are not really in a position to decide on this question. It is a question with which the Round Table Conference has been seized and on which the Round Table Conference has decided that a certain line should be adopted. I shall come back to that point again, but I wish to correct my Honourable friend's apparent misunderstanding of what the position is.

On the question of the whole debate, I think on the whole we may congratulate ourselves on the debate having served a very useful purpose. The House in arguing for the postponement of any discussion has in fact managed to have quite a useful discussion on the main issue, and I feel from the speeches that I have heard that there is a good deal to be got and that it will be useful to us to have those speeches on record. But I am in some difficulty in understanding precisely what the general opinion of the House on this matter is. I think it may be definitely said that, so far as any one has spoken on this matter, no one is really opposed to the principle of referring these issues to arbitration.

Sir Abdur Rahim: But not now.

The Honourable Sir George Schuster: I am coming to that point afterwards. The principle of decision by a Board of Arbitrators can, I think, be taken to be generally accepted. My Honourable friend Mr. B. Das has made a suggestion as to how those arbitrators should be appointed, and I confess that I was very glad to hear what fell from the Leader of the Nationalist Party on that question. This is really an Empire question and it is an amazing suggestion of my Honourable friend that it is necessary to go outside the Empire in order to get an impartial tribunal for deciding a question of this kind.

Another point on which I tried to get some guidance was whether the House was satisfied with the proposal that the Standing Finance Committee should be associated with the arguing of the case before the Board of Arbitration. Honourable Members were on the whole very silent on that point. Judging from what was said by certain members of the Standing Finance Committee itself, I gained the impression that they were not very favourably disposed to that proposal because they were so very anxious to disclaim any right to describe themselves as financial experts. They have even written of themselves in some apologetic tone in their own Report. I must say, having heard the speeches that they made to-day, I was left in some doubt as to whether they felt themselves qualified to represent the case before the arbitral tribunal. Nevertheless, that is the recommendation of the Round Table Conference, and in the absence of any definite decision to change that, that recommendation will be carried out. But I have heard in addition to that, the suggestion that other representatives might also be associated with the arguing of the case. That is a point which the Government of India could certainly take up and represent to His Majesty's Government.

Then finally,—for I leave aside the actual discussion of the issues involved, because for one thing I do not want to enter into any further argument on these, and for another I would remind the House that the essence of the case is that those issues should be submitted to arbitration—finally I come to the main point asking for delay. I would ask the House what precisely they expect to gain by delay. Certain suggestions have indeed been made as to what should be done, but I would remind the House that there has already been a considerable amount of time spent over considering this matter. The financial experts' Report was actually put before the Standing Finance Committee last September. The Standing Finance Committee did not wish to discuss it then; they wished to have time to study it, and since then I have certainly done my best to secure a proper discussion of that Report. I mention that fact not in any way to criticise what has been done or to criticise the delay, nor indeed as suggesting that we are not willing to listen to the demand which has been made for further time for consideration, but I would ask Honourable Members to appreciate the practical difficulties. Here we have got a Committee of this Assembly, which is peculiarly qualified to study financial questions. It is elected for that purpose, and that Committee has had this Report before it for considerably over six months. There has been ample time to study it, and it is a criticism that could be made of our procedure from outside that it is not reasonable for us to be asking for further time when we have already had so much time to consider the matter. Therefore I want to put this to the House, that in asking for further time they ought to be very clear in their minds what

[Sir George Schuster.]

precisely they propose should be done, and whether we really can advance this matter any further at the present stage, always having in mind that the procedure which is proposed is that the issues should be decided by a Board of Arbitration, and that all that is necessary is to prepare a brief for those who are going to argue India's case before the Board of Arbitration. As regards that, although as I have said I do not wish to go into the purely technical issues, I can say this, that having heard the line that some Members would like to take, we will certainly take account of that line on such a question as to whether India's claim as regards the debt is to be assessed by the historical method or not. I told the House yesterday that that point having been raised and certain opinions having been expressed in favour of that method of approach, we should certainly give it further consideration and the Government representatives, if Government is represented before the tribunal, will further discuss that matter with the representatives of the Standing Finance Committee.

Now, Sir, perhaps the most useful way of concluding what I have to say now would be to take the speech of my Honourable friend the Leader of the Independent Party, who took a very definite line on the whole question. I should like to take the points that he made. In the first place he said that the adjustment must be fair; that we cannot afford to be generous, nor should we make separation unduly attractive to Burma by making the financial settlement a generous settlement, a settlement which went further than it ought to go on the strict merits of the case. I entirely agree with every word that fell from my Honourable friend. I will only add this,—picking up what I said myself in my speech yesterday—that if separation is a settled issue, if the public of Burma has decided in favour of separation,—and my Honourable friend agrees that if they do so decide India should not stand in their way,—then we shall have to consider not only the mere financial issues, but we shall have to take account of the future relations between the two countries, and, taking that into account, I think it is important that the financial adjustment should be made in a reasonable way, in a way which is likely to lead to amicable relations in future. I think that all that I have said on this matter is included in my Honourable friend's own description that the settlement must be fair.

Then, Sir, my Honourable friend further went on to say that he was not in a position to express himself, nor were his party in a position to express their views on the five propositions which I laid down. I would remind him that I laid down no propositions. I merely called the attention of the House to what were the main issues in this whole question.

Sir Abdur Rahim: Propositions laid down for consideration. That is all I said.

The Honourable Sir George Schuster: I apologise. I understood my Honourable friend said that I had laid down certain propositions, and I do want to remind the House that, so far, we, the Government of India, have accepted no particular line in dealing with these issues. We have before us the Howard-Nixon Report, and we have before us the Report of the Standing Finance Committee, which—and I would remind my Honourable friend Mr. Ranga Iyer of this,—which, not only in its

dissentient minute, but in the body of the Report, differs in some very considerable respects from the suggestions made by Mr. Nixon in his Memorandum. We have these before us, and we think that it is on the basis of these propositions that we can argue our case before the arbitral tribunal. In this connection I would draw the attention of the House to what the Standing Finance Committee themselves said on this matter,—and this is a Committee of the House which presumably the House is prepared to support:

"The Committee has felt some difficulty in performing the task allotted to it owing to the highly technical nature of many of the issues which are involved. For this reason and also because it has had no opportunity of hearing arguments on the other side, it has been reluctant to express final views. Moreover, it strongly supports the view expressed by the Government of India in their despatch on Constitutional Reforms of September 20, 1929, that the main issues should be submitted to an Arbitral Tribunal.

The Committee wishes its expressions in this report to be interpreted in the light of the foregoing observations. Such expressions must be regarded essentially as advice to the Government of India as to the manner in which the case should be argued from the Indian side, and not necessarily as indicating that this Committee would not consider acceptable any other solutions than those which it has indicated."

That, Sir, I submit, is as far as any one can go at the present stage, and after that, if we are going to submit to an arbitral tribunal, the actual decision will rest in their hands, not in the hands of the two parties to the arbitration.

Then, Sir, my Honourable friend further went on to say that he accepted the principle of the Board of Arbitration but he could not agree to the appointment of the Board before his party and the House generally have had a further opportunity of considering the matter, and further he argued that the Board should not be appointed until the actual issue of separation has been decided by Burma. Now, Sir, on that point I take note, and the Government will take note, of the position adopted by my Honourable friend, but I would remind him, as I have already reminded the House, that the power to decide this point as to when the arbitration is to take place does not rest with this House and it does not rest with the Government of India. We can represent the views expressed by this House to His Majesty's Government at home and that we shall certainly do; but we cannot decide here whether arbitration is to be postponed or not.

That really brings me to the point which will arise when we have to consider what action is to be taken on this motion. This House of course can perfectly well decide to postpone discussion of this motion, but I must put it to the House that it is not in their power to decide whether arbitration is to be postponed or not. We wished in bringing this motion before the House to ascertain the views of the House and certainly not to out-vote the House on the matter, and if the House wishes to postpone the discussion, we on this side will certainly not stand in their way. But we cannot go further—and I should be misleading the House if I said more than this—we cannot go further than undertake to represent to His Majesty's Government the views that have been expressed today. I can assure the House that we shall do that, and that we shall take note of all the other suggestions that have been made; and I hope if the arbitration does proceed, and if the Government of India are led to argue

[Sir George Schuster.]

the case, that we shall be able to do it in a way, and to gather to ourselves assistance of a nature, which will satisfy the House that we have made the best effort that was possible to present the case and to secure a fair decision. (Loud Applause.)

Mr. President: The question is:

"That the consideration of the motion be postponed till the next Simla Session."

The motion was adopted.

The Assembly then adjourned *sine die*.

INDEX

TO THE

LEGISLATIVE ASSEMBLY DEBATES

Volumes I—III, 1932.

A

ABBOTTABAD—

Question *re* establishment of a Tuberculosis Sanatorium at ——. 2482.

ABDOOLA HAROON, SETH HAJI—

Consideration of the Report of the Public Accounts Committee. 1209.

Demand for Supplementary Grant in respect of Loans and Advances bearing interest. 936.

Indian Trusts (Amendment) Bill—

Motion for leave to introduce. 943.

Motion for Adjournment *re* unsatisfactory reply of the Leader of the House in regard to expediting of the Reforms with Mahatma Gandhi in jail. 2835-36.

Question *re*—

Abolition of the Ecclesiastical Department. 2479.

Abolition of the post of Assistant Conservancy Inspector at the Central Telegraph Office. 559-60.

Additional duty realised on imported foreign salt. 703-04.

Age and service of staff in the Railway Board's Office. 1697-98.

Alleged partiality in the allotment of quarters. 1235.

Appointment of Muslims to the Income-tax Department. 1682.

Appointment of Mussalmans to Government of India Departments. 111.

Appointments on the North-Western Railway. 112.

Arrests made and properties confiscated under the Ordinances in the North-West Frontier Province. 437.

Assessment of Income-tax payable by landlords. 1242.

Communal inequality in the Home Department. 1697.

Decrease of Muslim employees in the Home Department. 1697.

Departmental promotions in All-India Services. 1234.

Exclusion of the Railway Board's establishment in the report of Mr. K. M. Hassan. 1694.

Expansion of the Khewra Salt Works. 705.

Export of salt to Calcutta from Karachi. 707.

False cinema films shown in India. 863.

Imports of foreign, Indian and Aden Salt. 705-06.

Income and expenditure from Customs and administration of Karachi and Income-tax in Sind. 358-59.

Instructions issued by the Railway Board *re* criteria to be observed in discharge of railway employees. 1700-01.

Muslims Assistant Surgeons on the North-Western Railway. 111-12.

Muslim clerks in offices under the control of the Financial Commissioner, Railways. 1699.

ABDOOLA HAROON, SETH HAJI—(*concld.*)
Question *re*—(*concld.*).
Office hours of Muslim employees of the office of the Director General of Posts and Telegraphs during the *Ramzan*. 1284.
Orders in certain offices prohibiting subordinates from approaching Members of the Legislature for redress of grievances. 707.
Paucity of Muslims in the Military Engineering Services, Presidency and Assam District. 2477-78.
Pay of the Cashier, Railway Board. 1698.
Pay of the Conservancy Inspector of the Telegraph Office, Simla. 560.
Percentage of Muslim Assistants and clerks in the Railway Board's Office. 1695.
Prices of salt in the Calcutta market. 706.
Railway passes allowed to the cashier, Railway Board. 1698-99.
Redress of communal inequality in the Railway Board's Office. 1696.
Reduction of pay of Superintendents of Post Offices. 652.
Reduction of salaries and allowances, etc., of Imperial Services. 2479.
Representation of Muslims in the Railway Services. 558-59.
Representation of Muslims in the subordinate Railway Accounts Service. 1699-1700.
Reversion to previous appointments of certain Assistant Surgeons on the North-Western Railway. 112.
Seniority list of establishment in the Railway Board's Office. 1696.
Sugar purchased for military consumption. 362-63.
Transport facilities for salt in Karachi harbour. 705.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2858, 2865.
Consideration of clauses 3 and 4. 2869-70.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1025-26.

ABDUL GHAFFAR KHAN, KHAN—
Question *re* invitation of —— to a Darbar in Peshawar. 1604-05.

ABDUL MATIN CHAUDHURY, MR.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 516-19.
Consideration of clause 4. 1142-44, 1146, 1150.
Consideration of the Report of the Public Accounts Committee. 1196-98.
Demand for grant in respect of Foreign and Political Department. 2304-08.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 762-63.
Motion to reduce Demand for "Railway Board" *re* represntation of Muslims in the railway services. 1358, 1363.
Question *re*—
Allowances of daftries in the Railway Department. 1317-19.
Travelling allowances of inferior servants of the Government of India. 1319.
Question (Supplementary) *re*—
Indian National Congress. 2379.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2376.
Resolution *re*—
Hours of work in coal mines. 1180.
Recent Ordinances. 248-51, 253.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2979-84, 2996, 2997.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1052-53.

ABDUL QAIYUM, NAWAB SIR SAHIBZADA—
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 21.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 491.
Motion to reduce Demand for—
" Railway Board " *re*—
Railway retrenchment policy. 1421, 1422.
Representation of Muslims in the railway services. 1349.
Oath of Office. 13.
Question (Supplementary) *re*—
Appointment of Under Secretary in the Finance Department. 1251.
Employment of Muslims in the Finance Department. 1247.
Resolution *re* recent Ordinances. 252, 292-94.

ABDUR RAHIM, SIR—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 673-76.
Motion to consider. 1876, 1878, 1879, 1887-89, 1916.
Motion to amend clause 2. 2509.
Motion to amend clause 4. 2678-80, 2682, 2683.
Demand for Grant in respect of Foreign and Political Department. 2297-99.
Expressions of regret on the death of Sir Bomanji Dalal. 3028.
Foreign Relations Bill—
Motions to consider and to circulate. 2740-44, 2749, 2750, 2751.
Consideration of clause 2. 2796-99, 2801, 2802, 2803, 2808, 2809.
Consideration of clause 3. 2883, 2884-85.
Motion to pass. 2892.
General discussion of the General Budget. 1767-70.
Hejaz Pilgrims (Muallims) Bill—
Motion to refer to Select Committee. 3008-09.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 763-64.
Indian Partnership Bill—
Motion to consider. 802, 803, 804, 805.
Consideration of clause 32. 897.
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 2004-05.
Publication in the Press of the Assembly speeches. 661.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy affected by Government under Customs. 2232-37, 2239, 2242, 2244, 2263-66.
" Executive Council " *re*—
Avoidance of Income-tax. 2113-14.
Constitutional issue. 1972-80.
Retrenchment. 2065, 2069-74.
Separation of Burma from India. 2184-85, 2191.
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1542-47.
Representation of Muslims in the railway services. 1352-55, 1369.

ABDUR RAHIM, SIR—(*concld.*)
Nomination of —— to the Panel of Chairmen. 378.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3002, 3004-05.
Public Suits Validation Bill—
Motion to postpone consideration. 2942-44, 2945, 2946.
Motion to refer to Select Committee. 2953-54, 2955.
Question (Supplementary) *re*—
Letter to Maulvi Muhammad Shafee Dacodi *re* his visit to the North-West Frontier Province. 1616.
Removal of the North-West Frontier Crime Regulations. 1603.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 553.
Report on financial questions arising out of the proposed separation of Burma from India. 3024, 3025, 3039-41, 3047, 3048.
Resolution *re* recent Ordinances. 278-81, 324.
Statement *re* South Africa. 3012-13.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2865.
Motion to pass. 2876-77.

ABSCONDERS—
Question *re* despatch of troops to Chittagong and arrest of ——. 343.

ABUSE(S)—
Question *re* alleged —— by the Station Master, Amritsar, of the Assistant Station Master. 1379.

ACCIDENT(S)—
Statement *re* Draft Convention and recommendations *re* protection against —— of workers employed in loading and unloading ships. 2818-19.

ACCOUNT(S)—
Question *re*—
Confirmation of Railway —— probationers. 717-18.
Employment of clerks for checking —— on Military Dairy Farms. 1003.
Examination of —— for Income-tax assessment. 648-49.
Reduction of posts of Junior Inspectors of Station —— on the Great Indian Peninsula Railway. 1071.
Statement (laid on the table) *re* examination of —— in the Income-tax Department, Bombay. 1263.

ACCOUNTANT(S)—
Question *re*—
Absence of Sikh —— in Railway Audit and Accounts Offices. 1675-76.
—— posts on the North-Western Railway. 710.
—— reverted to their substantive appointments. 2552.
Admission of students of Indian Universities to the Society of Incorporated —— and Auditors, London. 647.
Competitive examination for ——. 711.
Divisional —— retired at 55 years of age. 2552.

ACCOUNTANT GENERAL(S)—
Question *re*—
Staff of the office of the ——, Posts and Telegraphs. 700.
Staff of the office of the Deputy ——, Posts and Telegraphs. 700-01.
Statements (laid on the table) by the Honourable Sir George Schuster *re* recruitment of Muslims in the office of the Deputy ——, Posts and Telegraphs, Delhi. 2490-91.

ACCOUNTANT GENERAL, CENTRAL REVENUES—
Question *re*—
Distinction between Jains and Hindus in connection with retrenchment in the office of the ——. 2717.
Staff of the office of the ——. 699.

ACCOUNTING SYSTEM—
Question *re* the Railway ——. 2094.

ACCOUNTS AND AUDIT DEPARTMENT(S)—
Question *re* amalgamation of the —— of the Great Indian Peninsula Railway. 1071.

ACCOUNTS DEPARTMENT—
Question *re*—
Confirmation of probationers in the East Indian Railway ——. 1947-48.
Military —— men on deputation in the Military Finance Department. 2020.
Muslim grievances in the Railway Audit and ——. 976-77.
Recruitment of Assistant Financial Advisers from the Military ——. 2019.
Separation of Audit and —— of State Railways. 1532.

ACCOUNTS EXAMINATION—
See " Examination."

ACCOUNTS OFFICE(S)—
Question *re*—
Absence of Sikh Accountants in Railway Audit and ——. 1675-76.
Alleged threatening of Muslim clerks in the Railway Clearing ——. 2362.
Appointment of Muslims in Civil ——. 1924.
Injustice in retrenchment of men of —— and Audit Offices. 879.
Men retrenched in —— and Audit Offices. 880.
Pay sheets of the Railway Clearing ——. 2362.
Provision of quarters for the staff of the Railway Clearing ——, Delhi. 2560-61.
Recruitment of staff in State Railway ——. 717.
Retrenchment of Hindus and Sikhs in the Railway Clearing ——. 1671-72.
Seniority list of the Railway Clearing ——. 2362.
Seniority lists of the Chief ——, North-Western Railway. 707-08.
Statement (laid on the table) by the Honourable Sir George Schuster *re* retrenchment in —— and Audit Offices. 1624-25.

ACCOUNTS OFFICER(S)—
Question *re*—
Allegations against the Deputy Chief ——, General Branch, East Indian Railway. 556-57.
Lack of notice to staff retrenched in the office of the Chief ——, North-Western Railway. 607.
Retrenchment in the office of the Chief ——, North-Western Railway. 565-66, 607-10.
Retrenchments effected by the Chief ——, North-Western Railway. 1061.

ACCOUNTS SERVICE—
Question *re* representation of Muslims in the Subordinate Railway ——. 1699, 1700.

ACCOUNTS SERVICE EXAMINATIONS—
Question *re* success of candidates in subordinate ——. 1940.
Statement (laid on the table) by the Honourable Sir George Schuster *re* success of candidates in——. 2793.

ACOTT, Mr. A. S. V.—
Oath of Office. 13.

ACT(S)—
Cantonments—
Question *re* action taken under Section 25 of the —— by the Executive Officer, Ambala Cantonment. 749.
Child Marriage Restraint—
Question *re*—
Disregard of the ——. 2009.
Number of convictions under the ——. 2010.
Court Fees—
Question *re* conflicting interpretations under the ——. 2481-82.
Indian Finance (Supplementary and Extending)—
Question *re* exemption from surcharges imposed by the ——. 808.
Indian Income-tax—
Question *re*—
Amendment of the ——. 1589.
Exemptions, etc., under section 60 of the ——. 2559.
Registration of partnership firms under ——. 2657.
Return of fees deposited by applicants under the ——. 1590-91.
Revenue sacrificed under section 49 of the ——. 2559.
Statement (laid on the table) by the Honourable Sir George Schuster *re* return of fees deposited by applicants under the ——. 2414.
Question *re* amendments of —— affecting workmen. 339.
Trade Disputes—
Question *re* applications for appointment of tribunals under the ——. 1529.

ADDITIONAL IMPORT DUTY—
See " Import Duty ".

ADDRESS(ES)—
—— by His Excellency the Viceroy to the Members of the Legislative Assembly. 1-12.

ADEN—
Demand for Grant. 2343.
Question *re* imports of foreign, Indian and —— salt. 705-06.

ADJOURNMENT(S)—
Motion for —— *re*—
Alleged maltreatment of women political prisoners—
Postponed. 2283.
Leave granted. 2408.
Discussed and negatived. 2442-63.
Arrest and internment of Mahatma Gandhi. 72-73, 104.
Leave granted. 72.
Not moved. 104.
Excesses of the Police in Delhi and desecration of the mosque of Kucha Rahman—
Leave granted. 1951.
Discussed and negatived. 1985-2008.
Grant of a subvention to the North-West Frontier Province—
Leave to move not asked for. 1701.

ADJUSTMENT(S)—(*concld.*)
Motion for —— *re*—(*concld.*)
Lathi charges by the Police on a meeting in Delhi. 1865-66.
Leave refused. 1866.
Publication in the Press of the Assembly speeches. 657-63.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail—
Discussed and negatived. 2785-88 and 2829-47.
Remarks by the President *re* the time for taking up motions for ——. 73.
Statement by Mr. President on Mr. C. S. Ranga Iyer's motion for —— *re* publication in the Press of the Proceedings of the Legislature. 721-22.

ADMINISTRATION OF JUSTICE—
Demand for Excess Grant. 926.
Demand for Grant. 2336.

ADVANCE(S)—
Question *re*—
—— of money by Government to the Imperial Gymkhana Club, New Delhi. 551-52.
Repayment of —— from Provident Funds. 356.

ADVERTISEMENT(S)—
Question *re* Indian Newspaper utilized for —— of the Public Service Commission. 997.

ADVISORY COMMITTEE(S)—
See " Committee(s) ".

ADVISORY COUNCIL FOR RAILWAYS—
Election of Members to the Central ——. 1826-28, 1828, 2671, 2729.

AEROPLANES—
Question *re* number of —— purchased for the Air Force in India. 351.

AFGHAN JIRGAS—
Question *re* arrest of members of —— and Khilafat Committees. 990.

AFRICA—
Statement *re* South ——. 2963-65, 3012-14.

AGE-LIMIT—
Question *re* —— for appointment of Cantonment Fund Employees. 753-54.

AGENDA—
Statement (laid on the table) by Mr. G. M. Young *re* non-inclusion of certain resolutions in the —— of a meeting of the Lahore Cantonment Board. 2616.

AGENT(S)—
Appointment of an Indian —— in Fiji in place of the Secretary for Indian Affairs. 531.
Question *re* powers of —— and Divisional Superintendents on railways. 65-66.

AGENT'S OFFICE—
Question *re* appointment of Muslims in the Electrical Branch, ——, North-Western Railway. 975.

AGGARWAL, Mr. JAGAN NATH—
Demand for Grant in respect of Indian Posts and Telegraphs Department (including Working Expenses). 2272-74.
Indian Partnership Bill—
Consideration of clause 32. 900-01.
Consideration of clause 68. 910.
Motion for Adjournment *re* alleged maltreatment of women political prisoners. 2451-54.
Motion to reduce Demand for—
" Railway Board " *re*—
Conveniences of the travelling public. 1395-98.
Future of the Railway Board and the constitutional aspect. 1499-1504.
Question *re*—
Accountants' posts on the North-Western Railway. 710.
Appointment of certain officers in the Railway Service. 562-63.
Claims of Indian holders of rouble notes. 2013.
Competitive examinations for Accountants. 711.
Conflicting interpretations under the Court Fees Act. 2481-82.
Hindus and Muhammadans employed as drivers, etc., on the North-Western Railway. 563.
Lack of notice to staff retrenched in the office of the Chief Accounts Officer, North-Western Railway. 607.
Leave rules on the North-Western Railway. 708-09.
Number of persons discharged from the Office of the Controller of Military Accounts, Lahore. 2014.
Officers' and clerks' grades on the North-Western Railway. 563-64.
Pay of the Litigation Officer, North-Western Railway. 562.
Promotion of Mr. S. R. Woodmore, Officiating Chief Draftsman, North-Western Railway. 563.
Promotions in leave vacancies on the North-Western Railway. 564.
Reorganisation of the office of the Chief Personnel Officer, North-Western Railway. 564.
Retrenchment in the office of the Chief Accounts Officer, North-Western Railway. 565-66, 607-10.
Reversion to lower posts of officiating men on the North-Western Railway. 710-11.
Seniority lists of staff of the Chief Accounts Office, North-Western Railway. 707-08.
Question (Supplementary) *re*—
Censorship of foreign newspaper correspondents in India. 2011.
Expulsion of certain citizens from Mhow Cantonment. 2212-13.
Resolution *re*—
Appointment of a committee on Education. 862-65.
Chief Justices of High Courts. 131-34.
Recent Ordinances. 284-87.

AGRA—
Question *re*—
Abolition of the post of Assistant Engineer, Archæological Department, ——. 2358.
Circuits of telegraph lines entering New Delhi and ——. 1315.
Elimination of telegraph test rooms at —— and New Delhi. 1315.
Result of installation of test rooms at the New Delhi and —— Central Telegraph Offices. 1314-15.
Technical staff and cost of test rooms in the New Delhi and —— Central Telegraph Offices. 1314.

AGRA—(*concld.*)
Question *re*—(*concld.*)
Test rooms in the New Delhi and —— Central Telegraph Offices. 1312-14.
Utilization of services of technical officers in the New Delhi and —— Central Telegraph Offices. 1315.

AGRICULTURE—
Demand for Grant. 2338.
Demand for Supplementary Grant. 934.

AGRICULTURIST(S)—
Question *re* —— rights in the Istimrari area of Ajmer-Merwara. 1666-67.

AHMAD NAWAZ KHAN, MAJOR NAWAB—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1873, 1903-06.
Motion to amend clause 2. 2519-20.
Motion to pass. 2696.
Demand for Grant in respect of Foreign and Political Department. 2308-10.
Election of —— to the Standing Finance Committee. 2490.
Foreign Relations Bill—
Motion to consider and to circulate. 2759-61.
Hejaz Pilgrims (Muallims) Bill—
Motion to refer to Select Committee. 3009.
Oath of Office. 1663.

AHMED, Mr. K.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1106, 1108.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 670, 677.
Motion to consider. 1863, 1871, 1908.
Motion to amend clause 2. 2514, 2515, 2516.
Motion to amend clause 4. 2633, 2639-42, 2678.
Motion to pass. 2712.
Demand for Grant in respect of Indian Posts and Telegraphs Department (including Working Expenses). 2280, 2281.
Expressions of regret on the death of—
Mr. F. W. Allison. 2670.
Mr. K. V. Rangaswami Iyengar. 2611.
The Honourable Mian Sir Muhammad Shafi. 21-23.
Foreign Relations Bill—
Consideration of clause 2. 2776.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 761.
Motion for Adjournment *re*—
Arrest and internment of Mahatma Gandhi. 72, 73.
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1991.
Publication in the Press of the Assembly speeches. 659.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy effected by Government under Customs. 2241, 2242, 2244, 2251-56.

AHMED, MR. K.—(*concld.*)
Motion to reduce Demand for—(*concld.*)
" Executive Council " *re*—
Constitutional issue. 1962.
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1486, 1487, 1535-42, 1549.
Question *re* promotion of routine clerks in the Secretariat. 2480-81.
Question (Supplementary) *re*—
Appointment of Muslims on the North-Western Railway. 1620.
Destruction of insufficiently stamped postcards. 38-39.
Flogging of political prisoners in the North-West Frontier Province. 49-50.
Interception of a telegram addressed to Mr. Tom Williams. 815.
Procedure followed under Regulation III of 1818. 980-81.
Removal of the North-West Frontier Crime Regulations. 1602, 1603.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 553-55.
Utilisation of the fine funds on railway. 653.
Resolution *re*—
Recent Ordinances. 227.
Stabilisation of exchange and prices. 837.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1047-52.

AIR FORCE—
Question *re*—
Discharge of a Muslim clerk from the Royal —— Headquarters. 2489.
Instruction in landing for officers and men on the ——. 438-39.
Number of aeroplanes purchased for the —— in India. 351.
Number of Muslims and Sikhs in the Royal —— Headquarters. 2488-89.
Saving on the Royal —— as it affects India. 2470.
Training of Indian cadets for the Royal ——. 2560.

AIR FORCE BILL—
See " Indian —— " under " Bill(s) ".

AIR FORCE UNIT(S)—
Question *re*—
Substitution of —— for Army Units in the defence of the Frontier. 2657-59.
Substitution of —— for Ground Troops on the Frontier. 2780-81.

AIR MAIL—
Question *re* carriage of —— between Rangoon and Karachi. 979-80.

AIR MAIL SERVICE—
Question *re* contract for the —— in India by Messrs. Tata and Sons. 530.

AIRCRAFT INSPECTOR—
Question *re* appointment of an Indian as Assistant ——. 2558.

AJMER—
Question *re*—
Alleged grant of certificates to ineligible candidates to appear at examinations in ——. 375-76.
Alleged lack of qualifications of a teacher in the Municipal Board City Boys' School, ——. 374.

AJMER—(*concld.*)
Question *re*—(*concld.*)
Alleged objectionable methods in search for Congress Funds, adapted by the Police Inspector, ——. 2568.
Amount of grant-in-aid made to the Education Fund of the Municipal Board, ——. 375.
Appointment of Head Mistress of the Municipal City Girls' School, ——. 374.
Arrest of young boys in ——. 2566.
Bad drainage of —— City. 2390.
Cloths for prisoners in the —— jail. 1665-66.
Decrease in weight of prisoners in —— jail. 1665.
Election of Chairman of the —— Municipal Board. 2390-91.
Encroachments on Muslim burial grounds in ——. 1254-55, 1256.
Expenditure of the —— Municipal Board. 2389.
High death rate and infant mortality in ——. 2391.
Houses built on the Muslim graveyard at Idgah Chand Baori, ——. 1256.
Hunger strike of a prisoner in the —— jail. 2564.
Hunger strike of political prisoners in ——. 2567.
Insufficiency of clothes provided for prisoners in the —— jail. 2563-64.
Labour imposed on prisoners in the —— jail. 1666.
Management of the finances of the Municipal Board ——. 2361.
Miscellaneous expenditure of the —— Municipal Board. 2389.
Mismanagement in Municipal affairs in ——. 1256.
Nomination of a Mussalman as a member of the —— Municipal Committee. 2656.
Nomination of Indian Christians as members of the —— Municipal Committee. 2655-56.
Non-nomination of a member of the Depressed Classes to the —— Municipal Committee. 2656.
Octroi duties imposed by the —— Municipal Board. 2391.
Proscription of certain Hindi books in ——. 47.
Removal under the Ordinance of private money by the —— police. 2565.
Report on the encroachments on Muslim burial grounds in ——. 1255.
Representation of Dargah and Pushkar and of cloth and sugar merchants on the —— Municipal Board. 2391.
Scholarships awarded at the Government Central Girls' School, ——. 375.
Standard of diet of "C" class prisoners in ——. 2566.
Time-table of classes at the Government High School, ——. 376-77.
Water supply of ——. 2360-61.
Statement (laid on the table) *re*—
Bad drainage of —— city. 2966-67.
High death rate in ——. 2967.

AJMER CENTRAL JAIL—
Question *re*—
Alleged harassing of prisoners in the ——. 2568.
Classification of prisoners in the ——. 2566.
Complaint about the treatment of prisoners in the ——. 2567.
Conditions of interviews with political prisoners in the ——. 2567.
Confinement in a dark cell of a prisoner in the ——. 2564.
Disallowance of a religious book to a prisoner in the ——. 2568.
Lack of soap and oil in the ——. 2568.
Provision of a non-official visitor for the ——. 2568.
Record of weights of political prisoners in the ——. 2568.

AJMER-MERWARA—
Demand for Grant. 2342.
Question *re*—
Agriculturists' rights in the Istimrari area of ——. 1666-67.
Appointment of Muslim Medical Officers in ——. 70-71.
Appointment of Muslims to the office of the Commissioner, ——. 2023.
Appointment of Muslims to various appointments in ——. 2021-22.
Birth and death rates in ——. 2390.
Excise revenue collected by the Local Administration in ——. 2389.
Exemption of motor cars from octroi duty in ——. 2389.
Income and expenditure of the Excise Department ——. 2390.
Minimum marks required for passing into a higher standard in schools in ——, Rajputana, etc. 2387.
Non-appointment of qualified Muslims in ——. 2022, 2023.
Number of clerks in the office of the Superintendent of Education, Delhi, —— and Central India. 2719.
Recruitment of two unqualified non-Muslim clerks in ——. 2022.
Suggestions for retrenchment in the —— Education Department. 376.
Statement (laid on the table) *re*—
Books proscribed by the Chief Commissioner, ——. 2497.
Birth and death rates in ——. 2966.

ALIGARH—
Question *re*—
Carelessness of a Head Clerk in the Government of India Press, ——. 1663.
Inconvenient timings of trains at ——. 2012-13.
Machinery lost in the Government of India Press, ——. 1617.
Qualifications of the Officiating Assistant Managers of the Simla and —— Government of India Press. 2381.
Rent free quarters to the Officiating Assistant Manager, Government of India Press, ——. 2381.
Retrenchments in the Government of India Press, ——. 1617-18.

ALL-INDIA CANTONMENTS ASSOCIATION—
Question *re* supply to the —— of important Government Circulars. 755.

ALL-INDIA CANTONMENTS CONFERENCE—
Question *re* resolutions passed by the ——. 754-55.

ALL-INDIA JAMIAT-UL-ULEMA—
See " Jamiat-ul-Ulema ".

ALL-INDIA RAILWAYMEN'S FEDERATION—
Question *re* non-issue of railway passes to the representative of the ——. 1526.

ALL-INDIA SERVICES—
See " Service(s) ".

ALL-INDIA SPINNER'S ASSOCIATION—
Statement (laid on the table) by the Honourable Sir James Crerar *re* cloth seized from ——. 2498.

ALL-PARTIES CONFERENCE—
Question re case for Berar prepared by the Berar ——. 439.

ALLAHABAD—
Question *re*—
Advertising of the Magh Mela of ——. 819-20.
Recovery of a hospital fee in —— Cantonment. 747.

ALLEGATION(S)—
Question *re* —— *re* officers on Special Duty. 1125-26.

ALLISON, Mr. F. W.—
Expressions of regret on the death of ——. 2668-70.
Oath of Office. 13.
Resolution *re*—
Establishment of a Supreme Court in India. 601-02.
Recent Ordinances. 309.

ALLOTMENT—
Question *re* —— of further days for the discussion of non-official Bills in the Legislative Assembly. 701-02.

ALLOWANCE(S)—
Demand for Supplementary Grant in respect of superannuation —— and Pensions. 935.
Question *re*—
—— and duties of guards on the North-Western Railway. 2384-85.
—— and treatment of prisoners in Delhi. 2382.
—— for officers and staffs on deputation. 1667-69.
—— for staff engaged in sorting foreign mail in Calcutta. 1944-45.
—— in the office of the Railway Board. 1315-16.
—— of certain detenus. 1378-79.
—— of daftries in the Railway Department. 1317-19.
—— of guards and ticket examiners. 615-16.
—— of guards and ticket examiners on the East Indian Railway. 998.
—— of the staff of the Howrah Goods Shed. 2782.
—— of traffic relieving staff of the Eastern Bengal Railway. 1926-27.
—— of travelling ticket examiners. 2365-68.
—— of travelling ticket examiners and of guards and drivers. 1937-38.
—— permitted for certain prisoners detained under Regulation III of 1818. 2363-64.
Casual leave and gate —— of crew staff and ticket collectors of the East Indian Railway. 359-60.
Clothing —— of British Indian Troops. 2569.
Daily —— of Engineering subordinate staff of the Eastern Bengal Railway 716.
Delhi move —— and Simla house-rent ——. 2467.
Family travelling —— for duftries and peons. 1685-86.
Grant of conveyance —— to Inspectors of Telegraph peons. 2595.
House-rent —— of duftries and peons. 1624.
House-rent and mileage —— of ticket checking staff of the East Indian and Oudh and Rohilkhand Railways. 621.
National wealth, remittances, incomes, pay and ——, etc. 1380.
Overtime —— paid for sorting English Mail. 2661.
Passage —— of subordinates of Non-Asiatic domicile. 993.
Pay and —— of the Indian Staff of the Office of the High Commissioner for India. 970-71.
Pay and mileage —— of ticket examiners on the East Indian and North-Western Railways. 617.
Personal —— refused to Subedar-Majors. 636.
Reduction of salaries and ——, etc., of Imperial Services. 2479.
Reduction of Simla house-rent ——. 2374.
Reduction of travelling and other —— of Members of the Legislature. 2590-91.
Reductions of pay and —— of travelling ticket inspectors. 617.

ALLOWANCE(S)—(*concld.*)
Question *re*—(*concld.*)
Travelling —— drawn on inspection tours by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 367-68.
Travelling —— of inferior servants of the Government of India. 1319.
Travelling —— paid on transfer to a Superintendent of Post Offices in Mysore. 695.
Travelling and house-rent ——. 2377.
Statement (laid on the table) by Mr. T. Ryan *re* travelling —— paid on transfer to a Superintendent of Post Offices in Mysore. 1626.

AMALGAMATION—
Question *re*—
—— of the Accounts and Audit Departments of the Great Indian Peninsula Railway. 1071.
—— of the Commercial and Transportation Departments of the Great Indian Peninsula Railway. 1070-71.
Re- —— of the Commercial and Transportation Departments of the Great Indian Peninsula Railway. 1937.

AMBALA—
Question *re*—
Action taken under section 25 of the Cantonments Act by the Executive Officer, —— Cantonment. 749.
Appointment of an Assistant Secretary to the —— Cantonment Board. 753.
Charges of bribery and corruption in —— Cantonment. 754.
Extension of the House-scavenging tax in —— Cantonment. 745-46, 1241, 2215.
Taking over of the H. M. High School by the —— Cantonment Board. 1241.
Statement (laid on the table) by Mr. G. M. Young, *re*—
Hindu-Muhammadan High School —— Cantonment. 2491.
Platforms, the erection of which has been condoned in —— Cantonment. 2491.

AMENDMENT(S)—
Question *re*—
—— of Acts affecting workmen. 339.
—— of the Indian Income-tax Act. 1589.

AMRITSAR—
Question *re* alleged abuse by the Station Master, —— of the Assistant Station Master. 1379.

ANASAGAR—
Question *re* octroi duty paid by the Weaving Mills at ——. 2391.

ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL—
See " Bill(s) ".

ANDAMAN AND NICOBAR ISLANDS—
Demand for Grant. 2342.

ANDHRA PROVINCE—
Question *re* formation of an ——. 2553.

ANGLO-INDIAN(S)—
Question *re*—
—— women retained in officiating vacancies in the Madras General Post Office. 633-34.

ANGLO-INDIAN(S)—(*concld.*)
Question *re*—(*concld.*)
Pay of —— and Indian Assistant Station Masters at Delhi and Ghaziabad. 825.
Promotion of an —— subordinate on the Great Indian Peninsula Railway. 1070.
Ratio of European, —— and Indian Time Keepers in the Public Works Engineering Department. 539-40.

ANGLO-VERNACULAR HIGH SCHOOL(S)—
See " School(s) ".

ANIMAL HUSBANDRY DEPARTMENT(S)—
Question *re* recommendations of the Retrenchment Committee *re* Dairying and ——. 2784-85.

ANKLESARIA, MR. N. N.—
Election of —— to the Standing Finance Committee. 2490.
Foreign Relations Bill—
Motions to consider and to circulate. 2755-58.
Consideration of clause 2. 2776, 2817.
Consideration of clause 3. 2887-88.
General discussion of the General Budget. 1776-79.
Motion to reduce Demand for—
" Executive Council " *re*—
Improper interference by the Secretary of State in the financial affairs of India. 2194-97, 2199.
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1567-70, 1577.
Resolution *re*—
Chief Justices of High Courts. 135, 146-47.
Recent Ordinances. 270-72.

ANTIQUITIES—
Question *re*—
Exhibition of Mohenjodaro —— in the New Delhi Museum. 1242.
Removal of —— from Mohenjodaro to the Delhi Museum. 62-68.

ANWAR-UL-AZIM, MR. MUHAMMAD—
Hejaz Pilgrims (Muallims) Bill—
Motion to refer to Select Committee. 3008.
Motion to reduce Demand for " Railway Board " *re*—
Lack of supervision and control over Company-managed railways. 1447-50, 1461-62.
Representation of Muslims in the railway services. 1356.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3001-02.
Public Suits Validation Bill—
Motion to refer to Select Committee. 2950-52.
Question *re*—
Abolition of the posts of Superintendents of Wireless and Cash Branches of the Office of the Director General of Posts and Telegraphs. 1507.
Absence of the Superintendent of the Wireless Branch of the Office of the Director General of Posts and Telegraphs. 2017.
Appointment of Computor for calculation and design of structures in the Public Works Department, Delhi. 2475.

ANWAR-UL-AZIM, MR. MUHAMMAD—(*concld.*)
Question *re*—(*concld.*)
Appointment of Superintendent, Wireless Branch, Office of the Director General, Posts and Telegraphs. 1508.
Appointments in the Office of the Commissioner of Income-tax, Calcutta. 1506-07.
Cambridge University Examinations. 2472-73.
Carelessness of a Head Clerk in the Government of India Press, Aligarh. 1663.
Communities of Engineers in State Railways. 2474.
Communities of Engineers in the Telegraph Engineering Service. 2475.
Contracts for the conveyance of mails in the Dehra Dun and Jhansi Postal Divisions. 2095-96.
Denial of Calcutta-Delhi transfer concessions to certain clerks and peons of the Office of the Director General of Posts and Telegraphs. 1509.
East Indian Railway passes issued to the Deputy Postmaster General, United Provinces Circle. 2096.
Employment of a separate Superintendent for the Wireless Branch of the Office of the Director General of Posts and Telegraphs. 2017-18.
Engineering Examinations held in India. 2474.
Exemption of certain clerks from the 10 per cent. cut in pay. 1508-09.
Family travelling allowance for duftries and peons. 1685-86.
Machinery lost in the Government of India Press, Aligarh. 1617.
Muslim and Hindu duftries and peons employed in various Departments. 1684-85.
Occupation of Post Office Inspection Houses by a Deputy Postmaster General. 2095.
Old record sorters, jemadars and peons retained in the Government of India Secretariat. 1685.
Qualifications and communities of Engineers in each province. 2474.
Qualifications and communities of Engineers in State Railways. 2473.
Qualifications and communities of Engineers in the Military Engineering Service. 2473.
Qualifications of Engineers of the Supplementary Reserve and Territorial Army. 2473.
Recruitment of Muslims to Government Departments. 2383-84.
Recruitments in the United Provinces Postal Circle. 2096.
Retrenchment of certain Junior Inspectors of Accounts on the North-Western Railway. 2471-72.
Retrenchments in the Government of India Press, Aligarh. 1617-18.
Standard of qualifications of Engineering Examinations in London and in India. 2474-75.
Titles for Hindus and Mussalmans. 557-58.
Volunteers for retirement in the office of the Director General of Posts and Telegraphs. 1507.
Question (Supplementary) *re* Insanitary conditions in the Hedjaz. 330.
Resolution *re* recent Ordinances. 235-37.

APPEAL(S)—
Question *re*—
—— against decisions of Medical Boards. 635.
—— against discharge by binders in the East Indian Railway Press. 2218.
—— by travelling ticket examiners of the North-Western Railway. 621-22.
—— in cantonments. 2215-16.
—— in respect of pensionary grants. 635-36.
—— of travelling ticket inspectors. 616, 2206.

APPEAL(S)—(*concld.*)
Question *re*—(*concld.*)
—— of travelling ticket inspectors to the Secretary, Railway Board. 1938-39.
Transfer of —— from the Income-tax Commissioner to another. 330.
Statement (laid on the table) by Mr. G. M. Young *re* disposal of —— by the Inspecting Officer, Military Lands and Cantonments, Northern Command. 2854.

APPRENTICE(S)—
Question *re*—
Allegations in regard to Railway —— in Jamalpore. 67-68.
Alleged racial discrimination in training of —— at Jamalpur. 1520.
Appointment of ——of the Lillooah Railway Workshops. 1517-18, 1520-21.
Appointment of —— to the Security Printing, India, and the Currency Note Press. 543-44.
Appointment of —— trained in Ordnance Factories. 1261.
Appointment of Lillooah —— as electricians and train examiners. 1518.
Appointment of Lillooah —— in the Indian Air Force at Karachi. 1519.
Appointment of trained —— on railways. 1520.
—— plate-layers appointed as permanent way sub-inspectors. 540.
B Class Maclagan Engineering —— on the North-Western Railway. 2401.
Certificates granted to —— in Ordnance Factories. 1261.
Examination of —— in the Rifle Factory at Ishapore. 2223-24.
Limiting the number of —— in the Lillooah Railway Workshop. 1519-20.
Petition from —— in the Rifle Factory at Ishapore. 2224.
Publication of notifications *re* selection of engineering ——. 1135.
Recruitment of Muslims as —— mechanics on various railways. 1233.
Rights and privileges of existing —— at the Rifle Factory, Ishapore. 1261.
Standard of training of —— in the Rifle Factory, Ishapore. 1261.
Training and appointment of special class railway ——. 996.
Training of—— in Ordnance Factories. 344-45, 1949.
Training of —— in the Rifle Factory at Ishapore. 1260-61, 1262, 1948-49, 2386, 2600-01.

APPROPRIATION FROM DEPRECIATION FUND—
Demand for excess grant. 930.

APPROPRIATION FROM DEPRECIATION FUND—(RAILWAY BUDGET)—
Demand for Grant. 1583.
Demand for Supplementary Grant. 1830.

APPROPRIATION FROM THE RESERVE FUND—
Demand for Excess Grant. 930-32.

APPROPRIATION FROM THE RESERVE FUND—(RAILWAY BUDGET)—
Demand for Supplementary Grant. 1832-34.

APPROPRIATION TO DEPRECIATION FUND—(RAILWAY BUDGET)—
Demand for Grant. 1582.

ARCADE BUILDING—
Question *re* quarters in the —— of the Calcutta General Post Office. 372-73.

ARCHÆOLOGICAL DEPARTMENT—
Question *re*—
Abolition of the post of Assistant Engineer, ——, Agra. 2358.
Appointment of a non-Christian in the ——. 1609.
Increase of percentage after retrenchment of Hindus in the ——. 2571-72.

ARCHÆOLOGICAL DEPARTMENT—(*concld.*)
Question *re*—(*concld.*)
Payment of an honorarium to Mr. Page of the —— for preparation of Budhist design. 2356.
Percentage of Hindus and Muslims in the ——. 2358-59.
Report of the ——. 2356-57.
Retrenchment in the ——. 2357-58.

ARCHÆOLOGY—
Demand for Grant. 2337.

ARM(S)—
Question *re* non-issue of —— licences in Malabar. 1510.

ARMY—
Motion to reduce Demand for " Executive Council " *re* Indianisation of the ——. 2118-44.
Question *re*—
Commissioned reserve officers in the Indian ——. 352.
Contribution by Britain to the cost of the British —— in India. 55-56.
Holidays enjoyed by officers of the Indian ——. 1593.
Mortality and sickness in the British —— in India. 971-72.
Qualifications of Engineers of the Supplementary Reserve and Territorial ——. 2473.
Vocational training in the ——. 817-18.

ARMY AUDIT—
Question *re* Sikh representation to the Director, ——, *re* reductions. 1684.
Statement (laid on the table) by the Honourable Sir George Schuster *re* Sikh representation in regard to retrenchment in the —— Office. 2414.

ARMY CADET(S)—
Question *re* Indian —— admitted to Sandhurst. 2720.

ARMY DEPARTMENT—
Demand for Grant. 2335.
Question *re*—
Communal composition of the Establishment and cash sections of the ——. 2372-73.
Retrenchment in the ——. 2370-72.

ARMY HEADQUARTERS—
Question *re*—
Absence of Sikhs from certain Branches of ——. 1676-77.
Non-employment of Sikhs as gate-keepers at ——. 1675.
Recruitment of Punjabi Mussalmans to guard ——. 2569-70.
Retrenchment of the appointments in Arsenals of certain men brought from Arsenals to ——. 2575-76.

ARMY IN INDIA RESERVE OF OFFICERS—
Question *re*—
Admission of Indians to the ——. 329.
Regulations for the ——. 654-55.

ARMY ORDNANCE CORPS—
See " Ordnance Corps ".

ARMY SERVICE CORPS—
Question *re* distinction in pension conditions between the Indian —— and the Military Engineering Corps. 1928-29.

ARMY UNIT(S)—
Question *re* substitution of Air Force Units for —— in the defence of the Frontier. 2657-59.

ARREAR(S)—
Question *re* —— of pension for disability subsequently declared as attributable to military service. 2601.

ARREST(S)—
Motion for Adjournment *re* —— and internment of Mahatma Gandhi. 72-73, 104.
Question *re*—
—— for advertising a swadeshi tricycle. 987.
—— in the North-West Frontier Province. 331-32.
—— made and properties confiscated under the Ordinances in the North-West Frontier Province. 437.
—— of a shop-keeper for flying the Congress flag. 2565.
—— of members of Afghan jirgas and Khilafat Committees. 990.
—— of Mr. J. M. Sen Gupta on board an Italian ship. 548-50.
—— of Mr. W. A. Edge of the Public Works Department, Delhi, for alleged embezzlement. 2717.
—— of young boys in Ajmer. 2566.
Despatch of troops to Chittagong and —— of absconders. 343.
Dispersal of a meeting in the Queen's Garden, Delhi and —— of Mufti Kifayatullah. 2470-71.

ARSENAL(S)—
Question *re*—
Appointment of British Military Chief Clerks in —— and Ordnance Depôts. 1240-41.
Retrenchment of the appointments in —— of certain men brought from —— to Army Headquarters. 2575-76.

ASANSOL—
Question *re* ticket checking on Branch lines of —— and Dinapore Divisions. 2210-11.

ASSAM—
Question *re*—
Paucity of Muslims in the Military Engineering Services, Presidency and —— District. 2477-78.
Reduction of selection grade posts in the Bengal and —— Postal Circle. 373.

ASSAULT(S)—
Question *re* alleged —— on students and teachers in Chittagong. 437-38.

ASSESSEE(S)—
Question *re* writing off bad debts of ——. 649.

ASSESSMENT(S)—
Question *re*—
Examination of accounts for Income-tax ——. 648-49.
Income-tax —— in Bombay. 648.
Income-tax —— on incomes below Rs. 1,000. 436.

ASSISTANT(S)—
Question *re*—
Leave Reserve of —— in the Office of the Director General of Posts and Telegraphs. 348.
Percentage of Muslim —— and clerks in the Railway Board's Office. 1695.

ASSISTANT CHIEF DRAFTSMAN—
See " Draftsman ".

ASSISTANT COMMISSIONER(S)—
Question *re* appointment of a Muslim as —— of Income-tax. 2573.

ASSISTANT COMMISSIONER(S) OF INCOME-TAX—
Question *re* Commissioners and —— in Bombay. 1942.

ASSISTANT CONTROLLERS—
See " Controller(s) ".

ASSISTANT DEPUTY DIRECTOR(S) GENERAL—
See " Director(s) General of Posts and Telegraphs ".

ASSISTANT DIRECTOR—
Question *re* duties of men promoted in the Office of the —— of Ordnance Services (Provision). 2576.

ASSISTANT DIRECTOR(S) GENERAL—
See " Director(s) General of Posts and Telegraphs ".

ASSISTANT DIRECTOR OF INTELLIGENCE—
Question *re* saving on account of the abolition of the post of ——, Indian Stores Department. 2376-77.

ASSISTANT DIRECTOR OF ORDNANCE SERVICES (PROVISION)—
See " Director of Ordnance Services (Provision) ".

ASSISTANT ENGINEER(S)—
Question *re* abolition of the post of —— Archæological Department, Agra. 2358.

ASSISTANT FINANCIAL ADVISER(S)—
Question *re* recruitment of —— from the Military Accounts Department. 2019.

ASSISTANT MANAGER(S)—
Question *re*—
Qualifications of the Officiating —— of the Simla and Aligarh Government of India Presses. 2381.
Rent free quarters to the Officiating —— Government of India Press, Aligarh. 2381.

ASSISTANT PERSONNEL OFFICER(S)—
See " Personnel Officer(s) ".

ASSISTANT STATION MASTER(S)—
See " Station Master(s) ".

ASSISTANT SURGEON(S)—
Question *re*—
Appointment of Muslims as clerks and —— on the North-Western Railway. 1601.
Muslim —— on the North-Western Railway. 111-12.

ASSISTANT SURGEON(S)—(*concld.*)
Question *re*—(*concld.*)
Number of Indian Medical Department —— on the North-Western Railway. 542.
Number of Indian Medical Department —— on various railways. 1684.
Recruitment of —— on the North-Western Railway. 542.
Reversion to previous appointments of certain —— on the North-Western Railway. 112.

ASSISTANT TRAIN CONTROLLERS—
See " Train Controllers ".

ASSOCIATION(S)—
Question *re*—
Expenditure on the Office of the Railway Conference ——.—626.
Supply to the All-India Cantonments —— of important Government circulars. 755.
Statement (laid on the table) by the Honourable Sir James Crerar *re* cloth seized from the All-India Spinners' ——. 2498.

ATHUR—
Question *re* subsidy paid for the Mail Motor Service between Salem and ——. 1923.
Statement (laid on the table) by Mr. T. Ryan *re* subsidy paid for the Mail Motor Service between Salem and ——. 2852.

ATTACHED OFFICE(S)—
Question *re* alleged discontent amongst Muslim employees in the Government of India Secretariat and ——. 2783.

AUCTION—
Question *re*—
—— of land in Karol Bagh and Paharganj for residential quarters. 2561.
—— of private property in the Gandhi Ashram at Hatundi. 2565.

AUDIT—
Demand for Grant. 2336.
Question *re* commercial —— in Government factories. 1933-34.

AUDIT (RAILWAYS)—
Demand for Grant. 1581.

AUDIT AND ACCOUNTS DEPARTMENT—
Question *re* Muslim grievances in the Railway ——. 976-77.

AUDIT CHARGE(S)—
Question *re* exemption of Cantonment Boards from ——. 747.

AUDIT DEPARTMENT(S)—
Question *re*—
Amalgamation of the Accounts and —— of the Great Indian Peninsula Railway. 1071.
Separation of—— and Accounts Department of State Railways. 1532.

AUDIT OFFICE(S)—
Question *re*—
Absence of Sikh Accountants in Railway —— and Accounts Offices. 1675-76.
Accommodation for clerks in the —— Bengal and North-Western Railway. 1580.

AUDIT OFFICE(S)—(*concld.*)
Question *re*—(*concld.*)
Appointment of Sikhs in the ——, Indian Stores Department. 1675.
Injustice in retrenchment of men of Accounts and ——. 879.
Men retrenched in Accounts and ——. 880.
Statement (laid on the table) *re*—
Appointment of Sikhs in the ——, Indian Stores Department. 2853.
Retrenchment in Accounts and ——. 1624-25.

AUDIT OFFICER—
Question *re* staff of the Office of the ——, Indian Stores Department. 701.

AUDIT SERVICE—
Question *re*—
Appointment of Muhammadans in the Railway ——. 2892.
Number of Muhammadans in the Railway ——. 2892.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointment of Muhammadans in the Railway ——. 2853.

AUDITOR(S)—
Question *re* admission of students of Indian Universities to the Society of Incorporated Accountants and ——, London. 647.

AUDITOR GENERAL IN INDIA—
Question *re* staff of the office of the ——. 695-98.

AVIATION—
Demand for Grant. 2339.

AVIATION EXPERTS—
Question *re* Indians trained as ——. 1607-08.

AYANGAR, Mr. V. K. ARAVAMUDHA—
Oath of Office. 1585.

AYURVEDIC DISPENSARIES—
Question *re* —— in Delhi and lack of Sikh Hakims or Vaids. 2571.

AYURVEDIC PRACTITIONER(S)—
Question *re* medical certificates of ——. 642,

AZHAR ALI, Mr. MUHAMMAD—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1851-52.
Motion to pass. 2708-09.
Foreign Relations Bill—
Consideration of clause 2. 2814-15.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 94.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 197.
Question *re* promotion of certain Town Inspectors of Post Offices. 2013.
Resolution *re*—
Establishment of a Supreme Court in India. 581-82.
Imperial Bank of India. 120.

B

BACKWARD TRACTS—
Question *re* constitutional problems of ——. 622-25.

BADAMI BAGH—
Question *re* defective railroad subway between —— and Lahore railway stations. 1377-78.

BADI-UZ-ZAMAN, MAULVI—
Question *re* promotion of *ex*-War service railwaymen. 2204.

BAGLA, LAL RAMESHWAR PRASAD—
Election of— — to the Standing Finance Committee. 2490.
Question *re*—
Appointment of a guard as Janitor, Headquarters Office, North-Western Railway. 2392-93.
Appointment of Indians as Foremen, etc., in Military Workshops, etc. 2400.
Appointment of Indians as Officers on State Railways. 2401.
Appointment of Indians as Shop Foremen, etc. 2402.
B Class Maclagan Engineering apprentices on the North-Western Railway. 2401.
Casual leave for officers and clerks on the North-Western Railway. 2396.
Cost of British and Indian soldiers and Officers in India. 2010.
Currency and exchange policy of the Government. 646.
Disregard of the Child Marriage Restraint Act. 2009.
Endorsement of passes of Officers and clerks on the North-Western Railway. 2394-95.
Export of gold from India. 646
Family Pass Rules on the North-Western Railway. 2397-98.
Grant of concessions to clerks of the North-Western Railway Offices for attending office on Sundays and holidays. 2403.
Head Draftman, Loco Headquarters Office, North-Western Railway. 2398.
Higher grades in Establishment Branches of Headquarters and Divisional Superintendents' Offices on the North-Western Railway. 2402.
Increase of hours of clerical establishment on State Railways. 2403.
Leave rules on the North-Western Railway. 2393-94.
Low price of silver. 646.
Medical certificates required from the North-Western Railway employees. 2399.
Medical treatment of employees on the North-Western Railway. 2399.
Non-availability of intermediate class passes by mail trains. 2394.
Number of convictions under the Child Marriage Restraint Act. 2010.
Pass Rules on Railways. 2398.
Passes issued to lady employees on railways. 2400-01.
Paucity of Hindus in workshops on the North-Western Railway. 2398-99.
Pay of lady typists on the North-Western Railway. 2395.
Promotion of clerks at the Headquarters Office, North-Western Railway. 2402-03.
Promotion of typists on the North-Western Railway. 2395-96.
Qualifications of lady stenographers and typists on the North-Western Railway. 2395.
Reduction of the pay of the Chief Engineer, Construction, North-Western Railway, and his staff. 2400.
Reflooring and relining of walls in the North-Western Railway Headquarters Office. 2401.

BAGLA, LAL RAMESHWAR PRASAD—(*concld.*)
Question *re*—(concld.)
Retrenchment in military expenditure. 2010.
Retrenchment of officers and workmen on the North-Western Railway. 2396.
Retrenchment of Works Managers, etc., of the Loco. and Carriage Shops, North-Western Railway. 2397.
Revision of the scale of pay of the local engineering and traffic service. 2395.
Trade balance of India. 645.
Traffic Manager, North-Western Railway. 2393.
Value of imports and exports of India and Burma. 645-46.

BAJPAI, MR. G. S.—
Oath of Office ——. 2347.
Statement *re* South Africa. 2963-65.

BAKHTIARPORE—
Question *re* inconvenient timings of trains at —— junction station. 629.

BAKHTIARPORE—BIHAR LIGHT RAILWAY—
See " Railway(s) ".

BALUCHISTAN—
Demand for grant. 2342.

BAMBOO PAPER INDUSTRY (PROTECTION) BILL—
See " Bill(s) ".

BANGALORE—
Election of a Member to the Council of the Indian Institute of Science, ——. 165-66, 378, 440.
Question *re* transfer of the Imperial Institute of Dairying from —— to Karnal. 647.

BANK(S)—
Question *re*—
Deposits, loans and cash credits of other —— with the Imperial —— of India. 1063-64.
Income and working expenses of —— and firms. 649-50.
Resolution *re* Imperial —— of India. 112-25.
See also " Savings Bank(s) ".

BAREILLY—
Question *re*—
Compensation for theft by British soldiers in the British Infantry Bazar, ——. 2577.
Theft by British soldiers in the —— British Infantry Bazar. 2576-77.

BAUDOT SUPERVISORS—
Question *re* determination of seniority of —— in the Posts and Telegraphs Department. 2606.

BEEF—
Question *re* sale of —— in open bazars in Delhi. 979.

BENARES CANTONMENT—
Question *re* encroachments on adjoining land of houses in ——. 1595-96.

BENGAL—
Question *re*—
Disposal of files in the office of the Commissioner of Income-tax, ——. 366-67.
Inspections made by Mr. F. W. Strong, Commissioner of Income-tax, ——. 368-70.
Loss by floods caused to postal employees in Eastern ——. 714-15.
Motor mail contracts in Bombay, Madras and ——. 2085.
Muslim representation in Railway service in East ——. 1015.
Office hours kept by Mr. F. W. Strong, Commissioner of Income-tax, ——. 371.
Reduction of selection grade posts in the —— and Assam Postal Circle. 373.
Resolution of the Government of —— on the shooting at the Hijli detention camp. 1221-23.
Travelling allowance drawn on inspection tours by Mr. F. W. Strong, Commissioner of Income-tax, ——.367-68.
Visit to Kalimpong of Mr. F. W. Strong, Commissioner of Income-tax, ——. 2486-87.
Statement (laid on the table) by Mr. T. Ryan *re* motor mail contracts in Bombay, Madras and——. 2967-68.
Statement (laid on the table) by the Honourable Sir George Schuster *re* representation of Muslims in the Income-tax Department, ——. 2612-13.
Statement (laid on the table) by the Honourable Sir James Crear *re* alleged restrictions on the Press in ——. 2413.

BENGAL AND NORTH-WESTERN RAILWAY—
See " Railway(s) ".

BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL—
See " Bill(s) ".

BENGAL NAGPUR RAILWAY—
See " Railway(s) ".

BENGALIS—
Question *re* —— appointed on the staff of the Round Table Conference Committees. 566.

BERAR—
Question *re*—
Administrative position of —— in relation to constitutional reform. 48.
Case for —— prepared by the —— All Parties Conference. 439.
Future status of ——. 2553-54.

BHAGALPUR—
Question *re* cloth seized by the Police at ——. 357.

BHAKHAR DAM SCHEME—
Question *re* tenders for stone for the ——. 650.

BHARGAVA, Rai Bahadur PANDIT T. N.—
Election of —— to the Standing Committee for Roads. 1319.
Question *re* holidays for the *Holi* and *Dewali* festivals. 2903.

BHORE, THE Hon'ble Sir JOSEPH—
Demand for Excess Grant in respect of Indian Posts and Telegraphs Department. 928-29.
Demand for Grant in respect of Indian Posts and Telegraphs Department (including Working Expenses). 2285-87.

BHORE, THE HON'BLE SIR JOSEPH—(*concld.*)
Employers and Workmen (Disputes) Repealing Bill—
Motion for leave to introduce. 166.
Motion to consider. 394, 395-96.
Motion to pass. 396.
Indian Tariff (Wireless Broadcasting) Amendment Bill—
Motion for leave to introduce. 1834.
Motion to consider. 2925-27, 2930, 2931.
Consideration of clause 2. 2931, 2932.
Motion to pass. 2933.
Motion for election of Members to the Standing Committee for Roads. 1018.
Motion to reduce Demand for "Executive Council" *re* Royal Commission on Labour. 2151-53.
Resolution *re* hours of work in Coal mines. 1177-78, 1180-81.
Resolution to amend the previous Resolution on Roads. 3010, 3011, 3012.
Tea Districts Emigrant Labour Bill—
Motion for leave to introduce. 1835.
Motion to refer to Select Committee. 2978-79, 2998.
Workmen's Compensation (Amendment) Bill—
Motion for leave to introduce. 925.
Motion to circulate. 1041-42.

BHUPUT SING, MR.—
Bamboo Paper Industry (Protection) Bill—
Consideration of Clause 2. 1140-41.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 428.
Child Marriage Restrain (Amendment) Bill—
Motion for leave to introduce. 941.
Election of —— to the Standing Finance Committee for Railways. 2612.
General Discussion of the General Budget. 1738-40.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 183.
Motion to reduce Demand for—
"Railway Board" *re*—
Abolition of the Railway Board. 1323-25, 1329-30.
Question *re*—
Advocacy of Swadesi goods. 987.
Alleged caning of pickets in Tinnevelly. 532.
Alleged racial discrimination in punishments in the Howrah Goods Shed. 2782.
Alleged racial discrimination in training of apprentices at Jamalpur. 1520.
Allowances of the staff of the Howrah Goods Shed. 2782.
Appeal against decisions of Medical Boards. 635.
Appeals in respect of pensionary grants. 635-36.
Appointment and promotion of an "outsider" in the Lillooah Railway Workshop. 1521.
Appointment of apprentices of the Lillooah Railway Workshops. 1517-18, 1520-21.
Appointment of Assistant Controllers on the North-Western Railway. 986.
Appointment of Lillooah apprentices as electricians and train examiners. 1518.
Appointment of Lillooah apprentices in the Indian Air Force at Karachi. 1519.
Appointment of Traffic Inspectors on the North-Western Railway. 986.

BHUPUT SING, MR.—(*concld.*)
Question *re*—(*concld.*)
Appointment of trained apprentices on railways. 1520.
Arrest for advertising a swadeshi tricycle. 987.
Circuits of telegraph lines entering New Delhi and Agra. 1315.
Cloth seized by the Police at Bhagalpur. 357.
Complaint by Mr. P. D. Sharma of assault at a meeting of the Citizens' League, Delhi. 2467-68.
Complaints against the Superintendent of Post Offices, Salem. 989.
Contract for the conveyance of mails between Erode and Satyamangalam. 1219-20.
Cut in pay of telephone operators. 2351.
Cuts in low pays in the Local Governments and the Government of India. 2350.
Decisions of Courts Martial refused to Indian Ranks. 637-38.
Dismissal of Indian Ranks. 637.
Elimination of telegraph test rooms at Agra and New Delhi. 1315.
Facilities for emigration to Brazil. 1311.
Female military pensioners. 638.
Flags permitted to be flown in India. 550.
Gold exported from and imported into India. 531-32.
Grievances of railway staff of the Howrah Goods Shed. 2781.
High water meter rent in New Delhi. 1929.
Limiting the number of apprentices in the Lillooah Railway Workshop. 1519-20.
Medical Board proceedings refused to Indian Ranks. 635.
Members nominated for the Committees of the Round Table Conference. 532-35.
Merits of the telegraph test room. 1315.
Military pensions forfeited for participation in political activities. 637.
Non-grant of pensions to certain disabled sepoys. 634.
Pensions admissible to widows and mothers of deceased ranks. 637.
Pensions granted to ranks re-engaged for the Great War. 636.
Personal allowance refused to Subedar-Majors. 636.
Pneumonia caused by Military Service. 635.
Quarterly bills for water charges in New Delhi. 1929-30.
Railway passes granted to staff of the Howrah Goods Shed compelled to go on leave on half pay. 2782.
Refund to employees of the Post and Telegraph Department of deductions from their salaries. 2350.
Representation from religious leaders for the release of Mahatma Gandhi. 550-51.
Result of installation of test rooms at the New Delhi and Agra Central Telegraph Offices. 1314-15.
Rumoured release of Mr. Gandhi. 357.
Staff of the Howrah Goods Shed compelled to go on leave on half pay. 2781.
Technical staff and cost of test rooms in the New Delhi and Agra Central Telegraph Offices. 1314.
Test rooms in the New Delhi and Agra Central Telegraph Offices. 1312-14.
Transfer of the Works Manager, Lillooah Workshop. 1521-22.
Treatment of lady prisoners under trial in Delhi, 987.
Utilization of services of technical officers in the New Delhi and Agra Central Telegraph Offices. 1315.
Resolution *re*—
Appointment of a Committee to hear grievances of retrenched officers. 845-47.
Chief Justices of High Courts. 129.

BHUPUT SING, Mr.—(*concld.*)
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1030.
Consideration of clause 1. 1039-40.

BIHAR AND ORISSA—
Question *re*—
Abolition of the —— Postal Circle. 27-28.
Appointment of Muslim Income-tax Officers in —— 1003.
Appointments in the Income-tax Department of ——. 827-28.
Statement (laid on the table) by the Honourable Sir George Schuster *re*—
Appointments in the Income-tax Department of ——. 2671.
Representation of Muslims in the Income-tax Department, ——. 1704.

BILL(S)—
Ancient Monuments Preservation (Amendment) Bill—
Appointment to Select Committee. 2415.
Presentation of the Report of the Select Committee. 2969.
Bamboo Paper Industry (Protection)—
Introduced. 398.
Referred to Select Committee. 505-22.
Time for representation of the report of the Select Committee extended. 781.
Presentation of the Report of the Select Committee. 851.
Motion to consider. 1080-1124.
Consideration of clauses. 1137-53.
Passed. 1158.
Passed by the Council of State. 1447.
Bengal Criminal Law Amendment (Supplementary) —— motion to refer to Select Committee. 399-434, 663-81.
Presentation of the Report of the Select Committee. 1018.
Motion to consider. 1835-64, 1867-1918.
Consideration of clause 2. 2438-42, 2500-34.
Clause 3. 2535.
Clause 4. 2535-42, 2619-54.
Clauses. 2672-89.
Passed. 2714.
Passed by the Council of State. 3027.
Child Marriage Restraint (Amendment) —— (Khan Bahadur Haji Wajihuddin)—
Introduced. 942.
Child Marriage Restraint (Amendment) —— (Mr. Bhuput Singh)—
Introduced 941.
Child Marriage Restraint (Amendment) —— (Raja Bahadur G. Krishnamachariar)—
Introduced. 942.
Child Marriage Restraint (Repealing)—
Introduced. 941-42.
Code of Civil Procedure (Amendment)—
Passed by the Council of State. 1320.
Considered and passed. 2969-70.
Code of Criminal Procedure (Amendment) —— (Sardar Sant Singh)—
Introduced. 942.

BILL(S)—(*contd.*)
Employers and Workmen (Disputes) Repealing—
Introduced. 166.
Considered and passed. 394-96.
Passed by the Council of State. 1320.
Foreign Relations—
Presentation of the Report of Select Committee. 1264.
Considered and passed. 2731-76, 2794-2821, 2879-2902.
Hedjaz Pilgrims (*Muallims*)—
Introduced. 2730.
Referred to Select Committee. 3006-09.
Hindu Inheritance (Amendment)—
Introduced. 941.
Hindu Marriages Dissolution—
Petitions relating to the ——. 441, 755-56, 1704-06.
Motion to refer to Select Committee. 481-93, 722-42.
Motion to re-circulate. 944-67.
Presentation of the Report of the Committee on Public Petitions. 2414.
Hindu Untouchable Castes (Removal of Disabilities)—
Introduced. 939-40.
Petitions relating to the——. 1704-06.
Presentation of the Report of the Committee on Public Petitions. 2415.
Hindu Widows' Right of Inheritance—
Petitions relating to the ——. 441.
Motion to refer to Select Committee. 73-104, 442-81.
Negatived. 481.
Indian Air Force—
Introduced. 397.
Referred to Select Committee. 523-25.
Time for presentation of the Report of the Select Committee extended. 1086.
Presentation of the Report of the Select Committee. 1755.
Considered and passed. 2912-25.
Indian Coastal Traffic (Reservation)—
Introduced. 939.
Indian Companies (Supplementary Amendment)—
Introduced. 166.
Considered and passed. 393.
Passed by the Council of State. 1320.
Indian Finance (Supplementary and Extending) Amendment—
Introduced. 397.
Considered and passed. 681-82.
Passed by the Council of State. 1320.
Indian Income-tax (Amendment)—
Introduced. 939.
Indian Income-tax (Second Amendment)—
Motion to refer to Select Committee. 167-209, 757-80.
Negatived. 780.
Indian "Khaddar" (Name Protection)—
Introduced. 939.
Indian Limitation (Amendment)—
Introduced. 943.

BILL(S)—(*contd.*)
Indian Medical Council—
Introduced. 2415.
Indian Merchant Shipping (Amendment)—
Introduced. 1867.
Referred to Select Committee. 2971-78.
Indian Partnership—
Presentation of the Report of the Select Committee. 73.
Motion to consider. 781-806, 883-84.
Consideration of clauses. 884-923.
Passed. 924-25.
Passed by the Council of State with amendments. 1320.
Amendments made by the Council of State agreed to. 2970-71.
Indian Registration (Amendment)—
Introduced. 943.
Indian Tariff (Wireless Broadcasting) Amendment—
Introduced. 1834.
Considered and passed. 2925-33.
Indian Trusts (Amendment)—(Mr. R. K. Shanmukham Chetty)—
Introduced. 943.
Indian Trusts (Amendment)—(Seth Haji Abdoola Haroon)—
Introduced. 943.
Port Haj Committees—
Introduced. 2730.
Referred to Select Committee. 2998-3006.
Prevention of Dedication of Devadasis—
Introduced. 940.
Public Suits Validation—
Passed by the Council of State. 2025.
Considered and passed. 2933-62.
Question *re*—
Allotment of further days for the discussion of non-official —— in the Legislative Assembly. 701-02.
Quarterly —— for water charges in New Delhi. 1929-30.
Resolutions on the draft —— to establish a Medical Council in India. 60.
Salt Additional Import Duty (Extending)—
Introduced. 1834.
Considered and passed. 2416-38.
Passed by the Council of State. 2729.
Special Marriage (Amendment) Repealing—
Introduced. 943.
Sugar Industry (Protection)—
Introduced. 398.
Referred to Select Committee. 495-98.
Time for presentation of the Report of the Select Committee extended. 781.
Presentation of the Report of the Select Committee. 1080.
Considered and passed. 2821-29, 2855-79.
Tea Districts Emigrant Labour—
Introduced. 1835.
Referred to Select Committee. 2978-98.

BILL(S)—(*concld.*)
Wheat Import Duty (Extending)—
Introduced. 495.
Considered and passed. 682-94.
Passed by the Council of State. 1320.
Question *re* renewal of the ——. 536.
Wire and Wire Nail Industry (Protection)—
Introduced. 398.
Referred to Select Committee. 499-505.
Presentation of the Report of the Select Committee. 781.
Considered and passed. 1019-36, 1037-40.
Passed by the Council of State. 1320.
Workmen's Compensation (Amendment)—
Introduced. 925.
Circulated. 1041-55.

BINDER(S)—
Question *re*—
Appeal against discharge by —— in the East Indian Railway Press. 2218.
Cut in pay of ——, compositors, etc., in the East Indian Railway Press. 2218-19.
Discharge of compositors and —— from the East Indian Railway Press. 2217-18.

BIRTH(S)—
Question *re* —— and death rates in Ajmer-Merwara. 2390.
Statement (laid on the table) by Sir Frank Noyce *re* —— and death rates in Ajmer-Merwara. 2966.

BISWAS, Mr. C. C.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 677-78.
Motion to consider. 1847, 1876, 1891-1903, 1909.
Motion to amend clause 2. 2510-13, 2518, 2519, 2528-29.
Motion to omit clause 4. 2539.
Consideration of clause 4. 2628-32, 2680-81.
Motion to amend clause 1. 2687.
Foreign Relations Bill—
Consideration of—
Clause 2. 2794-96.
Clause 3. 2885-87, 2889.
Indian Air Force Bill—
Motion to postpone consideration. 2916, 2917
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 765-69, 777.
Indian Medical Council Bill—
Motion for leave to introduce. 2415.
Indian Partnership Bill—
Consideration of—
Clause 25. 887.
Clause 30. 889-90.
Clause 32. 901, 902.
Clause 68. 916-17.
Motion to pass. 924.

BISWAS, Mr. C. C.—(*concld.*)
Motion for Adjournment *re* excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1995, 1998, 2001.
Motion *re* election of the Standing Finance Committee. 1818, 1821-23.
Motion to reduce Demand for—
"Executive Council" *re*—
Avoidance of Income-tax. 2110-13.
Lack of supervision over the coal transactions of the railways. 2164.
"Railway Board" *re*—
Representation of Muslims in the railway services. 1358, 1364-65.
Public Suits Validation Bill—
Motion to postpone consideration. 2939-42.
Consideration of clause 3. 2959.
Motion to pass. 2962.
Question (Supplementary) *re*—
Arrest of Mr. J. M. Sen-Gupta on board an Italian ship. 549.
Participation of India in the Imperial Economic Conference at Ottawa. 2910-12.
Resolution of the Government of Bengal on the shooting at the Hijli detention camp. 1221.
Secret European circular regarding the reforms. 2725, 2726, 2728.
Resolution *re* establishment of a Supreme Court in India. 594-95.
Salt Additional Import Duty (Extending) Bill—
Motion to add a new clause. 2434-37.
Motion to consider. 686-87.

BLAIR, Mr. JAMES RICHARD—
Oath of Office. 2963.

BLANKETS—
Question *re* insufficient food and —— for prisoners in the North-West Frontier Province. 333.

BOMBAY—
Question *re*—
Claims of British and Indian Seamen in ——. 2655.
Commissioners and Assistant Commissioners of Income-tax in ——. 1942.
Communities of new recruits required for extra work in the Income-tax Department, ——. 1941.
Contribution to Sailors' Home in —— and discrimination against Indians. 2589-90.
Creation of a separate administrative unit in the Kannad-speaking Districts of the —— and Madras Presidencies. 2553.
Days spent in Sind by the Commissioner of Income-tax, —— Presidency. 1591.
Erection of a factory at —— for the manufacture of vegetable ghee. 46.
Expenditure by the Post Office for the occupation of Thakersey House and Irwin House in ——. 2545-46.
Extensions granted to superannuated officers in the Income-tax Department, —— Presidency. 1258-59.
Income-tax assessments in ——. 648.
Motor mail contracts in ——, Madras and Bengal. 2085.
Non-admission of Indians to the Prince of Wales Seamen's Institute, ——. 2587-88.
Purchase of gold by operators in ——. 1062.

BOMBAY—(*concld.*)
Question *re*—(*concld.*)
Reintroduction of a through carriage between Lucknow and —— on the Great Indian Peninsula Railway. 2562.
Representation of the various communities in the Income-tax Department, ——. 1942.
Separation of Sind from ——. 339.
Statement (laid on the table) *re*—
Applications for revision of Income-tax in the —— Presidency. 2613.
Examination of accounts in the Income-tax Department, ——. 1263.
Grant of extensions of service to officers of the Income-tax Department, ——. 1811.
Income-tax applications rejected by the Commissioner of Income-tax, —— Presidency. 2498.
Motor mail contracts in ——, Madras and Bengal. 2967-68.
Period of tour of the Commissioner of Income-tax, —— and Sind. 2729.

BOMBAY, BARODA AND CENTRAL INDIA RAILWAY—
See " Railway(s) ".

BOOK(S)—
Question *re*—
Disallowance of a religious —— to a prisoner in the Ajmer Central Jail. 2568.
Proscription of certain Hindi —— in Ajmer. 47.
Statement (laid on the table) by Sir Evelyn Howell *re* —— proscribed by the Chief Commissioner, Ajmer-Merwara. 2497.

BOOKSTALLS—
Question *re* contracts for —— on the South Indian and Madras and Southern Mahratta Railways. 1131.

BOTANICAL SURVEY—
Demand for Grant. 2337.

BOTANICAL SURVEY, DIRECTOR OF—
Question *re* abolition of the post of ——. 41.

BOUNDARIES QUESTIONS—
Question *re* provincial ——. 1942.

BOUNTIES—
Question *re* import duties or —— on galvanised iron and steel sheets and pipes. 1229-30.

BOW BAZAR—
Question *re* rent paid for the —— Post Office. 2663.

BRANCH LINES—
Question *re*—
Ticket checking on —— of Asansol and Dinapore Divisions. 2210-11.
Ticket checking on Main and ——. 2211.

BRAZIL—
Question *re* facilities for emigration to ——. 1311.

BRAZILIAN IMMIGRATION—
See " Immigration ".

BRIBERY—
Question *re* charges of —— and corruption in Ambala Cantonment. 754.

BRIDGE DEPARTMENT—
Question *re* promotion of Indians in the —— of the Great Indian Peninsula Railway. 823-24.

BRIDGE INSPECTORS—
Question *re* training of —— on the Great Indian Peninsula Railway. 824-25.

BRIJ KISHORE, Rai Bahadur LALA—
General Discussion of the General Budget. 1786.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 449-50.
Motion to reduce Demand for—
" Railway Board " *re*—
Conveniences of the travelling public. 1392-93.
Question *re*—
Additional revenue from increased income-tax. 1381.
Alleged racial discrimination in appointments of senior subordinates on the railways. 628-29.
Appointment of members of minority communities in the Railway Mail Service. 1534.
Cost of divisional organisation on Indian Railways. 627-28.
Cost of investigation to reduce periodical returns of State-managed Railways. 625.
Dissatisfaction among staff of the Railway Mail Service, " A " Division. 2721.
Expenditure on the office of the Railway Conference Association. 626.
Expenditure on the Watch and Ward Department on Railways. 626.
Female education in centrally administered areas in British India. 988.
Higher education of women from centrally administered areas. 988-89.
Holding of the Summer Session of the Legislative Assembly at New Delhi or Simla. 1381-82.
Income-tax on dues received by Zamindars. 1381.
Levy of Income-tax on rents of unoccupied houses. 1380.
Porters appointed to the Railway Mail Service, " A " Division. 2721.
Porters of the Railway Mail Service, " A " Division, removed from service. 2721.
Postal income and increased postage. 1950.
Racial considerations in the retrenchment of posts. 625.
Reduction in cost of officers on special duty with the Railway Board. 627.
Train examiners at junction stations. 628.
Training college for women in the centrally administered areas. 989.
Resolution *re*—
Appointment of a Committee on Education. 861-62.
Appointment of a Committee to hear grievances of retrenched officers. 848-49.
High Courts. 1382.

BRITAIN—
Question *re* contribution by —— to the cost of the British Army in India. 55-56.

BRITISH ARMY—
See " Army ".

BRITISH FAMILY HOSPITAL(S)—
See " Hospital(s) ".

BRITISH INDIA—
Question *re* report on economic and financial relations between —— and Indian States. 41.

BRITISH INDIA STEAM NAVIGATION COMPANY—
Question *re* racial discrimination by the —— in disembarking passengers. 2578.

BRITISH REGIMENTS—
See " Regiment(s) ".

BRITISH SEAMEN—
See " Seaman(men) ".

BRITISH SOLDIER(S)—
See " Soldier(s) ".

BRITISH TROOPS—
See " Troop(s) ".

BROWN, Mr. R. R.—
Oath of Office. 211.

BUDDHIST DESIGN—
Question *re* payment of an honorarium to Mr. Page of the Archæological Department for preparation of a ——. 2356.

BUDGET/GENERAL—
General Discussion of the ——. 1706-54, 1755-1810.
Message from His Excellency the Viceroy and Governor General appointing dates for the presentation and discussion of the ——. 1016-17.
Message from His Excellency the Viceroy and Governor General declaring certain heads of expenditure to be open to discussion by the Legislative Assembly when the —— is under consideration. 1017.
Presentation of the —— for 1932-33. 1627-61.

BUDGET/RAILWAY—
General Discussion of the ——. 1264-1309.
Message from His Excellency the Viceroy and Governor General appointing dates for the presentation and discussion of the ——. 1016.
Message from His Excellency the Viceroy and Governor General appointing the Honourable Sir George Rainy to perform the function assigned to the Finance Member on the occasion of the General Discussion of the ——. 1017.
Presentation of the —— for 1932-33. 1188-96.

BUDGET SURPLUS(ES)—
See " Surplus(es) ".

BUILDING(S)—
Question *re*—
Appointment of a Sikh as caretaker of Government —— in Simla. 1670-71.
Rules for the recovery of rents for Government —— in Simla and Delhi. 1001-02.
Seizure of —— belonging to the Congress. 435.

BUNGALOW(S)—
Question *re*—
Rejection of an application for construction of a —— in Lahore Cantonment. 744.
Resumption by Government of sites of —— in Nowshera. 751-52.
Sub-letting of a Railway —— in Rawalpindi. 2383.
Statement (laid on the table) by Mr. G. M. Young *re* rejection of an application for construction of a —— in Lahore Cantonment. 2615.

BURIAL GROUNDS—
Question *re*—
Encroachments on Muslim —— in Ajmer. 1254-55, 1256.
Report on the encroachment on —— in Ajmer. 1255.

BURMA—
Motion to reduce Demand for—
" Executive Council " *re*—
Separation of —— from India. 2173-93.
Question *re* value of imports and exports of India and ——. 645-46.
Report on financial question arising out of the proposed separation of —— from India. 3014-25.
Statement (laid on the table) by the Honourable Sir George Schuster *re* Report on the Howard-Nixon Memorandum regarding financial questions arising out of the separation of —— from India. 2224-29.

BURSAR—
Question *re* appointment of —— and Warden in the Lady Hardinge Medical College, New Delhi. 44.

BUSINESS—
See " Statement of Business ".

" BUY INDIAN " PROPAGANDA—
Question *re* non-interference with ——. 2781.

BYE-LAWS—
Question *re*—
—— for sweetmeat shops and meat shops in Delhi. 2574.
Sale price of —— and Regulations in Cantonments. 748.

C

CABLE(S)—
Question *re* withholding of a —— sent by Pandit Madan Mohan Malaviya. 2470.

CADET(S)—
Question *re*—
Employment of —— trained on the " Dufferin ". 2586.
Increase in the number of —— admitted to the training ship " Dufferin ". 2585-86.
Indian Army —— admitted to Sandhurst. 2720.
Training of Indian —— for the Royal Air Force. 2560.

CADRE(S)—
Question *re* revised —— and promotion of subordinates in certain Departments of the Great Indian Peninsula Railway. 1066-68.

CALCUTTA—
Question *re*—
Alleged racial discrimination in the medical examination of lady passengers embarking at —— for Rangoon. 2578-79.
Allowance for staff engaged in sorting foreign mail in ——. 1944-45.
Appointments in the office of the Commissioner of Income-tax, ——. 1506-07.
Charge for the cost of establishment of the Indian Museum, ——. 356.
Complaints about a waiting room for relieving staff attending the District Traffic Superintendents' Office, ——. 716.

CALCUTTA—(*concld.*)
Question *re*—(*concld.*)
Deduction from pay of piece-rated employees of the Government of India Press, ——. 2221-23.
Denial of —— Delhi transfer concessions to certain clerks and peons of the office of the Director General of Posts and Telegraphs. 1509.
Export of salt to —— from Karachi. 707.
Kurkutch salt exported from Karachi to ——. 1136.
Pensions of officers of the Indian Museum, ——. 356.
Prices of salt in the —— market. 706.
Quarters in the Arcade Building of the —— General Post Office. 372-73.
Railway concessions for the transport of Khewra salt to ——. 1136.
Strength and supervising and operating staff in the East Indian Railway Press, —— and Howrah. 2219-21.
Statement (laid on the table) by Mr. G. M. Young *re* medical examination of lady passengers embarking at —— for Rangoon. 2912.

CAMBRIDGE—
Question *re* —— University Examinations. 2472-73.

CANAL(S)—
Question *re* —— water-rates in the North-West Frontier Province. 64.

CANARESE—
Question *re* recruitment of members of Marathi and —— backward communities in Central Government Services. 1928.

CANDIDATE(S)—
Question *re*—
Alleged grant of certificates to ineligible —— to appear at examinations in Ajmer. 375-76.
—— granted scholarships for training in Marine Engineering. 2584.
Success of —— in Subordinate Accounts Service Examinations. 1940.
Statement (laid on the table) by the Honourable Sir George Schuster *re* success of —— in Accounts Service Examinations. 2793.

CANE—
Question *re* money distributed for —— growing and sugar manufacture. 986.

CANING—
Question *re* alleged —— of pickets in Tinnevelly. 532.

CANTONMENT(S)—
Question *re*—
Action taken under section 25 of the Cantonments Act by the Executive Officer, Ambala ——. 749.
Age-limit for appointment of —— Fund employees. 753-54.
Appeals in ——. 2215-16.
Building applications of Indians rejected in Peshawar ——. 30-31.
Charges of bribery and corruptions in Ambala ——. 754.
Construction of a Roman Catholic Church at Mingaladon ——. 2577-78.
Encroachment on adjoining land of houses in Benares ——. 1595-96.
Executive Officers in Indian ——. 750.
Extension of the house-scavenging tax in Amabala ——. 745-46, 1241.
Heavy taxation in Dehra Dun ——. 748.
House-scavenging tax in Ferozepore ——. 30.
Licences of meat sellers in Lahore ——. 744.
Prosecutions instituted by the Executive Officer, Sialkote ——. 1593-94.
Provision of an elected Board for Peshawar ——. 2482.

CANTONMENT(S)—(*concld.*)
Question *re*—(*concld.*)
Recovery of a hospital fee in Allahabad ——. 747.
Refusal of permission to hold a meeting in Cawnpore ——. 744-45.
Rejection of an application for construction of a bungalow in Lahore ——. 744.
Representation of the people of —— on the Round Table Conference and its Committees. 750-51.
Sale price of bye-laws and regulations in ——. 748.
Transfer of Lieut.-Colonel M. Dockrell from Peshawar ——. 748-49.
Statement (laid on the table) by Mr. G. M. Young *re*—
Disposal of appeals by the Inspecting Officer, Military Lands and ——, Northern Command. 2854.
Hindu-Muhammadan High School, Ambala ——. 2491.
Platforms, the erection of which has been condoned in Ambala ——. 2491.

CANTONMENT(S) ACT—
See " Act(s) ".

CANTONMENT(S) ASSOCIATION—
Question *re* supply to the All-India —— of important Government circulars. 755.

CANTONMENT BOARD(S)—
Question *re*—
Appointment of an Assistant Secretary to the Ambala ——. 753.
Exemption of —— from Audit charges. 747.
Introduction of elected —— in the North-West Frontier Province. 745.
Refusal of the Executive Officer, Lahore —— to convene a special meeting of the Board. 743-44.
Taking over of the H. M. High School by the Ambala ——. 1241.
Withholding of resolutions from the meeting of the Lahore, ——. 743.
Statement (laid on the table) by Mr. G. M. Young *re* non-inclusion of certain resolutions in the agenda of a meeting of the Lahore ——. 2616.

CANTONMENTS CONFERENCE—
Question *re* resolutions passed by the All-India ——. 754-55.

CAPITAL OUTLAY ON CURRENCY NOTE PRESS—
Demand for Grant. 2344.

CAPITAL OUTLAY ON LIGHT HOUSES AND LIGHT SHIPS—
Demand for Excess Grant. 928.
Demand for Grant. 2344.

CAPITAL OUTLAY ON SECURITY PRINTING—
Demand for Grant. 2343.

CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR—
Demand for Grant. 2344.

CAPITATION CHARGES—
Question *re* institution of a tribunal to consider ——. 1238.

CAPITATION GRANT—
Question *re* discontinuance of the —— for education of railway employees. 1927.

CARETAKER—
Question *re* appointment of a Sikh as —— of Government buildings in Simla. 1670-71.

CASH AND PAY DEPARTMENT—
Question *re* introduction of the contract system in the —— of the East Indian Railway. 2485-86.

CASH BRANCH(ES)—
Question *re* abolition of the posts of Superintendents of Wireless and —— of the Office of the Director General of Posts and Telegraphs. 1507.

CASH CREDIT(S)—
Question *re* deposits, loans and —— of other banks with the Imperial Bank of India. 1063-64.

CASH SECTION—
Question *re* communal composition of the Establishment section and —— of the Army Department. 2372-73.

CASHIER(S)—
Question *re*—
Pay of the —— in the Office of the Assistant Director of Ordnance Services (Provision). 1622-23.
Pay of the ——, Railway Board. 1698.
Promotion of a —— in the office of the Assistant Director of Ordnance Services (Provision). 2576.
Railway passes allowed to the——, Railway Board. 1698-99.

CASUAL LEAVE—
Question *re* —— for officers and clerks on the North Western Railway. 2396.

CASUALTY(IES)—
Question *re*—
—— caused in dispersing crowds. 346.
Statement (laid on the table) by the Honourable Sir James Crerar *re* —— among the police and public arising out of measures taken against the Civil Disobedience Movement. 2497.

CATERING—
Question *re* overcrowding and —— on the Grand Trunk Express. 547.

CAWNPORE—
Question *re*—
Complaint about the treatment of subordinates at the —— Central Station. 716.
Discharge on the grounds of superannuation of a parcels clerk of ——. 1000.
Prices of wheat at —— and Lyallpur. 536-37.
Refusal of permission to hold a meeting in —— Cantonment. 744-45.
Statement (laid on the table) by Mr. G. M. Young *re* taxation in the —— Cantonment. 2730.

CELL(S)—
Question *re* confinement in a dark —— of a prisoner in the Ajmer Central Jail. 2564.

CENSORSHIP—
Question *re*—
—— of foreign newspaper correspondents in India. 2010-12.
—— of news sent to foreign newspapers. 2559.
—— of Press messages of proceedings of the Legislative Assembly. 1231.
—— of Press messages regarding proceedings of the Assembly. 1077-78.
Press ——. 1245.

CENSUS—
Demand for Grant. 2339.
Question *re*—
—— enumeration of Christian and Muhammadan depressed classes. 1232.
—— figures. 650-51.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS—
See " Advisory Council for Railways ".

CENTRAL BOARD OF REVENUE—
Demand for Grant. 2335.
Question *re* retrenchment of Officers of the ——. 58.

CENTRAL CIRCLE—
Question *re* appointments abolished in the —— of the Postal and Railway Mail Service. 35.

CENTRAL DEPARTMENTS—
Question *re* proportions of European to Indian Officers retrenched in ——. 42.

CENTRAL GOVERNMENT—
Question *re*—
Appointment of Muslims to ministerial establishments of the ——. 2087-88.
Contributions to the —— from the projected provinces of the North-West Frontier and Sind. 355.
Financial relations between the —— and the Provinces. 2718.
Recruitment of members of Marathi and Canarese backward communities in —— services. 1928.
Re-employment of men retrenched from offices under the ——. 880.
Vacancies for members of minority communities in —— Departments. 2086-87.
See also " Government of India ".

CENTRAL INDIA—
Demand for Grant. 2343.

CENTRAL JAIL(S)—
See " Jail(s)".

CENTRAL LEGISLATURE—
Question *re* formation of Franchise Committees of the ——. 875.

CENTRAL PUBLICITY BUREAU—
Question *re* visit of the Director of the —— to Meerut in connection with the Meerut Conspiracy Case. 644.

CENTRAL REVENUES—
Question *re*—
Expenditure from —— on Provincial subjects. 2580.
Staff of the office of the Accountant General ——. 699.

CENTRAL STAMP STORES—
Question *re*—
Appointment of Muslims in the Security Printing, India, Currency Note Press and ——. 543.
Staff of the Security Printing, India, Currency Note Press and —— at Nasik. 542-43.

CENTRAL TELEGRAPH OFFICE(S)—
See " Telegraph Office(s) ".

CENTRALLY ADMINISTERED AREAS—
Question *re*—
Female education in —— in British India. 988-89.
Higher education of women from ——. 988-89.
Training College for women in the ——. 989.

CERTIFICATE(S)—
Question *re*—
Alleged grant of —— to ineligible candidates to appear at examination in Ajmer. 375-76.
—— granted to apprentices in Ordnance Factories. 1261.
Medical —— of Ayurvedic practitioners. 642.

CHAIRMAN(EN)—
Nominations to the Panel of ——. 378.
Question *re* election of —— of the Ajmer Municipal Board. 2390-91.

CHAND BAORI—
Question *re* houses built on the Muslim graveyard at Idgah ——, Ajmer. 1256.

CHANDI MAL GOLA, BHAGAT—
Question *re* success of candidates in Subordinate Accounts Service Examinations. 1940.

CHANDIWALA, HAR DHIAN SINGH—
Question *re* alleged wrongful detention in prison of ——. 1522-23.

CHARGEMEN—
Question *re* communities of —— appointed in the East Indian Railway Workshop at Lucknow. 567.

CHECKER(S)—
Question *re* pay of clerks, store-keepers and —— of the Indian Army Service Corps. 51-55.

CHETTY, MR. R. K. SHANMUKHAM—
Appointent of —— as chairman on the Committee on Petitions. 937.
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1089-91, 1096.
Consideration of clause 2. 1141-42.
Consideration of clause 4. 1147-48.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 669.
Consideration of the Report of the Public Accounts Committee. 1203-06.
General Discussion of the Railway Budget. 1270-73.
Hindu Marriages Dissolution Bill—
Motion to re-circulate. 944.
Hindu Untouchable Castes (Removal of disabilities) Bill—
Motion for leave to introduce. 939-40.
Indian Partnership Bill—
Motion to consider. 802, 804.
Consideration of clause 32. 903.

CHETTY, Mr. R. K. SHANMUKHAM—(*concld.*)
Indian Trusts (Amendment) Bill—
Motion for leave to introduce. 943.
Motion to reduce Demand for "Railway Board" *re* future of the Railway Board and the constitutional aspect. 1487-91.
Nomination of —— to the House Committee. 1017-18.
Prevention of Dedication of Devadasis Bill—
Motion for leave to introduce. 940.
Question (Supplementary) *re*—
Effect of new currency policy. 364.
Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 350.
Resolution *re*—
Duties on galvanised iron and steel pipes and sheets. 1057, 1161-63, 1165, 1170-71.
Establishment of a Supreme Court in India . 592-94.
Recent Ordinances. 275-78.
Suggestion from —— on the statement of business by the Honourable Sir George Rainy. 937-38.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1033-34.
Consideration of clause 1. 1040.

CHIEF ACCOUNTS OFFICE—
Question *re*—
Confirmation of probationers in the ——, East Indian Railway. 2607.
Seniority lists of staff of the ——, North Western Railway. 707-08.

CHIEF ACCOUNTS OFFICER—
Question *re*—
Allegations against the Deputy ——, General Branch, East Indian Railway. 556-57.
Arrears of pay of certain clerks promoted by the ——, North Western Railway. 1061-62.
Lack of notice to staff retrenched in the office of the ——, North Western Railway. 607.
Retrenchment in the office of the ——, North Western Railway. 565-66, 607-10.

CHIEF CLERKS—
Question *re* appointment of British Military —— in Arsenals and Ordnance Depôts. 1240-41.

CHIEF COMMISSIONER—
Statement (laid on the table) by Sir Evelyn Howel *re* books proscribed by the ——, Ajmer-Merwara. 2497.

CHIEF CONTROLLER OF STORES—
Question *re* domicile of Mr. J. S. Pitkeathly, ——, Indian Stores Department. 2377.

CHIEF DRAFTSMAN—
See "Draftsman".

CHIEF ENGINEER(S)—
Question *re*—
Reduction of the pay of the ——, Construction, North Western Railway and his staff. 2400.
Retrenchment in the office of the ——, Delhi. 1613.

CHIEF GOODS CLERK—
See " Goods Clerk ".

CHIEF JUSTICE(S)—
Resolution *re* —— of High Courts. 125-53.

CHIEF MEDICAL OFFICER—
Statement (laid on the table) by Mr. P. R. Rau *re* Muslim clerks discharged from the office of the ——, North Western Railway. 2616.

CHIEF PERSONNEL OFFICER(S)—
Question *re* reorganisation of the office of the ——, North Western Railway. 564.

CHIEF TRAFFIC MANAGER—
Question *re* denial of holidays to the staff of the ——'s Office, Great Indian Peninsula Railway. 1070.

CHILD(REN)—
Question *re*—
Education of the —— of press employees in Delhi. 2550.
Education of the —— of railway employees at Gorakhpur. 1526-27.
Free passes for —— of railway employees. 654.
Schools for the —— of British soldiers. 110-11.

CHILD MARRIAGE RESTRAINT ACT—
See " Act(s) ".

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL—
See " Bill(s) ".

CHILD MARRIAGE RESTRAINT (REPEALING) BILL—
See " Bill(s) "

CHINA—
Question *re* dispatch of British troops from India to ——. 813.

CHINOY, Mr. RAHIMTOOLA M.—
Nomination of —— to the House Committee. 1017-18.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3005.
Question *re*—
Amendments of Acts affecting workmen. 339.
Closing of the Railway Staff College at Dehra Dun. 354.
Commissioned reserve officers in the Indian Army. 352.
Contributions to the Central Government from the projected provinces of the North-West Frontier and Sind. 355.
Cost of sending European soldiers to the hills. 352.
Cost to India of the Round Table Conference and Committees. 353.
Exemptions, etc., under section 60 of the Indian Income-tax Act. 2559.
" Extraordinary Receipts " of the Government of India. 2560.
Indian representation in the Secretariat of the League of Nations. 340-41.
Military Power Houses. 351-52.
Number of aeroplanes purchased for the Air Force in India. 351.
Recruitment for the Indian Medical Service. 353.
Resolutions adopted by the Legislative Assembly in 1931. 339.
Retrenchment effected in various departments. 340.

CHINOY, MR. RAHIMTOOLA M.—(*concld.*)
Question *re—contd.*
Retrenchment in the staff of the Geological Survey of India. 355.
Revenue sacrificed under section 49 of the Indian Income-tax Act. 2559.
Rumoured further 10 per cent. cut in salaries. 354-55.
Separation of Sind from Bombay. 339.
Suspension or reduction of recruitment by the Public Service Commission. 354.

CHITTAGONG—
Question *re*—
Alleged assaults on students and teachers in ——. 437-38.
Circular to the Military Authorities at —— to refrain from reprisals on communal lines. 47-48.
Despatch of troops to —— and arrest of abseconders. 343.

CHRISTIAN(S)—
Question *re*—
Appointment of a non- —— in the Archæological Department. 1609.
Appointment of Indian —— in Government of India Departments. 1608-09.
Census enumeration of —— and Muhammadan depressed classes. 1232.
Indian —— employed on railways. 1243-45.
Nomination of Indian—— as members of the Ajmer Municipal Committee. 2655-56.
Percentage of appointments held by Indian —— on the South Indian Railway. 560-62.

CHURCH—
Question *re* construction of a Roman Catholic —— at Mingaladon Cantonment. 2577-78.

CINEMA—
Question *re* false —— films shown in India. 363.

CIRCUITS—
Question *re* —— of telegraph lines entering New Delhi and Agra. 1315.

CIRCULAR(S)—
Question *re*—
—— to the Military Authorities at Chittagong to refrain from reprisals on communal lines. 47-48.
Secret European —— regarding the Reforms. 2721-28.
Supply to the All-India Cantonments Association of important Government. ——. 755.

CITIZEN(S)—
Question *re* expulsion of certain —— from Mhow Cantonments. 2212-13.

CITIZENS' LEAGUE—
Question *re* complaint by Mr. P. D. Sharma of assault at a meeting of the ——, Delhi. 2467-68.

CITY BOYS' SCHOOL—
See " School(s) ".

CIVIL ACCOUNTS OFFICE(S)—
See " Accounts Office(s) ".

CIVIL AVIATION—
Question *re* —— establishment in the Imperial Secretariat, New Delhi. 1606.

CIVIL DISOBEDIENCE MOVEMENT—
Statement (laid on the table) by the Hon'ble Sir James Crerar *re*—
Casualties among the police and public arising out of measures taken against the ——. 2497.
Number of convictions under the Ordinances in connection with the ——. 2413.

CIVIL EXPENDITURE—
Question *re* savings in —— to be effected by the 10 per cent. cut in salaries. 34-35.

CIVIL VETERINARY SERVICES—
Demand for Grant. 2339.

CIVIL WORKS—
Demand for Grant. 2341.

CLAIM(S)—
Quetion *re* belated —— of ex-Military men to pay, pension, etc. 2385.

CLAIMS BRANCH(ES)—
Question *re* non-transfer of staff of Rates and —— in the Great Indian Peninsula Railway. 1066.

CLAIMS WORK—
Question *re* recruitment of certain European Officers for Rates and —— in the Great Indian Peninsula Railway. 1066.

CLEARING ACCOUNTS OFFICE—
Question *re* provision of quarters for the staff of the Railway——, Delhi. 2560-61.

CLERICAL APPOINTMENTS—
Question *re* reduction of —— and appointment of Superintendents in the office of the Assistant Director of Ordnance Services (Provision). 1623.

CLERICAL ESTABLISHMENT(S)—
Question *re* increase of hours of —— on State Railways. 2403.

CLERK(S)—
Question *re*—
Accommodation for —— in the Audit Office, Bengal and North Western Railway. 1530.
Allegations against Mr. Manohar Lall, a —— in the Office of the Assistant Director of Ordnance Services (Provision). 1623-24.
Alleged threatening of Muslim —— in the Railway Clearing Accounts Office. 2362.
Allotment of quarters in New Delhi to —— of the local Public Works Department. 720.
Allotment of quarters in New Delhi to temporary ——. 720.
Appointment of British Military Chief —— in Arsenals and Ordnance Depôts. 1240-41.
Appointment of Muslims as —— and Assistant Surgeons on the North Western Railway. 1601.
Carelessness of a Head —— in the Government of India Press, Aligarh. 1663.
Casual leave for officers and —— on the North Western Railway. 2396.
—— maintained on the frontier of Nepal in Bengal and North Western Railway Stations. 1524-25.
—— quarters in New Delhi. 719.

CLERK(S)—(*concld.*)
Question *re*—(*concld.*)
—— quarters in New Delhi required by the various Departments. 720-21.
—— quarters in New Delhi vacated by retrenched ——. 720.
Communities of —— employed in Military Dairy Farms. 1003.
Communities of ——, etc., on the North Western Railway. 1233.
Denial of Calcutta-Delhi transfer concessions to certain —— and peons of the office of the Director General of Posts and Telegraphs. 1509.
Discharge of a Muslim —— from the Royal Air Force Headquarters. 2489.
Discharge of Muslim —— from the Headquarters office, North Western Railway. 1601-02.
Discharge of Sikh —— from the Military Accounts Department. 1683-84.
Discharge on the grounds of superannuation of a parcels —— of Cawnpore. 1000.
Employment in non-signalling posts of telegraphist postal ——. 1516-17.
Employment of —— for checking accounts on Military Dairy Farms. 1003.
Endorsement of passes of Officers and —— on the North Western Railways. 2394-95.
Exemption of certain —— from the 10 per cent. cut in pay. 1508-09.
Grant of concessions to —— of the North Western Railway Offices for attending office on Sundays and holidays. 2403.
Income-tax Officers, Inspectors and —— in the Punjab and North-West Frontier Province. 1673-74.
Muslim —— in offices under the control of the Financial Commissioner, Railways. 1699.
Muslim establishment —— in the East Indian Railway. 1015.
Mussalman Income-tax Officers and —— in the Income-tax Department. 632.
Non-retrenchment of low-paid —— and typists. 880.
Number of —— in the office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India. 2719.
Officers' and ——' grades on the North Western Railway. 563-64.
Pay of —— store-keepers and checkers of the Indian Army Service Corps. 51-55.
Pay of second division —— in the Government of India Secretariat. 68.
Percentage of Muslim Assistants, and —— in the Railway Board's Office. 1695.
Promotion of —— at the Headquarters Office, North Western Railway. 2402-03.
Promotion of postmen at lower division. 2662.
Promotion of routine —— in the Secretariat. 2480-81.
Recruitment of Sikh —— in the Delhi Head Post Office. 2657.
Recruitment of two unqualified non-Muslim —— in Ajmer-Merwara. 2022.
Sikh and Muslim —— in the Finance Department. 1252.
Terms of service of Officers, ——, store-keepers, etc., in the Indian Army Service Corps. 45-46.
Statement (laid on the table) by Mr. P. R. Rau *re* Muslim —— discharged from the office of the Chief Medical Officer, North Western Railway. 2616.

CLERKSHIP(S)—
Question *re* introduction of lower division —— in the Postal Department. 2661-62.

CLOTH(S)—
Question *re* —— seized by the Police at Bhagalpur. 357.
Statement (laid on the table) by the Honourable Sir James Crear *re* —— seized from the All-India Spinners Association. 2498.

CLOTH MERCHANTS—
See " Merchants ".

CLOTHE(S)—
Question *re*—
—— of prisoners in the Ajmer Jail. 1665-66.
Insufficiency of —— provided for prisoners in the Ajmer Jail. 2563-64.

CLOTHING—
Question *re* contract for —— entrusted to Messrs. Hoe and Company. 1131-32.

CLOTHING ALLOWANCE(S)—
See " Allowance(s) ".

CLOTHING FACTORIES—
Question *re* vocational training in Ordnance and ——. 1261.

CLOW, Mr. A. G.—
Oath of Office. 13.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2996-98.
Workmen's Compensation (Amendement) Bill—
Motion to circulate. 1053-54.

CLUB(S)—
Question *re* advance of money by Government to the Imperial Gymkhana ——, New Delhi. 551-52.

COAL—
Motion to reduce Demand for " Executive Council " *re* lack of supervision over the —— transactions of railways. 2155-72.
Question *re*—
Contracts for unloading and stacking —— on the Great Indian Peninsula Railway. 1934-35.
Surcharge on —— freight. 50.
Statement (laid on the table) by Mr. P. R. Rau *re* contracts for unloading and stacking —— on the Great Indian Peninsula Railway. 2617.

COAL MINE(S)—
Resolution *re* hours of work in ——. 1177-81.

COASTAL TRAFFIC—
See " Indian —— (Reservation) Bill " under " Bill(s) ".

COCKE, Sir HUGH—
General Discussion of the General Budget. 1709-13, 1719, 1730, 1781.
General Discussion of the Railway Budget. 1268-70, 1290.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 775.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy affected by Government under Customs. 2237.
" Executive Council " *re*—
Avoidance of income-tax. 2100-02, 2108.
" Railway Board " *re*—
Conveniences of the travelling public. 1388.
Future of the Railway Board and the constitutional aspect. 1558-62.

COCKE, SIR HUGH—(*concld.*)
Oath of Office. 211.
Obstruction of Members entering the Assembly Chamber. 1079.
Resolution *re*—
Recent Ordinances. 222-25.
Stabilisation of exchange and prices. 830.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—
See " Bill(s) ".

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—
See " Bill(s) ".

COLD—
Question *re* prisoners exposed to the —— in the North-West Frontier Province. 332-33.

COLLEGE(S)—
Question *re*—
Abolition of the Staff —— at Dehra Dun. 59-60.
Closing of the Railway Staff ——, Dehra Dun. 354.
—— for women in the Centrally Administered Areas. 989.
" Correspondence "—— in India. 703.
Statement (laid on the table) by Sir Frank Noyce *re* " correspondence " —— in India. 2498.

COMMERCE DEPARTMENT—
Demand for Grant. 2335.
Demand for Supplementary Grant. 933.

COMMERCIAL AND TRANSPORTATION DEPARTMENT(S)—
Question *re* amalgamation of the —— of the Great Indian Peninsula Railway. 1070-71.

COMMERCIAL DEPARTMENT(S)—
Question *re* re-amalgamation of the —— and Transportation Department of the Great Indian Peninsula Railway. 1937.

COMMERCIAL INTELLIGENCE AND STATISTICS—
Demand for Grant. 2339.

COMMISSION(S)—
Motion to reduce Demand for " Executive Council " *re* Royal —— on Labour. 2145-55.
Question *re*—
Grievances of the Muslim community against the Public Service ——. 2085-86.
Recruitment of Muslims by the Public Service ——. 2088-94.
Report of Royal —— on Labour. 1528-29.

COMMISSIONED OFFICER(S)—
See " Officer(s) ".

COMMISSIONER(S)—
Question *re* appointment of Muslims to the Office of the ——, Ajmer-Merwara. 2023.

COMMISSIONER(S) OF INCOME-TAX—
Question *re*—
Appointment of a Muslim as Assistant ——. 2573.
Appointment of a Muslim as —— in the Punjab, North-West Frontier Province and Delhi. 2573.
—— and Assistant —— in Bombay. 1942.
Days spent in Sind by the ——, Bombay Presidency. 1591.
Disposal of files in the Office of the ——, Bengal. 366-67.
Inspections made by Mr. F. W. Strong, ——, Bengal. 368-70.
Instructions for the —— Sind. 1590.
Office hours kept by Mr. F. W. Strong, ——, Bengal. 371.
Transfer of appeals from one —— to another. 330.
Travelling allowance drawn on inspection tours by Mr. F. W. Strong, ——, Bengal. 367-68.
Visit to Kalimpong of Mr. Strong, ——, Bengal. 2486-87.
Statement (laid on the table) by—
The Honourable Sir George Rainy *re* period of tour of the ——, Bombay and Sind. 2729.
The Honourable Sir George Schuster *re* Income-tax applications rejected by the ——, Bombay Presidency. 2498.

COMMITTEE(S)—
Appointment of the —— on Petitions. 937.
Consideration of the Report of the Public Accounts ——. 1196-1214.
Constitution of a House ——. 1017-18.
Election of Members to the Public Accounts ——. 2231, 2500, 2612.
Election of Members to the Standing —— for Roads. 1018, 1264, 1319.
Election of Members to the Standing —— for the Department of Education, Health and Lands. 1018-19, 1383, 1867, 1951.
Election of Members to the Standing —— on Emigration. 1826, 1828, 2415, 2490.
Election of Members to the Standing Finance ——. 1812-25, 1828, 2415, 2490.
Election of Members to the Standing Finance —— for Railways. 1826, 1828, 2500, 2612.
Presentation of the Report of the Public Accounts ——. 379-92.
Question *re*—
Appointment of Indians to high offices and to Advisory —— on railways. 106.
Bengal is appointed on the staff of the Round Table Conference ——. 566.
Composition of the Indian Immigration —— in the Malay Peninsula. 334.
Cost to India of the Round Table Conference and ——. 353.
Deficit shown by the Sindh ——. 2582.
Formation of Franchise —— of the Central Legislature. 875.
Hide Cess Enquiry ——'s Report. 641.
Members nominated for the —— of the Round Table Conference. 532-35.
Members of the Frontier Reforms Advisory ——. 556.
Members of the Legislative Assembly nominated to Retrenchment ——. 656-57.
Number of Sikhs on —— of the Round Table Conference. 1674-75.
Recommendations of Retrenchment ——. 378.
Recommendations of the Posts and Telegraphs Retrenchment Sub ——. 2606.
Recommendations of the Retrenchment —— regarding Dairying and Animal Husbandry Departments. 2784-85.
Report of the —— of enquiry into the riot at Dera Ismail Khan. 537-38.
Report of the Railway Retrenchment Sub ——. 1531.
Reports of Retrenchment ——. 364.
Reports of Retrenchment —— and the places visited by them. 630-32.

COMMITTEE(S)—(*concld.*)
Question *re*—(*concld.*)
Reports of Retrenchment Sub ——. 1136.
Representation of the people of Cantonments on the Round Table Conference and its ——. 750-51.
Work of the Railway Retrenchment Sub —— and the Expert ——. 361.
Report of the Public Accounts ——. 1181-86.
Resolution *re*—
Appointment of a —— on Education. 851-74.
Appointment of a —— to hear grievances of retrenched officers. 843-50.
Statement (laid on the table) by the Honourable Sir George Rainy *re* number of Sikhs and members of other communities on —— of the Round Table Conference. 2614.

COMMITTEE ON PETITIONS—
Appointment of the ——. 937.

COMMUNAL COMPOSITION—
Question *re* —— of the Establishment and Cash Sections of the Army Department. 2372-73.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* Sub-Post Offices in the Dehra Dun Division and —— of their staffs. 1625-26.

COMMUNAL DISTURBANCES—
Statement (laid on the table) by the Honourable Sir James Crerar *re* Government servants murdered in —— and political disturbances. 2492-96.

COMMUNAL INEQUALITY(IES)—
Question *re*—
Adjustment of —— in the Indian Medical Service. 970.
—— in the Home Department. 1697.
—— in the North-West Frontier Province. 2403.
Redress of —— in the Government of India Press, New Delhi. 2404.
Redress of —— in the Railway Board's Office. 1696.

COMMUNAL LINES—
Question *re* circular to the Military Authorities at Chittagong to refrain from riprisals on ——. 47-48.

COMMUNAL PROBLEM—
Question *re* settlement of the ——. 2484-85.

COMMUNAL PROPORTION(S)—
Question *re* maintenance of —— in Departments in connection with retrenchments. 1126-27.

COMMUNITY(IES)—
Question *re*—
—— of chargemen appointed in the East Indian Railway Workshop at Lucknow. 567.
—— of clerks employed in the Military Dairy Farms. 1003.
—— of clerks, etc., on the North-Western Railway. 1233.
—— of new recruits required for extra work in the Income-tax Department, Bombay. 1941.
—— of postmen and inferior servants in Mussoorie Post Offices. 877.
Cost of staff of various —— on Indian Railways. 1074.
Criteria for appointment of various —— to Government services. 2489.
Number and —— of staff in each Division of the North-Western Railway. 1945.
Percentage of different —— on the subordinate staff of State Railways. 1074.

COMMUNITY(IES)—(*concld.*)
Question *re*—(*concld.*)
Recruitment of members of Marathi and Canarese backward —— in Central Government Services. 1928.
Recruitment of minor —— in Government of India Departments. 1609.
Report on the representation of Minority —— in Railway Service. 1074-75.
Representation of the various —— in the Income-tax Department, Bombay. 1942.
Vacancies for members of minority —— in Central Government Departments. 2086-87.
Statement (laid on the table) *re*—
—— of postmen and inferior servants in Mussoorie Post Offices. 2615.
Number of Sikhs and members of other —— on Committees of the Round Table Conference. 2614.

COMMUTED VALUE OF PENSIONS—
Demand for Grant. 2345.

COMPANIES AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS (RAILWAYS)—
Demand for Grant. 1581.
Demand for Supplementary Grant. 1829.

COMPANIES (SUPPLEMENTARY AMENDMENT) BILL—
See " Indian —— " under " Bill(s) ".

COMPANY-MANAGED RAILWAYS—
See " Railway(s) ".

COMPARTMENT—
Question *re* women prisoner transferred to Lahore in a third class ——. 1523-24.

COMPENSATION—
Question *re* —— for theft by British soldiers in the British Infantry Bazar, Bareilly. 2577.

COMPETITIVE EXAMINATION(S)—
See " Examination(s) ".

COMPLAINT(S)—
Question *re*—
—— against the Railway Company by the *ex*-Station Master, Katni. 1227-28.
—— of official interference in the management of the Great Indian Peninsula Railway Employees' Co-operative Society. 1072-73.

COMPOSITOR(S)—
Question *re*—
Cut in pay of binders, ——, etc., in the East Indian Railway Press. 2218-19.
Discharge of —— and binders from the East Indian Railway Press. 2217-18.

COMPUTOR(S)—
Question *re* appointment of —— for calculation and design of structures in the Public Works Department, Delhi. 2475.

CONCESSION(S)—
Question *re*—
Denial of Calcutta-Delhi transfer —— to certain clerks and peons of the office of the Director General of Posts and Telegraphs. 1509.
Railway —— for the transport of Khewra salt to Calcutta. 1136.
Retrenchment ——. 548.

CONFERENCE(S)—
Question *re*—
Case for Berar prepared by the Berar All-Parties ——. 439.
Cost to India of the Round Table —— and Committees. 853.
Expenditure on the office of the Railway —— Association. 626.
Number of Sikhs on Committees of the Round Table ——. 1674-75.
Participation of India in the Imperial Economic —— at Ottawa. 2910-12.
Resolutions passed by the All-India Cantonments ——. 754-55.

CONGRESS—
Question *re*—
Alleged objectionable methods in search for —— funds adopted by the Police Inspector, Ajmer. 2568.
—— property seized by Government. 435-36.
Seizure of buildings belonging to the ——. 435.
Seizure of —— funds. 366.
The Indian National ——. 2378-80.
Violation by the —— of the Irwin-Gandhi Pact. 969.

CONGRESS FLAG—
Question *re* arrest of a shop-keeper for flying the ——. 2565.

CONSERVANCY INSPECTOR—
Question *re*—
Abolition of the post of Assistant —— at the Central Telegraph Office. 559-60.
Pay of the —— of the Telegraph Office, Simla. 560.

CONSPIRACY CASE—
Question *re*—
Comment on the Meerut —— in the *Times of India* Annual. 644-45.
Visit of the Director of the Central Publicity Bureau to Meerut in connection with the Meerut ——. 644.

CONSTITUTION—
Question *re*—
Expediting the establishment of the new —— in India. 330-31.
Letter by Members of the Legislative Assembly on the Future —— of India. 2715-16.

CONSTITUTIONAL ASPECT—
Motion to reduce Demand for " Railway Board " *re* future of the Railway Board and the ——. 1462-1504, 1535-78.

CONSTITUTIONAL ISSUE—
Motion to reduce Demand for " Executive Council " *re* ——. 1952-85.

CONSTITUTIONAL PROBLEMS—
Question *re* —— of backward tracts. 622-25.

CONSTITUTIONAL REFORM(S)—
See " Reform(s) ".

CONTRACT(S)—
Question *re*—
—— for bookstalls on the South Indian and Madras and Southern Mahratta Railways. 1131.
—— for clothing entrusted to Messrs. Hoe and Company. 1181-32.
—— for the Air Mail Service in India by Messrs. Tata and Sons. 530.
—— for the conveyance of mails between Erode and Satyamangalam. 1219-20.

CONTRACT(S)—(*concld.*)
Question *re*—(*concld.*)
—— for the conveyance of mails in the Dehra Dun and Jhansi Postal Divisions. 2095-96.
—— for unloading and stacking coal on the Great Indian Peninsula Railway. 1934-35.
Motor mail —— in Bombay, Madras and Bengal. 2085.
South Indian Railway Printing —— with Messrs. Hoe and Company. 1134.
Statement (laid on the table) by—
Mr. P. R. Rau *re* —— for unloading and stacking coal on the Great Indian Peninsula Railway. 2617.
Mr. T. Ryan *re* —— for the conveyance of mails between Erode and Satyamangalam. 2968.
Mr. T. Ryan *re* Motor Mail —— in Bombay, Madras and Bengal. 2967-68.

CONTRACT SYSTEM—
Question *re*—
Introduction of the —— in the Cash and Pay Department of the East Indian Railway. 2485-86.
Replacement of the —— on the Bengal Nagpur Railway by the Departmental System. 2486.

CONTRIBUTION(S)—
Question *re*—
Amount of —— from different nations to the League of Nations. 2347-50.
—— by Britain to the cost of the British Army in India. 55-56.
—— to the Central Government from the projected provinces of the North-West Frontier and Sind. 355.
Staff of the League of Nations Secretariat and the amount of —— made by different nations. 349-51.

CONTROLLER(S)—
Question *re*—
Appointment of Assistant —— on the North-Western Railway. 986, 1605-06.
Appointment of Assistant Train —— on the North-Western Railway. 811-12, 827.

CONTROLLER OF INSPECTION—
Question *re* post of Personal Assistant to the ——, Indian Stores Department. 1686-87.

CONTROLLER OF MILITARY ACCOUNTS—
Question *re* number of persons discharged from the Office of the ——, Lahore. 2014.

CONTROLLER OF RAILWAY ACCOUNTS—
Question *re*—
Candidates for an examination held by the ——. 1672.
Discharge of temporary staff in the —— office. 1316-17.
Office hours in the office of the ——. 1316.

CONVENIENCES—
Motion to reduce Demand for "Railway Board" *re* —— of the travelling public. 1383-1402.

CONVENTION—
Statement *re* Draft —— and Recommendations *re* protection against accidents of workers employed in loading and unloading ships. 2818-19.

CONVEYANCE ALLOWANCE(S)—
See "Allowance(s)".

CONVICTION(S)—
Question *re*—
—— under the new Ordinances. 338.
Number of —— under the Child Marriage Restraint Act. 2010.
Pensions withheld on account of —— in political cases. 2604.
Statement (laid on the table) by the Honourable Sir James Crerar *re* number of —— under the Ordinances in connection with the Civil Disobedience Movement. 2413.

CO-OPERATIVE CREDIT SOCIETY—
Question *re* North Western Railway ——. 1618.

CO-OPERATIVE SOCIETY—
Question *re* complaint of official interference in the management of the Great Indian Peninsula Railway Employees' ——. 1072-73.

COPY-HOLDER(S)—
Question *re* appointment of Muslims as —— in the Government of India Press, New Delhi. 2403-04.

CORRESPONDENCE—
Question *re* " —— " colleges in India. 703.
Statement (laid on the table) by Sir Frank Noyce *re* " —— " colleges in India. 2498.

CORRESPONDENT(S)—
Question *re* censorship of foreign newspaper —— in India. 2010-12.

CORRUGATED SHEETS—
Question *re* manufacture of galvanised —— by the Tata Iron and Steel Company. 821.

CORRUPTION—
Question *re* charges of bribery and —— in Ambala Cantonment. 754.

COSGRAVE, Mr. W. A.—
Motion for Adjournment *re* excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 2002-04.
Resolution *re* recent Ordinances. 296.

COTTON MILL INDUSTRY—
Question *re* protection for the ——. 2719.

COUNCIL HOUSE BUILDINGS—
Question *re* cracks in the roof of the attic storey of the ——. 33-34.

COUNCIL OF STATE—
Demand for Grant. 2288.
Demand for Supplementary Grant. 933.
Question *re* allocation of seats in the Legislative Assembly and —— to the North-West Frontier Province. 2583.

COURT(S)—
Resolution *re* establishment of a Supreme —— in India. 571-606.

COURT-FEES ACT—
See " Act(s) ".

COURT(S)-MARTIAL—
Question *re* decisions of —— refused to Indian Ranks. 637-38.

COURT OF INQUIRY—
Question *re*—
Cost of the Railway ——. 107.
Railway ——. 1585-86.
Report of the Railway ——. 1946.

CREDIT BALANCE(S)—
Question *re*—
—— due to members of Transport Units, Labour Corps, etc. 2385.
—— due to Military Officers serving between 1919 and 1924. 1076-77.
Statement (laid on the table) by Mr. J. R. Blair *re* undistributed —— of a driver in a mule corps. 3029-30.

CRERAR, THE HONOURABLE SIR JAMES—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 399-402, 407, 433, 434, 680-81.
Presentation of the report of the Select Committee. 1018.
Motion to consider. 1835, 1871, 1909, 1912-18.
Motion to amend clause 2. 2503-04, 2507, 2520-23, 2524-25, 2533.
Motion to amend clause 4. 2647, 2649, 2652, 2681-84.
Motion to amend clause 1. 2686, 2687.
Motion to pass. 2689-90, 2713-14.
Demand for Grant in respect of Home Department. 2324-25.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2408, 2444-47, 2448, 2455, 2458, 2461-62.
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1988-92, 1997, 1998, 1999, 2005-07.
Lathi Charge by the Police on a meeting in Delhi. 1866.
Publication in the Press of the Assembly speeches. 659, 663.
Resolution *re*—
Chief Justices of High Courts. 126, 137-41, 149, 151-52.
Establishment of a Supreme Court in India. 575, 589-91, 604.
Recent Ordinances. 217-22, 308, 321-23.

CREW STAFF—
Question *re*—
Casual leave and gate allowances of —— and ticket collectors of the East Indian Railway. 359-60.
Friction between —— and students of Jadabpur and Ichapur stations on the Eastern Bengal Railway. 991-92.

CREW SYSTEM(S)—
Question *re*—
Abolition of the —— on the East Indian Railway. 643.
Ineffectiveness of the —— of railway ticket checking. 1936.
Opinion of the East Indian Railway Authorities on the ——. 614-15.
The Moody-Ward and —— of ticket checking. 1533, 1937.

CROWD(S)—
Question *re*—
Casualties caused in dispersing ——. 346.
Rumoured intention to use hounds to disperse —— in the North-West Frontier. 333.

CURRENCY—
Demand for Grant. 2340.
Question *re*—
—— and exchange policy of the Government. 646.
Effect of new —— policy. 363-64.

CURRENCY, DEPUTY CONTROLLER OF—
Question *re* retrenchment of staff in the office of the ——, Madras. 28-29.

CURRENCY NOTE PRESS—
Question *re*—
Appointment of apprentices to the Security Printing, India, and the ——. 543-44.
Appointment of Muslims in the Security Printing, India, —— and Central Stamp Stores. 548.
Staff of the Security Printing, India, —— and Central Stamp Stores at Nasik. 542-43.

CURRENCY NOTE PRESS, CAPITAL OUTLAY ON—
Demand for Grant. 2344.

CURRENCY OFFICE—
Question *re* appointment of Sikhs to the ——, Lahore. 1676.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointment of Sikhs in the ——, Lahore. 2670-71.

CURRENCY RESERVES—
Question *re* gold in the —— in India and England. 63-64.

CUSTOMS—
Demand for Grant. 2232.
Motion to reduce Demand for "——" *re* insufficient economy effected by Government under ——. 2232-66.
Question *re* income and expenditure from —— and administration of Karachi and income-tax in Sind. 358-59.

CUSTOMS DEPARTMENT—
Question *re*—
Employees discharged from the ——, Karachi. 51.
Retrenchment of Indian Civil Service Officers in the ——. 42-43.

CUT(S)—
Question *re*—
Application of the ten per cent. ——. 378.
Application of the 10 per cent. —— in pay to duftries and record sorters. 807-08.
—— in low pay in the Local Governments and the Government of India. 2350.
—— in pay of binders, compositors, etc., in the East Indian Railway Press. 2218-19.
—— in pay of low paid men in the Posts and Telegraphs Department. 2596-97.
—— in pay of railway employees. 1533.
—— in pay of telephone operators. 2351.
—— in salaries of Railway employees. 809.
Exemption of certain clerks from the 10 per cent. —— in pay. 1508-09.
Rumoured further 10 per cent. —— in salaries. 354-55.
Savings in civil expenditure to be effected by the 10 per cent. —— in salaries. 34-35.

CUT(S)—(*concld.*)
Question *re*—(*concld.*)
Savings to be effected in Military Departments by the 10 per cent. —— in salaries. 34.
Ten per cent. —— in earnings of piece-rated employees of the Government of India Press, New Delhi. 2544.
Statement (laid on the table) by the Honourable Mr. H. G. Haig *re* pay of duftries and 10 per cent. —— in their pay. 2852.

D

DACCA—
Question *re*—
Abolition of Range Offices at —— and Shillong. 713-14.
Post offices in the Mymensingh and —— districts. 713.
Retrenchment of the post of Superintendent of Post Offices at ——. 711-12.

DAILY ALLOWANCE(S)—
Question *re* —— of Engineering subordinate staff of the Eastern Bengal Railway. 716.

DAIRY FARM(S)—
Question *re*—
Communities of clerks employed in Military ——. 1003.
Employment of clerks for checking accounts on Military ——. 1003.

DAIRYING—
Question *re* transfer of the Imperial Institute of —— from Bangalore to Karnal. 647.

DAIRYING AND ANIMAL HUSBANDRY DEPARTMENTS—
Question *re* recommendations of the Retrenchment Committee *re* ——. 2784-85.

DALAL, Dr. R. D.—
General discussion of the General Budget. 1713-15.

DALAL, Sir BOMANJI—
Expressions of regret on the death of ——. 3027-29.

DARGAH—
Question *re* representation of —— and Pushkar and of cloth and sugar merchants on the Ajmer Municipal Board. 2391.

DAS, Mr. A.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1113-17.
Consideration of clause 2. 1137.
Consideration of clause 4. 1151-52.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 98-99.
Question *re*—
Cost of relief and transfer of British troops. 345.
Recruitment of Indians and Europeans to the Indian Civil Service and Indian Police Service. 25-27.
Training and discharge of certain soldiers. 328-29.
Training of British soldiers in handicrafts in India. 328.
Withdrawals from General Provident Fund for investment in sterling insurance policies. 327-28.

DAS, MR. A.—(*concld.*)
Resolution *re* appointment of a committee on Education. 865-67.
Sugar Industry (Protection) Bill—
Motion to refer to Select Committee. 498.

DAS, MR. B.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 512-15, 518.
Motion to consider Select Committee's Report. 1082-85, 1089, 1093, 1098, 1106, 1111, 1112.
Motion to pass. 1156-57.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 407, 411, 668-73.
Motion to consider. 1847.
Motion to amend clause 2. 2514, 2519, 2520.
Consideration of the Report of the Public Accounts Committee. 1198-1203, 1204, 1208, 1209.
Demand for Grant in respect of Foreign and Political Department. 2290-91, 2295, 2296, 2298, 2299.
Demand for Supplementary Grant in respect of Loans and Advances bearing interest. 936.
General discussion of the General Budget. 1716-20, 1723, 1726, 1735, 1751, 1778, 1801.
General discussion of the Railway Budget. 1267, 1287, 1288-91.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 485-86.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 102.
Indian Finance (Supplementary and Extending) Amendment Bill—
Consideration of ——. 682.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 178, 180, 184, 201.
Indian Tariff (Wireless Broadcasting) Amendment Bill—
Motion to consider. 2928, 2929.
Motion for Adjournment *re*—
Grant of a subvention to the North-West Frontier Province. 1701.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2831-33, 2835, 2836.
Motion *re* election of the Standing Finance Committee. 1814.
Motion to reduce Demand for—
" Executive Council " *re*—
Avoidance of Income-tax. 2099-2100, 2103.
Indianisation of the Army. 2121, 2123.
Retrenchment. 2051-60, 2061.
Separation of Burma from India. 2186.
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1467, 1468, 1470, 1490, 1494-96, 1547, 1549, 1558.
Lack of supervision and control over Company-managed Railways. 1456-59.
Railway retrenchment policy. 1425-33.
Point of order raised by Mr. C. S. Ranga Iyer as to whether an Honourable Member who is directly and personally concerned with the affairs of a contracting firm is entitled to take part in a debate concerning it. 2156, 2158.

DAS, MR. B.—(*contd.*)
Public Suits Validation Bill—
Motion to postpone consideration. 2938-39, 2940, 2945.
Consideration of clause 3. 2957-59.
Consideration of clause 4. 2960.
Question *re*—
Alleged rough handling of a lady picketer by the police. 1224.
Allocation of seats in the Indian Legislature for the North-West Frontier Province. 555-56.
Allocation of seats in the Legislative Assembly and Council of State to the North-West Frontier Province. 2583.
Candidates granted scholarships for training in Marine Engineering. 2584.
Claims of British and Indian Seamen in Bombay. 2655.
Clothing allowance of British and Indian troops. 2569.
Constitutional problems of backward tracts. 622-25.
Contribution to Sailors' Home in Bombay and discrimination against Indians. 2589-90.
Deficit shown by the Sind Committee. 2582.
Development of Indian Shipping. 2587.
Development of the Indian Mercantile Marine. 2586.
Employment of cadets trained on the " Dufferin ". 2586.
Expenditure from Central Revenues on Provincial subjects. 2580.
Financial relations between the Central Government and the Provinces. 2718.
Grant of Financial aid to Provinces. 2582.
Grants to Orissa and Sind. 2719.
Increase in the numbers of cadets admitted to the training ship " Dufferin ". 2585-86.
Members of the Frontier Reforms Advisory Committee. 556.
Non-admission of Indians to the Prince of Wales Seamen's Institute, Bombay. 2587-88.
Principles for grants out of the Sunday Penalty Fees Fund. 2589.
Procedure followed under Regulation III of 1818. 980-81.
Protection for the Cotton Mill Industry. 2719.
Reforms for the North-West Frontier Province. 552.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 552-55.
Scholarships granted for the training of Indians in Marine Engineering. 2584.
Subvention granted to the North-West Frontier Province. 2581, 2718.
Sunday penalty fees collected and method of their distribution. 2588-89.
Training of Indians in Marine Engineering. 2585.
Training of Marine Engineers. 2582.
Question (Supplementary) *re*—
Amendment of the Trade Licencing Ordinance in Tanganyika. 2557.
Appointment of Under Secretary in the Finance Department. 1250.
Classification of political prisoners. 2778, 2780.
Clothes of prisoners in the Ajmer jail. 1666.
Indian Christians employed on railways. 1244, 1245.
Insufficiency of clothes provided for prisoners in the Ajmer jail. 2564.
Letter to Maulvi Muhammad Shafee Daoodi *re* his visit to the North-West Frontier Province. 1616.
Members nominated for the Committees of the Round Table Conference. 534.
Paucity of Indians employed in Departments in East Africa. 1665.
Percentage of appointments held by Indian Christians on the South Indian Railway. 562.

DAS, MR. B.—(*concld.*)
Question (Supplementary) *re*—(*concld.*)
Permanent location of the Secretariat in New Delhi. 1611-12.
Publication by newspapers of proceedings of the Legislative Assembly. 545.
Purchase of gold by operators in Bombay. 1062.
Representation of the interests of Indian Settlers in Tanganyika. 2555, 2556.
Resolution of the Government of Bengal on the shooting at the Hijli detention camp. 1222.
Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 349-50, 351.
Travelling allowances of inferior servants of the Government of India. 1319.
Value of imports and exports of India and Burma. 645-46.
Report on financial questions arising out of the proposed separation of Burma from India. 3033-36.
Resolution *re*—
Appointment of a committee on Education. 852.
Duties on galvanised iron and steel pipes and sheets. 1057, 1058, 1164-68, 1171.
Establishment of a Supreme Court in India. 578-79, 582, 583, 587.
Recent Ordinances. 223, 254-57, 272, 296, 311.
Resolution to amend the previous resolution on roads. 3010.
Salt Additional Import Duty (Extending) Bill—
Motion to consider. 2421-25.
Motion to add a new clause. 2437.
Sugar Industry (Protection) Bill—
Motion to consider. 2824.
Motions to consider and to postpone. 2855-58.
Consideration of clause 5. 2871.
Motion to pass. 2876.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2993-96.
Wire and Wire Nail Industry (Protection) Bill—
Motion to refer to Select Committee. 501-03, 504.
Motion to consider. 1020-24, 1034, 1036.
Consideration of clause 1. 1040.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1054-55.

DEATH(S)—
Expressions of regret on the —— of—
Mr. F. W. Allison. 2668-70.
Mr. K. V. Rangaswami Iyengar. 2608-12.
Sir Bomanji Dalal. 3027-29.
The Honourable Mian Sir Muhammad Shafi. 13-23.
Question *re*—
Birth and —— rates in Ajmer-Merwara. 2390.
High —— rate and Infant mortality in Ajmer. 2391.
Statement (laid on the table) by Sir Frank Noyce *re* birth and —— rates in Ajmer-Merawara. 2966.
Statement (laid on the table) by Sir Frank Noyce *re* high —— rate in Ajmer. 2967.

DEBT(S)—
Demand for Excess Grant in respect of Interest on ordinary —— and reduction or avoidance of ——. 926.
Demand for Grant in respect of Interest on ordinary —— and reduction or avoidance of ——. 2288.
Question *re*—
Floating —— of the Government of India. 1064.
Writing off bad —— of assessees. 649.

DECEASED RANK(S)—
See " Rank(s) ".

DEFAULTING TRAVELLOR(S)—
See " Travellor(s) ".

DEFENCE—
Question *re* substitution of Air Force Units for Army Units in the —— of the Frontier. 2657-59.

DEFICIT(S)—
Question *re*—
—— shown by the Sind Committee. 2582.
Taxes and duties imposed by the Government of India and Budget Surpluses and ——. 2908-09.

DEHRA DUN—
Question *re*—
Abolition of the Staff College at ——. 59-60.
Abolition of the X-Ray Institute at ——. 820-21.
Closing of the Railway Staff College at ——. 354.
Contracts for the conveyance of mails in the —— and Jhansi Postal Divisions. 2095-96.
Heavy taxation in —— Cantonment. 748.
Sub-Post Offices in the —— Division. 876.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* Sub-Post Offices in the —— Division and communal composition of their staffs. 1625-26.

DEHRA DUN CANTONMENT—
Statement (laid on the table) by Mr. G. M. Young *re* taxation in ——. 2794.

DELEGATION(S)—
Question *re*—
Deputations and —— to South Africa. 335-36.
Result of the recent Indian —— to South Africa. 336.

DELHI—
Demand for Grant. 2342.
Motion for Adjournment *re* excesses of the police in —— and desecration of the mosque of Kucha Rahman. 1951, 1985-2008.
Question *re*—
Accommodation of women prisoners in the —— jail. 2476.
Additional water supply necessary in —— in case of stoppage of the Simla exodus. 40.
Allowances and treatment of prisoners in ——. 2382.
Appointment of a Muslim as Commissioner of Income-tax in the Punjab, North-West Frontier Province and ——. 2573-74.
Appointment of Computor for calculation and design of structures in the Public Works Department, ——. 2475.

DELHI—(*contd.*)
Question *re*—(*contd.*)
Appointment of Sikh porters and van peons in the Railway Mail Service, ——. 1680.
Appointment of Sikhs as porters in the —— Railway Mail Service. 1679.
Appointment of Sikhs as Sub-Postmasters in ——. 2657.
Appointment of women police in ——. 530.
Arrest of Mr. W. A. Edge of the Public Works Department, ——, for alleged embezzlement. 2717.
Ayurvedic dispensaries in —— and lack of Sikh Hakims or Vaids. 2571.
Bad state of repair of roads between —— and New Delhi. 1612.
Bye-Laws for sweetmeat shops and meat shops in ——. 2574.
Complaint by Mr. P. D. Sharma of assault at a meeting of the citizens' League, ——. 2467-68.
Criticisms of the —— Sewage Farm. 540-41.
—— move allowance and Simla house rent allowance. 2467.
Denial of Calcutta —— transfer concessions to certain clerks and peons of the office of the Director General of Posts and Telegraphs. 1509.
Dispersal of a meeting in the Queen's garden, ——, and arrest of Mufti Kifayatullah. 2470-71.
Disposal of establishment cases in the Income-tax Department in the Punjab, North-West Frontier Province, and ——. 2573.
Education of the children of Press employees in ——. 2550.
Employment while on leave of Colonel Halland, Senior Superintendent of Police, ——. 1126.
Expenditure incurred on transferring prisoners from —— to Multan. 1225.
Lack of traffic arrangements for pilgrims visiting the shrine of Nizamuddin Olia at ——. 345-46.
Ladies arrested in —— and conditions of imprisonment in —— jail. 977.
Minimum pass marks in schools in Rajputana and ——. 2388.
New appointments in the Income-tax Department in the Punjab, North-West Frontier Province and ——. 2572.
Number of clerks in the office of the Superintendent of Education, ——, Ajmer-Merwara and Central India. 2719.
Pay of Anglo-Indian and Indian Assistant station masters at —— and Ghaziabad. 825.
Political prisoners arrested and released in ——. 2477.
Provision of accommodation for political prisoners in ——. 1683.
Provision of quarters for the staff of the Railway Clearing Accounts Office, ——. 2560-61.
Quarters of certain prisoners in the —— jail. 2381-82.
Rates for common labour in the —— Province. 2009.
Recruitment of Sikh clerks in the —— Head Post Office. 2657.
Recruitment of Sikh packers and postmen in the —— Head Post Office. 2656.
Removal of antiquities from Mohenjodaro to the —— Museum. 62-63.
Retention of certain Departments in —— during the summer. 39.
Retrenchment in the Office of the Chief Engineer, ——. 1613.
Retrenchments in the —— Division of the North-Western Railway. 1004-05, 1925.
Rules for the recovery of rents for Government buildings in Simla and ——. 1001-02.
Sale of beef in open bazars in ——. 979.
Sale of meat in —— and New ——. 1672-73.
Sanitary amenities for Karol Bagh, ——. 2487-88.

DELHI—*(concld.)*

Question *re*—*(concld.)*

Staff employed on the assessment and collection of electric and water charges in ——. 977-78.

Supply of filtered water, lighting, etc., in Karol Bagh, ——. 2562-63.

Treatment of lady prisoners under trial in ——. 987.

Statement (laid on the table) by the Honourable Sir George Schuster *re* recruitment of Muslims in the office of the Deputy Accountant General, Posts and Telegraphs, ——. 2490-91.

Statement (laid on the table) by the Honourable Sir James Crerar *re* classification of women political prisoners in the —— jail. 1625.

Statement (laid on the table) by the Honourable Sir James Crerar *re* treatment of under-trial lady prisoners in the —— jail. 1625.

DELHI CAPITAL OUTLAY—

Demand for Excess Grant. 928.

Question *re* retrenchment under ——. 42.

DELHI DIVISION—

Question *re* promotion of Assistant Station Masters in the —— of the North-Western Railway. 825.

DELHI GATE—

Question *re* dumping of rubbish outside the Turkman Gate and ——. 1238-39.

DEMAND FOR EXCESS GRANTS FOR 1929-30—GENERAL BUDGET—

Administration of Justice. 926.

Capital Outlay on Lighthouses and Lightships. 928.

Delhi Capital Outlay. 928.

Finance Department. 926.

Indian Posts and Telegraphs Department. 928-29.

Interest on ordinary debt, and reduction or avoidance of debt. 926.

Irrigation, Navigation, Embankment and Drainage Works. 926.

Lighthouses and Lightships. 926-27.

Loans and Advances bearing interest. 928.

Mint. 927.

Public Service Commission. 926.

Rajputana. 928.

DEMANDS FOR EXCESS GRANTS—RAILWAY BUDGET—

Appropriation from Depreciation Fund. 930.

Appropriation from the Reserve Fund. 930-32.

Railway Board. 929.

Working Expenses—Administration. 929-30.

DEMANDS FOR GRANTS—GENERAL BUDGET—

Aden. 2343.

Administration of Justice. 2336.

Agriculture. 2338.

Ajmer-Merwara. 2342.

Andamans and Nicobar Islands. 2342.

Archæology. 2337.

Army Department. 2335.

Audit. 2336.

Aviation. 2339.

Baluchistan. 2342.

DEMANDS FOR GRANTS—GENERAL BUDGET—(*contd.*)
Botanical Survey. 2337.
Capital Outlay on Currency Note Press. 2344.
Capital Outlay on Lighthouses and Lightships. 2344.
Capital Outlay on Security Printing. 2343.
Capital Outlay on Vizagapatam Harbour. 2344.
Census. 2339.
Central Board of Revenue. 2335.
Central India. 2343.
Civil Veterinary Services. 2339.
Civil Works. 2341.
Commerce Department. 2335.
Commercial Intelligence and Statistics. 2339.
Commuted value of pensions. 2345.
Council of State. 2288.
Currency. 2340.
Customs. 2232.
Delhi. 2342.
Department of Education, Health and Lands. 2334.
Department of Industries and Labour. 2335.
Education. 2338.
Emigration—External. 2340.
Emigration—Internal. 2339.
Executive Council. 1952.
Expenditure in England—High Commissioner for India. 2343.
Expenditure in England—Secretary of State. 2343.
Expenditure on retrenched personnel charged to Capital. 2345.
Expenditure on retrenched personnel charged to Revenue. 2341.
Finance Department. 2335.
Foreign and Political Department. 2290-2314.
Forest. 2268.
Forest Capital Outlay. 2344.
Geological Survey. 2337.
Home Department. 2314-25.
Hyderabad. 2343.
Imperial Council of Agricultural Research Department. 2338.
Indian Posts and Telegraphs. 2344.
Indian Posts and Telegraphs Department (including Working Expenses). 2268-81, 2283-88.
Indian Stores Department. 2340.
Industries. 2339.
Interest free Advances. 2345.
Interest on Miscellaneous Obligations. 2288.
Interest on Ordinary Debt and Reduction or Avoidance of Debt. 2288.
Irrigation. 2344.
Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works. 2268.
Joint Stock Companies. 2340.
Legislative Assembly and Legislative Assembly Department. 2289.
Legislative Department. 2334.
Lighthouses and Lightships. 2336.
Loans and Advances bearing interest. 2345.
Medical Services. 2338.

DEMANDS FOR GRANTS—GENERAL BUDGET—*(concld.)*

Message from His Excellency the Viceroy and Governor General *re* the allotment of an additional day for the discussion of the ——. 1865.

Meteorology. 2337.

Mines. 2337.

Mint. 2340.

Miscellaneous. 2341.

Miscellaneous Departments. 2340.

North-West Frontier Province. 2342.

Opium. 2268.

Other Scientific Departments. 2338.

Payments to Provincial Governments on account of Administration of Agency Subjects. 2335.

Police. 2336.

Ports and Pilotage. 2336.

Public Health. 2338.

Public Service Commission. 2325.

Rajputana. 2342.

Refunds. 2341.

Salt. 2267.

Staff, Household and Allowances of the Governor General. 2288.

Stamps. 2268.

Stationery and Printing. 2341.

Superannuation Allowances and Pensions. 2341.

Survey of India. 2336.

Taxes on Income. 2267.

Zoological Survey. 2337.

DEMANDS FOR GRANTS—RAILWAY BUDGET—

Appropriation to Depreciation Fund. 1582, 1583.

Audit. 1581.

Companies and Indian States' Share of Surplus Profits and Net Earnings. 1581.

Inspection. 1581.

Miscellaneous Expenditure. 1582.

New Construction. 1582.

Open Line Works. 1582.

Railway Board. 1322.

Strategic Railways—New Construction and Open Line Works. 1583.

Strategic Railway—Working Expenses (including Appropriation to Depreciation Fund and Miscellaneous Expenditure). 1582.

Working Expenses—Administration. 1581.

Working Expenses—Repairs and Maintenance and Operation. 1581.

DEMANDS FOR GRANTS—MOTIONS FOR REDUCTION—GENERAL BUDGET—

Customs—

Insufficient economy effected by Government under ——. 2232-66.

Executive Council—

Avoidance of Income-tax. 2096-2118.

Constitutional issue. 1952-2008.

Improper interference by the Secretary of State in the financial affairs of India. 2194-99.

Indianisation of the Army. 2118-44.

Lack of supervision over the coal transactions of railways. 2155-72.

DEMANDS FOR GRANTS—MOTIONS FOR REDUCTION—GENERAL BUDGET—(*concld.*)
Executive Council—(*concld.*)
Retrenchment. 2025-83.
Royal Commission on Labour. 2145-55.
Separation of Burma from India. 2173-93.

DEMANDS FOR GRANTS—MOTIONS FOR REDUCTION—RAILWAY BUDGET—
Railway Board—
Abolition of the Railway Board. 1323-30.
Conveniences of the travelling public. 1383-1402.
Favouritism in the railways. 1436-46.
Future of the Railway Board and the constitutional aspect. 1462-1504, 1535-78.
Indianisation of superior services. 1578-80.
Lack of supervision and control over Company-managed Railways. 1427-62.
Railway retrenchment policy. 1402-35.
Representation of Muslims in the railway services. 1331-75.

DEMANDS FOR SUPPLEMENTARY GRANTS—GENERAL BUDGET—
Agriculture. 934.
Commerce Department. 933.
Council of State. 933.
Expenditure in England under the control of the Secretary of State. 935.
Interest on Miscellaneous Obligations. 932-33.
Irrigation, Navigation, Embankment and Drainage Works. 932.
Legislative Assembly and Legislative Assembly Department. 933.
Loans and Advances bearing interest. 935-36.
Mint. 934-35.
Miscellaneous. 935.
Opium. 932.
Payments to Provincial Governments on account of Administration of Agency Subjects. 934.
Police. 934.
Refunds. 935.
Staff, Household and Allowances of the Governor General. 933.
Stamps. 932.
Superannuation Allowances and Pensions. 935.

DEMANDS FOR SUPPLEMENTARY GRANTS—RAILWAY BUDGET—
Appropriation from Depreciation Fund. 1830.
Appropriation from the Reserve Fund. 1832-34.
Companies and Indian States' Share of surplus Profits and Earnings. 1829.
Miscellaneous Expenditure. 1832.

DEOLI DETENUS CAMP—
Question *re* allegations about the ——. 2565-66.

DEPARTMENT(S)—
Question *re*—
Clerks' quarters in New Delhi required by the various ——. 720-21.
Retention of certain —— in Delhi during the summer. 39.

DEPARTMENTAL PROMOTION(S)—
See " Promotion(s) ".

DEPARTMENTAL SYSTEM—
Question *re* replacement of the contract system on the Bengal Nagpur Railway by the ——. 2486.

DEPORTATION—
Question *re*—
—— from the North-West Frontier Province of Father Elwin. 357.
—— of Father Elwin from the North-West Frontier Province. 529.

DEPOSIT(S)—
Question *re*—
——, loans and cash credits of other banks with the Imperial Bank of India. 1063-64.
Disposal of interest accruing on Savings Bank —— and War Bonds held by Muslims. 106-07.

DEPRECIATION FUND, APPROPRIATION FROM—
Demand for Grant. 1583.

DEPRECIATION FUND, APPROPRIATION TO—
Demand for Grant. 1582.

DEPRESSED CLASS(ES)—
Question *re*—
Census enumeration of Christian and Muhammadan ——. 1232.
Non-nomination of a member of the —— to the Ajmer Municipal Committee. 2656.

DEPUTATION(S)—
Question *re*—
Allowance for officers and staffs on ——. 1667-69.
—— and delegations to South Africa. 335-36.
Military Accounts Department men on —— in the Military Finance Department. 2020.
Refusal of permission to a —— of the All India Jamiat-ul-Ulema to visit the North-West Frontier Province. 527-29.

DEPUTY ACCOUNTANT GENERAL—
Question *re*—
Paucity of Muslims appointed to the Office of the ——, Posts and Telegraphs. 1924.
Recruitments in the office of the ——, Posts and Telegraphs. 371-72.
Statement (laid on the table) by the Honourable Sir George Schuster, *re* recruitment of Muslims in the Office of the ——, Posts and Telegraphs, Delhi. 2490-91.

DEPUTY ASSISTANT ENGINEER—
Question *re* abolition of the appointment of ——, Telegraphs Construction. 2607-08.

DEPUTY DIRECTOR(S) GENERAL—
See " Director(s) General ".

DEPUTY POSTMASTER GENERAL—
See " Postmaster General ".

DEPUTY SECRETARY(IES)—
See " Secretary(ies) ".

DERA ISMAIL KHAN—
Question *re* report of the Committee of Enquiry into the riot of ——. 537-38.

DESOUZA, DR. F. X.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1100-03.
Bengal Criminal Law Amendment (Supplementary) Bill—
Consideration of clause 4. 2625-28.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 204, 757-60.
Motion to reduce Demand for—
" Executive Council " *re*—
Constitutional issue. 1960-63, 1966, 1967, 1982.
" Railway Board " *re*—
Lack of supervision and control over Company-managed Railways. 1458-56.
Representation of Muslims in the railway services. 1360.
Nomination of —— to the House Committee. 1017-18.
Question *re*—
Appointment of a non-Christian in the Archæological Department. 1609.
Appointment of Indian Christians in Government of India Departments. 1608-09.
Distinction in pension conditions between the Indian Army Service Corps and the Military Engineering Corps. 1928-29.
Indian Christians employed on railways. 1243-45.
Percentage of appointments held by Indian Christians on the South Indian Railway. 560-62.
Recruitment of minor communities in Government of India Departments. 1609.
Question (Supplementary) *re* members nominated for the Committees of the Round Table Conference. 535.
Resolution *re* establishment of a Supreme Court in India 584-86.

DETENTION—
Question *re* alleged wrongful —— in prison of Har Dhian Singh, Chandiwala. 1522-23.

DETENTION CAMP(S)—
Question *re* resolution of the Government of Bengal on the shooting at the Hijli ——. 1221-23.

DETENU(S)—
Question *re*—
Allowances of certain ——. 1378-79.
Transfer of Bengal —— to other provinces. 44.

DETENUS CAMP—
Question *re* allegations about the " Deoli —— ". 2565-66.

DEVADASI(S)—
See " Prevention of Dedication of —— Bill " under " Bill(s) ".

DEWALI FESTIVAL(S)—
Question *re*—
Facilities for Hindu Railway employees at Tundla for the ——. 71.
Holidays for the Holi and —— festivals. 2903.

DHARWAR DISTRICT—
Question *re* delay of mail in Navalgund and Nargund in the ——. 1664.

DIET—
Question *re* standard of —— of " C " class prisoners in Ajmer. 2566.

DINAPORE—
Question *re* ticket checking on Branch Lines of Asansol and —— Divisions. 2210-11.

DINING SALOON(S)—
Question *re* abolition of Railway ——. 1134-35.

DIRECTOR(S)—
Question *re*—
Duties of men promoted in the office of the Assistant —— of Ordnance Services (Provision). 2576.
Promotion of a cashier in the office of the Assistant —— of Ordnance Services (Provision). 2576.
Staff of the office of the ——, Railway Audit. 701.

DIRECTOR, ARMY AUDIT—
Question *re* Sikh representation to the ——, *re* reductions. 1684.

DIRECTOR(S) GENERAL—
Question *re*—
Appointment of Deputy ——, Posts and Telegraphs. 2475-76.
Office hours of Muslim employees of the office of the —— of Posts and Telegraphs during the *Ramzan*. 1234.
Reductions of appointments of Assistant ——, Posts and Telegraphs. 2475.

DIRECTOR GENERAL OF POSTS AND TELEGRAPHS—
Question *re*—
Abolition of the posts of Superintendent of Wireless and Cash Branches of the Office of the ——. 1507.
Absence of the Superintendent of the Wireless Branch of the office of the ——. 2017.
Appointment of Superintendent, Wireless Branch, office of the ——. 1508.
Creation of a new appointment in the office of the ——. 347-48.
Denial of Calcutta-Delhi transfer concessions to certain clerks and peons of the office of the ——. 1509.
Employment of a separate Superintendent for the Wireless Branch of the office of the ——. 2017-18.
Leave reserve of Assistants in the office of the ——. 348.
Substitution of Assistant Directors General by Assistant Deputy ——. 348.
Volunteers for retirement in the office of the ——. 1507.

DIRECTOR OF BOTANICAL SURVEY—
Question *re* abolition of the post of ——. 41.

DIRECTOR QF ORDNANCE(S) (PROVISION)—
Question *re* previous service of Mr. Monohar Lal, now in the office of the ——. 2574-75.

DIRECTOR OF ORDNANCE SERVICES (PROVISION)—
Question *re*—
Allegations against Mr. Manohar Lall, a clerk in the office of the Assistant ——. 1623-24.
Appointment of Superintendent in the office of the Assistant ——. 1623.

DIRECTOR OF ORDNANCE SERVICES (PROVISION)—(*concld.*)
Question *re*—(*concld.*)
Pay of the Cashier in the office of the Assistant ——. 1622-23.
Recruitment in the office of the Assistant ——. 1621-22.
Reduction of clerical appointments and appointment of Superintendents in the office of the Assistant ——. 1623.
Relatives in the office of the Assistant ——. 1622.

DIRECTOR OF REGULATIONS AND FORMS—
Question *re* appointment of ——. 2355.

DIRECTOR OF THE CENTRAL PUBLICITY BUREAU—
Question *re* visit of the —— to Meerut in connection with the Meerut Conspiracy Case. 644.

DISABLED SEPOY(S)—
See " Sepoy(s) ".

DISABLED SOLDIER(S)—
See " Soldier(s) ".

DISABILITY PENSIONS—
See " Pension(s) ".

DISCOVERY(IES)—
Question *re* accounts of —— at Mohenjodaro. 2016-17.

DISCRIMINATION—
Question *re* —— against Indians in Tanganyika. 1235-36.

DISEASE(S)—
Question *re* —— caused by military service. 2601.

DISMISSAL(S)—
Question *re* —— of Indian Ranks. 637.

DISPENSARY(IES)—
Question *re*—
Ayurvedic —— in Delhi and lack of Sikh Hakims or Vaids. 2571.
Closing of a —— at Ramsar. 538-39.

DISPUTE(S)—
See " Employers and Workmen (——) Repealing Bill " under " Bill(s) ".

DISSATISFACTION—
Question *re* —— among staff of the Railway Mail Service " A " Division. 2721.

DISTRICT TRAFFIC SUPERINTENDENT—
Question *re* complaints about a waiting room for relieving staff attending the ——'s Office, Calcutta. 716.

DIVISION(S)—
Bamboo Paper Industry (Protection) Bill—
—— on the motion to omit clause 4. 1152.
Bengal Criminal Law Amendment (Supplementary) Bill—
—— on Mr. S. C. Mitra's motion to amend clause 2. 2523, 2534.
—— on Mr. Syke's motion to amend clause 2. 2505.
—— on Rao Bahadur B. L. Patil's motion to omit clause 4. 2648.
—— on Mr. B. Sitaramaraju's motion to amend clause 4. 2685.

DIVISION(S)—(*concld.*)
Bengal Criminal Law Amendment (Supplementary) Bill—(*concld.*)
—— on Mr. B. Sitaramaraju's motion to amend clause 1. 2688-89.
—— on the motion that the question that the Bill be passed be put. 2712-13.
—— on the Honourable Sir James Crerar's motion to pass the Bill. 2714.
Demands for Grants—
—— on the motion that the Demand under the head "Executive Council" be reduced by Rs. 100 (Indianisation of the Army). 2144.
—— on the motion that the Demand under the head "Executive Council" be reduced by Rs. 100 (Retrenchment). 2082-83.
—— on the motion that the Demand under the head "Public Service Commission" be reduced by Rs. 1,23,000 (Inadequate retrenchment). 2333-34.
—— on the motion that the Demand under the head "Railway Board" be reduced by Rs. 100 (conveniences of the travelling public). 1401-02.
—— on the motion that the Demand under the head "Railway Board" be reduced by Rs. 100 (Railway retrenchment policy). 1435.
Foreign Relations Bill—
—— on the motion to amend clause 3. 2890.
—— on the motion to pass. 2902.
Hindu Widows' Right of Inheritance Bill—
—— on the motion to refer to Select Committee. 480-81.
Indian Income-tax (Second Amendment) Bill—
—— on the motion that the question *re* the reference to Select Committee may be put. 204.
—— on the motion to refer to Select Committee. 780.
Indian Partnership Bill—
—— on Diwan Bahadur T. Rangachariar's motion to amend clause 32. 904.
Motion for Adjournment—
—— on the motion for adjournment *re* alleged maltreatment of women political prisoners. 2462-63.
—— on the motion for adjournment *re* excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 2007-08.
—— on the motion for adjournment *re* unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2847.
Resolution(s)—
—— on the Resolution *re* Chief Justices of High Courts. 153.
—— on the Resolution *re* establishment of a Supreme Court in India. 606.
—— on the Resolution *re* recent Ordinances. 324-25.

DIVISIONAL ACCOUNTANT(S)—
See "Accountant(s)".

DIVISIONAL ORGANISATION—
Question *re*—
Cost of —— on Indian Railways. 627-28.
—— on the North-Western Railway. 59.

DIVISIONAL SUPERINTENDENT(S)—
Question *re*—
High grades in Establishment Branches of Headquarters and —— offices on the North-Western Railway. 2402.
Powers of Agents and —— on railways. 65-66.

DOCKRELL, LIEUT.-COLONEL M.—
Question *re* transfer of —— from Peshawar Cantonment. 748-49.

DOHAD—
Question *re* construction of railway lines between —— or Rutlam and Galiakot. 358.

DOMICILE—
Question *re*—
—— of Mr. J. S. Pitkeathly, Chief Controller of Stores, Indian Stores Department. 2377.
Passage allowance of subordinates of Non-Asiatic ——. 993.

DRAFTSMAN(EN)—
Question *re*—
Appointment of Assistant Chief ——, Headquarters Office, North-Western Railway. 996.
Non-appointment of Indians as Chief —— on the North-Western Railway. 996.
Promotion of Mr. S. R. Woodmore, Officiating Chief ——, North-Western Railway. 563.
Statement (laid on the table) by Mr. P. R. Rau *re* appointment of Chief —— on the North-Western Railway. 2409.
Statement (laid on the table) by Mr. P. R. Rau *re* Head —— Loco. Headquarters Office, North-Western Railway. 2854.

DRAINAGE—
Question *re*—
Bad —— of Ajmer City. 2390.
Statement (laid on the table) by Sir Frank Noyce *re* bad —— of Ajmer City. 2966-67.

DRAINAGE WORKS, IRRIGATION, NAVIGATION, EMBANKMENT AND—
Demand for Excess Grant. 926.
Demand for Supplementary Grant. 932.

DRAWING OFFICER(S)—
Question *re*—
Appointment of Non-Muhammadans as Mechanical —— on the North-Western Railway. 995.
Mechanical —— on the North-Western Railway. 995.

DRINK EVIL—
Question *re* —— in Malaya. 334-35.

DRIVER(S)—
Question *re*—
Allowances of travelling ticket examiners and of guards and ——. 1937-38.
Arrears of pay of a —— in a Mule Corps. 2663-64.
Hindu and Muhammadans employed as ——, etc., on the North-Western Railway. 563.
Statement (laid on the table) by Mr. J. R. Blair *re* undistributed credit balance of a —— in a Mule Corps. 3029-30.

DRIVER, Dr.—
Question *re* supply of wagons free to ——, the Station Master, Lonavla. 1078.

DUDHORIA, Mr. NABAKUMAR SING—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 509-11.
Motion to consider Select Committee's Report. 1118-20.
General discussion of the General Budget. 1746-48.

DUDHORIA, MR. NABAKUMAR SING—(*concld.*)
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 194-95.
Motion to take the Report of the Public Accounts Committee into consideration. 1182-84.
Question *re*—
Abolition of the X-Ray Institute at Dehra Dun. 820-21.
Advertising of the *Magh Mela* of Allahabad. 819-20.
Acute financial condition of Indian labourers in South Africa and Malaya. 335.
Allowances of certain detenus. 1378-79.
Civil aviation establishment in the Imperial Secretariat, New Delhi. 1606.
Closing of the Railway Staff College at Dehra Dun. 354.
Commissioned reserve officers in the Indian Army. 352.
Composition of the Indian Immigration Committee in the Malay Peninsula. 334.
Contributions to the Central Government from the projected provinces of the North-West Frontier and Sind. 355.
Cost of sending European soldiers to the hills. 352.
Cost to India of the Round Table Conference and Committees. 353.
Deputation of Indians to study sugar manufacture. 1378.
Deputations and delegations to South Africa. 335-36.
Disparity of sexes among Indian Immigrants in the Malay Peninsula. 647-48.
Drink evil in Malaya. 334-35.
Economy and safety in electric lighting and power supply. 1608.
Friction between crew staff and students of Jadabpur and Ichapur stations on the Eastern Bengal Railway. 991-92.
Indians repatriated from Malaya. 335.
Indians trained as aviation experts. 1607-08.
Manufacture of galvanised corrugated sheets by the Tata Iron and Steel Company. 821.
Military Power Houses. 351-52.
Number of aeroplanes purchased for the Air Force in India. 351.
Orders for wireless apparatus for Railway Centres in India. 819.
Purchase of *lathies* by the Government of India. 337.
Recruitment for the Indian Medical Service. 353.
Result of the recent Indian delegation to South Africa. 336.
Retrenchment in Indian Publicity Offices in London and New York. 820.
Retrenchment in the staff of the Geological Survey of India. 355.
Rumoured further 10 per cent. cut in salaries. 354-55.
State of Central Revenues. 338.
Status of India as a member of the League of Nations. 337-38.
Suspension or reduction of recruitment by the Public Service Commission. 354.

DUFFERIN—
Question *re*—
Employment of cadets trained on the "——". 2586.
Increase in the number of cadets admitted to the training ship "——". 2585-86.

DUFTRY(IES)—
Question *re*—
Allowances of —— in the Railway Department. 1317-19.
Application of the 10 per cent. cut in pay to —— and record sorters. 807-08.
Family travelling allowance for —— and peons. 1685-86.

DUFTRY(IES)—(*concld.*)
Question *re*—(*concld.*)
House rent allowances of —— and peons. 1624.
Muslim and Hindu —— and peons employed in various Departments. 1684-85.
Quarters for ——. 1686.
Statement (laid on the table) by the Honourable Mr. H. G. Haig *re* pay of —— and 10 per cent. cut in their pay. 2852.

DUMASIA, Mr. N. M.—
General discussion of the General Budget. 1744-46.

DURBAR—
Question *re*—
Invitation of Khan Abdul Ghaffar Khan to a —— in Peshawar. 1604-05.
Non-attendance at a —— in the North-West Frontier Province. 399.

DUTT, Mr. AMAR NATH—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 417, 429-33.
Motion to amend clause 2. 2509-10, 2529-30.
Consideration of clause 4. 2634.
Motion to pass. 2708-08.
Demand for Grant in respect of—
Foreign and Political Department. 2299-2300.
Indian Posts and Telegraphs Department (including Working Expenses). 2269-70, 2273.
Foreign Relations Bill—
Consideration of clause 2. 2796.
Consideration of clause 3. 2889-90.
Hindu Marriages Dissolution Bill—
Motion to re-circulate. 957, 962, 967.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 81-83, 85, 100, 444, 452.
Indian Partnership Bill—
Consideration of clause 68. 911, 914.
Indian Tariff (Wireless Broadcasting) Amendment Bill—
Motion to consider. 2929-30.
Motion to reduce Demand for—
"Railway Board". *re* representation of Muslims in the railway services. 1335, 1346-50.
Point of order raised by —— as to whether discussion of what took place outside the House is permitted. 2295.
Question *re*—
Appointment of an Indian as Assistant Aircraft Inspector. 2558.
Dangers in connection with electric supply. 28.
Import duties or bounties on galvanised iron and steel sheets and pipes. 1229-30.
Negotiations with a foreign firm by Messrs. Tatas for erection of a sheet mill. 1230.
Output on galvanised sheets from Tatas. 1230.
Question (Supplementary) *re*—
Destruction of insufficiently stamped post cards. 38, 39.
Employment of Hindus on the North-Western Railway. 993-94.
Employment of Muslims in the Finance Department. 1246, 1247.

DUTT, MR. AMAR NATH—*(concld.)*
Question (Supplementary) *re*—*(concld.)*
Extensions granted to superannuated officers in the Income-tax Department, Bombay Presidency. 1259.
Indian National Congress. 2879.
Non-employment of Muslim stenographers in the Finance Department. 1254.
Sale of beef in open bazars in Delhi. 979.
Secret European circular *re* the Reforms. 2728.
Resolution *re*—
Chief Justices of High Courts. 142-43.
Duties on galvanised iron and steel pipes and sheets. 1171-74.
Recent Ordinances. 237-40, 301.

Question *re*—
Additional —— realised on imported foreign salt. 703-04.
Exemption of motor cars from octroi —— in Ajmer-Merwara. 2389.
Import —— or bounties on galvanised iron and steel sheets and pipes. 1229-30.
Octroi —— imposed by the Ajmer Municipal Board. 2391.
Octroi —— paid by the weaving mills at Anasagar. 2391.
Taxes and —— imposed by the Government of India and Budget Surpluses and Deficits. 2908-09.
Resolution *re* —— on galvanised iron and steel pipes and sheets. 1055-60, 1158-76.

E

EARNING(S)—
Question *re* pressure on ticket examiners to increase their ——. 619.
Statement (laid on the table) by the Honourable Sir George Rainy *re* net —— on certain newly constructed railway lines. 2409-12.

EAST AFRICA—
Question *re*—
Grievances of Indians in ——. 1236.
Paucity of Indians employed in Departments in ——. 1665.

EAST INDIAN RAILWAY—
See " Railway(s) ".

EASTERN BENGAL—
Question *re* loss by floods caused to postal employees in ——. 714-15.

EASTERN BENGAL RAILWAY—
See " Railway(s) ".

EASTERN COMMAND—
Question *re* standard plans for houses under the ——. 746-47.

ECCLESIASTICAL DEPARTMENT—
Question *re*—
Abolition of the ——. 2479.
Expenditure on the ——. 2351-52.

ECONOMIC AND FINANCIAL RELATIONS—
Question *re* report on —— between British India and Indian States. 41.

ECONOMIC CONFERENCE—
See " Conference(s) ".

ECONOMY—
Question *re* —— and safety of electric supply. 1940-41.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient —— affected by Government under Customs. 2232-66.

EDGE, Mr. W. A.—
Question *re* arrest of —— of the Public Works Department, Delhi, for alleged embezzlement. 2717.

EDUCATION—
Demand for Grant. 2338.
Question *re*—
Amount of grant-in-aid made to the —— fund of the Municipal Board, Ajmer. 375.
Discontinuance of the capitation grant for —— of railway employees. 1927.
—— and training of certain employees in the East Indian Railway Workshop at Lillooah. 567.
—— of European and Indian girls in Fiji. 531.
—— of Indians in Fiji. 1237-38.
—— of the children of railway employees at Gorakhpur. 1526-27.
Female —— in centrally administered areas in British India. 988.
Higher —— of women from centrally administered areas. 988-89.
Levy of a poll tax in Tanganyika for ——. 2558.
Number of clerks in the office of the Superintendent of ——, Delhi, Ajmer-Merwara and Central India. 3719.
Percentage of —— and proportion enfranchised. 651.
Resolution *re* appointment of a Committee on ——. 841-74.

EDUCATION DEPARTMENT—
Question *re* suggestions for retrenchment in the Ajmer-Merawar ——. 876.

EDUCATION, HEALTH AND LANDS, DEPARTMENT OF—
Demand for Grant. 2334.
Election of a Member to the Standing Advisory Committee for the ——. 1867, 1951.
Election of Members to the Standing Committee for the ——. 1018-19, 1383.

ELECTED BOARD—
Question *re* provision of an —— for Peshawar Cantonment. 2482.

ELECTION(S)—
—— of a Member to the Council of the Indian Institute of Science, Bangalore. 165-66, 378, 440.
—— of a Member to the Standing Advisory Committee for the Department of Education, Health and Lands. 1867, 1951.
—— of Members to the Central Advisory Council for Railways. 1826-28, 2671, 2729.
—— of Members to the Public Accounts Committee. 2231, 2500, 2612.
—— of Members to the Standing Committee for Department of Education, Health and Lands. 1018-19, 1383.
—— of Members to the Standing Committee for Roads. 1018, 1264, 1319.
—— of Members to the Standing Committee on Emigration. 1826, 1828, 2415, 2490.
—— of Members to the Standing Finance Committee. 1812-25, 1828, 2415, 2490.
—— of Members to the Standing Finance Committee for Railways. 1826, 1828, 2500, 2612.

ELECTION(S)—(*concld.*)
Question *re*—
—— of Chairman of the Ajmer Municipal Board. 2390-91.
—— of Indian members to the Legislative Council in Fiji. 530-31.
Statement (laid on the table) by Sir Lancelot Graham *re* —— expenses of candidates for —— to the Legislative Assembly. 155-65.

ELECTRIC AND WATER CHARGES—
Question *re* staff employed on the assessment and collection of —— in Delhi. 977-78.

ELECTRIC LIGHTING—
Question *re* economy and safety in —— and power supply. 1608.

ELECTRIC SUPPLY—
Question *re*—
Dangers in connection with ——. 28.
Economy and safety of ——. 1940-41.

ELECTRICAL BRANCH—
Question *re* appointment of Muslims in the ——, Agent's office, North-Western Railway. 975.

ELECTRICIAN(S)—
Question *re* appointment of Lillooah apprentices as —— and train examiners. 1518.

ELECTRIFICATION—
Question *re* costly —— scheme on the Great Indian Peninsula Railway. 1935-36.

ELWIN, FATHER—
Question *re*—
Deportation from the North-West Frontier Province of ——. 357, 529.
Expulsion of —— from the North-West Frontier Province. 546-47.

EMBANKMENT AND DRAINAGE WORKS, IRRIGATION, NAVIGATION—
Demand for Excess Grant. 926.
Demand for Supplementary Grant. 932.

EMBEZZLEMENT—
Question *re* arrest of Mr. W. A. Edge of the Public Works Department, Delhi, for alleged ——. 2717.

EMERGENCY EQUIPMENT—
See " Equipment ".

EMERGENCY POWERS ORDINANCE—
See " Ordinance(s) ".

EMIGRATION—
Election of Members to the Standing Committee on ——. 1826, 1828, 2415, 2486.
Question *re* facilities for —— to Brazil. 1311.

EMIGRATION—EXTERNAL—
Demand for Grant. 2340.

EMIGRATION—INTERNAL—
Demand for Grant. 2339.

EMPLOYEE(S)—
Question *re*—
Alleged injustices to Muslim —— on the East Indian Railway. 2362.
Condonation of break in service of State Railway ——. 808-09.
Cuts in pay of railway ——. 1533.
Cuts in salaries of Railway ——. 809.
Decrease of Muslim —— in the Home Department. 1697.
Deduction for Provident Fund from the earnings of piece-rated —— of the Government of India Press, New Delhi. 2545.
Deduction from pay of piece-rated —— of the Government of India Press, Calcutta. 2221-23.
Deductions from pay of industrial —— of the East Indian Railway Press. 2219.
Discharge of superannuated railway ——. 1587.
Discontinuance of the capitation grant for education of railway ——. 1927.
Education of the children of press —— in Delhi. 2550.
Education of the children of railway —— at Gorakhpur. 1526-27.
—— discharged form the Customs Department, Karachi. 51.
—— of the Bengal Nagpur Railway. 2014.
—— retrenched on the North-Western Railway. 1598.
Free passes for children of railway ——. 654.
Indebtedness among Railway ——. 880-81.
Instructions issued by the Railway Board *re* criteria to be observed in discharge of Railway ——. 1700-01.
Medical certificates required from the North-Western Railway ——. 2399.
Medical examination of Railway —— on the North-Western Railway. 826.
Medical treatment of —— on the North-Western Railway. 2999.
Passes issued to lady —— on railway. 2400-01.
Provision for Railway —— failing in the medical examination on the North-Western Railway. 826.
Provision of facilities for recreation, etc., of press —— in New Delhi. 2551-52.
Quarters of press —— in New Delhi. 2551.
Refund to —— of the Posts and Telegraphs Department of deductions from their salaries. 2350.
Rent of quarters of —— of the Government of India Press, New Delhi. 2544.
Ten per cent. cut in earnings of piece-rated —— of the Government of India Press, New Delhi. 2544.
Termination of the services of certain —— on the Bombay, Baroda and Central India Railway. 2024, 2025.
Terms of discharge of railway ——. 2363.
Third class accommodation provided for Secretariat —— moving to Simla from New Delhi. 2554.
Statement (laid on the table) by Mr. P. R. Rau *re* Schools for children of Railway —— at Gorakhpur. 2854.

EMPLOYERS AND WORKMEN (DISPUTES) REPEALING BILL—
See " Bill(s) ".

ENCROACHMENT—
Question *re* —— on adjoining land of houses in Benares Cantonment. 1595-96.

ENFRANCHISEMENT—
Question *re* percentage of education and proportion of ——. 651.

ENGINEER(S)—
Question *re*—
Appointment of Sikhs to the Indian Service of ——. 610.
Communities of —— in State Railways. 2474.
Communities of —— in the Telegraph Engineering Service. 2475.
Excess of Civil —— on the East Indian Railway. 2407.
Qualifications and communities of —— in each province. 2474.
Qualifications and communities of —— in State Railways. 2473.
Qualifications and communities of —— in the Military Engineering Service. 2473.
Qualifications of —— of the Supplementary Reserve and Territorial Army. 2473.
Termination of the services of temporary —— on State Railways. 810-11.
Training of Marine ——. 2582.

ENGINEERING—
Question *re*—
Candidates granted scholarships for training in Marine ——. 2584.
Scholarships granted for the training of Indians in Marine ——. 2580.
Training of Indians in Marine ——. 2585.

ENGINEERING APPRENTICES—
Question *re* publication of notifications *re* selection of ——. 1135.

ENGINEERING BRANCH(ES)—
Question *re*—
Candidates appointed to the Superior Telegraph and —— Posts and Telegraphs Department. 2716-17.
Recruitment to the subordinate —— of the Telegraph Department. 2599-2600.

ENGINEERING CORPS—
Question *re* distinction in pension conditions between the Indian Army Service Corps and the Military ——. 1928-29.

ENGINEERING DEPARTMENT—
Question *re*—
Number of Officers in the Civil ——, East Indian Railway. 2405-06.
Number of Officers in the Mechanical ——, East Indian Railway. 2406.
Promotion of lower subordinate Staff in the —— of the Great Indian Peninsula Railway. 823.
Promotion of subordinates in the Civil —— and Traffic Departments, East Indian Railway. 2407.

ENGINEERING EXAMINATIONS—
Question *re*—
—— held in India. 2474.
Standard of qualification of —— in London and in India. 2474-75.

ENGINEERING SERVICE(S)—
Question *re*—
Communities of Engineers in the Telegraph ——. 2475.
Paucity of Muslims in the Military ——, Presidency and Assam Districts. 2477-78.
Qualifications and communities of Engineers in the Military ——. 2473.
Revision of the scale of pay of the local —— and traffic service. 2395.

ENGINEERING SUBORDINATE STAFF—
Question *re* daily allowance of —— of the Eastern Bengal Railway. 716.

ENGINEERING SUPERVISORS—
Question *re* memorials from ——, Telegraphs. 1509-10.

ENGINEERING WORKSHOPS—
Question *re* retrenchment in the Moradabad ——. 2405.

ENGLAND—
Question *re*—
Gold in the currency reserves in India and ——. 63-64.
Promotion of Indian printers trained in ——. 2380-81.
Statement (laid on the table) by Mr. G. M. Young *re* expenditure incurred on certain soldiers returning to ——. 1704.

ENGLISH—
Question *re* proportion of —— and Indian officer instructors in the new Indian Sandhurst. 1930.

ENGLISH MAIL—
See " Mail ".

ENVELOPES—
Question *re* nine-pie postcards and sixteen-pie ——. 652.

EQUIPMENT—
Question *re* purchase of emergency —— by the North-Western Railway Medical Department. 1515-16.

ERODE—
Question *re* contract for the conveyance of mails between —— and Satyamangalam. 1219-20.
Statement (laid on the table) by Mr. T. Ryan *re* contract for the conveyance of mails between —— and Satyamangalam. 2968.

ESTABLISHMENT BRANCHES—
Question *re* higher grades in —— of Headquarters and Division Superintendents' Offices on the North-Western Railway. 2402.

ESTABLISHMENT CLERK(S)—
See " Clerk(s) ".

ESTABLISHMENT OFFICER(S)—
Statement (laid on the table) by Mr. P. R. Rau *re* —— on the Eastern Bengal Railway. 2617.
See also " Officer(s) ".

ESTABLISHMENT SECTION—
Question *re* communal composition of the —— and cash section of the Army Department. 2372-73.

EUROPEAN(S)—
Question *re*—
Education of —— and Indian girls in Fiji. 581.
Institutes for —— and Indian staff on the Bengal and North-Western Railway. 1529-30.
Proportion of —— to Indian officers retrenched in Central Departments. 42.
Ratio of ——, Anglo-Indian and Indian Time Keepers in the Public Works, Engineering Department. 539-40.
Recruitment of Indians and —— to the Indian Civil Service and Indian Police Service. 25-27.

EUROPEAN CIRCULAR—
See " Circular ".

EUROPEAN OFFICER(S)—
Question *re*—
Promotion of a —— on the Great Indian Peninsula Railway. 1069-70.
Recruitment of certain —— for Rates and Claims work in the Great Indian Peninsula Railway. 1066.

EUROPEAN SOLDIERS—
See " Soldier(s) ".

EXAMINATION(S)—
Question *re*—
Abolition of the lowest selection grade —— in the Post Office. 1943-44, 2659.
Age for entrance —— for Sandhurst. 1931.
Alleged grant of certificates to ineligible candidates to appear at —— in Ajmer 375-76.
Alleged racial discrimination in the Medical —— of lady passengers embarking at Calcutta for Rangoon. 2758-79.
Cambridge University ——. 2472-73.
Candidates for an —— held by the Controller of Railway Accounts. 1672.
Competitive —— for accountants. 711.
Engineering —— held in India. 2474.
—— for appointment of Inspectors and Head Clerks of Post Offices. 1944.
—— of accounts for income-tax assessment. 648-49.
—— of apprentices in the Rifle Factory at Ishapore. 2223-24.
Expenditure incurred in conducting the lowest selection grade —— in the Post Office. 2660.
Medical —— of railway employees on the North-Western Railway. 826.
Provision for railway employees failing in the Medical —— on the North-Western Railway. 826.
Railway Accounts ——. 973-74.
Re —— of certain travelling ticket inspectors. 2094-95.
Re —— of travelling ticket examiners. 2209.
Standard of qualifications of Engineering —— in London and in India. 2474 75.
Success of candidates in Subordinate Accounts Service ——. 1940.
Statement (laid on the table) by Mr. G. M. Young *re* medical —— of lady passengers embarking at Calcutta for Rangoon. 2912.
Statement (laid on the table) *re* —— of accounts in the Income-tax Department, Bombay. 1263.

EXCAVATION(S)—
Question *re* salary of the Offier-in-charge of the Mohenjodaro —— and retrenchment of his staff. 61-62.

EXCESS FARES—
See " Fare(s) ".

EXCHANGE—
Question *re* currency and —— policy of the Government. 646.
Resolution *re* stabilisation of —— and prices. 828-43.

EXCISE DEPARTMENT—
Question *re* income and expenditure of the —— Ajmer-Merwara. 2390.

EXCISE REVENUE—
Question *re* —— collected by the Local Administration in Ajmer-Merawara. 2389.

EXECUTIVE COUNCIL—
Demand for Grant. 1952.
Motion to reduce Demand for—
—— *re*—
Avoidance of Income-tax. 2096-2118.
Constitutional issue. 1952-85.
Improper interference by the Secretary of State in the financial affairs of India. 2194-99.
Indianisation of the Army. 2118-44.
Lack of supervision over the coal transactions of railways. 2155-72.
Retrenchment. 2025-88.
Royal Commission on Labour. 2145-55.
Separation of Burma from India. 2173-93.
Question *re* retrenchment of one Member of the ——. 56-57.
See also " Ruling(s) ".

EXECUTIVE COUNCILLOR(S)—
Question *re* scale of salaries for the Governor,—and Ministers in the North-West Frontier Province. 552-55.

EXECUTIVE OFFICER(S)—
Question *re*—
Action taken under section 25 of the Cantonments Act by the ——, Ambala Cantonment. 749.
—— in Indian cantonments. 750.
Prosecutions instituted by the ——, Sialkot Cantonment. 1593-94.
Refusal of the ——, Lahore Cantonment Board, to convene a special meeting of the Board. 743-44.
Statement (laid on the table) by Mr. G. M. Young *re* prosecutions instituted by the ——, Sialkot Cantonment. 2615.

EXODUS—
Question *re*—
Abolition of the Simla ——. 48.
Additional water supply necessary in Delhi in case of stoppage of the Simla ——. 40.

EXPENDITURE—
Question *re*—
—— from Central Revenues on provincial subjects. 2580.
—— incurred in conducting the lowest selection grade examination in the post office. 2660.
—— incurred on transferring prisoners from Delhi to Multan. 1225.
—— involved in moving the 1st Battalion, the Rifle Brigade. 46-47.
—— on the office of the Railway Conference Association. 626.
—— on the Watch and Ward Department on Railways. 626.
Income and ——from Customs and Administration of Karachi and income-tax in Sind. 358-59.
Income and —— of the Excise Department, Ajmer-Merwara. 2390.
Retrenchment in military. 2010.
Statement (laid on the table) by Mr. G. M. Young *re* —— incurred on certain soldiers returning to England. 1704.

EXPENDITURE IN ENGLAND—HIGH COMMISSIONER FOR INDIA—
Demand for Grant. 2343.

EXPENDITURE IN ENGLAND—SECRETARY OF STATE—
Demand for Grant. 2343.
Demand for Supplementary Grant. 985.

EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL—
Demand for Grant. 2345.

EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE—
Demand for Grant. 2341.

EXPERT COMMITTEE—
Question *re* work of the Railway Retrenchment Sub-Committee and the ——. 361.

EXPORT(S)—
Question *re*—
—— from and import into India of gold. 531-32.
—— of gold from India. 646, 1505-06.
—— of Kurkutch salt from Karachi to Calcutta. 1136.
—— of salt to Calcutta from Karachi. 707.
Value of imports and —— of India and Burma. 645-46.

EXPORT DUTY(IES)—
Question *re* revenue derived from hides and skins ——. 641-42.

EXPORT TRADE—
Question *re* decline in the —— of hides and skins. 2907-08.

EXPRESS(ES)—
Question *re* discontinuance of a through carriage on an East Indian Railway ——. 2216-17.

EXPULSION—
Question *re*—
—— of certain citizens from Mhow Cantonment. 2212-13.
—— of Father Elwin from the North-West Frontier Province. 546-47.

EXTENSION(S)—
Question *re*—
—— granted to superannuated officers in the Income-tax Department, Bombay Presidency. 1258-59.
Grant of —— to superannuated officers. 1258.

EXTRAORDINARY RECEIPTS—
Question *re* —— of the Government of India. 2560.

F

FACTORY(IES)—
Question *re*—
Appointment of apprentices trained in Ordnance ——. 1261.
Apprenticeship training in Ordnance ——. 1949.
Apprenticeship training in the Rifle —— at Ishapore. 1260-61, 1262, 1948-49.
Certificates granted to apprentices in Ordnance ——. 1261.

FACTORY(IES)—(*concld.*)
Question *re*—(*concld.*)
Commercial Audit in Government ——. 1933-34.
Erection of a —— at Bombay for the manufacture of the vegetable ghee. 46.
Examination of apprentices in the Rifle —— at Ishapore. 2223-24.
Petition from apprentices in the Rifle —— at Ishapore. 2224.
Rights and privileges of existing apprentices at the Rifle ——, Ishapore. 1261.
Standard of training of apprentices in the Rifle ——, Ishapore. 1261.
Training of apprentices in Ordnance ——. 344-45.
Training of apprentices in the Rifle —— at Ishapore. 2386.
Training of apprentices of the Rifle —— at Ishapore. 2600-01.
Vocational training in Ordnance and Clothing ——. 1261.

FAIR(S)—
Question *re* organisation of an Indian Industries ——. 109.

FAKIR(S)—
Question *re* recovery of fares from *Sadhus* and —— travelling without tickets. 619.

FAMILY AND DISABILITY PENSION(S)—
Question *re* arrears of ——. 640-41.

FAMILY PASS RULES—
See " Pass(es) ".

FAMILY PENSION(S)—
Question *re*—
—— of non-combatants. 638-39.
—— refused for syces killed on military service. 638.
See also " Pension(s) ".

FAMILY TRAVELLING ALLOWANCE(S)—
See " Allowance(s) ".

FAN(S)—
Question *re*—
Discrimination in the provision of —— in jails. 2476-77.
Provision of —— for prisoners in the Central Jail, Multan. 1522.

FARE(S)—
Question *re*—
Excess —— collected by Travelling Ticket Examiners. 999.
Foregoing excess —— on the East Indian Railway. 816-17.
Loss of excess —— receipt book. 2210.
Recovery of —— from *Sadhus* and *Fakirs* travelling without tickets. 619.
Refunds in respect of excess —— recovered. 2210.

FARIDPUR—
Question *re* construction of a railway station at ——. 347.

FARM(S)—
Question *re* criticisms of the Dehli Sewage ——. 540-41.

FAVOURITISM—
Motion to reduce Demand for—
" Railway Board " *re*—
—— in the railways. 1436-46.

FAZAL HAQ PIRACHA, SHAIKH—
Question *re*—
Allowances of travelling ticket examiners and of guards and drivers. 1937-38.
Appeals of travelling ticket inspectors to the Secretary, Railway Board. 1938-39.
Appointment of Mussalmans to the Income-tax Department. 638.
House rent allowances to duftries and peons. 1624.
Moody-Ward and Crew systems of ticket checking. 1937.
Mussalman Income-tax Officers and clerks in the Income-tax Department. 632.
Passenger traffic receipts in the East Indian Railway. 1940.
Posts of ticket collectors on the East Indian Railway promoted to travelling ticket examiners. 1940.
Reduction in the salary of travelling ticket checkers on the East Indian Railway. 1939.
Retrenchment of Mussalman employees on the North-Western Railway. 656.
Retrenchment of the employees of the North-Western Railway. 655-56.
Ticket checking system on the East Indian Railway. 1939-40.

FAZL-I-HUSSAIN, THE HONOURABLE KHAN BAHADUR MIAN SIR—
Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2975,-77, 2978.
Motion to reduce Demand for—
" Executive Council " *re*—
Retrenchment. 2066-69.
Statement *re* South Africa. 3013-14.

FEDERATION(S)—
Question *re* non-issue of railway passes to the representative of the All-India Railwaymen's ——. 1526.

FEE(S)—
Question *re*—
—— charged from visitors to steamers. 2015.
Return of —— deposited by applicants under the Indian Income-tax Act 1590-91.
Sunday penalty —— collected and method of their distribution. 2588-89.
Statement(s) (laid on the table) by the Honourable Sir George Schuster *re* return of —— deposited by applicants under the Indian Income-tax Act. 2414.

FEES FUND—
Question *re* principles for grants out of the Sunday Penalty ——. 2589.

FEMALE—
Question *re* —— military pensioners. 638.

FEMALE EDUCATION—
Question *re* —— in centrally administered areas in British India. 988.

FEMALE TRAVELLERS—
Question *re* checking of tickets of ——. 621.

FEROZEPORE—
Question *re* house scavenging tax in —— Cantonment. 30.

FIJI—
Question *re*—
Appointment of an Indian Agent in —— in place of the Secretary for Indian Affairs. 531.
Education of European and Indian girls in ——. 531.
Education of Indians in ——. 1237-38.
Election of Indian members to the Legislative Council in ——. 530-31.

FILE(S)—
Question *re* disposal of —— in the office of the Commissioner of Income-tax Bengal. 366-67.

FILM(S)—
Question *re* false cinema —— shown in India. 363.

FILTERED WATER—
See " Water ".

FINANCE(S)—
Question *re* management of the —— of the Municipal Board, Ajmer. 2361.

FINANCE DEPARTMENT—
Demand for Excess Grant. 926.
Demand for Grant. 2335.
Question *re*—
Appointment of Under Secretary in the ——. 1249-51.
Employment of a Hindu stenographer in the ——. 1252-53.
Employment of Muslims in the ——. 1245-49, 1251-52.
Non-employment of Muslim stenographers in the ——. 1253-54.
Retrenchment in the ——. 1611.
Sikh and Muslim clerks in the ——. 1252.

FINANCE (SUPPLEMENTARY AND EXTENDING) AMENDMENT BILL—
See " Indian —— " under " Bill(s) ".

FINANCIAL AID—
Question *re* grant of —— to Provinces. 2582.

FINANCIAL ADVISER(S)—
Question *re* recruitment of Assistant —— from the Military Accounts Department. 2019.

FINANCIAL AFFAIRS—
Motion to reduce Demand for—
" Executive Council " *re*—
Improper interference by the Secretary of State in the —— of India. 2194-99.

FINANCIAL COMMISSIONER, RAILWAYS—
Question *re* Muslim clerks in offices under the control of the ——. 1699.

FINANCIAL CONDITION—
Question *re* acute —— of Indian labourers in South Africa and Malaya. 335.

FINANCIAL OFFICERS—
Question *re* staff and —— on State Railways. 1672.

FINANCIAL QUESTION(S)—
Report on —— arising out of the proposed separation of Burma from India. 3014-25.
Statement (laid on the table) by the Honourable Sir George Schuster *re* report on the Howard-Nixon Memorandum *re* —— arising out of the separation of Burma from India. 2224-29.

FINANCIAL RELATION(S)—
Question *re* —— between the Central Government and the Provinces. 2718.

FINANCIAL RELATIONS, ECONOMIC AND—
Question *re* report on —— between British India and Indian States. 41.

FINE(S)—
Question *re*—
Delay in release of a prisoner after payment of a ——. 1663.
Infliction of imprisonment and —— under recent Ordinances. 439.

FINE FUND(S)—
Question *re* utilisation of —— on railways. 653.

FIREMAN(EN)—
Question *re*—
Promotion of —— etc., on the North Western Railway. 2202-03.
Recruitment of boy —— on the North-Western Railway. 995.

FIRM(S)—
Question *re*—
Income and working expenses of Banks and ——. 649-50.
Negotiations with a foreign —— by Messrs. Tatas for erection of a sheet mill. 1230.
Registration of Partnership —— under the Income-tax Act. 2657.

FLAG(S)—
Question *re*—
Arrest of a shopkeeper for flying the Congress ——. 2565.
—— permitted to be flown in India. 550.

FLOATING DEBT—
See " Debt ".

FLOGGING—
Question *re* —— of political prisoners in the North West Frontier Province. 49-50.

FLOOD(S)—
Question *re* loss by —— caused to postal employees in Eastern Bengal. 714-15.

FLY NUISANCE—
Question *re* —— in New Delhi. 882.

FOOD—
Question *re*—
Allegations *re* the quality of —— supplied to prisoners. 64.
Insufficient —— and blankets for prisoners in the North-West Frontier Province. 333.

FOREIGN AND POLITICAL DEPARTMENT—
Demand for Grant. 2290-2314.

FOREIGN MAIL—
Question *re* allowance for staff engaged in sorting —— in Calcutta. 1944-45.

FOREIGN NEWSPAPER(S)—
Question *re* censorship of news sent to ——. 2559.
See also " Newspaper(s) ".

FOREIGN RELATIONS BILL—
See " Bill(s) ".

FOREIGN RELATIONS ORDINANCE—
See " Ordinance(s) ".

FOREIGN SALT—
See " Salt ".

FOREMAN(EN)—
Question *re*—
Appointment of Indians as ——, etc., in Military Workshops, etc. 2400.
Appointment of Indians as Shop ——, etc. 2402.

FOREST—
Demand for Grant. 2268.

FOREST CAPITAL OUTLAY—
Demand for Grant. 2344.

FORFEITURE.
Question *re* —— of Military pensions for participation in political activities. 637.

FOUNTAIN(S)—
Question *re* maintenance of parks and —— adjacent to the Imperial Secretariat Buildings. 2204.

FOX, Mr. H. B.—
Election of —— to the Standing Committee on Emigration. 2490.
Nomination of —— to the House Committee. 1017-18.
Question *re*—
Appointment of Deputy Directors General, Posts and Telegraphs. 2475-76.
Reductions of appointments of Assistant Directors General, Posts and Telegraphs. 2475.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2984-86, 2990, 2994, 2997.

FRANCHISE COMMITTEE(S)—
Question *re* formation of —— of the Central Legislature. 875.

FREIGHT(S)—
Question *re*—
Excess —— charged to traders by certain railways. 1228.
—— rates on the Bengal Nagpur Railway. 1228, 1229.
Surcharge on coal ——. 50.

FRENCH, Mr. J. C.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 420-22, 427.
Resolution *re* recent Ordinances. 240-41.

FRONTIER(S)—
Question *re*—
Members of the —— Reforms Advisory Committee. 556.
Substitution of Air Force Units for Army Units in the defence of the ——. 2657-59.

FUEL—
Question *re* retention of a large and expensive —— staff on the Great Indian Peninsula Railway. 1936-37.

FUND(S)—
Question *re*—
Age limit for appointment of Cantonment —— Employees. 753-54.
Alleged objectionable methods in search for Congress —— adopted by the Police Inspector, Ajmer. 2568.
Amount of grant-in-aid made to the education —— of the Municipal Board, Ajmer. 375.
Principles for grants out of the Sunday Penalty Fees ——. 2589.
Seizure of Congress ——. 366.
Utilisation of fine —— on railways. 653.

G

GALIAKOT—
Question *re* construction of railway lines between Dohad or Rutlam and ——. 358.

GALVANISED IRON—
See " Iron ".

GALVANISED CORRUGATED SHEET(S)—
Question *re* manufacture of —— by the Tata Iron and Steel Company. 821.
See also " Sheets ".

GANDHI—
Motion for Adjournment *re*—
Arrest and internment of Mahatma ——. 72-73, 104.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma —— in Jail. 2785-88 and 2829-47.
Question *re*—
Representation from religious leaders for the release of Mahatma ——. 550-51.
Rumoured release of Mr.——. 357.
Violation by the Congress of the Irwin —— Pact. 969.

GANDHI ASHRAM—
Question *re* auction of private property in the —— at Hatundi. 2565.

GARDEN(S)—
Question *re*—
Construction of offices in the —— of the Lansdowne Institute, Rawalpindi. 1594-95.
Dispersal of a meeting in the Queen's ——, Delhi and arrest of Mufti Qifayatullah. 2470-71.

GATE ALLOWANCES—
See " Allowance(s) ".

GATE-KEEPER(S)—
Question *re* non-employment of Sikhs as —— at Army Headquarters. 1675.

GAZETTED SERVICE—
Question *re*—
Lower —— on State Railways. 811.
Paucity of Muslims in the lower —— of the North-Western Railway. 1598.

GENERAL BUDGET—
See " Budget/General ".

GENERAL POST OFFICE(S)—
Question *re* Anglo-Indian women retained in officiating vacancies in the Madras ——. 633-34.

GENERAL PROVIDENT FUND—
Question *re* withdrawals from the —— for investment in sterling insurance policies. 327-28.
See also " Provident Fund ".

GEOLOGICAL SURVEY—
Demand for Grant. 2337.
Question *re* retrenchment in the staff of —— of India. 355.

GHAZIABAD—
Question *re* pay of Anglo-Indian and Indian Assistant Station Masters at Delhi and ——. 825.

GHEE—
See " Vegetable Ghee ".

GHUZNAVI, Mr. A. H.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 415, 417, 426, 429.
Election of —— to the Standing Committee for Roads. 1819.
Election of —— to the Standing Finance Committee for Railways. 2612.
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 19.
General Discussion of the General Budget. 1791-93.
General Discussion of the Railway Budget. 1282-85, 1607.
Motion to reduce Demand for—
" Executive Council " *re*—
Lack of supervision over the coal transactions of railways. 2155-56, 2160-65, 2167, 2168, 2172.
" Railway Board " *re*—
Favouritism in the railways. 1436.
Future of the Railway Board and the constitutional aspect. 1545.
Point of order raised by Mr. C. S. Ranga Iyer as to whether an Honourable Member who is directly and personally concerned with the affairs of a contracting firm is entitled to take part in a debate concerning it. 2158, 2159.
Resolution *re* recent Ordinances. 234, 244, 255, 279, 305.

GIDNEY, Lieut.-Colonel Sir HENRY—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1869.
Election of —— to the Central Advisory Council for Railways. 2729.
Election of —— to the Standing Committee on Emigration. 2490.

GIDNEY, LIEUT.-COLONEL SIR HENRY—(*contd.*)
Expressions of regret by —— on the death of Sir Bomanji Dalal. 3029.
General Discussion of the General Budget. 1757-64.
General Discussion of the Railway Budget. 1273-77.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2452, 2453.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy effected by Government under Customs. 2242-45.
" Executive Council " *re*—
Constitutional issue. 1963-68.
Retrenchment. 2058, 2060-66, 2071.
" Railway Board " *re*—
Favouritism in the railways. 1437-38, 1444, 1445.
Future of the Railway Board and the constitutional aspect. 1478-81, 1503, 1555.
Railway retrenchment policy. 1405-15, 1420, 1423, 1427.
Representation of Muslims in the railway services. 1338-41, 1342, 1363, 1364.
Oath of Office. 211.
Question *re*—
Accelerated promotion for officers of the Indian Medical Department. 881-82.
Adjustment of communal inequalities in the Indian Medical Service. 970.
Condonation of break in service of State Railway Employees. 808-09.
Contracts for unloading and stacking coal on the Great Indian Peninsula Railway. 1934-35.
Conversion of pensions of members of the Indian Medical Department drawn abroad. 1128-30.
Costly electrification scheme on the Great Indian Peninsula Railway. 1935-36.
Cuts in salaries of railway employees. 809.
Distinction in pension conditions between the Indian Army Service Corps and the Military Engineering Corps. 1928-29.
Emoluments of matrons and nurses in British Family Hospitals. 973.
Fly nuisance in New Delhi. 882.
Idle locomotives of the Great Indian Peninsula Railway. 1935.
Indebtedness among railway employees. 880-81.
Ineffectiveness of the crew system of railway ticket checking. 1936.
Lower gazetted service on State Railways. 811.
Maintenance of communal proportions in Departments in connection with retrenchment. 1126-27.
Mortality and sickness in the British Army in India. 971-72.
Nursing sisters in British Family Hospitals. 972-73.
Pay and allowances of the Indian staff of the office of the High Commissioner for India. 970-71.
Payment of pensions of members of the Indian Medical Department in rupees or pounds. 1127-28.
Re-amalgamation of the Commercial and Transportation Departments of the Great Indian Peninsula Railway. 1937.
Retention of a large and expensive fuel staff on the Great Indian Peninsula Railway. 1936-37.
Retrenchment of officials on State Railways nearing the age of superannuation. 2354-55.
Revised rates of pay of Government servants. 809-10.
Termination of the services of temporary Engineers on State Railways. 810-11.

GIDNEY, LIEUT.-COLONEL SIR HENRY—(*concld.*)
Question (Supplementary) *re*—
Allowances of travelling ticket examiners. 2367, 2368.
Allowances of travelling ticket examiners and of guards and drivers. 1938.
Appointment of ticket collectors. 2205, 2206.
Avoidance of break in service of railway officials retrenched and re-employed. 360.
Complaint of official interference in the management of the Great Indian Peninsula Railway Employee's Co-operative Society. 1072-73.
Discharge of superannuated railway employees. 1587.
Dumping of rubbish outside the Turkman and Delhi Gates. 1239.
Employment of Hindus on the North-Western Railway. 993-94.
Expulsion of certain citizens from Mhow Cantonment. 2212-13.
Foregoing excess fares on the East Indian Railway. 816.
Indian Christians employed on railways. 1244.
Memorials withheld by the Railway Board. 1586.
Moody-Ward system of ticket checking. 998-99.
Payment of disability pensions for Military service. 2904-06.
Percentage of appointments held by Indian Christians on the South Indian Railway. 561.
Promotion of a European officer on the Great Indian Peninsula Railway. 1069-70.
Railway Court of Enquiry. 1585.
Recruitment of certain European officers for Rates and Claims work in the Great Indian Peninsula Railway. 1066.
Reduction of travelling and other allowances of Members of the Legislature. 2591.
Registering of Indian Medical Practitioners. 982-83.
Revised cadres and promotion of subordinates in certain Departments of the Great Indian Peninsula Railway. 1068.
Supersession of certain officers on the North-Western Railway. 1599, 1600.
Supersession of certain subordinates in the Great Indian Peninsula Railway. 1064-65.
Systems of railway ticket checking. 2208, 2209.
Ticket checking on Main and Branch Lines. 2211.
Ticket checking system on the East Indian Railway. 1939.
Resolution *re*—
Appointment of a committee on education. 857-61, 874.
Recent Ordinances. 212, 226, 227, 287-91.

GIRLS' SCHOOL(S)—
See " School(s) ".

GOLD—
Question *re*—
Export of —— from India. 646, 1505-06.
Flight of —— from India. 363.
—— exported from and imported into India. 531-32.
—— in the Currency Reserves in India and England. 63-64.
Purchase of —— by operators in Bombay. 1062.
Transactions in —— of the Government of India. 1379-80.

GOODS—
Question *re* charges for —— on the Bengal Nagpur Railway. 1225-26.

GOODS CLERK(S)—
Question *re* age of Babu Khushi Mohamed, late Chief ——, North-Western Railway, forced to retire. 2784.

GOODS SHED(S)—
Question *re*—
Alleged racial discrimination in punishments in the Howrah ——. 2782.
Allowances of the staff of the Howrah ——. 2782.
Dissatisfaction amongst Railway Staff of the Howrah ——. 878.
Grievances of railway staff of the Howrah ——. 878-79, 2781.
Railway passes granted to staff of the Howrah —— compelled to go on leave on half pay. 2782.
Staff of the Howrah —— compelled to go on leave on half pay. 2781.

GORAKHPUR—
Question *re*—
Education of the children of railway employees at ——. 1526-27.
Pressure on railway subordinates to vote for a municipal candidate at ——. 1525.
Recruitment and promotions in the Bengal and North-Western Railway workshops at ——. 1530-31.
Statement (laid on the table) by Mr. P. R. Rau, *re* schools for children of railway employees at ——. 2854.

GOUR, SIR HARI SINGH—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1106-13.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 678-80.
Motion to consider. 1867-74, 1875, 1876, 1882.
Child Marriage Restraint (Repealing) Bill—
Motion for leave to introduce. 942.
Demand for Grant in respect of Foreign and Political Department. 2293-94.
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 14-15.
General discussion of the General Budget. 1773-76.
Hindu Inheritance (Amendment) Bill—
Motion for leave to introduce. 941.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 485.
Motions to refer to Select Committee and to re-circulate. 739.
Motion to re-circulate. 944, 951.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 99-102, 444, 448, 459, 464, 465.
Indian Income-tax (Amendment) Bill—
Motion for leave to introduce. 939.
Motion to refer to Select Committee. 188, 189.
Indian Partnership Bill—
Motion to consider. 806.
Consideration of clause 30. 889.
Consideration of clause 32. 897-900.
Motion for adjournment *re* publication in the Press of the Assembly speeches. 659-60.

GOUR, SIR HARI SINGH—(*concld.*)
Motion *re* election of the Standing Finance Committee. 1815-18.
Motion to reduce Demand for—
"Customs" *re*—
Insufficient economy effected by Government under Customs. 2256-58, 2263, 2264.
"Executive Council" *re*—
Avoidance of Income-tax. 2107-10.
Constitutional issue. 1952-60, 1964, 1984-85.
Lack of supervision over the coal transactions of the railways. 2168.
Separation of Burma from India. 2182-84, 2191.
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1550-58.
Nomination of —— to the Panel of Chairmen. 378.
Obstructions of Members entering the Assembly Chamber. 1079.
Question *re*—
Amalgamation of the hospitals for British and Indian troops at Kamptee. 108.
Export of gold from India. 1505-06.
Future action in regard to the Ordinances. 1505.
Hospitals for British and Indian troops at Kamptee. 107-08.
Hospitals for British and Indian troops in Military Stations. 109.
Lawrence Schools in India. 110.
Organisation of an Indian Industries Fair. 109.
Rise in rupee securities. 1506.
Schools for the children of British soldiers. 110-11.
Question (Supplementary) *re*—
Administrative position of Berar in relation to constitutional reform. 48.
Destruction of insufficiently stamped postcards. 37, 38.
Railway saloons provided for railway officials. 32.
Recruitment of Indians and Europeans to the Indian Civil Service and Indian Police Service. 27.
Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 350.
Status of India as a Member of the League of Nations. 337.
Resolution *re*—
Chief Justices of High Courts. 125-29, 141, 148-51.
Establishment of a Supreme Court in India. 586-89, 596, 597, 598.
Recent Ordinances. 212-17, 219, 264, 318-21.

GOVERNMENT(S)—
Question *re* currency and exchange policy of the ——. 646.

GOVERNMENT BUILDING(S)—
See "Building(s)".

GOVERNMENT CENTRAL GIRLS' SCHOOL—
See "School(s)".

GOVERNMENT DEPARTMENT(S)—
Question *re*—
Office hours in ——. 974.
Recruitment of Muslims to ——. 2383-84.
Selection of men for retrenchment in ——. 1610-11.

GOVERNMENT HIGH SCHOOL(S)—
See " School(s) ".

GOVERNMENT OF BENGAL—
Question *re* resolution of the —— on the shooting at the Hijli detention camp. 1221-23.

GOVERNMENT OF INDIA—
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy affected by —— under Customs. 2232-66.
Question *re*—
Appointment of Indian Christians in —— Departments. 1608-09.
Cuts in low pays in the Local Government and ——. 2350.
" Extraordinary Receipts " of the ——. 2560.
Floating debt of the ——. 1064.
Grant of advance increments or special pay to Muslims in the —— offices. 2783-84.
Number of Secretaries, Deputy Secretaries, etc., in the —— Departments. 57.
Posts with special pay in the —— held by non-Muslims. 2782-83.
Purchase of *lathies* by the ——. 337.
Recruitment of minor communities in —— Departments. 1609.
Retirement of officers in —— Departments. 35-36.
Taxes and duties imposed by the —— and Budget surpluses and deficits. 2908-09.
Transactions in gold of the ——. 1379-80.
Travelling allowances of inferior servants of the ——. 1319.
See also " Central Government ".

GOVERNMENT OF INDIA DEPARTMENTS—
Question *re* appointment of Mussalmans to ——. 111.

GOVERNMENT OF INDIA PRESS(ES)—
Question *re*—
Appointment of a Muslim as Accountant and Cashier, ——, New Delhi. 2404-05.
Appointment of Muslims peons in the ——, New Delhi. 2404.
Appointment of Muslims as copyholders in the ——, New Delhi. 2403-04.
Appointment of Muslims to the ——, New Delhi. 2404-05.
Carelessness of a head clerk in the ——, Aligarh. 1663.
Deduction from pay of piece-rated employees of the ——, Calcutta. 2221-23.
Deduction for Provident Fund from the earnings of piece-rated employees of the ——, New Delhi. 2545.
Grievances of Muslims in the ——, New Delhi. 2405.
Lack of heating arrangements in the ——, New Delhi. 2552.
Lack of water taps in the ——, New Delhi. 2552.
Machinery lost in the ——, Aligarh. 1617.
Paucity of Sikhs employed in the ——, Simla and New Delhi. 1671.
Qualifications of the Officiating Assistant Managers of the Simla and Aligarh ——. 2381.
Redress of communal inequalities in the ——, New Delhi. 2404.
Rent-free quarters to the Officiating Assistant Manager, ——, Aligarh. 2381.
Retrenchment in the ——, Aligarh. 1617-18.
See also " Press(es) ".

GOVERNMENT OF INDIA SECRETARIAT—
See " Secretariat ".

GOVERNMENT OFFICE(S)—
Question *re*—
Appointment of Sikhs in ——. 983-85.
Appointment of Sikhs to the Upper Division in certain ——. 822.

GOVERNMENT PRINTING WORK—
See " Printing Work ".

GOVERNMENT QUARTERS—
See " Quarter(s) ".

GOVERNMENT SCHOOL(S)—
Question *re* grants-in-aid admissible to ——. 67.
See also " School(s) ".

GOVERNMENT SERVANT(S)—
Question *re*—
Departmental punishment of ——. 2720.
Income from increased income-tax on salaries of ——. 327.
Revised rates of pay of ——. 809-10.
Revision of scales of pay of ——. 330.
Status as —— of the teachers in the Railway School at Tundla. 67.
Statement (laid on the table) by the Honourable Sir James Crerar, *re* —— murdered in communal and political disturbances. 2492-96.

GOVERNMENT SERVICE(S)—
Question *re*—
Allegations *re* non-appointment of Muslims in ——. 974.
Criteria for appointment of various communities to ——. 2489.

GOVERNOR(S)—
Question *re* scale of salaries for the ——, Executive Councillors and Ministers in the North-West Frontier Province. 552-55.

GOVERNOR GENERAL—
Message from His Excellency the Viceroy and—
Appointing dates for the presentation and discussion of the General Budget. 1016-17.
Appointing dates for the presentation and discussion of the Railway Budget. 1016.
Appointing the Honourable Sir George Rainy to perform the functions assigned to the Finance Member on the occasion of the general discussion of the Railway Budget. 1017.
Declaring certain heads of expenditure to be open to discussion by the Legislative Assembly when the Budget is under consideration. 1017.
Re the allotment of an additional day for the discussion of the Demands for Grants. 1865.

GOVERNOR GENERAL, HIS EXCELLENCY, THE—
Demand for Grant in respect of staff, household and allowances of the ——. 2288.

GOVERNOR GENERAL, STAFF, HOUSEHOLD AND ALLOWANCES OF THE—
Demand for Supplementary Grant. 933.

GRADATION LIST—
Question *re* —— in the Indian Stores Department. 1259-60.

GRAHAM, SIR LANCELOT—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to amend clause 1. 2686-87, 2688.
Code of Civil Procedure (Amendment) Bill—
Motion to consider. 2969.
Motion to pass. 2970.
Demand for Supplementary Grant in respect of Council of State. 933.
Foreign Relations Bill—
Motions to consider and to circulate. 2737, 2738.
Consideration of clause 2. 2800-03, 2804, 2805, 2810, 2812.
Consideration of clause 3. 2820, 2821, 2882-83.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 96-98.
Indian Partnership Bill—
Presentation of the Report of the Select Committee. 73.
Motion to consider. 781-82, 790, 883-84.
Consideration of clause 30. 889, 891.
Consideration of clause 32. 903.
Consideration of clause 68. 917.
Consideration of Schedule I. 922-23.
Motion to pass. 924.
Motion to consider the amendments made by the Council of State. 2970.
Public Suits Validation Bill—
Motion to consider. 2933-34.
Motion to postpone consideration. 2949-50.
Motion to refer to Select Committee. 2957.
Consideration of clauses 3 and 4. 2960.
Motion to pass. 2961, 2962.
Resolution *re* Chief Justices of High Courts. 148, 149.
Statement (laid on the table) by —— *re* election expenses of candidates for election to the Legislative Assembly. 155-65.

GRAND TRUNK EXPRESS—
Question *re*—
Inconvenient timings of the ——. 548.
Overcrowding and catering on the ——. 547.

GRANT(S)—
Question *re*—
Discontinuance of the capitation —— for education of railway employees. 1927.
—— of financial aid to Provinces. 2582.
—— to Orissa and Sind. 2719.
Principles for —— out of the Sunday Penalty Fees Fund. 2589.

GRANT(S)-IN-AID—
Question *re*—
Amount of —— made to the education fund of the Municipal Board, Ajmer. 375.
—— admissible to Government schools. 67.
—— for the Girls' School in Saugor Cantonment. 1932-33.

GRASS FARM(S)—
Question *re*—
Indian Overseers and Munshis in Military ——. 1002
Munshis employed in Military ——. 1002.

GRAVEYARD—
Question *re* houses built on the Muslim —— at Idgah Chand Baori, Ajmer. 1256.

GREAT INDIAN PENINSULA RAILWAY—
See " Railways ".

GREAT WAR—
See " War ".

GRIEVANCE(S)—
Resolution *re*—
Appointment of a Committee to hear —— of retrenched officers. 843-50.
—— of Muslim watermen on the North-Western Railway. 105-06.
—— of railway staff of the Howrah Goods Shed. 878-79.
Orders in certain offices prohibiting subordinates from approaching Members of the Legislature for redress of ——. 707.

GROUND TROOPS—
See " Troop(s) ".

GUARD(S)—
Question *re*—
Allowances and duties of —— on the North-Western Railway. 2384-85.
Allowances of —— and ticket examiners. 615-16.
Allowances of —— and ticket examiners on the East Indian Railway. 998.
Allowances of travelling ticket examiners and of —— and drivers. 1937-38.
Appointment of a —— as Janitor, Headquarters Office, North-Western Railway. 2392-93.
Promotion of —— on the Great Indian Peninsula Railway. 826.
Promotion of —— on the North-Western Railway. 2384.

GUNJAL, Mr. N. R.—
Demand for Grant in respect of Home Department. 2321.
Election of —— to the Standing Committee for Roads. 1319.
General Discussion of the General Budget. 1786, 2465-66.
Motion to reduce demand for Grant *re* Home Department. 2849-50.
Question *re*—
Abolition of Range Offices at Dacca and Shillong. 713-14.
Accommodation for clerks in the Audit Office, Bengal and North-Western Railway. 1530.
Ages of workmen superannuated on the Bengal and North-Western Railway. 1527-28.
Alleged " Prejudicial Circular " of the Eastern Bengal Railway. 715.
Applications for appointment of tribunals under the Trade Disputes Act. 1529.
Clerks maintained on the Frontier of Nepal in Bengal and North-Western Railway Stations. 1524-25.
Complaint about the treatment of subordinates at the Cawnpore Central Station. 718.
Complaints about a waiting room for relieving staff attending the District Traffic Superintendent's Office, Calcutta. 716.
Confirmation of Railway Accounts probationers. 717-18.

GUNJAL, Mr. N. R.—(*concld.*)
Question *re*—(*concld.*)
Cost of the Eastern Bengal Railway Supplement to the Indian State Railway Magazine. 1532.
Cuts in pay of railway employees. 1533.
Daily allowance of engineering subordinate staff of the Eastern Bengal Railway. 716.
Discharge on the grounds of superannuation of a parcels clerk of Cawnpore. 1000.
Education of the children of railway employees at Gorakhpur. 1526-27.
Free railway passes on foreign railways. 715-16.
Head post offices in districts. 712-13.
Institutes for European and Indian staff on the Bengal and North-Western Railway. 1529-30.
Latrine in menials' quarters. 715.
Leave for subordinates of the Bengal and North-Western Railway. 1531.
Loss by floods caused to postal employees in Eastern Bengal. 714-15.
Markers employed in the Bengal and North-Western Railway. 1530.
Moody-Ward and Crew systems of ticket checking. 1533.
Non-issue of railway passes to the representative of the All India Railwaymen's Federation. 1526.
Post offices in the Mymensingh and Dacca districts. 713.
Pressure on railway subordinates to vote for a municipal candidate at Gorakhpur. 1525.
Publicity Department of the Eastern Bengal Railway. 1532.
Quarters of the Eastern Bengal Railway staff. 716-17.
Recruitment and promotions in the Bengal and North-Western Railway workshops at Gorakhpur. 1530-31.
Recruitment of staff in State Railway Accounts Offices. 717.
Reduction of Simla house rent allowance. 2374.
Report of the Railway Retrenchment Sub-Committee. 1531.
Report of the Royal Commission on Labour. 1528-29.
Reported " Unreasonable Action " on the Eastern Bengal Railway. 715.
Retrenchment of superior officers on State Railways. 1533-34.
Retrenchment of the post of Superintendent of Post Offices at Dacca. 711-12.
Separation of Audit and Accounts Departments of State Railways. 1532.
Working hours of the Bengal and North-Western Railway staff. 1531.
Resolution *re*—
Appointment of a Committee to hear grievances of retrenched officers. 847.
Establishment of a Supreme Court in India. 583, 1215-16.
Wire and Wire Nail Industry (Protection) Bill—
Consideration of clause 1. 1040.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1054, 1217.

GWYNNE, Mr. C. W.—
Oath of Office. 13.

GYMKHANA CLUB—
Question *re* advance of money by Government to the Imperial ——, New Delhi. 551-52.

H

HAIG, THE HONOURABLE MR. H. G.—
Oath of Office. 2777.
Statement (laid on the table) by the —— *re* pay of duftries and 10 per cent. cut in their pay. 2852.

HAKIM(S)—
Question *re* Ayurvedic dispensaries in Delhi and lack of Sikh —— or vaids. 2571.

HALLAND, COLONEL—
Question *re* employment while on leave of ——, Senior Superintendent of Police, Delhi. 1126.

HANDICRAFTS—
Question *re* training of British soldiers in —— in India. 328.

HARBANS SINGH BRAR, SIRDAR—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to pass. 2709-12.
Demand for Grant in respect of Home Department. 2314-19.
Election of —— to the Standing Finance Committee. 2490.
Election of —— to the Standing Finance Committee for Railways. 2612.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 103.
Motion for Adjournment *re* unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2787, 2829-30.
Motion to reduce Demand for—
" Executive Council " *re*—
Indianisation of the Army. 2127-28, 2129.
" Railway Board " *re*—
Representation of Muslims in the railway services. 1341-45, 1371.
Nomination of —— to the House Committee. 1017-18.
Question *re*—
Appointment of Sikhs in Government offices. 983-85.
Appointment of Sikhs to the Indian Service of Engineers. 610.
Appointment of Sikhs to the office of the Railway Board. 985.
Arrest of Mr. W. A. Edge of the Public Works Department, Delhi, for alleged embezzlement. 2717.
Censorship of press messages *re* proceedings of the Assembly. 1077-78.
Rules for the recovery of rents for Government buildings in Simla and Delhi. 1001-02.
Supply of filtered water, lighting, etc., in Karol Bagh, Delhi. 2562-63.
Question (Supplementary) *re*—
Employment of Muslims in the Finance Department. 1246.
Non-employment of Muslim stenographers in the Finance Department. 1254.
Permanent location of the Secretariat in New Delhi. 1612.
Removal of the North-West Frontier Crime Regulations. 1603.
Resolution *re* Chief Justices of High Courts. 145-46.
Sugar Industry (Protection) Bill—
Consideration of clause 6. 2874-75.

HARBANS SINGH, SIRDAR—
Question *re* cancellation of a passport granted to ——, a merchant of Sistan. 1923.

HARI RAJ SWARUP, LALA—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1099.
Question *re*—
Allowances of guards and ticket examiners on the East Indian Railway. 998.
Census enumeration of Christian and Muhammadan depressed classes. 1232.
Effect of new currency policy. 363-64.
Excess fares collected by travelling ticket examiners. 999.
Expediting the establishment of the new constitution in India. 330-31.
Flight of gold from India. 363.
Military troops in towns and villages. 997.
Moody-Ward systems of ticket checking. 998-99.
Prices of wheat at Cawnpore and Lyallpur. 536-37.
Purchase of the Bengal and North-Western and Rohilkund and Kumaon Railways. 997.
Rate of interest allowed on the General Provident Fund. 1232.
Reduction of pay of Travelling Ticket Inspectors on the East Indian Railway. 997-98.
Renewal of the Wheat Import Duty Bill. 536.
Reports of Retrenchment Committees. 364.
Revision of scales of pay of Government servants. 330.
Steps to control money-lending and rates of interest. 535-36.
Superior staff on the various Port Trusts. 1231.
Transfer of appeals from one Income-tax Commissioner to another. 330.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2866.
Consideration of clause 5. 2872.

HASSAN, MR. K. M.—
Question *re*—
Exclusion of the Railway Board's establishment in the report of ——. 1694.
Report of ——, officer on special duty, Railway Board. 975.
Reports of —— on employment of Muslims on State Railways. 1600.

HATUNDI—
Question *re* auction of private property in the Gandhi Ashram at ——. 2565.

HAYMAN-MAHINDRA TICKET PUNCHING MACHINE—
Question *re* ——. 643.

HAYMAN, MR. A. M.—
Motion to reduce Demand for—
" Railway Board " *re*—
Indianisation of superior services. 1578-80.
Railway retrenchment policy. 1414, 1415-25, 1432.
Representation of Muslims in the railway services. 1355-63.
Oath of Office. 1187.

HEAD CLERK(S)—
Question *re*—
Examination for appointment of Inspectors and —— of post offices. 1944.
Muslims appointed as Office Superintendents and —— on the North-Western and East Indian Railways. 1945-48.
See also " Clerk(s) ".

HEAD DRAFTSMAN—
Question *re* ——, Loco Headquarters Office, North-Western Railway. 2398.
See also " Draftsman ".

HEADMASTER(S)—
Question *re* status of —— in Railway schools. 2479-80.

HEAD MISTRESS—
Question *re* appointment of —— of the Municipal City Girls' School, Ajmer. 374.

HEAD POST OFFICES—
See " Post Office(s) ".

HEADQUARTERS—
Question *re* retrenchment of Railway Officers in divisions or at ——. 59.

HEADQUARTERS OFFICE—
Question *re*—
Appointment of Assistant Chief Draftsman, ——. 996.
Appointment of Muslim officers in the ——, North-Western Railway. 1600.
Discharge of Muslim clerks from the ——, North-Western Railway. 1601-02.
Duties of Personnel Officers at the ——, North-Western Railway. 1602.
Non-appointment of Muslims to the ——, North-Western Railway. 1600.
Reflooring and relining of walls in the North-Western Railway ——. 2401.

HEAD TICKET COLLECTOR(S)—
See " Ticket Collector(s) ".

HEALTH—
Question *re* reports on the —— and treatment of certain prisoners. 2364-65.

HEATHCOTE, Mr. L. V.—
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 757, 769-79.
Indian Partnership Bill—
Motion to consider. 791-93.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1030-33.

HEATING ARRANGEMENTS—
Question *re* lack of —— in the Government of India Press, New Delhi. 2552.

HEDJAZ—
Question *re* insanitary conditions in the ——. 329-30.

HEDJAZ PILGRIMS (MUALLIMS) BILL—
See " Bill(s) ".

HIDE(S)—
Question *re*—
Decline in the export trade of —— and skins. 2907-08.
Revenue derived from —— and skins export duties. 641-42.

HIDE CESS ENQUIRY COMMITTEE—
Question *re* —— 's report. 641.

HIGH COMMISSIONER FOR INDIA—
Demand for Grant in respect of Expenditure in England under the control of ——. 2343.
Question *re* pay and allowances of the Indian Staff of the Office of the ——. 970-71.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* stores purchased by the ——. 1701-03.

HIGH COURT(S)—
Question *re* resolution *re* ——. 1382.
Resolution *re* Chief Justices of ——. 125-53.

HIGH SCHOOL(S)—
Statements (laid on the table) by Mr. G. M. Young, *re* Hindu-Muhammadan ——, Ambala Cantonment. 2491.
See also " School(s) ".

HIGHER STANDARD—
Question *re* minimum marks required for passing into a —— in schools in Ajmer-Merwara, Rajputana, etc. 2387.

HIJLI—
Question *re* resolution of the Government of Bengal on the shooting at the —— detention camp. 1221-23.

HILL(S)—
Question *re* cost of sending European soldiers to the ——. 352.

HINDI—
Question *re* proscription of certain —— books in Ajmer. 47.

HINDU(S)—
Question *re*—
Distinction between Jains and —— in connection with retrenchment in the office of the Accountant General, Central Revenues. 2717.
Employment of a ——, stenographer in the Finance Department. 1252-53.
Employment of —— on the North-Western Railway. 993-94.
Facilities for —— railway employees at Tundla for the Dewali festival. 71.
—— and Muhammadans employed as drivers, etc., in the North-Western Railway. 563.
—— and Muslim Superintendents of Post Offices in the Punjab Postal Circle. 992.
Increase of percentage after retrenchment of —— in the Archæological Department. 2571-72.
Muslim and —— duftries and peons employed in various Departments. 1684-85.
Number of Muslim and —— postmen in certain Sub-Divisions. 876-77.
Paucity of —— in workshops on the North-Western Railway. 2398-99.
Percentage of —— and Muslims in the Archæological Department. 2358-59.
Retrenchment of —— and Sikhs in the Railway Clearing Accounts Office. 1671-72.
Titles for —— and Mussalmans. 557-58.
Statement (laid on the table) by Mr. G. M. Young, *re* Muhammadan High School, Ambala Cantonment. 2491.

HINDU INHERITANCE (AMENDMENT) BILL—
See " Bill(s) ".

HINDU MARRIAGES DISSOLUTION BILL—
See " Bill(s) ".

HINDU-MUHAMMADAN HIGH SCHOOL—
Statement (laid on the table) by Mr. G. M. Young, *re* the ——, Ambala Cantonment. 2491.

HINDU UNTOUCHABLE CASTE (REMOVAL OF DISABILITIES) BILL—
See " Bill(s) ".

HINDU WIDOWS' RIGHT OF INHERITANCE BILL—
See " Bill(s) ".

HOE AND COMPANY, MESSRS.—
Question *re*—
Contract for clothing entrusted to ——. 1131-32.
South Indian Railway Printing Contract with ——. 1134.

HOLI—
Question *re* holidays for the —— and *Dewali* festivals. 2903.

HOLIDAY(S)—
Question *re*—
Denial of —— to the Staff of the Chief Traffic Manager's Office, Great Indian Peninsula Railway. 1070.
Grant of concessions to clerks of the North-Western Railway Offices for attending office on Sundays and ——. 2403.
—— enjoyed by Officers of the Indian Army. 1593.
—— for the *Holi* and *Dewali* festivals. 2903.
Passes issued during —— on the Bengal Nagpur Railway. 2014-15.
Sikh —— in the Punjab Postal Department. 1681-82.

HOME DEPARTMENT—
Demand for Grant. 2314-25.
Question *re*—
Communal inequality in the——. 1697.
Decrease of Muslim employees in the ——. 1697.

HONORARIUM—
Question *re* payment of an —— to Mr. Page of the Archæological Department for preparation of a Budhist design. 2356.

HOON, MR. A.—
Question (Supplementary) *re* titles for Hindus and Mussalmans. 558.
Resolution *re*—
Establishment of a Supreme Court in India. 598-99.
Recent Ordinances. 232-35.

HORSE-BREEDING—
Statement (laid on the table) by Mr. G. M. Young *re* —— grantees reported against. 165.

HOSPITAL(S)—
Question *re*—
Amalgamation of the —— for British and Indian troops at Kamptee. 108.
Emoluments of matrons and nurses in British Family ——. 933.
—— for British and Indian troops at Kamptee. 107-08.
—— for British and Indian troops in Military Stations. 109.
Nursing sisters in British Family ——. 972-73.
Staff of the Veterinary —— at Mhow Cantonment. 358.
Statement (laid on the table) by Mr. J. R. Blair *re* the Railway —— at Nagpur. 2969.

HOSPITAL FEE(S)—
Question *re* recovery of —— in Allahabad Cantonment. 747.

HOUNDS—
Question *re* rumoured intention to use —— to disperse crowds in the North-West Frontier Province. 333.

HOUR(S)—
Question *re* increase of —— of clerical establishment on State Railways. 2403.

HOUR(S) OF WORK—
Resolution *re* —— in coal mines. 1177-81.

HOUSE(S)—
Question *re*—
Encroachments on adjoining land of —— in Benares Cantonment. 1595-96.
—— built on the Muslim graveyard at Idgah Chand Baori, Ajmer. 1256.
Levy of Income-tax on rents of unoccupied ——. 1380.
Standard plans for —— under the Eastern Command. 746-47.

HOUSE COMMITTEE—
Constitution of a ——. 1017-18.

HOUSE RENT—
Question *re*—
Delhi move allowance and Simla —— allowance. 2467.
—— and mileage allowances of ticket checking staff of the East Indian and Oudh and Rohilkhand Railways. 621.
Reduction of Simla —— allowance. 2374.
Travelling and —— allowances. 2377.

HOUSE RENT ALLOWANCE(S)—
See " Allowance(s) ".

HOUSE SCAVENGING TAX—
Question *re*—extension of the —— in Ambala Cantonment. 745-46.
See also " Tax(es) ".

HOWARD-NIXON MEMORANDUM—
Statement (laid on the table) by the Honourable Sir George Schuster *re* report on the —— *re* financial questions arising out of the separation of Burma from India. 2224-29.

HOWELL, SIR EVELYN—
Demand for Grant in respect of—
Foreign and Political Department. 2301-04.
Foreign Relations Bill—
Presentation of the Report of Select Committee. 1264.
Motions to consider and to circulate. 2731-34, 2736, 2737, 2738, 2739, 2742, 2743, 2766-70.
Consideration of clause 2. 2770-72, 2774, 2798, 2799, 2810, 2816, 2818.
Consideration of clause 3. 2819, 2820, 2879-81.
Consideration of clause 4. 2891-92.
Motion to pass. 2892, 2901-02.
Resolution *re* recent Ordinances. 251-54.

HOWRAH—
Question *re*—
Alleged racial discrimination in punishments in the —— Goods Shed. 2782.
Allowances of the staff of the —— Goods Shed. 2782.
Grievances of railway staff of the —— Goods Shed. 2781.
Railway passes granted to staff of the —— Goods Shed compelled to go on leave on half pay. 2782.
Staff of the —— Goods Shed compelled to go on leave on half pay. 2781.
Strength of supervising and operating staff in the East Indian Railway Press, Calcutta and ——. 2219-21.

HOWRAH GOODS SHED—
Question *re*—
Dissatisfactinn amongst railway staff of the ——. 878.
Grievances of railway staff of the ——. 878-79.

HUBLI—
Question *re* construction of a railway line between —— and Kumpta. 1941.

HUNGER-STRIKE—
Question *re*—
—— of a prisoner in the Ajmer jail. 2564.
—— of political prisoners in Ajmer. 2567.

HYDERABAD—
Demand for Grant. 2343.

I

ICE—
Question *re* supply of —— and mineral water on the East Indian Railway. 2213-15.

ICHAPUR—
Question *re* friction between crew staff and students of Jadabpur and —— stations on the Eastern Bengal Railway. 991-92.

IDGAH CHAND BAORI—
Question *re* houses built on the Muslim graveyard at ——, Ajmer. 1256.

IMMIGRANT(S)—
Question *re* disparity of sexes among Indian —— in the Malay Peninsula. 647-48.

IMMIGRATION—
Question *re* Brazilian —— Scheme. 2543.

IMPERIAL BANK OF INDIA—
Question *re* deposits, loans and cash credits of other banks with the ——. 1063-64.
Resolution *re* ——. 112-25.

IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT—
Demand for Grant. 2338.

IMPERIAL ECONOMIC CONFERENCE—
See " Conference(s) ".

IMPERIAL GYMKHANA CLUB—
Question *re* advance of money by Government to the ——, New Delhi. 551-52.

IMPERIAL INSTITUTE OF DAIRYING—
Question *re* transfer of the —— from Bangalore to Karnal. 647.

IMPERIAL SECRETARIAT—
See " Secretariat ".

IMPERIAL SERVICE(S)—
Question *re* reduction of salaries and allowances, etc., of ——. 2479.

IMPORT(S)—
Question *re*—
Export from and —— into India of gold. 531-32.
—— of foreign, Indian and Aden salt. 705-06.
Value of —— and exports of India and Burma. 645-46.

IMPORT DUTY(IES)—
Question *re* realisations from the additional —— on salt. 440.
See also " Duty(ies) ".

IMPORTATION—
Question *re* —— of wood pulp into India. 652-53.

IMPRISONMENT—
Question *re*—
Classes of —— awarded to political prisoners. 364-66.
Infliction of —— and fines under the recent Ordinances. 489.

INCOME(S)—
Question *re*—
—— and expenditure from Customs and Administration of Karachi and —— tax in Sind. 358-59.
—— and expenditure of the Excise Department, Ajmer-Merwara. 2390.
—— and working expenses of banks and firms. 649-50.
—— from increased —— tax on salaries of Government servants. 327.
National wealth, remittances, ——, pay and allowances, etc. 1380.

INCOME-TAX—
Motion to reduce Demand for—
" Executive Council " *re*—
Avoidance of ——. 2096-2118.
Question *re*—
Additional revenue from increased ——. 1381.
Appointment of a Muslim as Assistant Commissioner of ——. 2573.
Appointment of a Muslim as Commissioner of —— in the Punjab, North-West Frontier Province and Delhi. 2573-74.
Assessment of —— payable by landlords. 1242.
Commissioners and Assistant Commissioners of —— in Bombay. 1942.
Control and maintenance of reserved subjects of Police,——, etc. 807.
Days spent in Sind by the Commissioner of ——, Bombay Presidency. 1591.
Disposal of files in the office of the Commissioner of ——, Bengal. 366-67.
Disposal of —— applications in Sind. 1589.
Examination of accounts for —— assessment. 648-49.

INCOME-TAX—(*concld.*)
Question *re*—(*concld.*)
Income and expenditure from Customs and Administration of Karachi and —— in Sind. 358-59.
Income from increased —— on salaries of Government servants. 327.
—— applications in Sind. 1590, 1591.
—— assessments in Bombay. 648.
—— assessments on incomes below Rs. 1,000. 436.
—— on dues received by zamindars. 1381.
Inspections made by Mr. F. W. Strong, Commissioner of ——, Bengal. 368-70.
Instructions for the Commissioner of ——, Sind. 1590.
Judgment on an —— application in Sind. 1588-89.
Levy of —— on rents of unoccupied houses. 1380.
Office hours kept by Mr. F. W. Strong, Commissioner of ——, Bengal. 371.
Registration of Partnership Firms under the —— Act. 2657.
Travelling allowance drawn on inspection tours by Mr. F. W. Strong, Commissioner of ——, Bengal. 367-68.
Visit to Kalimpong of Mr. Strong, Commissioner of ——, Bengal. 2486-87.
Statement (laid on the table) by the Honourable Sir George Rainy *re* period of tour of the Commissioner of ——, Bombay and Sind. 2729.
Statement (laid on the table) by the Honourable Sir George Schuster *re* applications for revision of —— in the Bombay Presidency. 2613.
Statement (laid on the table) by the Honourable Sir George Schuster *re* —— applications rejected by the Commissioner of ——, Bombay Presidency. 2498
Statement (laid on the table) by the Honourable Sir George Schuster *re* disposal of —— applications in Sind. 2414.

INCOME-TAX ACT—
See " Act(s) ".

INCOME-TAX (SECOND AMENDMENT) BILL—
See " Indian —— " under " Bill(s) ".

INCOME-TAX, COMMISSIONER OF—
Question *re* appointments in the office of the ——, Calcutta. 1506-07.
See also " Commissioner of Income-tax ".

INCOME-TAX DEPARTMENT(S)—
Question *re*—
Appointment of Muslims in the Punjab and Madras ——. 69-70.
Appointment of Muslims to the ——. 1682.
Appointment of Mussalmans to the ——. 633.
Appointments in the —— of Bihar and Orissa. 827-28.
Communities of new recruits required for extra work in the ——, Bombay. 1941.
Disposal of establishment cases in the —— in the Punjab, North-West Frontier Province and Delhi. 2573.
Employment of Muslims in the ——. 2572-73.
Extensions granted to superannuated officers in the ——, Bombay Presidency. 1258-59.
Mussalman Income-tax officers and clerks in the ——. 632.
New appointments in the —— in the Punjab, North-West Frontier Province and Delhi. 2572.
Paucity of Muslims in the Punjab ——. 68-69.
Representation of the various communities in the ——, Bombay. 1942.

INCOME-TAX DEPARTMENT(S)—(*concld.*)
Question *re*—(*concld.*)
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointments in the —— of Bihar and Orissa. 2671.
Statement (laid on the table) *re* appointment of Muslims in the ——, Punjab. 1187.
Statement (laid on the table) *re* examination of accounts in the ——, Bombay. 1263.
Statement (laid on the table) *re* grant of extensions of service to officers of the ——, Bombay. 1811.
Statement (laid on the table) *re* representation of Muslims in the ——, Bengal. 2612-13.
Statement (laid on the table) *re* representation of Muslims in the ——, Bihar and Orissa. 1704.

INCOME-TAX INSPECTOR(S)—
See " Inspector(s) ".

INCOME-TAX OFFICER(S)—
Question *re*—
Appointment of Muslim —— in Bihar and Orissa. 1003.
——, inspectors and clerks in the Punjab and North-West Frontier Province. 1673-74.
Mussalman —— and clerks in the Income-tax Department. 632.

INCORPORATED ACCOUNTANT(S)—
Question *re* admission of students of Indian universities to the Society of —— and Auditors, London. 647.

INCREMENT(S)—
Question *re*—
Grant of advance —— or special pay to Muslims in the Government of India offices. 2783-84.
Temporary —— in pre-war military pensions. 639.

INDEBTEDNESS—
Question *re* —— among railway employees. 880-81.

INDIAN(S)—
Question *re*—
Appointment of an —— Agent in Fiji in place of the Secretary for Indian Affairs. 531.
Appointment of an —— as Assistant Aircraft Inspector. 2558.
Appointment of —— as officers on State Railways. 2404.
Appointment of —— as Shop Foremen, etc. 2402.
Appointment of —— as superintendents of Post Offices in Kashmir. 1946.
Appointment of —— to certain posts on the North-Western Railway. 2201-02.
Appointment of —— to high offices and to Advisory Committees on railways. 106.
Admission of —— to the Army in India Reserve of Officers. 329.
Claims of —— holders of rouble notes. 2013.
Contribution to sailors' home in Bombay and discrimination against ——. 2589-90.
Cost of British and —— soldiers and officers in India. 2010.
Deputation of —— to study sugar manufacture. 1378.
Discrimination against —— in Tanganyika. 1235-36.
Education of European and —— girls in Fiji. 531.
Education of —— in Fiji. 1237-38.

INDIAN(S)—(*concld.*)
Question *re*—(*concld.*)
Election of —— members to the Legislative Council in Fiji. 530-31.
Grievances of —— in East Africa. 1236.
—— repatriated from Malaya. 335.
—— trained as aviation experts. 1607-08.
Institutes for European and —— staff on the Bengal and North-Western Railway. 1529-30.
Non-admission of —— to the Prince of Wales Seamen's Institute, Bombay. 2587-88.
Paucity of —— employed in departments in East Africa. 1665.
Pay of Anglo-Indian and —— Assistant Station Masters at Delhi and Ghaziabad. 825.
Promotion of —— in the Bridge Department of the Great Indian Peninsula Railway. 823-24.
Promotion of —— in the —— Medical Service. 1932.
Promotion of —— printers trained in England. 2380-81.
Proportion of English and —— officer instructors in the new —— Sandhurst. 1930.
Proportion of European to —— officers retrenched in central departments. 42.
Ratio of European, —— Anglo —— and —— Time Keepers in the Public Works Engineering Department. 539-40.
Recruitment of —— and Europeans to the —— Civil Service and —— Police Service. 25-27.
Restrictions against —— entering Panama. 527.
Scholarship granted for the training of —— in Marine Engineering. 2584.
Taxation of —— in Tangayika. 1236-37.
Training of —— in Marine Engineering. 2585.

INDIAN AIR FORCE—
Question *re* appointment of Lillooah apprentices in the —— at Karachi. 1519.

INDIAN AIR FORCE BILL—
See " Bill(s) ".

INDIAN ARMY CADETS—
See " Army Cadets ".

INDIAN ARMY ORDNANCE CORPS—
Question *re* surplus warrant and non-commissioned officers of the ——. 1240.

INDIAN ARMY SERVICE CORPS—
Question *re*—
Distinction in pension conditions between the —— and the Military Engineering Corps. 1928-29.
Pay of clerks, storekeepers and checkers of the ——. 51-55.
Terms of service of officers, clerks, storekeepers, etc., in the ——. 45-46.

INDIAN CADET(S)—
See " Cadet(s) ".

INDIAN CHRISTIAN(S)—
See " Christian(s) ".

INDIAN CIVIL SERVICE—
Question *re*—
Recruitment of Indians and Europeans to the —— and Indian Police Service. 25-27.
Retrenchment of —— officers in the Customs Department. 42-43.

INDIAN COMPANIES (SUPPLEMENTARY AMENDMENT) BILL—
See " Bill(s) ".

INDIAN COASTAL TRAFFIC (RESERVATION) BILL—
See " Bill(s) ".

INDIAN DELEGATION—
See " Delegation ".

INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) AMENDMENT ACT—
See " Act(s) ".

INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) AMENDMENT BILL—
See " Bill(s) ".

INDIAN IMMIGRATION COMMITTEE—
Question *re* composition of the —— in the Malay Peninsula. 334.

INDIAN INCOME-TAX ACT—
See " Act(s) ".

INDIAN INCOME-TAX (SECOND AMENDMENT) BILL—
See " Bill(s) ".

INDIAN INDUSTRIES FAIR—
See " Fair(s) ".

INDIAN INSTITUTE OF SCIENCE—
Election of a member to the council of the ——, Bangalore. 165-66, 378, 440.

INDIAN " KHADDAR " (NAME PROTECTION) BILL—
See " Bill(s) ".

INDIAN LEGISLATURE—
See " Legislature ".

INDIAN LIMITATION (AMENDMENT) BILL—
See " Bill(s) ".

INDIAN MEDICAL COUNCIL BILL—
See " Bill(s) ".

INDIAN MEDICAL DEPARTMENT—
Question *re*—
Accelerated promotion for officers of the ——. 881-82.
Conversion of pensions of members of the —— drawn abroad. 1128-30.
Number of —— Assistant Surgeons on the North Western Railway. 542.
Number of —— Assistant Surgeons on various railways. 1684.
Payment of pensions of members of the —— in rupees or pounds. 1127-28.

INDIAN MEDICAL PRACTITIONERS—
See " Medical Practitioners ".

INDIAN MEDICAL SERVICE—
Question *re*—
Adjustment of communal inequalities in the —— 970
Promotion of Indians in the ——. 1932.
Recruitment for the ——. 353.

INDIAN MERCANTILE MARINE—
Question *re* development of the ——. 2586.

INDIAN MERCHANT SHIPPING (AMENDMENT) BILL—
See " Bill(s) ".

INDIAN MUSEUM—
See " Museum(s) ".

INDIAN NATIONAL CONGRESS—
Question *re* ——. 2378-80.

INDIAN PARTNERSHIP BILL—
See " Bill(s) ".

INDIAN POLICE SERVICE—
Question *re* recruitment of Indians and Europeans to the Indian Civil Service and ——. 25-27.

INDIAN POSTS AND TELEGRAPHS—
Demand for Grant. 2344.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT—
Demand for Excess Grant. 928-29.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)—
Demand for Grant. 2268-81, 2283-88.

INDIAN PRINTER(S)—
See " Printer(s) ".

INDIAN PUBLICITY OFFICE(S)—
Question *re* retrenchment in —— in London and New York. 820.

INDIAN RAILWAY(S)—
See " Railway(s) ".

INDIAN RANKS—
Question *re* Medical Board proceedings refused to ——. 635.

INDIAN REGIMENTS—
See " Regiment(s) ".

INDIAN REGISTRATION (AMENDMENT) BILL—
See " Bill(s) ".

INDIAN SANDHURST—
Question *re* proportion of English and Indian Officer instructors in the new ——. 1930.

INDIAN SEAMEN—
See " Seaman(en) ".

INDIAN SETTLER(S)—
Question *re* representation of the interests of —— in Tanganyika. 2554-56.

INDIAN SERVICE OF ENGINEERS—
Question *re* appointment of Sikhs to the ——. 610.

INDIAN SHIPPING—
Question *re* development of ——. 2587.

INDIAN STAFF—
Question *re* pay and allowances of the —— of the office of the High Commissioner for India. 970-71.

INDIAN STATES—
Question *re* report on economic and financial relations between British India and ——. 41.

INDIAN STATE RAILWAY MAGAZINE—
See " Magazine(s) ".

INDIAN STORES DEPARTMENT—
Demand for Grant. 2340.
Question *re*—
Appointment of Sikhs in the Audit Office, ——. 1675.
Domicile of Mr. J. S. Pitkeathly, Chief Controller of Stores, ——. 2377.
Gradation list in the ——. 1259-60.
Post of Personal Assistant to the Controller of Inspection, ——. 1686-87.
Recommendations for retrenchment in connection with the ——. 41.
Saving on account of the abolition of the post of Assistant Director of Intelligence, ——. 2376-77.
Staff of the office of the Audit Officer, ——. 701.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointment of Sikhs in the Audit Office, ——. 2853.

INDIAN TARIFF (WIRELESS BROADCASTING) AMENDMENT BILL—
See " Bill(s) ".

INDIAN TELEGRAPH DEPARTMENT—
See " Telegraph Department ".

INDIAN TROOPS—
Question *re* clothing allowance of British and ——. 2569.
See also " Troop(s) ".

INDIAN TRUSTS (AMENDMENT) BILL—
See " Bill(s) ".

INDIANISATION—
Motion to reduce Demand for—
" Executive Council " *re*—
—— of the Army. 2118-44.
" Railway Board " *re*—
—— of superior services. 1578-80.

INDUSTRY(IES)—
Demand for Grant. 2339.
Question *re* organisation of an Indian —— Fair. 109.

INDUSTRIES AND LABOUR, DEPARTMENT OF—
Demand for Grant. 2335.

INDUSTRIAL CONCERN(S)—
Question *re* competition of jails with ——. 2468-69.

INDUSTRIAL EMPLOYEES—
See " Employee(s) ".

INEFFICIENCY—
Question *re* definition of —— for purposes of retrenchment. 2873-74.

INFANT MORTALITY—
Question *re* high death rate and —— in Ajmer. 2391.

INFERIOR SERVANTS—
See " Servant(s) ".

INFERIOR STAFF—
Question *re* ministerial and —— quarters in New Delhi. 2203.

INHERITANCE—
See " Hindu —— (Amendment) Bill " under " Bill(s) ".

INHERITANCE, RIGHT OF—
See " Hindu Widows' —— " under " Bill(s) ".

INQUIRY, COURT OF—
Question *re* cost of the Railway ——. 107.

INSANITARY CONDITION(S)—
Question *re* —— in the Hedjaz. 329-30.

INSPECTING OFFICER(S)—
Statement (laid on the table) by Mr. G. M. Young *re* disposal of appeals by the ——, Military Lands and Cantonments, Northern Command. 2854.

INSPECTION(S)—
Question *re* —— made by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 368-70.

INSPECTION (RAILWAYS)—
Demand for Grant. 1581.

INSPECTION HOUSE(S)—
Question *re* occupation of post office —— by a Deputy Postmaster General. 2095.

INSPECTOR(S)—
Question *re*—
Abolition of the post of Assistant Conservancy —— at the Central Telegraph Office. 559-60.
Alleged objectionable methods in search for Congress funds adopted by the Police ——, Ajmer. 2568.
Appeals of travelling ticket ——. 616, 2206.
Appeals of travelling ticket —— to the Secretary, Railway Board. 1938-39.
Appointment of a Muhammadan as Town —— of post offices, Mussoorie. 877-78.
Appointment of an Indian as Assistant Aircraft ——. 2558.
Discharge of travelling ticket —— and ticket collectors. 621.
Examination for appointment of —— and head clerks of post offices. 1944.
Grant of conveyance allowance to —— of Telegraph peons. 2595.

INSPECTOR(S)—(*concld.*)
Question *re*—(*concld.*)
Income-tax officers, —— and clerks in the Punjab and North-West Frontier Province. 1673-74.
Pay of the Conservancy —— of the Telegraph Office, Simla. 560.
Promotion of certain Town —— of post offices. 2013.
Railway passes for Railway Mail Service ——. 1592-93.
Reduction of pay and allowances of travelling ticket ——. 617.
Re-examination of certain travelling ticket ——. 2094-95.
Training of bridge —— on the Great Indian Peninsula Railway. 824-25.
Transfer of —— of the Railway Mail Service, Punjab Circle. 1679-80.
Statement laid on the table) by the Honourable Sir Joseph Bhore *re* appointment of a Muhammadan as Town —— of post offices, Mussoorie. 1626.

INSPECTOR(S) OF ACCOUNTS—
Question *re* retrenchment of certain junior —— on the North-Western Railway. 2471-72.

INSPECTOR(S) OF STATION ACCOUNTS—
Question *re* reduction of posts of junior —— on the Great Indian Peninsula Railway. 1071.

INSTALLATION(S)—
Question *re* —— of machinery in jails 2469-70.

INSTITUTE(S)—
Election of a member to the Council of the Indian —— of Science, Bangalore. 165-66, 378.
Question *re*—
Abolition of the X-Ray —— at Dehra Dun. 820-21.
Construction of offices in the garden of the Lansdowne ——, Rawalpindi. 1594-95.
—— for European and Indian staff on the Bengal and North-Western Railway. 1529-30.
Non-admission of Indians to the Prince of Wales Seamen's ——, Bombay. 2587-88.

INSTRUCTOR(S)—
Question *re* proportion of English and Indian officer —— in the new Indian Sandhurst. 1930.

INSURANCE POLICY(IES)—
Question *re* withdrawals from the General Provident Fund for investment in sterling ——. 327-28.

INTERCEPTION—
Question *re* —— of a telegram sent by Miss Mira Ben. 2352-53.

INTEREST(S)—
Question *re*—
Disposal of —— accruing on Savings Bank deposits and War Bonds held by Muslims. 106-07.
Rate of —— allowed on the General Provident Fund. 1232.
Steps to control money-lending and rates of ——. 535.

INTEREST-FREE ADVANCES—
Demand for Grant. 2345.

INTEREST ON MISCELLANEOUS OBLIGATIONS—
Demand for Grant. 2288.
Demand for Supplementary Grant. 932-33.

INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT—
Demand for Grant. 2288.

INTERFERENCE—
Motion to reduce Demand for—
" Executive Council " *re*—
Improper —— by the Secretary of State in the financial affairs of India. 2194-99.

INTERMEDIATE CLASS—
Question *re* non-availability of —— passes by mail trains. 2394.

INTERNMENT(S)—
Motion for adjournment *re* arrest and —— of Mahatma Gandhi. 72-73, 104.

INTERPRETATION(S)—
Question *re* conflicting —— under the Court-fees Act. 2481-82.

INTERVIEW(S)—
Question *re*—
Conditions of —— with political prisoners in the Ajmer Central Jail. 2567.
Confiscation of the privilege of —— of certain political prisoners. 2563.

INVESTIGATION—
Question *re* cost of —— to reduce periodical returns of State-managed railways. 625.

INVESTMENT—
Question *re* withdrawals from the General Provident Fund for —— in sterling insurance policies. 327-28.

IRON—
Question *re* import duties or bounties on galvanised —— and steel sheets and pipes. 1229-30.
Resolution *re* duties on galvanised —— and steel pipes and sheets. 1055-60, 1158-76.

IRRIGATION—
Demand for Grant. 2344.

IRRIGATION, NAVIGATION, EMBANKMENT AND DRAINAGE WORKS—
Demand for Excess Grant. 926.
Demand for Supplementary Grant. 932.

IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS—
Demand for Grant. 2268.

IRWIN—
Question *re* violation by the Congress of the —— Gandhi Pact. 969.

IRWIN HOUSE—
Question *re* expenditure by the post office for the occupation of Thakersey House and —— in Bombay. 2545-46.

ISHAPORE—
Question *re*—
Apprentinceship training in the Rifle Factory at ——. 1260-61, 1262, 1948-49.
Examination of apprentices in the Rifle Factory at ——. 2223-24.
Petition from apprentices in the Rifle Factory at ——. 2224.
Rights and privileges of existing apprentices at the Rifle Factory, ——. 1261.
Standard of training of apprentices in the Rifle Factory, ——. 1261.
Training of apprentices in the Rifle Factory at ——. 2386, 2600-01.

ISHAWARSINGJI, NAWAB NAHARSINGJI—
Question *re*—
Appointment of apprentices to the Security Printing, India, and the Currency Note Press. 543-44.
Appointment of Muslims in the Security Printing, India, Currency Note Press and Central Stamp Stores. 543.
Staff of the Security Printing, India, Currency Note Press and Central Stamp Stores at Nasik. 542-43.

ISMAIL ALI KHAN, KUNWAR HAJEE—
Election of —— to the Public Accounts Committee. 2612.
Foreign Relations Bill—
Motions to consider and to circulate. 2736, 2737.
Nomination of —— to the House Committee. 1017-18.
Question *re*—
Admission of Indians to the Army in India Reserve of Officers. 329.
Appointment of a Muslim as Accountant and Cashier, Government of India Press, New Delhi. 2404-05.
Appointment of Muslim peons in the Government of India Press, New Delhi. 2404.
Appointment of Muslims as copyholders in the Government of India Press, New Delhi. 2403-04.
Appointment of Muslims to the Government of India Press, New Delhi. 2404, 2405.
Arrest of members of Afghan jirgas and Khilafat Committees. 990.
Deduction for Provident Fund from the earnings of piece-rated employees of the Government of India Press, New Delhi. 2545.
Dissatisfaction among staff of the Railway Mail Service " A " Division. 2721
Dumping of rubbish outside the Turkman and Delhi Gates. 1238-39.
Extensions of service granted in the Punjab and North-West Frontier Postal Circle. 2204.
Government loans in 1931. 342.
Gradation list in the Indian Stores Department. 1259-60.
Grievances of Muslims in the Government of India Press, New Delhi. 2405.
Indian Army cadets admitted to Sandhurst. 2720.
Insanitary conditions in the Hedjaz. 329-30.
Lack of traffic arrangements for pilgrims visiting the shrine of Nizamuddin Olia at Delhi. 345-46.
Organisations declared unlawful in the North-West Frontier Province. 990-91.
Picketing of liquor shops in the North-West Frontier Province. 990.
Porters appointed to the Railway Mail Service " A " Division. 2721.
Porters of the Railway Mail Service " A " Division removed from service. 2721.
Post of Personal Assistant to the Controller of Inspection, Indian Stores Department. 1686-87.
Promotion of ex-War service railwaymen. 2204.

ISMAIL ALI KHAN, KUNWAR HAJEE—(*concld.*)
Question *re*—(*concld.*)
Redress of communal inequalities in the Government of India Press, New Delhi. 2404.
Selection posts converted into time-scale appointments in the Punjab and North-West Frontier Postal Circle. 2205.
Ten per cent. cut in earnings of piece-rated employees of the Government of India Press, New Delhi. 2544.
Ticket checking on the North Western Railway. 812.
Titles for Hindus and Mussalmans. 557-58.
Violation by the Congress of the Irwin-Gandhi Pact. 969.
Question (Supplementary) *re*—
Income-tax on dues received by zamindars. 1381.
Registering of Indian Medical Practitioners. 982-83.
Resolution *re* recent Ordinances. 318.

ISMAIL KHAN, HAJI CHAUDHURY MUHAMMAD—
Election of —— to the Standing Finance Committee for Railways. 2612.
General Discussion of the General Budget. 1755-57.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3002-03.
Question *re*—
Inconvenient timings of trains at Aligarh. 2012-13.
Increase of percentage after retrenchment of Hindus in the Archæological Department. 2571-72.
National wealth, remittances, incomes, pay and allowances, etc. 1380.
Rent of quarters of employees of the Government of India Press, New Delhi. 2544-45.
Transactions in gold of the Government of India. 1379-80.
Use of the vernacular press for railway publicity. 875-76.

ISTIMRARDAR—
Question *re* disputes between the —— of Pisangan and his tenants. 377.

ISTIMRARI AREA—
Question *re* agriculturists' rights in the —— of Ajmer-Merwara. 1666-67.

ITALIAN SHIP(S)—
Question *re* arrest of Mr. J. M. Sen-Gupta on board an ——. 548-50.

IYENGAR, MR. K. V. RANGASWAMI—
Expressions of regret on the death of ——. 2608-12.

J

JADABPUR—
Question *re* friction between crew staff and students of —— and Ichapur stations on the Eastern Bengal Railway. 991-92.

JADHAV, MR. B. V.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1117-18.
Demand for Grant in respect of—
Indian Posts and Telegraphs Department (including Working Expenses). 2279.

JADHAV, Mr. B. V.—(*concld.*)
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 487, 492, 723, 740.
Motion to re-circulate. 950-51, 954.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 451-53.
Indian Air Force Bill—
Motion to consider. 2923, 2924.
Indian Coastal Traffic (Reservation) Bill—
Motion for leave to introduce. 939.
Motion for Adjournment *re*—
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in Jail. 2836-39.
Motion to reduce Demand for—
" Executive Council " *re*—
Indianisation of the Army. 2136, 2139, 2140-42.
" Railway Board " *re*—
Conveniences of the travelling public. 1388, 1390-91.
Future of the Railway Board and the constitutional aspect. 1498-99, 1502.
Public Suits Validation Bill—
Motion to postpone consideration. 2938, 2948.
Motion to refer to Select Committee. 2952.
Question *re*—
Appointment of Assistant Train Controllers on the North Western Railway. 811-12.
Deposits, loans and cash credits of other banks with the Imperial Bank of India. 1063-64.
Floating debt of the Government of India. 1064.
Purchase of gold by operators in Bombay. 1062.
Recruitment of Members of Marathi and Canarese backward communities in Central Government Services. 1928.
Replacement of Viceroy's Commissioned Officers by King's Commissioned Officers in certain Units. 1927-28.
Training of Indian Cadets for the Royal Air Force. 2560.
Question (Supplementary) *re*—
Insufficiency of clothes provided for prisoners in the Ajmer jail. 2564.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 554.
Report on financial questions arising out of the proposed separation of Burma from India. 3041, 3044-45, 3046.
Resolution *re* duties on galvanised iron and steel pipes and sheets. 1167, 1173-74.

JAIL(S)—
Motion for Adjournment *re*—
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in ——. 2785-88, 2829-47.
Question *re*—
Accommodation of women prisoners in the Delhi ——. 2476.
Alleged harassing of prisoners in the Ajmer Central ——. 2568.
Classification of prisoners in the Ajmer Central ——. 2566.
Clothes of prisoners in the Ajmer ——. 1665-66.
Competition of —— with Industrial concerns. 2468-69.
Complaint about the treatment of prisoners in the Ajmer Central ——. 2567.

JAIL(S)—(*concld.*)
Question *re*—(*concld.*)
Conditions of interviews with political prisoners in the Ajmer Central ——. 2567.
Confinement in a dark cell of a prisoners in the Ajmer Central ——. 2564.
Danger of infection from tuberculosis at the New Central ——, Multan. 1224, 1522.
Decrease in weight of prisoners in Ajmer ——. 1665.
Disallowance of a religious book to a prisoner in the Ajmer Central ——. 2568.
Discrimination in the provision of fans in ——. 2476-77.
Hunger-strike of a prisoner in the Ajmer ——. 2564.
Installation of machinery in ——. 2469.
Insufficiency of clothes provided for prisoners in the Ajmer ——. 2563-64.
Labour imposed on prisoners in the Ajmer ——. 1666.
Lack of soap and oil in the Ajmer Central ——. 2568.
Ladies arrested in Delhi and conditions of imprisonment in Delhi ——. 977.
Prices of —— made articles. 2469.
Provision of a non-official visitor for the Ajmer Central ——. 2568.
Provision of fans for prisoners in the Central ——, Multan. 1522.
Quarters of certain prisoners in the Delhi ——. 2381-82.
Record of weights of political prisoners in the Ajmer Central ——. 2568.
Statement (laid on the table) by the Honourable Sir James Crerar *re* classification of women political prisoners in the Delhi ——. 1625.
Statement (laid on the table) by the Honourable Sir James Crerar *re* treatment of under-trial lady prisoners in the Delhi ——. 1625.

JAIL-MADE ARTICLE(S)—
Question *re* prices of ——. 2469.

JAIN(S)—
Question *re* distinction between —— and Hindus in connection with retrenchment in the office of the Accountant General, Central Revenues. 2717.

JAMALPORE—
Question *re*—
Allegations in regard to Railway apprentices in ——. 67-68.
Alleged racial discrimination in certain appointments at ——. 567.
Alleged racial discrimination in training of apprentices at ——. 1520.

JAMIAT-UL-ULEMA—
Question *re* refusal of permission to a deputation of the All-India —— to visit the North-West Frontier Province. 527-29.

JANITOR(S)—
Question *re* appointment of a Guard as ——, Headquarters Office, North Western Railway. 2392-93.

JEHANGIR, SIR COWASJEE—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1097, 1098, 1103-05, 1123, 1124.
Consideration of clause 4. 1147-48.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 669.
Motion to consider. 1856, 1861-64, 1868, 1871, 1878, 1879, 1880, 1884.
Motion to amend clause 2. 2511, 2512, 2514-16, 2521.
Consideration of clause 4. 2634.

JEHANGIR, SIR COWASJEE—(*concld.*)
Bengal Criminal Law Amendment (Supplementary) Bill—(*concld.*)
Motion to amend clause 1. 2686, 2687.
Motion to pass. 2698-2700.
Expressions of regret by —— on the death of Mr. F. W. Allison. 2669.
General discussion of the General Budget. 1719, 1781.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 183-94, 198, 759, 774, 776.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2454-56, 2457.
Motion *re* election of the Standing Finance Committee. 1819-20.
Motion to reduce Demand for—
"Executive Council" *re*—
Constitutional issue. 1953, 1981-83.
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1568, 1571.
Nomination of —— to the Panel of Chairmen. 378.
Obstruction of Members entering the Assembly Chamber. 1079.
Question (Supplementary) *re*—
Appointment of Muslims on the North Western Railway. 1620.
Employment of Muslims in the Finance Department. 1247.
Expenditure from Central Revenues on Provincial Subjects. 2581.
Interception of a telegram addressed to Mr. Tom Williams. 815, 816.
Non-employment of Muslim stenographers in the Finance Department. 1254.
Promotion of a European Officer on the Great Indian Peninsula Railway. 1069.
Report of the Archæological Department. 2357.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 554.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2376.
Resolution *re*—
Duties on galvanised iron and steel pipes and sheets. 1172.
Recent Ordinances. 307-10.
Stabilisation of exchange and prices. 840.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1022, 1023.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1043.

JEMADAR(S)—
Question *re* old record sorters, —— and peons retained in the Government of India Secretariat. 1685.
Statement (laid on the table) by the Honourable Sir George Schuster *re* old record sorters, —— and peons retained in the Government of India Secretariat. 2852.

JEWELLERY—
Question *re* refusal to exhibit certain —— at Mohenjodaro. 2016.

JHA, PANDIT RAM KRISHNA—
Question *re*—
Allotment of further days for the discussion of non-official Bills in the Legislative Assembly. 701-02.
Purchase of the Bengal and North-Western Railway. 702-03.
Resolution *re* recent Ordinances. 231-32.

JHANSI—
Question *re* contracts for the conveyance of mails in the Dehra Dun and —— Postal Divisions. 2095-96.

JOG, Mr. S. G.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 677.
Demand for Grant in respect of—
Indian Posts and Telegraphs Department (including Working Expenses). 2274-75.
Demand for Supplementary Grant in respect of—
Legislative Assembly and Legislative Assembly Department. 933.
Loans and Advances bearing interest. 936.
Election of —— to the Standing Finance Committee. 2490.
General discussion of the General Budget. 1740-44.
Hindu Marriages Dissolution Bill—
Motions to refer to Select Committee and to re-circulate. 742.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 89, 97, 459.
Indian Air Force Bill—
Motion to refer to Select Committee. 524-25.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 206-09.
Indian Partnership Bill—
Motion to consider. 798-800.
Consideration of clause 68. 908-10, 911, 914.
Consideration of clause 69. 920-21.
Indian Tariff (Wireless Broadcasting) Amendment Bill—
Consideration of clause 2. 2930-31, 2932.
Motion to reduce Demand for—
"Railway Board" *re*—
Lack of supervision and control over Company-managed Railways. 1455.
Question *re*—
Appointment of Assistant Train Controllers on the North-Western Railway. 811-12, 1257-58.
Appointment of British Military Chief Clerks in Arsenals and Ordnance Depôts. 1240-41.
Arrears of pay of certain clerks promoted by the Chief Accounts Officer, North Western Railway. 1061-62.
Case for Berar prepared by the Berar All-Parties Conference. 439.
Charges for goods on the Bengal Nagpur Railway. 1225-26.
Complaints against the Railway Company by the ex-Station Master, Katni. 1227-28.
Excess freight charged to traders by certain railways. 1228.
Extensions granted to superannuated officers in the Income-tax Department, Bombay Presidency. 1258-59.
Fees charged from visitors to steamers. 2015.
Freight rates on the Bengal Nagpur Railway. 1228, 1229.
Future status of Berar. 2553-54.
Grant of extensions to superannuated officers. 1258.
Infliction of imprisonment and fines under recent Ordinances. 439.
Loans asked for by Provincial Governments. 1229.
Names of roads in New Delhi. 2015-16.
Payment of disability pensions for Military Service. 2903-06.

JOG, MR. S. G.—(*concld.*)
Question *re*—(*concld.*)
Payment of family pensions in respect of casualties in the Great War. 2906-07.
Quarters for duftries. 1686.
Refund of transhipment charges by the Bengal Nagpur Railway. 1227.
Retrenchments effected by the Chief Accounts Officer, North Western Railway. 1061.
Surplus warrant and non-commissioned officers of the Indian Army Ordnance Corps. 1240.
Transhipment charges over the Johilla bridge realised by the Bengal Nagpur Railway. 1226-27.
Question (Supplementary) *re*—
Administrative position of Berar in relation to constitutional reform. 48.
Contract for the Air Mail Service in India by Messrs. Tata and Sons. 530.
Gold in the Currency Reserves in India and England. 64.
System of ticket checking on the North Western and East Indian Railways. 614.
Resolution *re*—
Chief Justices of High Courts. 136-37.
Duties on galvanised iron and steel pipes and sheets. 1169-70.

JOHILLA BRIDGE—
Question *re* transhipment charges over the —— realised by the Bengal Nagpur Railway. 1226-27.

JOINT STOCK COMPANY(IES)—
Demand for Grant. 2340.

JOSHI, MR. N. M.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to pass. 2706.
Demand for Grant in respect of—
Foreign and Political Department. 2292-93, 2303.
Indian Posts and Telegraphs Department (including Working Expenses). 2269, 2270, 2287-88.
Legislative Assembly and Legislative Assembly Department. 2289.
Election of —— to the Standing Committee on Emigration. 2490.
Employers and Workmen (Disputes) Repealing Bill—
Motion to consider. 394-95.
Motion to pass. 396.
General Discussion of the General Budget. 1734-38, 1744, 1745, 1794, 1795.
General Discussion of the Railway Budget. 1287, 1288, 1297-1300.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 724, 728-30, 788.
Motion for Adjournment *re*—
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in Jail. 2788.
Motion *re* election of the Standing Finance Committee. 1820-21.
Motion to reduce Demand for—
"Executive Council" *re*—
Constitutional issue. 1962, 1967, 1969-72.
Royal Commission on Labour. 2145-51, 2154-55.
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1475, 1476, 1481-84, 1485, 1486, 1487, 1556, 1557, 1558.

JOSHI, Mr. N. M.—(*contd.*)

Motion to take the Report of the Public Accounts Committee into consideration. 1185-86.

Point of Order raised by —— whether a Member has a right to be heard on a point of order on which the Chair has given a decision without hearing the Honourable Member. 2292-93.

Question *re*—

Allowances of traffic relieving staff of the Eastern Bengal Railway. 1926-27.

Amalgamation of the Accounts and Audit Departments of the Great Indian Peninsula Railway. 1071.

Amalgamation of the Commercial and Transportation Departments of the Great Indian Peninsula Railway. 1070-71.

Attendance at the railway platforms of Railway Mail Service sorters. 2547-49.

Complaint of official interference in the management of the Great Indian Peninsula Railway Employees' Co-operative Society. 1072-73.

Delegation of certain powers to Town Inspectors of Post Offices in the first class Head Offices. 2547.

Denial of holidays to the staff of the Chief Traffic Manager's Office, Great Indian Peninsula Railway. 1070.

Discontinuance of the capitation grant for education of railway employees. 1927.

Excess of Civil Engineers on the East Indian Railway. 2407.

Expenditure by the Post Office for the occupation of Thakersey House and Irwin House in Bombay. 2545-46.

Increase of superior officers on the Eastern Bengal Railway. 2361.

Leave rules for certain subordinates on the Great Indian Peninsula Railway. 1068.

Non-transfer of staff of rates and claims branches in the Great Indian Peninsula Railway. 1066.

Number of officers in the Civil Engineering Department, East Indian Railway. 2405-06.

Number of Officers in the Mechanical Engineering Department, East Indian Railway. 2406.

Promoted subordinates granted Lee Concessions on the Great Indian Peninsula Railway. 1068.

Promotion of a European Officer on the Great Indian Peninsula Railway. 1069-70.

Promotion of an Anglo-Indian subordinate on the Great Indian Peninsula Railway. 1070.

Promotion of subordinates in the Civil Engineering and Traffic Departments, East Indian Railway. 2407.

Recruitment of certain European Officers for Rates and Claims work in the Great Indian Peninsula Railway. 1066.

Reduction of posts of junior Inspectors of Station Accounts on the Great Indian Peninsula Railway. 1071.

Report of the Railway Court of Enquiry. 1946.

Retrenchment in the Moradabad Engineering Workshop. 2405.

Revised cadres and promotion of subordinates in certain Departments of the Great Indian Peninsula Railway. 1066-68.

Scales of pay in the Postal Department. 2549-50.

Stopping of permanent recruitment for the Post Office. 2546.

Subordinates promoted on the East Indian and Oudh and Rohilkhand Railways. 2408.

Supersession of certain subordinates in the Great Indian Peninsula Railway. 1065.

Supply of wagon free to Dr. Driver by the Station Master, Lonarla. 1073.

JOSHI, Mr. N. M.—(*concld.*)
Question (Supplementary) *re*—
Classification of political prisoners. 2779, 2780.
Expenditure from Central Revenues on Provincial Subjects. 2581.
Incorrect lists of voters in the North-West Frontier Province. 2483.
Interception of a telegram addressed to Mr. Tom Williams. 813, 815.
Members nominated for the Committees of the Round Table Conference. 533.
Nomination of Indian Christians as members of the Ajmer Municipal Committee. 2656.
Recruitment of Muslims by the Public Service Commission. 2091.
Retrenchment of Hindus and Sikhs in the Railway Clearing Accounts Office. 1671, 1672.
Secret European circular *re* the Reforms. 2723, 2726.
Utilisation of Fine Funds on railways. 653.
Visit of the Director of the Central Publicity Bureau to Meerut in connection with the Meerut Conspiracy Case. 644.
Report on financial questions arising out of the proposed separation of Burma from India. 3041.
Resolution *re*—
Duties on galvanised iron and steel pipes and sheets. 1173-74.
Hours of work in coal mines. 1178-80.
Recent Ordinances. 257-60, 291, 300.
Sugar Industry (Protection) Bill—
Motion to consider. 2824.
Motions to consider and to postpone. 2862-64.
Consideration of clauses 3 and 4. 2866-68.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2986-90.
Wheat Import Duty (Extending) Bill—
Motion to insert new clause 3. 691-93.
Workmen's Compensation (Amendment) Bill—
Motion to circulate. 1042-47, 1055.

JUDGMENT—
Question *re* —— on an income-tax application in Sind. 1588-89.

JUNCTION STATION—
Question *re*—
Inconvenient timings of trains at Bukhtiarpore ——. 629.
Train examiners at ——. 628.

JUSTICE, ADMINISTRATION OF—
Demand for Grant. 2336.

K

KALIMPONG—
Question *re* visit to —— of Mr. Strong, Commissioner of Income-tax, Bengal. 2486-87.

KAMPTEE—
Question *re*—
Amalgamation of the hospitals for British and Indian troops at ——. 108.
Hospitals for British and Indian troops at ——. 107-08.

KANNAD—
Question *re* creation of a separate administrative unit in the —— speaking districts of the Bombay and Madras Presidencies. 2553.

KARACHI—
Question *re*—
Appointment of Lillooah apprentices in the Indian Air Force at ——. 1519.
Carriage of Air Mail between Rangoon and ——. 979-80.
Delay in the delivery of mail at Kiamari, ——. 61.
Employees discharged from the Customs Department, ——. 51.
Export of salt to Calcutta from ——. 707.
Income and expenditure from Customs and administration of —— and income-tax in Sind. 358-59.
Kurkutch salt exported from —— to Calcutta. 1136.

KARACHI HARBOUR—
Question *re* transport facilities for salt in ——. 705.

KARNAL—
Question *re* transfer of the Imperial Institute of Dairying from Bangalore to ——. 647.

KARNATIK—
Question *re* formation of a —— province. 2552-53.

KAROL BAGH—
Question *re*—
Auction of land in —— and Paharganj for residential quarters. 2561.
Sanitary amenities for ——, Delhi. 2487-88.
Supply of filtered water, lighting, etc., in ——, Delhi. 2562-63.

KASHMIR—
Question *re* appointment of Indians as Superintendents of Post Offices in ——. 1946.

KATNI—
Question *re* complaints against the Railway Company by the *ex*-Station Master, ——. 1227-28.

KHADDAR—
See " Indian —— (Name Protection) Bill " under " Bill(s) ".

KHEWRA SALT—
Question *re*—
Expansion of the —— works. 705.
Railway concessions for the transport of —— to Calcutta. 1136.

KHILAFAT COMMITTEE(S)—
Question *re* arrest of members of Afghan jirgars and ——. 990.

KHUSHI MOHAMED, Babu—
Question *re* age of ——, late Chief Goods Clerk, North Western Railway, forced to retire. 2784.

KIAMARI—
Question *re* delay in the delivery of mail at ——, Karachi. 61.

KIFAYATULLAH, MUFTI—
Question *re*—
Dispersal of a meeting in the Queen's Garden, Delhi, and arrest of ——. 2470-71.
Notice under the Emergency Powers Ordinance served on ——. 2374-75.

KING'S COMMISSIONED OFFICER(S)—
Question *re* replacement of Viceroy's Commissioned Officers by —— in certain Units. 1927-28.

KOSMA—
Question *re* lack of a writing room at ——. 2363.

KRISHNAMACHARIAR, RAJA BAHADUR G.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1855-58.
Child Marriage Restraint (Amendment) Bill—
Motion for leave to introduce. 942.
General Discussion of the General Budget. 1727-30.
General Discussion of the Railway Budget. 1285-86
Hindu Inheritance (Amendment) Bill—
Motion for leave to introduce. 941.
Hindu Marriage Dissolution Bill—
Motions to refer to Select Committee and to re-circulate. 739, 742.
Motion to re-circulate. 944-54.
Hindu Untouchable Castes (Removal of Disabilities) Bill—
Motion for leave to introduce. 940.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 84-93, 442, 443, 444, 447, 448, 449, 468, 480.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 181-83.
Motion to reduce Demand for—
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1491-94.
Resolution *re*—
Chief Justices of High Courts. 129-31.
Establishment of a Supreme Court in India. 580-81.
Special Marriage (Amendment) Repealing Bill—
Motion for leave to introduce. 943.

KUCHA RAHMAN—
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque in ——. 1951, 1985-2008.

KUMPTA—
Question *re* construction of a railway line between Hubli and ——. 1941.

KURKUTCH SALT—
Question *re* —— exported from Karachi to Calcutta. 1136.

KYAW MYINT, U—
Motion to reduce Demand for—
"Executive Council" *re*—
Separation of Burma from India. 2187-89.

L

LABOUR—
Question *re*—
Corn-grinding —— given to political prisoners. 2567.
—— imposed on prisoners in the Ajmer jail. 1666.
Rates for common —— in the Delhi Province. 2009.

LABOUR CORPS—
Question *re* credit balances due to members of Transport Units, ——, etc. 2385.

LABOUR, ROYAL COMMISSION ON—
Motion to reduce Demand for—
" Executive Council " *re* ——. 2145-55.
Question *re* report of the ——. 1528-29.

LABOURERS—
Question *re* acute financial condition of Indian —— in South Africa and Malaya. 335.

LADY(IES)—
Question *re*—
Alleged rough handling of a —— picketer by the police. 1225.
—— arrested in Delhi and conditions of imprisonment in Delhi jail. 977.

LADY EMPLOYEE(S)—
See " Employee(s) ".

LADY HARDINGE MEDICAL COLLEGE—
Question *re* appointment of Bursar and Warden in the ——, New Delhi. 44.

LADY PASSENGER(S)—
Question *re* alleged racial discrimination in the medical examination of —— embarking at Calcutta for Rangoon. 2578-79.
See also " Passenger(s) ".

LADY PRISONER(S)—
Statement (laid on the table) by the Honourable Sir James Crerar *re* treatment of under-trial —— in the Delhi jail. 1625.
See also " Prisoner(s) ".

LADY STENOGRAPHERS—
See " Stenographer(s) ".

LADY TICKET COLLECTORS—
See " Ticket Collectors ".

LADY TYPIST(S)—
See " Typist(s) ".

LAHIRI CHAUDHURY, Mr. D. K.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 421, 422-25.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 483.
Motion to re-circulate. 962.

LAHIRI CHAUDHURY, MR. D. K.—(*concld.*)
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 451, 452, 456-57.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2450-51.
Arrest and internment of Mahatma Gandhi. 72.
Motion to reduce Demand for—
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1474, 1475, 1477, 1496-98.
Question *re*—
Application of tht 10 per cent. cut in pay to duftries and record sorters. 807-08.
Auction of land in Karol Bagh and Paharganj for residential quarters. 2561.
Provision of quarters for the staff of the Railway Clearing Accounts Office, Delhi. 2560-61.
Subsidy paid for the mail motor service between Salem and Athur. 1923.
Question (Supplementary) *re* scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 554-55.

LAHORE—
Question *re*—
A defective railroad subway between Badami Bagh and —— railway stations. 1377-78.
Appointment of Sikhs to the Currency Office, ——. 1676.
Government school for disabled soldiers at ——. 1125.
Number of persons discharged from the office of the Controller of Military Accounts, ——. 2014.
Refusal of the Executive Officer, —— Cantonment Board to convene a special meeting of the Board. 743-44.
Rejection of an application for construction of a bungalow in —— Cantonment. 744.
Withholding of resolutions from the meeting of the —— Cantonment Board. 743.
Women prisoners transferred to —— in a third class compartment. 1523-24.
Statement (laid on the table) by Mr. G. M. Young *re* non-inclusion of certain resolutions in the agenda of a meeting of the —— Cantonment Board. 2616.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointment of Sikhs in the Currency Office, ——. 2670-71.

LAHORE CANTONMENT—
Question *re* licences of meat sellers in ——. 744.
Statement (laid on the table) by Mr. G. M. Young *re* rejection of an application for construction of a bungalow in ——. 2615.

LAL CHAND, HONORARY CAPTAIN RAO BAHADUR CHAUDHURI—
General Discussion of the General Budget. 1793-97.
Indian Air Force Bill—
Motion to consider. 2921-22.
Motion to reduce Demand for—
" Executive Council " *re*—
Indianisation of the Army. 2131-34, 2135.

LALCHAND NAVALRAI, Mr.—

Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's report. 1096.
Consideration of clause 2. 1139-40.

Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to omit clause 4. 2537-42.
Consideration of clause 4. 2619-24, 2634, 2637, 2638.

Foreign Relations Bill—
Motions to consider and to circulate. 2757, 2761-64.

General Discussion of the General Budget. 1748-51.

Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 483.

Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 94-96.

Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 175-81.

Motion to reduce Demand for—
"Railway Board" *re*—
Abolition of the Railway Board. 1326-27.
Conveniences of the travelling public. 1386-88, 1390, 1398.
Future of the Railway Board and the constitutional aspect. 1549.
Representation of Muslims in the railway services. 1361, 1370.

Point of order raised by —— as to whether the replies to questions laid on the table should not be read out in the House so that supplementary questions might be put. 1610.

Question *re*—
A defective railroad subway between Badami Bagh and Lahore railway stations. 1377-78.
Abolition of the Staff College at Dehra Dun. 59-60.
Accounts of discoveries at Mohenjodaro. 2016-17.
Advance of money by Government to the Imperial Gymkhana Club, New Delhi. 551-52.
Alleged abuse by the Station Master, Amritsar, of the Assistant Station Master. 1379.
Allowance for officers and staffs on deputation. 1667-69.
Allowances and duties of guards on the North Western Railway. 2384-85.
Amendment of the Indian Income-tax Act. 1589.
Appointment of Assistant Controllers on the North Western Railway. 986, 1605-06.
Appointment of Traffic Inspectors on the North Western Railway. 986.
Belated claims of *ex*-Military men to pay, pension, etc. 2385.
Classes of imprisonment awarded to political prisoners. 364-66.
Contribution by Britain to the cost of the British Army in India. 55-56.
Credit balances due to members of Transport Units, Labour Corps, etc. 2385.
Days spent in Sind by the Commissioner of Income-tax, Bombay Presidency. 1591.
Delay in the delivery of mail at Kiamari, Karachi. 61.
Disposal of income-tax applications in Sind. 1589.
Dissatisfaction amongst railway staff of the Howrah Goods Shed. 878.
Distinction between Jains and Hindus in connection with retrenchment in the office of the Accountant General, Central Revenues. 2717.

LALCHAND NAVALRAI, MR.—(*contd.*)
Question *re*—(*concld.*)
Divisional organisation on the North Western Railway. 59.
Employment in non-signalling posts of telegraphist postal clerks. 1516-17.
Grievances of railway staff of the Howrah Goods Shed. 878-79.
High water meter rent in New Delhi. 1929.
Income-tax applications in Sind. 1590, 1591.
Injustice in retrenchment of men of Accounts and Audit Offices. 879.
Instructions for the Commissioner of Income-tax, Sind. 1590.
Judgment on an income-tax application in Sind. 1588-89.
Men retrenched in Accounts and Audit Offices. 880.
Non-retrenchment of low-paid clerks and typists. 880.
Number of Secretaries, Deputy Secretaries, etc., in the Government of India Departments. 57.
Orders regarding retrenchment of staff. 879.
Presses asked to furnish securities. 60.
Promotion of guards on the North Western Railway. 2384.
Quarterly bills for water charges in New Delhi. 1929-30.
Reduction in British and Indian regiments in India. 56.
Re-employment of men retrenched from offices under the Central Government. 880.
Refusal to exhibit certain jewellery at Mohenjodaro. 2016.
Removal of antiquities from Mohenjodaro to the Delhi Museum. 62-63.
Resolutions on the draft Bill to establish a Medical Council in India. 60.
Retrenchment of high officials in the Railway Board and State Railways. 58-59.
Retrenchment of officers of the Central Board of Revenue. 58.
Retrenchment of one member of the Executive Council. 56-57.
Retrenchment of railway officers in divisions or at headquarters. 59.
Return of fees deposited by applicants under the Indian income-tax Act. 1590-91.
Salary of the officer in charge of the Mohenjodaro excavations and retrenchment of his staff. 61-62.
Secret European circular regarding the Reforms. 2721-28.
Question (Supplementary) *re*—
Allowances of travelling ticket examiners. 2366.
Arrests in the North-West Frontier Province. 332.
Classification of lady prisoners. 344.
Classification of political prisoners. 2779, 2780.
Contract for clothing entrusted to Messrs. Hoe and Company. 1132.
Contracts for bookstalls on the South Indian and Madras and Southern Mahratta Railways. 1131.
Dangers in connection with electric supply. 28.
Destruction of insufficiently stamped postcards. 38.
Employees discharged from the Customs Department, Karachi. 51.
Employment of Muslims in the Finance Department. 1247.
Expenditure on the Ecclesiastical Department. 2351-52.
Holding of the summer session of the Legislative Assembly at New Delhi or Simla. 1382.
Indian National Congress. 2378-79.
Local purchases by the North Western Railway Medical Department. 1515.
Members nominated for the committees of the Round Table Conference. 533-34.
Monthly Railway Time Table issued by the South Indian Railway. 1133.

LALCHAND NAVALRAI, Mr.—(*concld.*)
Question (Supplementary) *re*—(*concld.*)
Muslim representation in the North Western Railway, Medical Department. 1511.
Publication by newspapers of proceedings of the Legislative Assembly. 546.
Railway Court of Enquiry. 1585, 1586.
Railway saloons provided for railway officials. 32.
Recruitment of Indians and Europeans to the Indian Civil Service and the Indian Police Service. 26-27.
Reports of Retrenchment Committees. 364.
Retrenchment proposals of the Railway Board. 1664.
Supersession of certain officers on the North Western Railway. 1600.
Resolution *re*—
Establishment of a Supreme Court in India. 583-84.
Imperial Bank of India. 117-20, 123.
Recent Ordinances. 272-75, 289.

LALMONIRHAT—
Question *re* Lucknow —— train service. 2216.

LAND(S)—
Question *re* auction of —— in Karol Bagh and Pahargunj for residential quarters. 2561.

LANDING—
Question *re* instruction in —— for officers and men of the Air Force. 438-39.

LANDLORD(S)—
Question *re* assessment of income-tax payable by ——. 1242.

LANSDOWNE INSTITUTE—
Question *re* construction of offices in the garden of the ——, Rawalpindi. 1594-95.

LATHI(ES)—
Question *re* purchase of —— by the Government of India. 337.

LATHI CHARGES—
Question *re*—
Distinction between light and heavy ——. 2579.
Subjection of women to ——. 2579.

LATRINES—
Question *re* —— in menials' quarters. 715.

LAWRENCE SCHOOL(S)—
See " School(s) ".

LEADER OF THE HOUSE—
Motion for Adjournment *re* unsatisfactory reply of the —— in regard to the expediting of the reforms with Mahatma Gandhi in jail. 2785-88, 2829-47.

LEAGUE OF NATIONS—
Question *re*—
Amount of contributions from different nations to the ——. 2347-50.
Indian representation in the Secretariat of the ——. 340-41.
Staff of the —— Secretariat and the amount of contributions made by different nations. 349-51.
Status of India as member of the ——. 337-38.

LEAVE—
Question *re*—
Casual —— and gate allowances of crew staff and ticket collectors of the East Indian Railway. 359-60.
Casual —— for officers and clerks on the North Western Railway. 2396.
—— and passes for porters of the East Indian Railway. 654.
—— for subordinates of the Bengal and North Western Railway. 1531.
Railway passes granted to staff of the Howrah Goods Shed compelled to go on —— on half pay. 2782.
Staff of the Howrah Goods Shed compelled to go on —— on half pay. 2781.
Statement (laid on the table) by Mr. P. R. Rau *re* —— for subordinates of the Bengal and North Western Railway. 2793.

LEAVE RESERVE—
Question *re* —— of Assistants in the office of the Director General of Posts and Telegraphs. 348.

LEAVE RULES—
Question *re*—
—— for certain subordinates on the Great Indian Peninsula Railway. 1068.
—— on the North Western Railway. 708-09, 2393-94.

LEAVE VACANCIES—
Question *re* promotions in —— on the North Western Railway. 564.

LEE CONCESSIONS—
Question *re* promoted subordinates granted —— on the Great Indian Peninsula Railway. 1068.

LEGISLATIVE ASSEMBLY—
Address by His Excellency the Viceroy to the Members of the ——. 1-12.
Message from His Excellency the Viceroy and Governor General declaring certain heads of expenditure to be open to discussion by the —— when the budget is under consideration. 1017.
Motion for Adjournment *re* publication in the press of the —— speeches. 657-63.
Obstruction of Members entering the —— Chamber. 1078-80.
Question *re*—
Allocation of seats in the —— and Council of State to the North-West Frontier Province. 2583.
Allotment of further days for the discussion of non-official Bills in the ——. 701-02.
Censorship of press messages of proceedings of the ——. 1231.
Censorship of press messages regarding proceedings of the ——. 1077-78.
Holding of the summer session of the —— at New Delhi or Simla. 1381-82.
Letter by Members of the —— on the future constitution of India. 2715-16.
Members of —— nominated to Retrenchment Committees. 656-57.
Persons returned to the —— by the Patna *cum* Shahabad Non-Muhammadan constituency. 2909.
Publication by newspapers of proceedings of the ——. 545-46.
Resolutions adopted by the —— in 1931. 339.
Statement (laid on the table) by Sir Lancelot Graham *re* election expenses of candidates for election to the ——. 155-65.
Statement (laid on the table) *re* action taken on Resolutions adopted by the ——. 567-70.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT—
Demand for Grant. 2289.
Demand for Supplementary Grant. 933.

LEGISLATIVE COUNCIL—
Question *re* election of Indian members to the —— in Fiji. 530-31.

LEGISLATIVE DEPARTMENT—
Demand for Grant. 2334.

LEGISLATURE—
Question *re*—
Allocation of seats in the Indian —— for the North-West Frontier Province. 555-56.
Formation of Franchise Committee of the Central ——. 875.
Orders in certain offices prohibiting subordinates from approaching Members of the —— for redress of grievances. 707.
Reduction of travelling and other allowances of Members of the ——. 2590-91.
Statement by Mr. President on Mr. C. S. Ranga Iyer's motion for adjournment *re* publication in the press of the proceedings of the ——. 721-22.

LETTER(S)—
Question *re*—
—— to Maulvi Mohammad Shafee Daudi *re* his visit to the North-West Frontier Province. 1613-17.
Stamps for —— addressed to postal officials. 651-52.

LICENCE(S)—
Question *re*—
—— of meat sellers in Lahore Cantonment. 744.
Non-issue of arms —— in Malabar. 1510.

LIGHTHOUSES AND LIGHTSHIPS—
Demand for Excess Grant. 926-27.
Demand for Grant. 2336.

LIGHTHOUSES AND LIGHTSHIPS, CAPITAL OUTLAY ON—
Demand for Excess Grant. 928.
Demand for Grant. 2344.

LIGHTING—
Question *re* supply of filtered water, ——, etc., in Karol Bagh, Delhi. 2562-63.

LILLOOAH—
Question *re*—
Appointment and promotion of an "outsider" in the —— railway workshop. 1521.
Appointment of apprentices of the —— railway workshops. 1517-18, 1520-21.
Appointment of —— apprentices as electricians and train examiners. 1518.
Appointment of —— apprentices in the Indian Air Force at Karachi. 1519.
Education and training of certain employees in the East Indian Railway Workshops at ——. 567.
Limiting the number of apprentices in the —— railway workshops. 1519-20.
Transfer of the Works Manager, —— workshop. 1521-22.

LIQUOR SHOP(S)—
Question *re* picketing of —— in the North-West Frontier Province. 990.
Statement (laid on the table) by Sir Evelyn Howell *re* picketing of —— in the North-West Frontier Province. 2498.

LITIGATION OFFICER—
Question *re* pay of the ——, North Western Railway. 562.

LOANS—
Question *re*—
Deposits, —— and cash credits of other banks with the Imperial Bank of India. 1063-64.
Government —— in 1931. 342.
—— asked for by Provincial Governments. 1229.

LOANS AND ADVANCES BEARING INTEREST—
Demand for Excess Grant. 928.
Demand for Grant. 2345.
Demand for Supplementary Grant. 935-36.

LOCAL ADMINISTRATION—
Question *re* excise revenue collected by the —— in Ajmer-Merwara. 2389.

LOCAL GOVERNMENTS—
Question *re* cuts in low pays in the —— and Government of India. 2350.

LOCATION—
Question *re* permanent —— of the Secretariat in New Delhi. 1611-12.

LOCO. AND CARRIAGE SHOPS—
Question *re* retrenchment of Works Manager, etc., of the ——, North Western Railway. 2397.

LOCO. HEADQUARTERS OFFICE(S)—
Question *re* head draftsman, ——, North Western Railway. 2398.
Statement (laid on the table) by Mr. P. R. Rau *re* head draftsman, ——, North Western Railway. 2854.

LOCOMOTIVES—
Question *re* idle —— of the Great Indian Peninsula Railway. 1935.

LONAVLA—
Question *re* supply of wagons free to Dr. Driver by the Station Master, ——. 1073.

LONDON—
Question *re*—
Admission of students of Indian Universities to the Society of Incorporated Accountants and Auditors, ——. 647.
Retrenchment in Indian Publicity Offices in —— and New York. 820.
Standard of qualifications of Engineering Examinations in —— and in India. 2474-75.

LOWER DIVISION CLERKS—
See " Clerk(s) ".

LOWER DIVISION CLERKSHIPS—
See " Clerkship(s) ".

LOWER GAZETTED SERVICE—
Question *re* paucity of Muslims in the —— of the North Western Railway. 1598.

LOWER SELECTION GRADE—
Question *re* promotion of juniors in the —— in postal circle. 1596-98.

LOWER SUBORDINATE—
Question *re* promotion of —— staff in the Engineering Department of the Great Indian Peninsula Railway. 823.

LOWEST SELECTION GRADE—
Question *re* abolition of the —— examination in the Post Office. 1943-44.
See also " Selection grade ".

LOWEST SELECTION GRADE EXAMINATION—
See " Selection Grade Examination ".

LUCKNOW—
Question *re*—
Communities of chargemen appointed in the East Indian Railway Workshop at ——. 567.
—— Lalmonirhat train service. 2216.
Reintroduction of a through carriage between —— and Bombay on the Great Indian Peninsula Railway. 2562.

LYALLPUR—
Question *re* prices of wheat at Cawnpore and ——. 536-37.

M

MACHINERY(IES)—
Question *re*—
Installation of —— in jails. 2469-70.
—— lost in the Government of India Press, Aligarh. 1617.

MACLAGAN ENGINEERING APPRENTICES—
See " Apprentice(s) ".

MACQUEEN, Mr. P.—
Oath of Office. 13.

MADRAS—
Question *re*—
Anglo-Indian women retained in officiating vacancies in the —— General Post Office. 633-34.
Appointment of Muslims in the Punjab and —— Income-tax Departments. 69-70.
Creation of a separate administrative unit in the Kannad-speaking districts of the Bombay and —— Presidencies. 2553.
Motor mail contracts in Bombay, —— and Bengal. 2085.
Party to the Postmaster General, ——, by the Managing Director of a motor mail service. 1220-21.
Retrenchment of staff in the office of the Deputy Controller of Currency, ——. 28-29.
Statement (laid on the table), by Mr. T. Ryan *re* Motor Mail contracts in Bombay, —— and Bengal.—2967-68.

MADRAS AND SOUTHERN MAHRATTA RAILWAY(S)—
See " Railway(s) ".

MADRAS, GOVERNMENT OF—
Question *re* instructions *re* reduction of pay and retrenchment of personnel by the ——. 29.

MAGAZINE(S)—
Question *re* cost of the Eastern Bengal Railway Supplement to the Indian State Railway ——. 1532.

MAGH MELA—
Question *re* advertising of the —— of Allahabad. 819-20.

MAIL(S)—
Question *re*—
Contract for the conveyance of —— between Erode and Satyamangalam. 1219-20.
Contracts for the conveyance of —— in the Dehra Dun and Jhansi Postal Divisions. 2095-96.
Delay in the delivery of —— at Kiamari, Karachi. 61.
Delay of —— in Navalgund and Nargund in the Dharwar District. 1664.
Overtime allowance paid for sorting English ——. 2661.
Statement (laid on the table) by Mr. T. Ryan *re*—
Contract for the conveyance of —— between Erode and Satyamangalam. 2968.
Motor —— contracts in Bombay, Madras and Bengal. 2967-68.

MAIL CONTRACTS—
See " Contract(s) ".

MAIL MOTOR SERVICE—
Question *re*—
Subsidy paid for the —— between Salem and Athur. 1923.
See also " Service(s) ".

MAIL TRAIN(S)—
Question *re* non-availability of intermediate class passes by ——. 2394.

MAIN LINE(S)—
Question *re* ticket checking on —— and Branch Lines. 2211.

MALABAR—
Question *re* non-issue of arms licences in ——. 1510.

MALAVIYA, PANDIT MADAN MOHAN—
Question *re* withholding of a cable sent by ——. 2470.

MALAY PENINSULA—
Question *re* disparity of sexes among Indian immigrants in the ——. 647-48.

MALAYA—
Question *re*—
Acute financial condition of Indian labourers in South Africa and ——. 335.
Composition of the Indian Immigration Committee in the —— Peninsula. 334.
Drink evil in ——. 334-35.
Indians repatriated from ——. 335.

MALTREATMENT—
Motion for Adjournment *re* alleged —— of women political prisoners. 2283, 2408, 2442-63.

MANAGER(S)—
Question *re*—
Traffic ——, North Western Railway. 2393.
Transfer of the Works ——, Lillooah Workshop. 1521-22.

MANAGING COMMITTEE—
Question *re* —— of the East Indian Railway Anglo-Vernacular High School at Tundla. 66-67.

MANAGING DIRECTOR—
Question *re* party to the Postmaster General, Madras, by the —— of a motor mail service. 1220-21.

MANOHAR LAL, Mr.—
Question *re*—
Allegations against ——, a clerk in the office of the Assistant Director of Ordnance Services (Provision). 1623-24.
Previous service of ——, now in the office of the Director of Ordnances (Provision). 2574-75.

MARATHI—
Question *re* recruitment of members of —— and Canarese backward communities in Central Government services. 1928.

MARINE—
Question *re* development of the Indian Mercantile ——. 2586.

MARINE ENGINEER(S)—
Question *re* training of ——. 2582.

MARINE ENGINEERING—
Question *re*—
Candidates granted scholarships for training in ——. 2584.
Scholarship granted for the training of Indians in ——. 2584.
Training of Indians in ——. 2585.

MARKER(S)—
Question *re* —— employed in the Bengal and North Western Railway. 1530.

MASWOOD AHMAD, Mr. M.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 519.
Foreign Relations Bill—
Consideration of clause 2. 2817-18.
Clause 3. 2885.
Clause 4. 2891.
General Discussion of the Railway Budget. 1304.
Hedjaz Pilgrims (Muallims) Bill—
Motion to refer to Select Committee. 3007, 3008.
Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2974.

MASWOOD AHMAD, Mr. M.—(*concld.*)

Motion for Adjournment *re*—

Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1985-88.

Motion to reduce Demand for—

" Railway Board " *re*—

Abolition of the Railway Board. 1327.

Conveniences of the travelling public. 1383-86, 1394, 1401.

Favouritism in the railways. 1436, 1446.

Future of the Railway Board and the constitutional aspect. 1568.

Railway retrenchment policy. 1402-05, 1421, 1425, 1435.

Representation of Muslims in the railway services. 1331-38, 1345, 1357, 1359, 1360, 1361, 1363, 1374-75.

Question *re*—

Abolition of the post of Assistant Conservancy Inspector at the Central Telegraph Office. 559-60.

Abolition of the posts of Superintendents of Wireless and Cash Branches of the office of the Director General of Posts and Telegraphs. 1507.

Additional duty realised on imported foreign salt. 703-04.

Alleged partiality in the allotment of quarters. 1235.

Alleged threatening of Muslim clerks in the Railway Clearing Accounts Office. 2362.

Appointment in the Income-tax Department of Bihar and Orissa. 827-28.

Appointment in the office of the Commissioner of Income-tax, Calcutta. 1506-07.

Appointment of apprentices to the Security Printing, India, and the Currency Note Press. 543-44.

Appointment of Muslim Income-tax Officers in Bihar and Orissa. 1003.

Appointment of Muslim Medical Officers in Ajmer-Merwara. 70-71.

Appointment of Muslims in Civil Accounts Offices. 1924.

Appointment of Muslims in the Security Printing, India, Currency Note Press and Central Stamp Stores. 543.

Appointment of Muslims in the Telegraphs Department. 34.

Appointment of Muslims to the North Western Railway Medical Service. 541.

Appointment of Superintendent, Wireless Branch, office of the Director General, Posts and Telegraphs. 1508.

Commercial audit in Government factories. 1933-34.

Communities of clerks, etc., on the North Western Railway. 1233.

Cost of staff of various communities on Indian railways. 1074.

Denial of Calcutta-Delhi transfer concessions to certain clerks and peons of the office of the Director General of Posts and Telegraphs. 1509.

Departmental promotions in All-India Services. 1234.

Employment of Muslims in the Telegraph Department. 1924-25.

Exemption of certain clerks from the ten per cent. cut in pay. 1508-09.

Government loans in 1931. 342.

Increase of percentage after retrenchment of Hindus in the Archæological Department. 2571-72.

Local purchases by the North Western Railway Medical Department. 1514-15.

Members of the Legislative Assembly nominated to Retrenchment Committees. 656-57.

Misuse of passes on the North Western Railway. 1512-14.

Muslim establishment clerks in the East Indian Railway. 1015.

Muslim establishment officers in the Eastern Bengal Railway. 1015.

MASWOOD AHMAD, Mr. M.—(*contd.*)
Question *re* ——(*concld.*)
Muslim representation in appointments on the North Western Railway. 1003-04.
Muslim representation in railway services in East Bengal. 1015.
Muslim representation in the North Western Railway Medical Department. 1510-12.
Muslims appointed as Office Superintendents and Head Clerks on the North Western and East Indian Railways. 1945-46.
Muslims appointed as Personal Officers on the North Western Railway. 1926.
Muslims employed in the Indian Telegraph Department. 1015-16.
Muslims promoted to the Superior Revenue Establishment of the North Western Railway. 1925-26.
Number and communities of staff in each division of the North Western Railway. 1945.
Number of Indian Medical Department Assistant Surgeons on the North Western Railway. 542.
Office hours of Muslim employees of the office of the Director General of Posts and Telegraphs, during the *Ramzan*. 1234.
Paucity of Muslims appointed to the office of the Deputy Accountant General, Posts and Telegraphs. 1924.
Pay of the Conservancy Inspector of the Telegraph Office, Simla. 560.
Pay sheets of the Railway Clearing Accounts Office. 2362.
Percentage of different communities on the subordinate staff of State railways. 1074.
Purchase of emergency equipment by the North Western Railway Medical Department. 1515-16.
Recruitment of Assistant Surgeons on the North Western Railway. 542.
Recruitment of Muslims as apprentice mechanics on various railways. 1233.
Report on the representation of minority communities in Railway Service. 1074-75.
Representation of Muslims in the Railway Services. 558-59, 1005-15.
Retrenchment in the Delhi Division of the North Western Railway. 1004-05, 1925.
Seniority list of the Railway Clearing Accounts Office. 2362.
Staff of the office of the Accountant General, Central Revenues. 699.
Staff of the office of the Accountant General, Posts and Telegraphs. 700.
Staff of the office of the Audit Officer, Indian Stores Department. 701.
Staff of the office of the Auditor General in India. 695-98.
Staff of the office of the Deputy Accountant General, Posts and Telegraphs. 700-01.
Staff of the office of the Director, Railway Audit. 701.
Staff of the Security Printing, India, Currency Note Press and Central Stamp Stores at Nasik. 542-43.
Status of headmasters in Railway schools. 2479-80.
Volunteers for retirement in the office of the Director General of Posts and Telegraphs. 1507.
Question (Supplementary) *re*—
Appointment of Muslims on the North Western Railway. 1620.
Employment of Hindus on the North Western Railway. 993-94.
Employment of Muslims in the Finance Department. 1246.
Letter to Maulvi Muhammad Shafee Daoodi *re* his visit to the North-West Frontier Province. 1616.
Railway Court of Enquiry. 1585.

MASWOOD AHMAD, Mr. M.—(*concld.*)
Resolution *re*—
Duties on galvanised iron and steel pipes and sheets. 1168-69.
Recent Ordinances. 264-66, 290.

MATRON(S)—
Question *re* emoluments of —— and nurses in British Family Hospitals. 973.

MEAT—
Question *re*—
Hawking of —— in New Delhi. 1673.
Sale of —— in Delhi and New Delhi. 1672-73.
Sale of —— in Peshawar. 822.

MEAT SELLER(S)—
Question *re* licences of —— in Lahore Cantonment. 744.

MEAT SHOP(S)—
Question *re* bye-laws for sweetmeat shops and —— in Delhi. 2574.

MECHANICAL DRAWING OFFICER(S)—
See " Drawing Officer(s) ".

MECHANICS—
Question *re* recruitment of Muslims as apprentice —— on various railways. 1233.

MEDICAL BOARD(S)—
Question *re*—
Appeal against decisions of ——. 635.
—— proceedings refused to Indian Ranks. 635.

MEDICAL CERTIFICATES—
Question *re*—
—— of Ayurvedic practitioners. 642.
—— required from the North Western Railway employees. 2399.

MEDICAL COLLEGE(S)—
Question *re* appointment of Bursar and Warden in the Lady Hardinge ——, New Delhi. 44.

MEDICAL COUNCIL—
Question *re* resolutions on the draft Bill to establish a —— in India. 60.

MEDICAL COUNCIL BILL—
See " Indian ——" under " Bill(s) ".

MEDICAL DEPARTMENT—
Question *re*—
Accelerated promotion for officers of the Indian ——. 881-82.
Local purchases by the North Western Railway ——. 1514-15.
Muslim representation in the North Western Railway ——. 1510-12.
Number of Indian —— Assistant Surgeons on the North Western Railway. 542.
Purchase of emergency equipment by the North Western Railway. 1515-16.

MEDICAL EXAMINATION—
Question *re*—
Alleged racial discrimination in the —— of lady passengers embarking at Calcutta for Rangoon. 2578-79.
—— of railway employees on the North Western Railway. 826.
Provision for railway employees failing in the —— on the North Western Railway. 826.
See also " Examination(s) ".

MEDICAL OFFICER(S)—
Question *re* appointment of Muslim —— in Ajmer-Merwara. 70-71.

MEDICAL PRACTITIONER(S)—
Question *re* registering of Indian ——. 982-83.

MEDICAL SERVICE(S)—
Demand for Grant. 2338.
Question *re* appointment of Muslims to the North Western Railway ——. 54ı.

MEDICAL TREATMENT—
Question *re* —— of employees on the North Western Railway. 2399.

MEERUT—
Question *re*—
Comment on the —— Conspiracy Case in the *Times of India* Annual. 644-45.
Visit of the Director of the Central Publicity Bureau to —— in connection with the —— Conspiracy Case. 644.

MEGAW, Major-General JOHN WALLACE DICK—
Oath of Office. 2543.

MEMBER(S)—
Obstruction of —— entering the Assembly Chamber. 1078-80.

MEMORANDUM—
Statement (laid on the table) by the Honourable Sir George Schuster *re* report on the Howard-Nixon —— regarding financial questions arising out of the separation of Burma from India. 2224-29.

MEMORIAL(S)—
Question *re*—
—— from Engineering Supervisors, Telegraphs. 1509-10.
—— withheld by the Railway Board. 1586, 1587.

MERCANTILE MARINE—
Question *re* development of the Indian ——. 2586.

MERCHANT(S)—
Question *re* representation of Dargah and Pushkar and of cloth and sugar —— on the Ajmer Municipal Board. 2391.

MESSAGE(S)—
—— from His Excellency the Viceroy and Governor General—
Appointing dates for the presentation and discussion of the General Budget. 1016-17.
Appointing dates for the presentation and discussion of the Railway Budget. 1016.
Appointing the Honourable Sir George Rainy to perform the functions assigned to the Finance Member on the occasion of the general discussion of the Railway Budget. 1017.

MESSAGES—(*concld.*)
—— from His Excellency the Viceroy and Governor General—(*concld.*)
Declaring certain heads of expenditure to be open to discussion by the Legislative Assembly when the Budget is under consideration. 1017.
Regarding the allotment of an additional day for the discussion of the Demands for Grants. 1865.
Question *re* censorship of press —— regarding proceedings of the Assembly. 1077-78, 1231.

MESSENGER(S)—
Question *re* system of payment for telegraph ——. 2597-99.

METEOROLOGY—
Demand for Grant. 2337.

METER(S)—
Question *re* high water —— rent in New Delhi. 1929.

MHOW—
Question *re* staff of the Veterinary Hospital at —— Cantonment. 358.

MHOW CANTONMENT—
Question *re* expulsion of certain citizens from ——. 2212-13.

MILEAGE ALLOWANCES—
See " Allowance(s) ".

MILITARY ACCOUNTS—
Question *re* number of persons discharged from the office of the Controller of ——, Lahore. 2014.

MILITARY ACCOUNTS DEPARTMENT—
Question *re*—
Discharge of Sikh clerks from the ——. 1683-84.
—— men on deputation in the Military Finance Department. 2020.
Recruitment of Assistant Financial Advisers from the ——. 2019.

MILITARY AUTHORITIES—
Question *re* circular to the —— at Chittagong to refrain from reprisals on communal lines. 47-48.

MILITARY CHIEF CLERKS—
See " Clerk(s) ".

MILITARY DAIRY FARM(S)—
See " Dairy Farms ".

MILITARY DEPARTMENT(S)—
Question *re* savings to be effected in —— by the ten per cent. cut in salaries. 34.

MILITARY ENGINEERING CORPS—
Question *re* distinction in pension conditions between the Indian Army Service Corps and the ——. 1928-29.

MILITARY ENGINEERING SERVICE(S)—
Question *re*—
Paucity of Muslims in the ——, Presidency and Assam district. 2477-78.
Qualifications and communities of engineers in the ——. 2473.

MILITARY EXPENDITURE—
Question *re* retrenchment in ——. 2010.

MILITARY FINANCE DEPARTMENT—
Question *re*—
Appointment of Under Secretaries in the ——. 2020-21.
Military Accounts Department men on deputation in the ——. 2020.
Retrenchments in the ——. 2018-19.

MILITARY GRASS FARM(S)—
See " Grass Farms ".

MILITARY LANDS—
Statement (laid on the table) by Mr. G. M. Young *re* disposal of appeals by the Inspecting Officer, —— and Cantonments, Northern Command. 2854.

MILITARY MAN(EN)—
Question *re*—
Belated claims of *ex-* to pay, pension, etc. 2385.
Grievances of —— denied pensions. 1692.
Pension of certain —— increased by re-employment during the Great War. 2602.
Refusal of disability pensions to certain discharged ——. 1687-90, 1692, 1693-94.

MILITARY OFFICER(S)—
Question *re*—
Credit balances due to —— serving between 1919 and 1924. 1076-77.
Promotion of Indian ——. 1930-31.
Promotion of Indian —— to staff appointments. 1931-32.

MILITARY PENSION(S)—
Question *re*—
Facilities for claiming ——. 2604.
—— claims. 2603-04.
Rates of ——. 2601-02.
Temporary increment in pre-war ——. 639.
See also " Pension(s) ".

MILITARY PENSION CLAIMS—
Question *re* —— time-barred. 1075-76.

MILITARY PENSIONER(S)—
Question *re* female ——. 638.

MILITARY POWER HOUSES—
See " Power House(s) ".

MILITARY SERVICE—
Question *re*—
Arrears of pension for disability subsequently declared as attributable to ——. 2601.
Diseases caused by ——. 2601.
Family pensions refused for syces killed on ——. 638.
Payment of disability pensions for ——. 2904-06.
Pneumonia caused by ——. 635.

MILITARY STATION(S)—
Question *re* hospitals for British and Indian troops in ——. 109.

MILITARY TROOPS—
See " Troop(s) ".

MILITARY WORKSHOPS—
See " Workshop(s) ".

MILL(S)—
Question *re* negotiations with a foreign firm by Messrs. Tatas for erection of a sheet ——. 1230.

MINES—
Demand for Grant. 2337.
Resolution *re* hours of work in coal ——. 1177-81.

MINERAL WATER—
Question *re* supply of ice and —— on the East Indian Railway. 2213-15.

MINGALADEN—
Question *re* construction of a Roman Catholic Church at —— Cantonment. 2577-78.

MINISTER(S)—
Question *re* scale of salaries for the Governor, Executive Councillors and —— in the North-West Frontier Province. 552-55.

MINISTERIAL ESTABLISHMENT—
Question *re* appointment of Muslims to —— of the Central Government. 2087-88.

MINISTERIAL STAFF—
Question *re* —— and inferior staff quarters in New Delhi. 2203.

MINORITY COMMUNITY(IES)—
Question *re*—
Appointment of members of —— in the Railway Mail Service. 1534.
Report on the representation of —— in railway service. 1074-75.
See also " Community(ies) ".

MINT—
Demand for Excess Grant. 927.
Demand for Grant. 2340.
Demand for Supplementary Grant. 934-35.

MIRA BEN, Miss—
Question *re* interception of a telegram sent by ——. 2352-53.

MISCELLANEOUS—
Demand for Grant. 2341.
Demand for Supplementary Grant. 935.

MISCELLANEOUS DEPARTMENTS—
Demand for Grant. 2340.

MISCELLANEOUS EXPENDITURE (RAILWAYS)—
Demand for Grant. 1582.
Demand for Supplementary Grant. 1832.

MISCELLANEOUS OBLIGATIONS, INTEREST ON—
Demand for Supplementary Grant. 932-33.

MISRA, Mr. B. N.—
Bamboo Paper Industry (Protection) Bill—
Motion to pass. 1154-56.
Demand for Grant in respect of—
Foreign and Political Department. 2310-12.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 454-56.
Motion to reduce Demand for—
" Railway Board " *re* lack of supervision and control over Company-managed railways. 1451-53.
Question *re*—
Allowances in the office of the Railway Board. 1315-16.
Departmental punishment of Government servants. 2720.
Discharge of temporary staff in the Controller of Railway Accounts Office. 1316-17.
Duties of men promoted in the office of the Assistant Director of Ordinance Services (Provision). 2576.
Employees of the Bengal Nagpur Railway. 2014.
Employment of Oriyas on the Bengal Nagpur Railway. 1620.
Number of clerks in the office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India. 2719.
Number of Government pensioners. 27.
Office hours in the office of the Controller of Railway Accounts. 1316.
Oriyas employed in the Bengal Nagpur Railway. 1073-74.
Party to the Postmaster General, Madras, by the Managing Director of a motor mail service. 1220-21.
Passes issued during holidays on the Bengal Nagpur Railway. 2014-15.
Previous service of Mr. Manohar Lal, now in the office of the Director of Ordnance (Provision). 2574-75.
Promotion of a cashier in the office of the Assistant Director of Ordnance Services (Provision). 2576.
Retrenchment of the appointments in Arsenals of certain men brought from Arsenals to Army Headquarters. 2575-76.
Travelling allowance paid on transfer to a Superintendent of Post Offices in Mysore. 695.
Resolution *re* Chief Justices of High Courts. 141-42.

MITRA, Mr. S. C.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 518.
Motion to consider Select Committee's Report. 1086, 1094-96, 1121.
Consideration of clause 2. 1138-39.
Clause 4. 1144-45.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 413-20, 421, 422, 427, 428.
Motion to consider. 1835-48, 1859, 1864, 1873, 1882, 1885.
Motion to amend clause 2. 2501-02, 2502-03, 2505-07, 2512, 2524, 2525.
Consideration of clause 4. 2627, 2633, 2636, 2642-44, 2653, 2654.
Motion to amend clause 4. 2683.
Motion to pass. 2694-98, 2704.
Demand for Supplementary Grant in respect of—
Appropriation from Depreciation Fund. 1830.

MITRA, MR. S. C.—(*contd.*)
Election of —— to the Public Accounts Committee. 2612.
Foreign Relations Bill—
Motions to consider and to circulate. 2739, 2754, 2758, 2765.
Consideration of clause 2. 2810.
General Discussion of the General Budget. 1734, 1735.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 451, 562.
Indian Air Force Bill—
Motion to postpone consideration. 2914-17, 2918, 2921.
Motion to consider. 2923, 2924.
Indian Partnership Bill—
Motion to consider. 787, 788.
Indian Tariff (Wireless Broadcasting) Amendment Bill—
Motion to consider. 2928.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2447, 2448.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2844-46.
Motion *re* election of the Standing Finance Committee. 1815.
Motion to reduce Demand for—
"Executive Council" *re*—
Indianisation of the army. 2134-35.
Retrenchment. 2025-45, 2065, 2066, 2081-82.
"Public Service Commission" *re*—
Inadequate retrenchment. 2332-33.
"Railway Board" *re*—
Conveniences of the travelling public. 1385, 1394-95, 1398.
Future of the Railway Board and the constitutional aspect. 1544, 1548, 1549, 1559, 1560.
Favouritism in the railways. 1438-44.
Future of the Railway Board and the constitutional aspect. 1468.
Lack of supervision and control over Company-managed railways. 1450-51.
Railway retrenchment policy. 1423, 1429.
Representation of Muslims in the railway services. 1363.
Nomination of —— to the House Committee. 1017-18.
Point of order raised by Mr. C. S. Ranga Iyer as to whether an Honourable Member who is directly and personally concerned with the affairs of a contracting firm is entitled to take part in a debate concerning it. 2158-59.
Point of order raised by —— as to whether an Honourable Member can impugn the correctness of the statement of another Honourable Member in the House. 422.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3000-01.
Question *re*—
Abolition of the lowest selection grade examination in the post office. 1943-44.
Abolition of the post of Director of Botanical Survey. 41.
Accommodation of women prisoners in the Delhi jail. 2476.

MITRA, Mr. S. C.—(*contd.*)
Question *re*—(*contd.*)
Accountants reverted to their substantive appointments. 2552.
Additional water supply necessary in Delhi in case of stoppage of the Simla exodus. 40.
Allegations about the "Deoli Detenus Camp". 2565-66.
Allegations against Mr. Manohar Lal, a clerk in the office of the Assistant Director of Ordnance Services (Provision). 1623-24.
Alleged assaults on students and teachers in Chittagong. 437-38.
Alleged harassing of prisoners in the Ajmer Central Jail. 2568.
Alleged objectionable methods in search for Congress Funds adopted by the Police Inspector, Ajmer. 2568.
Alleged racial discrimination in certain appointments at Jamalpur. 567.
Alleged rough handling of a woman prisoner. 1523.
Alleged wrongful detention in prison of Har Dhian Singh Chandiwala. 1522-23.
Allotment of Government quarters in New Delhi. 2203.
Allowance for staff engaged in sorting foreign mail in Calcutta. 1944-45.
Allowances and treatment of prisoners in Delhi. 2382.
Allowances in the office of the Railway Board. 1315-16.
Allowances of certain detenus. 1378-79.
Appeal against discharge by binders in the East Indian Railway Press. 2218.
Appointment of apprentices trained in Ordnance Factories. 1261.
Appointment of Assistant Train Controllers on the North Western Railway. 827.
Appointment of Bursar and Warden in the Lady Hardinge Medical College, New Delhi. 44.
Appointment of Director of Regulations and Forms. 2355.
Appointment of Indians to certain posts on the North Western Railway. 2201-02.
Appointment of Superintendent in the office of the Assistant Director of Ordnance Services (Provision). 1623.
Appointment of telegraph peons as postmen. 2591-92.
Appointment of Telephone Operators on a non-pensionable basis. 1075.
Apprenticeship training in Ordnance Factories. 1949.
Apprenticeship training in the Rifle Factory at Ishapore. 1260-61, 1262, 1948-49.
Arrears of pay of a driver in a Mule Corps. 2663-64.
Arrest of a shop-keeper for flying the Congress flag. 2565.
Arrest of young boys in Ajmer. 2566.
Arrests made and properties confiscated under the Ordinances in the North-West Frontier Province. 437.
Auction of private property in the Gandhi Ashram at Hatundi. 2565.
Bad state of repair of roads between Delhi and New Delhi. 1612.
Bengalis appointed on the staff of the Round Table Conference Committees. 566.
Building applications of Indians rejected in Peshawar Cantonment. 30-31.
Case of Sanders *versus* Nathuram. 1000-01.
Casualties caused in dispersing crowds. 346.
Certificates granted to apprentices in Ordnance Factories. 1261.
Civil aviation establishment in the Imperial Secretariat, New Delhi. 1606.
Classification of lady prisoners. 343-44.
Classification of prisoners in the Ajmer Central jail. 2566.
Classification of women political prisoners. 1524.

MITRA, Mr. S. C.—(*contd.*)
Question *re*—(*contd.*)
Comment on the Meerut Conspiracy Case in the *Times of India* Annual. 644-45.
Communities of chargemen appointed in the East Indian Railway Workshop at Lucknow. 567.
Complaint about the treatment of prisoners in the Ajmer Central jail. 2567.
Conditions of interviews with political prisoners in the Ajmer Central jail. 2567.
Confinement in a dark cell of a prisoner in the Ajmer Central jail. 2564.
Confiscation of the privilege of interview of certain political prisoners. 2563.
Consideration of the report of the Public Accounts Committee. 1206-09.
Construction of a railway station at Faridpur. 347.
Corn-grinding labour given to political prisoners. 2567.
Creation of a new appointment in the office of the Director General of Posts and Telegraphs. 347-48.
Credit balances due to military officers serving between 1919 and 1924. 1076-77.
Cut in pay of binders, compositors, etc., in the East Indian Railway Press. 2218-19.
Cut in pay of low paid men in the Posts and Telegraphs Department. 2596-97.
Danger of infection from tuberculosis in the New Central jail, Multan. 1522.
Deduction from pay of piece-rated employees of the Govenment of India Press, Calcutta. 2221-23.
Deductions from pay of industrial employees of the East Indian Railway Press. 2219.
Delay in release of a prisoner after payment of a fine. 1663.
Departmental punishment of Government servants. 2720.
Deputation of Indians to study sugar manufacture. 1378.
Despatch of troops to Chittagong and arrest of absconders. 343.
Destruction of insufficiently stamped postcards. 36-39.
Disallowance of a religious book to a prisoner in the Ajmer Central jail. 2568.
Discharge of compositors and binders from the East Indian Railway Press. 2217-18.
Discharge of temporary staff in the Controller of Railway Accounts Office. 1316-17.
Discrimination in the provision of fans in jails. 2476-77.
Disparity of sexes among Indian immigrants in the Malay Peninsula. 647-48.
Disposal of files in the office of the Commissioner of Income-tax, Bengal. 366-67.
Divisional accountants retired at 55 years of age. 2552.
Education and training of certain employees in the East Indian Railway Workshop at Lillooah. 567.
Employees of the Bengal Nagpur Railway. 2014.
Erection of a factory at Bombay for the manufacture of vegetable *ghee*. 46.
Examination for appointment of Inspectors and Head Clerks of Post Offices. 1944.
Examination of apprentices in the Rifle Factory at Ishapore. 2223-24.
Facilities for prisoners detained under the Emergency Powers Ordinance. 2382.

MITRA, Mr. S. C.—(*contd.*)
Question *re*—(*contd.*)
Flying of a national flag in India. 346.
Government officers and staff retrenched. 377-78.
Government printing work placed with private presses. 2221.
Grant of conveyance allowance to Inspectors of Telegraph Peons. 2595.
Holidays for the *Holi* and *Dewali* festivals. 2903.
House-scavenging tax in Ferozepore Cantonment. 30.
Hunger strike of a prisoner in the Ajmer jail. 2564.
Hunger strike of political prisoners in Ajmer. 2567.
Indian National Congress. 2378-80.
Indians trained as aviation experts. 1607-08.
Inspections made by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 368-70.
Insufficiency of clothes provided for prisoners in the Ajmer jail. 2563-64.
Introduction of the contract system in the Cash and Pay Department of the East Indian Railway. 2485-86.
Lack of soap and oil in the Ajmer Central Jail. 2568.
Lack of water taps in railway quarters at Paharganj. 826-27.
Leave reserve of Assistants in the office of the Director General of Posts and Telegraphs. 348.
Maintenance of parks and fountains adjacent to the Imperial Secretariat Buildings. 2204.
Medical examination of railway employees on the North Western Railway. 826.
Military pension claims time-barred. 1075-76.
Ministerial and inferior staff quarters in New Delhi. 2203.
Number of clerks in the office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India. 2719.
Number of political prisoners detained under recent Ordinances. 343.
Office hours in the office of the Controller of Railway Accounts. 1316.
Office hours kept by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 371.
Particulars of State prisoners. 43-44.
Passes issued during holidays on the Bengal Nagpur Railway. 2014-15.
Pay of Anglo-Indian and Indian Assistant Station Masters at Delhi and Ghaziabad. 825.
Pay of the Assistant Station Master at Simla. 825.
Pay of the cashier in the office of the Assistant Director of Ordnance Services (Provision). 1622-23.
Payments made to private presses for Government printing work. 2221.
Permanent location of the Secretariat in New Delhi. 1611-12.
Pension scheme for subordinates on the Posts and Telegraphs Department. 2596.
Petition from apprentices in the Rifle Factory at Ishapore. 2224.
Political prisoners arrested and released in Delhi. 2477.
Press censorship. 1245.
Promotion of Assistant Station Masters in the Delhi Division of the North Western Railway. 825.
Promotion of firemen, etc., on the North Western Railway. 2202-03.
Promotion of guards on the Great Indian Peninsula Railway. 826.
Promotion of Indian printers trained in England. 2380-81.
Proportion of European to Indian officers retrenched in Central departments. 42.

MITRA, MR. S. C.—(*contd.*)
Question *re*—(*contd.*)
Provision for railway employees failing in the medical examination on the North Western Railway. 826.
Provision of a non-official visitor for the Ajmer Central Jail. 2568.
Provision of fans for prisoners in the Central Jail, Multan. 1522.
Qualifications of the officiating Assistant Managers of the Simla and Aligarh Government of India Presses. 2381.
Quarters in the Arcade Building of the Calcutta General Post Office. 372-73.
Quarters of certain prisoners in the Delhi Jail. 2381-82.
Railway passes for Railway Mail Service Inspectors. 1592-93.
Realisations from the additional import duty on salt. 440.
Recall of a provision pass previously in possession of the Sub-Divisional Officer, North Western Railway. 2382-83.
Recommendations for retrenchment in connection with the Indian Stores Department. 41.
Recommendations of Retrenchment Committees. 378.
Record of weights of political prisoners in the Ajmer Central Jail. 2568.
Recruitment in the office of the Assistant Director of Ordnance Services (Provision). 1621-22.
Recruitment in the office of the Deputy Accountant General, Posts and Telegraphs. 371-72.
Recruitment to the subordinate Engineering Branch of the Telegraph Department. 2599-2600.
Reduction of clerical appointments and appointment of Superintendents in the office of the Assistant Director of Ordnance Services (Provision). 1623.
Reduction of selection grade posts in the Bengal and Assam Postal Circle. 373.
Relatives in the office of the Assistant Director of Ordnance Services (Provision). 1622.
Removal under the ordinance of private money by the Ajmer police. 2565.
Rent-free quarters to the officiating Assistant Manager, Government of India Press, Aligarh. 2381.
Replacement of the contract system on the Bengal Nagpur Railway by the Departmental system. 2486.
Report on economic and financial relations between British India and Indian States. 41.
Reports of Retrenchment Sub-Committees. 1136.
Retention of certain departments in Delhi during the summer. 39.
Retrenchment in subordinate offices. 1613.
Retrenchment in the Finance Department. 1611.
Retrenchment in the office of the Chief Engineer, Delhi. 1613.
Retrenchment in the postal service. 373.
Retrenchment of I. C. S. officers in the Customs Department. 42-43.
Retrenchment under Delhi Capital Outlay. 42.
Reversion to substantive appointments of certain postal officials in the Punjab and North-West Frontier Province Postal Circle. 2386.
Revised schemes for pension on the Posts and Telegraphs Department. 2595-96.
Rights and privileges of existing apprentices at the Rifle Factory, Ishapore. 1261.
Sanitary amenities for Karol Bagh, Delhi. 2487-88.
Selection of men for retrenchment in Government departments. 1610-11.

MITRA, Mr. S. C.—*(contd.)*

Question *re*—*(concld.)*

Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 349-51.

Standard of diet of "C" class prisoners in Ajmer. 2566.

Standard of training of apprentices in the Rifle Factory, Ishapore. 1261.

Strength of supervising and operating staff in the East Indian Railway Press, Calcutta and Howrah. 2219-21.

Sub-letting of a railway bungalow in Rawalpindi. 2383.

Substitution of Assistant Directors General by Assistant Deputy Directors General of Posts and Telegraphs. 348.

System of payment for telegraph messengers. 2597-99.

System of supplying uniforms to telegraph and postal peons. 2592-95.

Terms of service of officers, clerks, storekeepers, etc., in the Indian Army Service Corps. 45-46.

Thela traffic in New Delhi. 1613.

Training and discharge of certain soldiers. 328-29.

Training of apprentices in Ordnance Factories. 344-45.

Training of apprentices of the Rifle Factory at Ishapore. 2600-01, 2386.

Training of British soldiers in handicrafts in India. 328.

Transfer of Bengal detenus to other provinces. 44.

Transfer of postal officials in the Punjab and the North-West Frontier Province Postal Circle. 2386.

Travelling allowance drawn on inspection tours by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 367-68.

Travelling and house rent allowances. 2377.

Visit of the Director of the Central Publicity Bureau to Meerut in connection with the Meerut Conspiracy Case. 644.

Visit to Kalimpong of Mr. Strong, Commissioner of Income-tax, Bengal. 2486-87.

Vocational training in Ordnance and Clothing Factories. 1261.

Withdrawals from the General Provident Fund for investment in sterling insurance policies. 327-28.

Women prisoners transferred to Lahore in a third class compartment. 1523-24.

Question (Supplementary) *re*—

Arrest of Mr. J. M. Sen Gupta on board an Italian ship. 549-50.

Censorship of press messages regarding proceedings of the Assembly. 1077, 1078.

Flogging of political prisoners in the North-West Frontier Province. 49.

Publication by newspapers of proceedings of the Legislative Assembly. 545.

Purchase of gold by operators in Bombay. 1062.

Report of the Archæological Department. 2357.

Report on finnacial questions arising out of the proposed separation of Burma from India. 3021-22, 3035.

Resolution *re*—

Duties on galvanised iron and steel pipes and sheets. 1159-60, 1174-75.

Recent Ordinances. 212, 239, 245, 253, 267-70, 302, 315.

Stabilisation of exchange and prices. 830.

Resolution to amend the previous resolution on roads. 3012.

Salt Additional Import Duty (Extending) Bill—

Motion to consider. 2425-28.

Statement by Mr. President on Mr. C. S. Ranga Iyer's motion for adjournment *re* publication in the press of the proceedings of the Legislature. 722.

MITRA, Mr. S. C.—(*concld.*)
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2861.
Consideration of clauses 3 and 4. 2868.
Consideration of clause 5. 2872-73.
Wheat Import Duty (Extending) Bill—
Motion to consider. 685.
Motion to insert new clause 3. 691.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1020, 1024-25.
Consideration of clause 1. 1040.

MITTER, The Honourable Sir BROJENDRA—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1863, 1874-83, 1887.
Motion to amend clause 2. 2502.
Motion to omit clause 4. 2536, 2538, 2539, 2540, 2541.
Consideration of clause 4. 2632-38, 2651, 2652.
Foreign Relations Bill—
Consideration of clause 2. 2806-09, 2810, 2811.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 457-66.
Indian Partnership Bill—
Motion to consider. 794, 800-06.
Consideration of clause 19. 885, 886.
Clause 19-A. 886.
Clause 25. 887.
Clause 28. 887.
Clause 30. 888, 890, 893-94.
Clause 32. 896, 897, 898, 901, 902.
Clause 57. 906.
Clause 59. 907.
Clause 68. 908, 912-16, 919.
Clause 69. 921, 922.
Motion for Adjournment *re* publication in the Press of the Assembly speeches. 663.
Public Suits Validation Bill—
Motion to postpone consideration. 2944-46.
Motion to refer to Select Committee. 2953, 2954, 2955.
Consideration of clause 3. 2958.
Motion to pass. 2961.
Resolution *re* establishment of a Supreme Court in India. 595-98, 601, 603.

MODY, Mr. H. P.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1875, 1910-12.
General Discussion of the General Budget. 1720-24, 1735.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 763, 773.
Motion to reduce Demand for—
"Executive Council" *re*—
Avoidance of income-tax. 2103-04, 2107.
Separation of Burma from India. 2178-81.
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1484-87.

MODY, MR. H. P.—(*concld.*)
Question *re*—
Admission of students of Indian universities to the Society of Incorporated Accountants and Auditors, London. 647.
Exemptions, etc., under section 60 of the Indian Income-tax Act. 2559.
" Extraordinary Receipts " of the Government of India. 2560.
Revenue sacrificed under section 49 of the Indian Income-tax Act. 2559.
Transfer of the Imperial Institute of Dairying from Bangalore to Karnal. 647.
Question (Supplementary) *re* Indian National Congress. 2380.
Salt Additional Import Duty (Extending) Bill—
Motion to add a new clause. 2432-34.
Wire and Wire Nail Industry (Protection) Bill—
Motion to refer to Select Committee. 503-04.

MOHENJODARO—
Question *re*—
Accounts of discoveries at ——. 2016-17.
Exhibition of —— antiquities in the New Delhi Museum. 1242.
Refusal to exhibit certain jewellery at ——. 2016.
Removal of antiquities from —— to the Delhi Museum. 62-63.
Salary of the Officer-in-Charge of the —— Excavations and retrenchment of his staff. 61-62.

MONEY(IES)—
Question *re* removal under the Ordinance of private —— by the Ajmer police. 2565.

MONEY LENDING—
Question *re* steps to control —— and rates of interest. 535-36.

MOODY-WARD SYSTEM—
Question *re*— ...
—— and crew system of ticket checking. 1533, 1937.
—— of railway ticket checking. 611, 998-99.
Success and cost of the —— of ticket checking. 618-19.

MOORE, MR. ARTHUR—
Appointment of —— on the Committee on Petitions. 937.
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 512, 515-16.
Motion to consider Select Committee's report. 1107, 1108.
Consideration of clause 4. 1146-47.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to pass. 2701-03.
Expressions of regret by —— on the death of—
Mr. F. W. Allison. 2670.
Mr. K. V. Rangaswami Iyengar. 2611.
Mian Sir Muhammad Shafi. 16-17.
Hindu Marriage Dissolution Bill—
Presentation of the report of the Committee on Public Petitions. 2414.
Hindu Untouchable Castes (Removal of Disabilities) Bill—
Presentation of the report of the Committee on Public Petitions. 2415.

MOORE, Mr. ARTHUR—(*concld.*)
Indian Air Force Bill—
Motion to postpone consideration. 2917.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 167, 194, 197-201, 759.
Motion for Adjournment *re*—
Publication in the Press of the Assembly speeches. 660-61.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2833-35, 2838, 2841, 2842.
Motion *re* election of the Standing Finance Committee. 1814, 1816.
Motion to reduce Demand for—
" Executive Council " *re*—
Separation of Burma from India. 2181, 2185-86.
Nomination of —— to the Panel of Chairmen. 378.
Question *re* substitution of Air Force Units for Army Units in the defence of the Frontier. 2657-59.
Question (Supplementary) *re*—
Arrest of Mr. J. M. Sen Gupta on board an Italian ship. 549.
Expenditure from central revenues on provincial subjects. 2581.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 554.
Resolution *re* recent Ordinances. 244-48, 277, 296, 298.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2859.

MORADABAD—
Question *re* retrenchment in the —— Engineering Workshop. 2405.

MORGAN, Mr. G.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's report. 1088-89.
Consideration of clause 2. 1137-38.
Consideration of clause 4. 1145-46.
Motion to pass. 1157.
Election of —— to the Standing Committee for Roads. 1319.
Election of —— to the Standing Finance Committee. 2490.
Election of —— to the Standing Finance Committee for Railways. 2612.
General Discussion of the General Budget. 1770-73.
Motion to reduce Demand for—
" Railway Board " *re*—
Conveniences of the travelling public. 1384.
Question *re*—
Exemption from surcharges imposed by the Indian Finance (Supplementary and Extending) Act. 808.
Galvanised corrugated sheets obtainable from Tatas. 1239-40.
Kurkutch salt exported from Karachi to Calcutta. 1136.
Railway concessions for the transport of Khewra salt to Calcutta. 1136.
Reduction of pay of an officer previous to retirement. 643-44.
Question (Supplementary) *re* export of salt to Calcutta from Karachi. 707.
Resolution *re* duties on galvanised iron and steel pipes and sheets. 1059-60.

MORGAN, MR. G.—(*concld.*)
Salt Additional Import Duty (Extending) Bill—
Motion to add a new clause. 2429-32.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2860-62.
Consideration of clauses 3 and 4. 2869.
Motion to pass. 2878-79.
Wheat Import Duty (Extending) Bill—
Motion to insert new clause 3. 689-92, 694.

MOSQUE—
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the —— in Kucha Rahman. 1951, 1985-2008.

MORTALITY—
Question *re* —— and sickness in the British Army in India. 971-72.

MOTHERS—
Question *re* pensions admissible to widows and —— of deceased ranks. 637, 1691.

MOTION FOR ADJOURNMENT—
See " Adjournment(s)".

MOTOR CARS—
Question *re* exemption of —— from octroi duty in Ajmer-Merwara. 2389.

MOTOR MAIL CONTRACTS—
Statement (laid on the table) by Mr. T. Ryan *re* —— in Bombay, Madras and Bengal. 2967-68.
See also " Contract(s)".

MOTOR MAIL SERVICE—
Question *re* party to the Postmaster General, Madras, by the Managing Director of a ——. 1220-21.

MOTOR SERVICE—
Question *re* subsidy paid for the mail —— between Salem and Athur. 1923.
Statement (laid on the table) by Mr. T. Ryan *re* subsidy paid for the mail —— between Salem and Athur. 2852.

MOVE ALLOWANCE—
See " Allowance(s)".

MUAZZAM SAHEB BAHADUR, MR. MUHAMMAD—
Election of —— to the Standing Finance Committee. 2490.
Question *re*—
Allegations *re* non-appointment of Muslims in Government services. 974.
Allegations regarding officers on special duty. 1125-26.
Appointment of Muslim officers in the Headquarters Office, North Western Railway. 1600.
Appointment of Muslims as Assistant Personnel Officers on the North Western Railway. 1601.
Appointment of Muslims as clerks and Assistant Surgeons on the North Western Railway. 1601.

MUAZZAM SAHEB BAHADUR, MR. MUHAMMAD—(*concld.*)
Question *re*—(*concld.*)
Appointment of Muslims in the Electrical Branch, Agent's Office, North Western Railway. 975.
Appointment of staff officers on Indian railways. 975.
Creation of a post of Chief Personnel Officer on the North Western Railway 1599.
Discharge of Muslim clerks from the Headquarters Office, North Western Railway. 1601-02.
Duties of Personnel Officers at the Headquarters Office, North Western Railway. 1602.
Employees retrenched on the North Western Railway. 1598.
Exhibition of Mohenjodaro antiquities in the New Delhi Museum. 1242.
Extensions of service granted in the Punjab and North-West Frontier Postal Circle. 2204.
Muslim grievances in the Railway Audit and Accounts Department. 976-77.
Muslim Personnel Officers in the North Western Railway. 1598.
Non-appointment of Muslims to the Headquarters Office, North Western Railway. 1600.
Office hours in Government departments. 974.
Paucity of Muslims in the lower gazetted service of the North Western Railway. 1598.
Percentage of Muslims employed on State-managed Railways. 976.
Promotion of juniors in the lower selection grade in postal circles. 1596-98.
Railway Accounts Examination. 973-74.
Report of Mr. K. M. Hassan, Officer on Special Duty, Railway Board. 975.
Reports of Mr. K. M. Hassan on employment of Muslims on State Railways. 1600.
Supersession of certain officers on the North Western Railway. 1599-1600.
Traffic Inspectors, Station Masters and Assistant Station Masters on the North Western Railway. 976.

MUDALIAR, DIWAN BAHADUR A. RAMASWAMI—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 402, 403-12.
Motion to amend clause 2. 2526-27.
Consideration of clause 4. 2631, 2637.
Motion to amend clause 4. 2672-76.
Expressions of regret by —— on the death of—
Mr. K. V. Rangaswami Iyengar. 2609-10.
The Honourable Mian Sir Muhammad Shafi. 15-16.
Question *re* classes of imprisonment awarded to political prisoners. 365.
Question (Supplementary) *re*—
Contribution by Britain to the cost of the British Army in India. 55-56.
Future status of Berar. 2554.
Retirement of officers in Government of India departments. 36.
Sugar purchased for military consumption. 362-63.
Resolution *re* recent Ordinances. 241-44, 245.

MUHAMMADAN(S)—
Question *re*—
Appointment of a —— as Town Inspector of Post Offices, Mussoorie. 877-78.
Appointment of —— in the Railway Audit Service. 2392.

MUHAMMADAN(S)—(*concld.*)
Question *re*—(*concld.*)
Appointment of non-—— as Mechanical Drawing Officers on the North Western Railway. 995.
Census enumeration of Christian and —— depressed classes. 1232.
Hindus and —— employed as drivers, etc., on the North Western Railway. 563.
Number of —— in the Railway Audit Service. 2392.
Persons returned to the Legislative Assembly by the Patna *cum* Shahabad Non-—— constituency. 2909.
Statement (laid on the table) by Mr. G. M. Young *re* Hindu-—— High School, Ambala Cantonment. 2491.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointment of —— in the Railway Audit Services. 2853.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* appointment of a —— as Town Inspector of Post Offices, Mussoorie. 1626.
See also "Muslim(s)" and "Mussalman(s)".

MUJUMDAR, SARDAR G. N.—
Election of —— to the Standing Finance Committee. 2490.
Question *re*—
Amalgamation of the Accounts and Audit Departments of the Great Indian Peninsula Railway. 1071.
Amalgamation of the Commercial and Transportation Departments of the Great Indian Peninsula Railway. 1070-71.
Apprentice plate layers appointed as Permanent-way Sub-Inspectors. 540.
Barbed wire fence round the office of the Quartermaster General in Simla. 2570.
Charges for goods on the Bengal Nagpur Railway. 1225-26.
Complaint of official interference in the management of the Great Indian Peninsula Railway Employees' Co-operative Society. 1072-73.
Complaints against the Railway Company by the ex-Station Master, Katni. 1227-28.
Delhi move allowance and Simla house-rent allowance. 2467.
Denial of holidays to the staff of the Chief Traffic Manager's Office, Great Indian Peninsula Railway. 1070.
Excess freight charged to traders by certain railways. 1228.
Freight rates on the Bengal Nagpur Railway. 1228, 1229.
Leave rules for certain subordinates on the Great Indian Peninsula Railway. 1068.
Loans asked for by provincial Governments. 1229.
Non-transfer of staff of rates and claims branches in the Great Indian Peninsula Railway. 1066.
Party to the Postmaster General, Madras, by the Managing Director of a motor mail service. 1220-21.
Promoted subordinates granted Lee Concessions on the Great Indian Peninsula Railway. 1068.
Promotion of a European officer on the Great Indian Peninsula Railway. 1069-70.
Promotion of an Anglo-Indian subordinate on the Great Indian Peninsula Railway. 1070.
Ratio of European, Anglo-Indian and Indian Time-keepers in the Public Works Engineering Department. 539-40.
Recruitment of certain European officers for rates and claims work in the Great Indian Peninsula Railway. 1066.
Recruitment of Punjabi Mussalmans to guard Army Headquarters. 2569-70.

MUJUMDAR, SARDAR G. N.—(*concld.*)
Question *re*—(*concld.*)
Reduction of posts of Junior Inspectors of Station Accounts on the Great Indian Peninsula Railway. 1071.
Refund of transhipment charges by the Bengal Nagpur Railway. 1227.
Reversion to Time-keepers' posts of certain Permanent-way Sub-Inspectors. 540.
Revised cadres and promotion of subordinates in certain departments of the Great Indian Peninsula Railway. 1066-68.
Supply of wagons free to Dr. Driver by the Station Master, Lonavla. 1073.
Transhipment charges over the Johilla bridge realised by the Bengal Nagpur Railway. 1226-27.
Vocational training in the Army. 817-18.

MUKHERJI, RAI BAHADUR S. C.—
Election of —— to the Standing Finance Committee. 2490.

MULE CORPS—
Question *re* arrears of pay of a driver in a ——. 2663-64.
Statement (laid on the table) by Mr. J. R. Blair *re* undistributed credit balance of a driver in a ——. 3029-30.

MULTAN—
Question *re*—
Danger of infection from tuberculosis at the new Central jail, ——. 1224, 1522.
Expenditure incurred on transferring prisoners from Delhi to ——. 1225.
Provision of fans for prisoners in the Central jail, ——. 1522.

MUTTON—
Question *re* hawking of —— in New Delhi. 978.

MUNICIPAL BOARD—
Question *re*—
Alleged lack of qualification of a teacher in the —— City Boys' School, Ajmer. 374.
Amount of grant-in-aid made to the Education Fund of the ——, Ajmer. 375.
Election of Chairman of the Ajmer ——. 2390-91.
Expenditure of the Ajmer ——. 2389.
Management of the finances of the ——, Ajmer. 2361.
Miscellaneous expenditure of the Ajmer ——. 2389.
Octroi duties imposed by the Ajmer ——. 2391.
Representation of Dargah and Pushkar and of cloth and sugar merchants on the Ajmer ——. 2391.

MUNICIPAL CITY GIRLS' SCHOOL—
See "School(s)".

MUNICIPAL COMMITTEE(S)—
Question *re*—
Nomination of a Mussalman as a member of the Ajmer ——. 2656.
Nomination of Indian Christians as members of the Ajmer ——. 2655-56.
Non-nomination of a member of the depressed classes to the Ajmer ——. 2656.

MUNICIPALITY(IES)—
Question *re* mismanagement in affairs of the —— in Ajmer. 1256.

MUNSHI(S)—
Question *re*—
Indian overseers and —— in Military Grass Farms. 1002.
—— employed in Military Grass Farms. 1002.

MUNSHI, Mr. JEHANGIR K.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1883-86.
Foreign Relations Bill—
Consideration of clause 2. 2807, 2809-14.
Consideration of clause 3. 2820, 2821, 2881-82, 2887.
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2456-58.
Motion to reduce Demand for—
" Executive Council " *re*—
Separation of Burma from India. 2173-76, 2191-93.
Question *re*—
Alleged racial discrimination in the medical examination of lady passengers embarking at Calcutta for Rangoon. 2578-79.
Construction of a Roman Catholic Church at Mingaladon Cantonment. 2577-78.
Distinction between light and heavy *lathi* charges. 2579.
Number of women arrested and imprisoned for political offences. 2580.
Racial discrimination by the British India Steam Navigation Company in disembarking passengers. 2578.
Subjection of women to *lathi* charges. 2579.
Report on financial questions arising out of the proposed separation of Burma from India. 3022-23.
Resolution to amend the previous Resolution on Roads. 3010-11.

MURDERS—
Statement (laid on the table) *re* —— of Government servants in communal and political disturbances. 2492-96.

MURTUZA Sahib Bahadur, Maulvi SAYYID—
Election of —— to the Standing Finance Committee for Railways. 2612.
Expressions of regret by —— on the death of Mr. K. V. Rangaswami Iyengar. 2610-11.
Foreign Relations Bill—
Motions to consider and to circulate. 2753-55.
Motion to pass. 2898-2900, 2901.
General Discussion of the General Budget. 1801-03.
General Discussion of the Railway Budget. 1300.
Hedjaz Pilgrims (*Muallims*) Bill—
Motion to refer to Select Committee. 3007-08.
Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2974-75.
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1992-94.
Lathi charge by the police on a meeting in Delhi. 1866.

MURTUZA SAHIB BAHADUR, MAULVI SAYYID—(*concld.*)

Motion to reduce Demand for—
"Executive Council" *re*—
Indianisation of the Army. 2131.

Question *re*—
Amount realised by sale of stamps and postcards in the North-West Frontier Province. 1603-04.
Appointment of Muslims to ministerial establishments of the Central Government. 2087-88.
Communal composition of the establishment and Cash Sections of the Army Department. 2372-73.
Cracks in the roof of the attic storey of the Council House Buildings. 33-34.
Criteria for appointment of various communities to Government Services. 2489.
Definition of "Inefficiency" for purposes of retrenchment. 273-74.
Discharge of Muslim clerk from the Royal Air Force Headquarters. 2489.
Encroachments on Muslim burial grounds in Ajmer. 1254-55, 1256.
Grievances of the Muslim community against the Public Service Commission. 2085-86.
Houses built on the Muslim graveyard at Idgah Chand Baori, Ajmer. 1256.
Invitation of Khan Abdul Ghaffar Khan to a Darbar in Peshawar. 1604-05.
Management of the finances of the Municipal Board, Ajmer. 2361.
Mismanagement in Municipal affairs in Ajmer. 1256.
Number of Muslims and Sikhs in the Royal Air Force Headquarters. 2488-89.
Recruitment of Muslims by the Public Service Commission. 2088-94.
Recruitment of Muslims in Government offices. 2368-70.
Removal of the North-West Frontier Crime Regulations. 1602-03.
Report on the encroachments on Muslim burial grounds in Ajmer. 1255.
Retrenchments in the Army Department. 2370-72.
Vacancies for members of minority communities in Central Government departments. 2086-87.
Water supply of Ajmer. 2360-61.

Resolution *re* recent Ordinances. 316-18.

Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2998.

MUSEUM(S)—
Question *re*—
Charge for the cost of establishment of the Indian ——, Calcutta. 356.
Exhibition of Mohenjodaro antiquities in the New Delhi ——. 1242.
Pensions of officers of the Indian ——, Calcutta. 356.
Removal of antiquities from Mohenjodaro to the Delhi ——. 62-63.

MUSLIM(S)—
Motion to reduce Demand for—
"Railway Board" *re*—
Representation of —— in the railway services. 1331-75.

Question *re*—
Allegations *re* non-appointment of —— in Government services. 974.
Alleged discontent amongst —— employees in the Government of India Secretariat and Attached Offices. 2783.

MUSLIM(S)—(*contd.*)
Question *re*—(*contd.*)
Alleged injustices to —— employees on the East Indian Railway. 2362.
Alleged threatening of —— clerks in the Railway Clearing Accounts Office. 2362.
Appointment of a —— as accountant and cashier, Government of India Press, New Delhi. 2404-05.
Appointment of a —— as Assistant Commissioner of Income-tax. 2573.
Appointment of a —— as Commissioner of Income-tax in the Punjab, North-West Frontier Province and Delhi. 2573-74.
Appointment of —— as Assistant Personnel Officers on the North Western Railway. 1601.
Appointment of —— as clerks and assistant surgeons on the North Western Railway. 1601.
Appointment of —— as copyholders in the Government of India Press, New Delhi. 2403-04.
Appointment of —— in Civil Accounts Offices. 1924.
Appointment of —— Income-tax Officers in Bihar and Orissa. 1003.
Appointment of —— in the Electrical Branch, Agent's Office, North Western Railway. 975.
Appointment of —— in the Punjab and Madras Income-tax Departments. 69-70.
Appointment of —— in the Security Printing, India, Currency Note Press and Central Stamp Stores. 543.
Appointment of —— in the Telegraphs Department. 34.
Appointment of —— Medical Officers in Ajmer-Merwara. 70-71.
Appointment of —— officers in the Headquarters Office, North Western Railway. 1600.
Appointment of —— on the North Western Railway. 1619-20.
Appointment of —— peons in the Government of India Press, New Delhi. 2404.
Appointment of —— to ministerial establishments of the Central Government. 2087-88.
Appointment of —— to the Government of India Press, New Delhi. 2404, 2405.
Appointment of —— to the Income-tax Department. 1682.
Appointment of —— to the North Western Railway Medical Service. 541.
Appointment of —— to the office of the Commissioner, Ajmer-Merwara. 2023.
Appointment of —— to various appointments in Ajmer-Merwara. 2021-22.
Decrease of —— employees in the Home Department. 1697.
Discharge of a —— clerk from the Royal Air Force Headquarters. 2489.
Discharge of —— clerks from the Headquarters Office, North Western Railway. 1601-02.
Disposal of interest accruing on Savings Bank deposits and War Bonds held by ——. 106-07.
Encroachments on —— burial grounds in Ajmer. 1254-55, 1256.
Employment of —— in the East Indian Railway. 3027.
Employment of —— in the Finance Department. 1245-49, 1251-52.
Employment of —— in the Income-tax Department. 2572-73.
Employment of —— in the Telegraph Department. 1924-25.
Grant of advance increments or special pay to —— in the Government of India Offices. 2783-84.
Grievances of —— in the Government of India Press, New Delhi. 2405.
Grievances of —— watermen on the North Western Railway. 105-06.

MUSLIM(S)—(*contd.*)
Question *re*—(*contd.*)
Grievances of the —— community against the Public Service Commission. 2085-86.
Hindu and —— Superintendents of Post Offices in the Punjab Postal Circle. 992.
Houses built on the —— graveyard at Idgah Chand Baori, Ajmer. 1256.
Injustice to —— in the Postal Department. 1947.
—— and Hindu duftries and peons employed in various Departments. 1684-85.
—— appointed as Office Superintendents and Head clerks on the North Western and East Indian Railways. 1945-46.
—— appointed as Personnel Officers on the North Western Railway. 1926.
—— appointed to the Political Department in the North-West Frontier Province. 2544.
—— Assistant Surgeons on the North Western Railway. 111-12.
—— clerks in offices under the control of the Financial Commissioner, Railways. 1699.
—— employed in the Indian Telegraph Department. 1015-16.
—— establishment clerks in the East Indian Railway. 1015.
—— Establishment Officers in the Eastern Bengal Railway. 1015.
—— grievances in the Railway Audit and Accounts Department. 976-77.
—— Personnel Officers in the North Western Railway. 1598.
—— promoted to the Superior Revenue Establishment of the North Western Railway. 1925-26.
—— representation in appointments on the North Western Railway. 1003-04.
—— representation in Railway Services in East Bengal. 1015.
—— representation in the North Western Railway Medical Department. 1510-12.
Non-appointment of qualified —— in Ajmer-Merwara. 2022-2023.
Non-appointment of —— to the Headquarters Office, North Western Railway. 1600.
Non-employment of —— stenographers in the Finance Department. 1253-54.
Number of —— and Hindu postmen in certain Sub-Divisions. 876-77.
Number of —— and Sikhs in the Royal Air Force Headquarter. 2488-89.
Office hours of —— employees of the office of the Director General of Posts and Telegraphs, during the *Ramzan*. 1234.
Paucity of —— appointed to the Office of the Deputy Accountant General, Posts and Telegraphs. 1924.
Paucity of —— in the lower gazetted service of the North Western Railway. 1598.
Paucity of —— in the Military Engineering Services, Presidency and Assam District. 2477-78.
Paucity of —— in the Punjab Income-tax Department. 68-69.
Percentage of Hindus and —— in the Archaeological Department. 2358-59.
Percentage of —— Assistants and clerks in the Railway Board's Office. 1695.
Percentage of —— employed on State-managed Railways. 976.
Posts with special pay in the Government of India held by non- ——. 2782-83.
Preponderance of —— officers in the Punjab Postal Circle. 993.
Recruitment of —— as apprentice mechanics on various railways. 1233.
Recruitment of —— by the Public Service Commission. 2088-94.
Recruitment of —— in Government offices. 2368-70.

MUSLIM(S)—(*concld.*)
Question *re*—(*concld.*)
Recruitment of —— to Government Departments. 2383-84.
Recruitment of two unqualified non- —— clerks in Ajmer-Merwara. 2022.
Report on the encroachments on —— burial grounds in Ajmer. 1255.
Reports of Mr. K. M. Hassan on employment of —— on State Railways. 1600.
Representation of —— in the Railway Services. 558-59, 1005-15.
Representation of —— in the Subordinate Railway Accounts Service. 1699-1700.
Retrenchment of —— railway servants. 2360.
Sikh and —— clerks in the Finance Department. 1252.
Statement (laid on the Table) *re*—
Appointment of —— in the Income-tax Department, Punjab. 1187.
—— clerks discharged from the Office of the Chief Medical Officer, North Western Railway. 2616.
—— Officers dealing with establishment matters on the Eastern Bengal Railway. 2617.
Recruitment of —— in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 2490-91.
Representation of —— in the Income-tax Department, Bengal. 2612.
Representation of —— in the Income-tax Department, Bihar and Orissa. 1704.
See also "Mussalman(s)" and "Muhammadan(s)".

MUSSALMAN(S)—
Question *re*—
Appointment of —— to Government of India Departments. 111.
Appointment of —— to the Income-tax Department. 633.
—— Income-tax Officers and clerks in the Income-tax Department. 632.
Nomination of —— as a member of the Ajmer Municipal Committee. 2656.
Recruitment of Punjabi —— to guard Army Headquarters. 2569-70.
Retrenchment of —— employees on the North Western Railway. 656.
Titles for Hindus and ——. 557-58.
See also "Muslim(s)" and "Muhammadan(s)".

MUSSOORIE—
Question *re*—
Appointment of a Muhammadan as Town Inspector of Post Offices ——. 877-78.
Communities of postmen and inferior servants in —— Post Offices. 877.
Statement (laid on the table) by Mr. T. Ryan *re* communities of postmen and inferior servants in —— Post Offices. 2615.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* appointment of a Muhammadan as Town Inspector of Post Offices, ——. 1626.

MYMENSINGH—
Question *re* post offices in the —— and Dacca districts. 713.

MYSORE—
Question *re* travelling allowance paid on transfer to a Superintendent of Post Offices in ——. 695.
Statement (laid on the table) by Mr. T. Ryan *re* travelling allowance paid on transfer to a Superintendent of Post Offices in ——. 1628.

N

NAGPUR—
Question *re* abolition of the office of Transportation Superintendent, Great Indian Peninsula Railway at ——. 106.
Statement (laid on the table) by Mr. J. R. Blair *re* the Railway Hospital at ——. 2969.

NARGUND—
Question *re* delay of mail in Navalgund and —— in the Dharwar district. 1664.

NASIK—
Question *re* staff of the Security Printing, India, Currency Note Press and Central Stamp Stores at ——. 542-43.

NATHURAM—
Question *re* case of Sanders *versus* ——. 1000-01.

NATIONAL FLAG—
Question *re* flying of a —— in India. 346.

NATIONAL WEALTH—
See " Wealth ".

NAVALGUND—
Question *re* delay of mail in —— and Nargund in the Dharwar district. 1664.

NAVIGATION, EMBANKMENT AND DRAINAGE WORKS, IRRIGATION—
Demand for Excess Grant. 926.
Demand for Supplementary Grant. 932.

NEOGY, Mr. K. C.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 421, 432.
Motion to refer to Select Committee. 672.
Motion to consider. 1842, 1847.
Motion to consider. 1901, 1906-10.
Motion to amend clause 2. 2530-32.
Motion to pass. 2692-94, 2701, 2702.
Indian Air Force Bill—
Motion to postpone consideration. 2916.
Motion for adjournment *re* excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 2000, 2002, 2003.
Motion to reduce Demand for—
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1548, 1559, 1560, 1562-67.
Public Suits Validation Bill—
Consideration of clause 3. 2958.
Question *re*—
Allowances permitted for certain prisoners detailed under Regulation III of 1818. 2363-64.
Censorship of foreign newspaper correspondents in India. 2010-12.
Censorship of news sent to foreign newspapers. 2559.
Reports on the health and treatment of certain prisoners. 2364-65.

NEOGY, Mr. K. C.—(*concld.*)
Question (Suplementary) *re*—
Allegations about the " Deoli Detenus Camp ". 2565.
Alleged assaults on students and teachers in Chittagong. 437-38.
Arrest of Mr. J. M. Sen Gupta on board an Italian ship. 547-50.
Clothes of prisoners in the Ajmer jail. 1666.
Decrease in weight of prisoners in Ajmer jail. 1665.
Indian Christians employed on railways. 1244.
Indian National Congress. 2378.
Members nominated for the Committees of the Round Table Conference. 534-35.
Participation of India in the Imperial Economic Conference at Ottawa. 2910-12.
Provision of accommodation for political prisoners in Delhi. 1683.
Publication by newspapers of proceedings of the Legislative Assembly. 546.
Representation of the interest of Indian settlers in Tanganyika. 2555.
Resolution of the Government of Bengal on the shooting at the Hijli detention camp. 1222-23.
Secret European circular regarding the Reforms. 2723, 2724, 2726, 2728.
Resolution *re* recent Ordinances. 223, 225, 245, 270, 290, 291, 294-98, 301, 305, 309, 311, 312.

NEPAL—
Question *re* clerks maintained on the frontier of —— in Bengal and North-Western Railway stations. 1524-25.

NEW CONSTITUTION—
See " Constitution ".

NEW CONSTRUCTION (RAILWAYS)—
Demand for Grant. 1582.

NEW DELHI—
Question *re*—
Advance of money by Government to the Imperial Gymkhana Club, ——. 551-52.
Allotment of Government quarters in ——. 718-19, 2203.
Allotment of quarters in —— to clerks of the local Public Works Department. 720.
Allotment of quarters in —— to temporary clerks. 720.
Appointment of a Muslim as Accountant and Cashier, Government of India Press, ——. 2404-05.
Appointment of Bursar and Warden in the Lady Hardinge Medical College, ——. 44.
Appointment of Muslim peons in the Government of India Press, ——. 2404.
Appointment of Muslims as copyholders in the Government of India Press, ——. 2403-04.
Appointment of Muslims to the Government of India Press, ——. 2404, 2405.
Bad state of repair of roads between Delhi and ——. 1612.
Circuits of telegraph lines entering —— and Agra. 1315.
Civil aviation establishment in the Imperial Secretariat, ——. 1606.
Clerks' quarters in ——. 719.
Clerks' quarters in —— required by the various Departments. 720-21.

NEW DELHI—(*concld.*)
Question *re*—(*concld.*)
Clerks' quarters in —— vacated by retrenched clerks. 720.
Deduction for Provident Fund from the earnings of piece-rated employees of the Government of India Press, ——. 2545.
Elimination of telegraph test rooms at Agra and ——. 1315.
Exhibition of Mohenjodaro antiquities in the —— Museum. 1242.
Fly nuisance in ——. 882.
Grievances of Muslims in the Government of India Press, ——. 2405.
Hawking of meat in ——. 1673.
Hawking of mutton in ——. 978.
High water meter rent in ——. 1929.
Holding of the Summer Session of the Legislative Assembly at —— or Simla. 1381-82.
Lack of heating arrangements in the Government of India Press, ——. 2552.
Lack of water taps in the Government of India Press, ——. 2552.
Ministerial and inferior staff quarters in ——. 2203.
Names of roads in ——. 2015-16.
Paucity of Sikhs employed in the Government of India Press, Simla and ——. 1671.
Permanent location of the Secretariat in ——. 1611-12.
Provision of facilities for recreation, etc., of press employees in ——. 2551-52.
Provision of the *Unani* system of treatment in ——. 1243.
Quarterly bills for water charges in ——. 1929-30.
Quarters of press employees in ——. 2551.
Redress of communal inequalities in the Government of India Press, ——. 2404.
Rent of quarters of employees of the Government of India Press, ——. 2544.
Result of installation of test rooms at the —— and Agra Central Telegraph Offices. 1314-15.
Sale of meat in Delhi and ——. 1672-73.
Technical staff and cost of test rooms in the —— and Agra Central Telegraph Offices. 1314.
Ten per cent. cut in earnings of piece-rated employees of the Government of India Press, ——. 2544.
Test rooms in the —— and Agra Central Telegraph Offices. 1312-14.
Thela traffic in ——. 1613.
Third class accommodation provided for Secretariat employees moving to Simla from ——. 2554.
Utilization of services of technical officers in the —— and Agra Central Telegraph Offices. 1315.

NEW YORK—
Question *re*—
Retrenchment in Indian Publicity Offices in London and ——. 820.

NEWSPAPER(S)—
Question *re*—
Censorship of foreign —— correspondents in India. 2010-12.
Censorship of news sent to foreign ——. 2559.
Indian —— utilized for advertisements of the Public Service Commission. 997.
Publication by —— of proceedings of the Legislative Assembly. 545-46.

NIXON, Mr. J. C.—
Motion to reduce Demand for—
"Customs" *re*—
Insufficient economy effected by Government under "Customs". 2237-42.
Oath of Office. 1923.

NIZAMUDDIN OLIA—
Question *re* lack of traffic arrangements for pilgrims visiting the shrine of —— at Delhi. 345-46.

NOMINATION(S)—
—— to the Panel of Chairmen. 378.

NON-ASIATIC DOMICILE—
See "Domicile".

NON-COMBATANTS—
Question *re* family pensions of ——. 638-39.

NON-COMMISSIONED OFFICER(S)—
Question *re* surplus warrant and —— of the Indian Army Ordnance Corps. 1240.

NORTH-WEST FRONTIER—
Question *re*—
Extensions of service granted in the Punjab and —— Postal Circle. 2204.
Selection posts converted into time-scale appointments in the Punjab and —— Postal Circle. 2205.
Substitution of Air Force Units for Ground Troops on the ——. 2780-81.

NORTH-WEST FRONTIER CRIME REGULATIONS—
Question *re* removal of the ——. 1602-03.

NORTH-WEST FRONTIER PROVINCE—
Demand for Grant. 2342.
Grant of a subvention to the —— (Discussed under the Demand for Grant in respect of Foreign and Political Department). 2290-2314.
Motion for Adjournment *re* grant of a subvention to the ——. 1701.
Question *re*—
Allegations regarding political prisoners in the ——. 64-65.
Allocation of seats in the Indian Legislature for the ——. 555-56.
Allocation of seats in the Legislative Assembly and Council of State to the ——. 2583.
Amount realised by sale of stamps and postcards in the ——. 1603-04.
Appointment of a Muslim as Commissioner of Income-tax in the Punjab, —— and Delhi. 2573-74.
Arrests in the ——. 331-32.
Arrests made and properties confiscated under the Ordinances in the ——. 437.
Canal water-rates in the ——. 64.
Communal inequalities in the ——. 2403.
Contributions to the Central Government from the projected provinces of the —— and Sind. 355.
Deportation from the —— of Father Elwin. 357.
Deportation of Father Elwin from the ——. 529.
Disposal of establishment cases in the Income-tax Department in the Punjab, —— and Delhi. 2573.
Expulsion of Father Elwin from the ——. 546-47.

NORTH-WEST FRONTIER PROVINCE—(*concld.*)
Question *re*—(*concld.*)
Flogging of political prisoners in the ——. 49-50.
Income-tax officers, Inspectors and clerks in the Punjab and ——. 1673-74.
Incorrect lists of voters in the ——. 2483.
Insufficient food and blankets for prisoners in the ——. 333.
Introduction of elected Cantonment Boards in the ——. 745.
Letter to Maulvi Muhammad Shafee Daoodi *re* his visit to the ——. 1613-17.
Muslims appointed to the Political Department in the ——. 2544.
New appointments in the Income-tax Department in the Punjab, —— and Delhi. 2572.
Non-attendance at a Durbar in the ——. 339.
Organisations declared unlawful in the North-West Frontier Province. 990-91.
Picketing of liquor shops in the ——. 990.
Prisoners exposed to the cold in the ——. 332-33.
Reforms for the ——. 552.
Refusal of permission to a deputation of the All-India Jamiat-ul-ulema to visit the ——. 527-29.
Reversion to substantive appointments of certain postal officials in the Punjab and —— Postal Circle. 2386.
Rumoured intention to use hounds to disperse crowds in the ——. 333.
Scale of salaries for the Governor, Executive Councillors and Ministers in the ——. 552-55.
Subvention granted to the ——. 2581, 2718.
Transfer of postal officials in the Punjab and the —— Postal Circle. 2386.
Visit of Maulana Shaukat Ali to the ——. 2375-76.
Statement (laid on the table) by Sir Evelyn Howell *re*—
Allegations regarding Political prisoners in the ——. 2793.
Picketing of liquor shops in the ——. 2498.

NORTH WESTERN RAILWAY—
See "Railway(s)".

NORTHERN COMMAND—
Question *re* lists of condoned platforms annulled by the ——. 752.
Statement (laid on the table) by Mr. G. M. Young *re* disposal of appeals by the Inspecting Officer, Military Lands and Cantonments, ——. 2854.

NOTES—
Question *re* claims of Indian holders of rouble ——. 2013.

NOTIFICATION(S)—
Question *re* publication of —— *re* selection of Engineering apprentices. 1135.

NOWSHERA—
Question *re* resumption by Government of sites of bungalows in ——. 751-52.

NOYCE, SIR FRANK—
Ancient Monuments Preservation (Amendment) Bill—
Motion to appoint Sir Cowasji Jehangir to Select Committee. 2415.
Presentation of the report of Select Committee. 2969.
General Discussion of the General Budget. 1721.
Hedjaz Pilgrims (Muallims) Bill—
Motion for leave to introduce. 2730.
Motion to refer to Select Committee. 3006, 3009.

NOYCE, SIR FRANK—(*concld.*)
Indian Medical Council Bill—
Motion for leave to introduce. 2415-16.
Indian Merchant Shipping (Amendment) Bill—
Motion for leave to introduce. 1867.
Motion to refer to Select Committee. 2971-73.
Motion for election of members to the Standing Committee for the Department of Education, Health and Lands. 1018-19.
Motion *re* election of members to the Standing Committee on Emigration. 1826.
Motion to reduce Demand for—
" Executive Council " *re* Retrenchment. 2042.
Port Haj Committees Bill—
Motion for leave to introduce. 2730.
Motion to refer to Select Committee. 2998-3000, 3003, 3005, 3006.
Resolution *re* appointment of a Committee on Education. 867-72.

NURSE(S)—
Question *re* emoluments of matrons and —— in British Family Hospitals. 973.

NURSING SISTER(S)—
Question *re* —— in British Family Hospitals. 972-73.

O

OATH OF OFFICE—
Abdul Qaiyum, Nawab Sir Sahibzada. 13.
Acott, Mr. A. S. V. 13.
Ahmad Nawaz Khan, Major Nawab. 1663.
Allison, Mr. F. W. 13.
Ayangar, Mr. V. K Aravamudha. 1585.
Bajpai, Mr. Girja Shanker. 2347.
Blair, Mr. James Richard. 2963.
Brown, Mr. R. R. 211.
Clow, Mr. A. G. 13.
Cocke, Sir Hugh. 211.
Gidney, Lieut.-Colonel Sir Henry. 211.
Gwynne, Mr. C. W. 13.
Haig, the Honourable Mr. H. G. 2777.
Hayman, Mr. A. M. 1187.
Macqueen, Mr. P. 13.
Megaw, Major-General, John Wallace Dick. 2543.
Nixon, Mr. J. C. 1923.
Pillai, Mr. Narayen Raghawan. 2543.
Rau, Mr. P. R. 1923.
Roy, Mr. S. N. 2777.
Ryan, Mr. T. 13.
Santos, Mr. J. 13.
Seaman, Mr. C. K. 13.
Sher Muhammad Khan Gakhar, Captain. 13.
Tin Tut, Mr. 2347.
Watson, Sir Charles. 2903.
Wood, Sir Charles Edgar. 327.

OBSTRUCTION—
—— of Members entering the Assembly Chamber. 1078-80.

OCTROI DUTY(IES)—
See " Duty(ies)".

OFFICE HOUR(S)—
Question *re*—
—— in Government Departments. 974.
—— in the office of the Controller of Railway Accounts. 1316.
—— kept by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 371.
—— of Muslim employees of the office of the Director General of Posts and Telegraphs, during the *Ramzan*. 1234.

OFFICER(S)—
Question *re*—
Allowance for —— and staffs on deputation. 1667-69.
Appointment of Indians as —— on State Railways. 2404.
Appointment of Staff —— on Indian Railways. 975.
Casual leave for —— and clerks on the North Western Railway. 2396.
Commissioned reserve —— in the Indian Army. 352.
Cost of British and Indian soldiers and —— in India. 2010.
Endorsement of passes of —— and clerks on the North Western Railway. 2394-95.
Extensions granted to superannuated —— in the Income-tax Department, Bombay Presidency. 1258-59.
Government —— and staff retrenched. 377-78.
Grant of extensions to superannuated ——. 1258.
Grievances of postal ——. 362.
Increase of superior —— on the Eastern Bengal Railway. 2361.
Instruction in landing for —— and men of the Air Force. 438-39.
Muslim Establishment —— in the Eastern Bengal Railway. 1015.
Number of —— in the Civil Engineering Department, East Indian Railway. 2405-06.
Number of —— in the Mechanical Engineering Department, East Indian Railway. 2406.
—— and clerks' grades on the North Western Railway. 563-64.
Promotion of Indian Military ——. 1930-31.
Promotion of Indian Military —— to staff appointments. 1931-32.
Re-employment of retrenched ——. 2663.
Replacement of Viceroy's Commissioned —— by King's Commissioned —— in certain Units. 1927-28.
Retirement of —— in Government of India Departments. 35-36.
Retrenchment of —— and workmen on the North Western Railway. 2396.
Retrenchment of —— of the Central Board of Revenue. 58.
Retrenchment of superior —— on State Railways. 1533-34.
Terms of service of ——, clerks, storekeepers, etc., in the Indian Army Service Corps. 45-46.
Utilization of services of technical —— in the new Delhi and Agra Central Telegraph Offices. 1315.
Resolution *re* appointment of a Committee to hear grievances of retrenched ——. 843-50.

OFFICER(S) ON SPECIAL DUTY—
Question *re*—
Allegations regarding ——. 1125-26.
Reduction in cost of —— with the Railway Board. 627.
Report of Mr. K. M. Hassan, ——, Railway Board. 975.

OFFICIAL(S)—
Question *re*—
Avoidance of break in service of Railway —— retrenched and re-employed. 360.
Retrenchment of high —— in the Railway Board and State Railways. 58-59.

OFFICIAL INTERFERENCE—
Question *re* complaint of —— in the management of the Great Indian Peninsula Railway Employees' Co-operative Society. 1072-73.

OIL—
Question *re* lack of soap and —— in the Ajmer Central Jail. 2568.

OPEN LINE WORKS (RAILWAYS)—
Demand for Grant. 1582.

OPERATING STAFF—
Question *re* strength of supervising and —— in the East Indian Railway Press, Calcutta and Howrah. 2219-21.

OPERATOR(S)—
Question *re*—
Appointment of telephone —— on a non-pensionable basis. 1075.
Cut in pay of telephone ——. 2351.
Purchase of gold by —— in Bombay. 1062.

OPIUM—
Demand for Grant. 2268.
Demand for Supplementary Grant. 932.

ORDINANCE(S)—
Administration of —— (Discussed under the Demand for Grant in respect of Home Department). 2314-25.
Question *re*—
Amendment of the Trade Licensing —— in Tanganyika. 2556-57.
Arrests made and properties confiscated under the —— in the North-West Frontier Province. 437.
Convictions under the new ——. 338.
Facilities for prisoners detained under the Emergency Powers ——. 2382.
Future action in regard to the ——. 1505.
Infliction of imprisonment and fines under recent ——. 439.
Modification of the ——. 876.
Notice under the Emergency Powers —— served on Mufti Kifayatullah. 2374-75.
Number of political prisoners detained under recent ——. 343.
Prosecutions under the Foreign Relation ——. 1231.
Removal under the —— of private money by the Ajmer police. 2565.
Resolution *re* recent ——. 212-66, 267-325.
Statement(s) (laid on the table) by the Honourable Sir James Crerar *re*—
Number of convictions under the —— in connection with the civil disobedience movement. 2413.
Number of political prisoners detained under recent ——. 2409.

ORDNANCE CORPS—
Question *re* surplus warrant and non-Commissioned officers of the Indian Army ——. 1240.

ORDNANCE DEPOTS—
Question *re* appointment of British Military chief clerks in arsenals and ——. 1240-41.

ORDNANCE FACTORIES—
Question *re*—
Appointment of apprentices trained in ——. 1261.
Apprenticeship training in ——. 1249.
Certificates granted to apprentices in ——. 1261.
Training of apprentices in ——. 344-45.
Vocational training in —— and Clothing Factories. 1261.

ORDNANCE SERVICES (PROVISION)—
Question *re*—
Allegations against Mr. Manohar Lall, a clerk in the Office of the Assistant Director of ——. 1623-24.
Appointment of Superintendent in the Office of the Assistant Director of ——. 1623.
Duties of men promoted in the office of the Assistant Director of ——. 2576.
Pay of the Cashier in the office of the Assistant Director of ——. 1622-23.
Promotion of a Cashier in the office of the Assistant Director of ——. 2576.
Recruitment in the office of the Assistant Director of ——. 1621-22.
Reduction of clerical appointments and appointment of Superintendents in the office of the Assitant Director of ——. 1623.
Relatives in the office of the Assistant Director of ——. 1622.

ORGANISATIONS—
Question *re* —— declared unlawful in the North-West Frontier Province. 990-91.

ORISSA—
Question *re* grants to —— and Sind. 2719.
Statement (laid on the table) by the Honourable Sir George Schuster *re* appointments in the Income-tax Department of Bihar and ——. 2671.

ORIYA(S)—
Question *re*—
Employment of —— on the Bengal Nagpur Railway. 1620.
—— employed in the Bengal Nagpur Railway. 1073-74.

OTHER SCIENTIFIC DEPARTMENTS—
Demand for Grant. 2338.

OTTAWA—
Question *re* participation of India in the Imperial Economic Conference at ——. 2910-12.

OUDH AND ROHILKHAND RAILWAY—
See "Railway(s)".

OUTSIDER—
Question *re* appointment and promotion of an "——" in the Lillooah Railway Workshop. 1521.

OVERCROWDING—
Question *re* —— and catering on the Grand Trunk Express. 547.

OVERSEERS—
Question *re* Indian —— and Munshis in Military Grass Farms. 1002.

OVERTIME ALLOWANCE(S)—
See " Allowance(s)".

P

PACKERS—
Question *re* recruitment of Sikh —— and postmen in the Delhi Head Post Office. 2656.

PACT—
Question *re* violation by the Congress of the Irwin-Gandhi ——. 969.

PAGE, Mr.—
Question *re* payment of an honorarium to —— of the Archæological Department for preparation of a Buddhist design. 2356.

PAHARGANJ—
Question *re*—
Auction of land in Karol Bagh and —— for residential quarters. 2561.
Lack of water taps in Railway quarters at ——. 826-27.

PANAMA—
Question *re* restrictions against Indians entering ——. 527.

PANDIT, Rao Bahadur S. R.—
Question *re*—
Apprentice plate-layers appointed as permanent-way Sub-Inspectors. 540.
Ratio of European, Anglo-Indian and Indian Time-keepers in the Public Works Engineering Department. 539-40.
Reversion to Time-keepers' posts of certain permanent-way Sub-Inspectors. 540.

PANEL OF CHAIRMEN—
Nominations to the ——. 378.

PAPER INDUSTRY—
See " Bamboo —— (Protection) Bill " under " Bill(s) ".

PARCEL CLERK(S)—
See " Clerk(s) ".

PARKS—
Question *re* maintenance of —— and fountains adjacent to the Imperial Secretariat Buildings. 2204.

PARMA NAND, Bhai—
Demand for Grant in respect of—
Foreign and Political Department. 2301.
Election of —— to the Standing Committee on Emigration. 2490.
General Discussion of the General Budget. 1797-1800, 1802.

PARMA NAND, BHAI—*(concld.)*

General Discussion of the Railway Budget. 1301-04.

Hindu Marriages Dissolution Bill—

Motion to re-circulate. 963-67.

Indian Income-tax (Second Amendment) Bill—

Motion to refer to Select Committee. 201-04.

Motion to reduce Demand for—

"Railway Board" *re*—

Representation of Muslim in the railway services. 1333, 1340, 1348, 1358, 1360, 1367, 1371.

Question *re*—

Allowance for officers and staffs on deputation. 1667-69.

Allowances of Travelling Ticket Examiners. 2365-68.

Appointment of Assistant Chief Draftsman, Headquarters Office, North Western Railway. 996.

Appointment of non-Muhammadans as Mechanical Drawing Officers on the North Western Railway. 995.

Bye-laws for sweetmeat shops and meat shops in Delhi. 2574.

Danger of infection from tuberculosis at the new Central Jail, Multan. 1224.

Distinction between Jains and Hindus in connection with retrenchment in the office of the Accountant General, Central Revenues. 2717.

Employees discharged from the Customs Department, Karachi. 51.

Employment in non-signalling posts of telegraphist postal clerks. 516-17.

Employment of Hindus on the North Western Railway. 993-94.

Examination of accounts for income-tax assessment. 648-49.

Expenditure incurred on transferring prisoners from Delhi to Multan. 1225.

Extension of the house-scavenging tax in Ambala Cantonment. 1241.

Government school for disabled soldiers at Lahore. 1125.

Hawking of mutton in New Delhi. 978.

Hindu and Muslim Superintendents of Post Offices in the Punjab Postal Circle. 992.

Income and working expenses of banks and firms. 649-50.

Income-tax assessments in Bombay. 648.

Indian Newspapers utilised for advertisements of the Public Service Commission. 997.

Mechanical drawing officers on the North Western Railway. 995.

Non-appointment of Indians as Chief Draftsman on the North Western Railway. 996.

Passage allowance of subordinates of non-Asiatic domicile. 993.

Pay of clerks, store-keepers and checkers of the Indian Army Service Corps. 51-55.

Preponderance of Muslim officers in the Punjab Postal Circle. 993.

Recruitment of boy firemen on the North Western Railway. 995.

Report of the Committee of Enquiry into the riot at Dera Ismail Khan. 537-38.

Sale of beef in open bazars in Delhi. 979.

Staff employed on the assessment and collection of electric and water charges in Delhi. 977-78.

Taking over of the H. M. High School by the Ambala Cantonment Board. 1241.

Tenders for stone for the Bhakhar Dam scheme. 650.

Training and appointment of Special Class Railway Apprentices. 996.

Writing off bad debts of assessees. 649.

PARSONS, SIR ALAN—
Consideration of the Report of the Public Accounts Committee. 1202, 1209-11.
Demand for Excess Grant in respect of—
Appropriation from the Reserve Fund. 930, 931.
Working Expenses —— Administration. 929.
Demand for Supplementary Grant in respect of—
Appropriation from Depreciation Fund. 1830, 1831.
Appropriation from the Reserve Fund. 1832, 1833.
Companies and Indian States' Share of Surplus profits and earnings. 1829.
Miscellaneous Expenditure. 1832.
Motion *re* election of Members to the Central Advisory Council for Railways. 1827.
Motion *re* election of members to the Standing Finance Committee for Railways. 1826.
Motion to reduce Demand for—
"Railway Board" *re*—
Favouritism in the railways. 1444.
Future of the Railway Board and the constitutional aspect. 1495.
Lack of supervision and control over Company-managed Railways. 1449, 1457, 1459-61.
Railway retrenchment policy. 1431.
Representation of Muslims in the railway services. 1361.

PARTNERSHIP BILL—
See "Indian —— " under "Bill(s)".

PARTNERSHIP FIRMS—
See "Firm(s)".

PASS(ES)—
Question *re*—
East Indian Railway —— issued to the Deputy Postmaster General, United Provinces Circle. 2096.
Endorsement of —— of officers and clerks on the North Western Railway. 2394-95.
Family —— Rules on the North Western Railway. 2397-98.
Free —— for children of railway employees. 654.
Free railway —— on foreign railways. 715-16.
Leave and —— for porters of the East Indian Railway. 654.
Misuse of —— on the North Western Railway. 1512-14.
Non-availability of intermediate class —— by mail trains. 2394.
Non-issue of railway —— to the representative of the All-India Railwaymen's Federation. 1526.
—— issued during holidays on the Bengal Nagpur Railway. 2014-15.
—— issued to lady employees on railways. 2400-01.
—— Rules on railways. 2398.
Railway —— allowed to the Cashier, Railway Board. 1698-99.
Railway —— for Railway Mail Service Inspectors. 1592-93.
Railway —— granted to staff of the Howrah Goods Shed compelled to go on leave on half pay. 2782.
Recall of a provision —— previously in possession of the Sub-Divisional Officer, North Western Railway. 2382-83.

PASSAGE ALLOWANCES—
Question *re* —— of subordinates of non-Asiatic domicile. 993.

PASSENGER(S)—
Question *re*—
Alleged racial discrimination in the medical examination of lady —— embarking at Calcutta for Rangoon. 2578-79.
—— traffic receipts in the East Indian Railway. 1940.
Racial discrimination by the British Indian Steam Navigation Company in disembarking ——. 2578.
Statement (laid on the table) by Mr. G. M. Young *re* medical examination of lady —— embarking at Calcutta for Rangoon. 2912.

PASSPORT—
Question *re* cancellation of a —— granted to Sirdar Harbans Singh, a merchant of Sistan. 1923.

PATIL, Rao Bahadur B. L.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to omit clause 4. 2535-37.
Consideration of clause 4. 2622, 2648-49.
Election of —— to the Standing Advisory Committee for the Department of Education, Health and Lands. 1951.
Election of —— to the Standing Committee on Emigration. 2490.
Election of —— to the Standing Finance Committee for Railways. 2612.
Public Suits Validation Bill—
Motion to refer to Select Committee. 2955-56.
Question *re*—
Brazilian Immigration Scheme. 2543.
Commissioners and Assistant Commissioners of Income-tax in Bombay. 1942.
Communities of new recruits required for extra work in the Income-tax Department, Bombay. 1941.
Construction of a railway line between Hubli and Kumpta. 1941.
Creation of a separate administrative unit in the Kannad-speaking Districts of the Bombay and Madras Presidencies. 2553.
Delay of mail in Navalgund and Nargund in the Dharwar District. 1664.
Economy and safety of electric supply. 1940-41.
Formation of a " Karnatik " Province. 2552-53.
Formation of an Andhra Province. 2553.
Motor mail contracts in Bombay, Madras and Bengal. 2085.
Non-interference with " Buy Indian " propaganda. 2781.
Provincial boundaries questions. 1942.
Recruitment of members of Marathi and Canarese backward communities in Central Government services. 1928.
Replacement of Viceroy's Commissioned Officers by King's Commissioned Officers in certain Units. 1927-28.
Representation of the various communities in the Income-tax Department, Bombay. 1942.
Retrenchment proposals of the Railway Board. 1663-64.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2996.

PATNA—
Question *re* persons returned to the Legislative Assembly by the —— *cum* Shahabad Non-Muhammadan constituency. 2909.

PAY(S)—

Question *re*—

Application of the 10 per cent. cut in —— to duftries and record sorters. 807-08.

Arrears of —— of a driver in a Mule Corps. 2663-64.

Arrears of —— of certain clerks promoted by the Chief Accounts Officer, North Western Railway. 1061-62.

Belated claims of ex-Military men to ——, pension, etc. 2385.

Cut in —— of binders, compositors, etc., in the East Indian Railway Press. 2218-19.

Cut in—— of low paid men in the Posts and Telegraphs Department. 2596-97.

Cut in —— of telephone operators. 2351.

Cuts in low —— in the Local Government and the Government of India. 2350.

Cuts in —— of railway employees. 1533.

Deductions from —— of industrial employees of the East Indian Railway Press. 2219.

Deductions from —— of piece-rated employees of the Government of India Press, Calcutta. 2221-23.

Exemption of certain clerks from the 10 per cent. cut in ——. 1508-09.

Grant of advance increments or special —— to Muslims in the Government of India Offices. 2783-84.

Instructions *re* reduction of —— and retrenchment of personnel by the Government of Madras. 29.

National wealth, remittances, incomes, —— and allowances, etc. 1380.

—— and allowances of the Indian Staff of the office of the High Commissioner for India. 970-71.

—— and mileage allowance of ticket examiners on the East Indian and North Western Railways. 617.

—— of Anglo-Indian and Indian Assistant Station Masters at Delhi and Ghaziabad. 825.

—— of clerks, store-keepers and checkers of the Indian Army Service Corps. 51-55.

—— of head ticket collectors at certain stations. 620.

—— of lady typists on the North Western Railway. 2395.

—— of second division clerks in the Government of India Secretariat. 68.

—— of the Assistant Station Master at Simla. 825.

—— of the Cashier in the Office of the Assistant Director of Ordnance Services (Provision). 1622-23.

—— of the Cashier, Railway Board. 1698.

—— of Travelling Ticket Examiners. 617.

Posts with special —— in the Government of India held by non-Muslims. 2782-83.

Railway passes granted to staff of the Howrah Goods Shed compelled to go on leave on half ——. 2782.

Reduction of —— and allowances of travelling ticket inspectors. 617.

Reduction of —— of an officer previous to retirement. 643-44.

Reduction of —— of Superintendents of Post Offices. 652.

Reduction of —— of Travelling Ticket Inspectors on the East Indian Railway. 997-98.

Reduction of the —— of the Chief Engineer, Construction, North Western Railway, and his staff. 2400.

Revised rates of —— of Government servants. 809-10.

Revision of scales of —— of Government servants. 330.

PAY(S)—(*concld.*)
Question *re*—(*concld.*)
Revision of the scale of —— of the local engineering and traffic service. 2395.
Scales of —— in the Postal Department. 2549-50.
Staff of the Howrah Goods Shed compelled to go on leave on half ——. 2781.
Statement (laid on the table) by the Honourable Mr. H. G. Haig *re* —— of duftries and 10 per cent. cut in their ——. 2852.

PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS—
Demand for Grant. 2335.
Demand for Supplementary Grant. 934.

PAY SHEET(S)—
Question *re* —— of the Railway Clearing Accounts Office. 2362.

PENSION(S)—
Question *re*—
Arrears of family and disability ——. 640-41.
Arrears of —— for disability subsequently declared as attributable to military service. 2601.
Belated claims of ex-Military men to pay ——, etc. 2385.
Conversion of —— of members of the Indian Medical Department drawn abroad. 1128-30.
Distinction in —— conditions between the Indian Army Service Corps and the Military Engineering Corps. 1928-29.
Facilities for claiming military ——. 2604.
Family —— of non-combatants. 638-39.
Family —— refused for syces killed on military service. 638.
Female military ——. 638.
Forfeiture of military —— for participation in political activities. 1691.
Grievances of military men denied ——. 1692.
Investigation of military —— claims. 2665-67.
Military disability and family —— claims. 2605-06.
Military —— claims. 2603-04, 2665.
Military —— claims time-barred. 1075-76.
Military —— forfeited for participation in political activities. 637.
Non-grant of —— to certain disabled sepoys. 634.
Payment of disability —— for Military Service. 2903-06.
Payment of family —— in respect of casualties in the Great War. 2906-07.
Payment of —— of members of the Indian Medical Department in rupees or pounds. 1127-28.
—— admissible to widows and mothers of deceased ranks. 637, 1691.
—— granted to ranks re-engaged for the Great War. 636.
—— of certain military men increased by re-employment during the Great War. 2602.
—— of Officers of the Indian Museum, Calcutta. 356.
—— of ranks re-engaged for the Great War. 1690-91.
—— scheme for subordinates on the Posts and Telegraph Department. 2596.
—— withheld on account of convictions in political cases. 2604.
Practice in regard to grant of disability and family ——. 2602-03.
Rates of military ——. 2601-02.
Refusal of disability —— to certain discharged military men. 1687-90, 1692, 1693-94.
Revised schemes for —— on the Posts and Telegraphs Department. 2595-96.

PENSION(S)—(*concld.*)
Question *re*—(*concld.*)
Statutory rights to disability and family ——. 2603.
Temporary increment in pre-war military ——. 639.
Time-barring of disability —— claims. 2664.
Time limit allowed for —— claims. 639-40.

PENSIONARY GRANTS—
Question *re* appeals in respect of ——. 635-36.

PENSIONER(S)—
Question *re* number of Government ——. 27.

PENSIONS, COMMUTED VALUE OF—
Demand for Grant. 2345.

PENSIONS, SUPERANNUATION ALLOWANCES AND—
Demand for Supplementary Grant. 935.

PEON(S)—
Question *re*—
Appointment of Muslim —— in the Government of India Press, New Delhi. 2404.
Appointment of Sikh porters and van —— in the Railway Mail Service, Delhi. 1680.
Appointment of telegraph —— as postmen. 2591-92.
Denial of Calcutta-Delhi transfer concessions to certain clerks and —— of the office of the Director General of Posts and Telegraphs. 1509.
Family travelling allowance for duftries and ——. 1685-86.
Grant of conveyance allowance to Inspectors of Telegraph ——. 2595.
House-rent allowances of duftries and ——. 1624.
Muslim and Hindu duftries and —— employed in various Departments. 1684-85.
Old record sorters, jemadars and —— retained in the Government of India Secretariat. 1685.
System of supplying uniforms to telegraph and postal ——. 2592-95.
Statement (laid on the table) by the Honourable Sir George Schuster *re* old record sorters, jemadars and —— retained in the Government of India Secretariat. 2852.

PERCENTAGE—
Question *re* —— of different communities on the subordinate staff of State Railways. 1074.

PERIODICAL RETURNS—
Question *re* cost of investigation to reduce —— of State-managed Railways. 625.

PERMANENT-WAY SUB-INSPECTORS—
Question *re*—
Apprentice plate-layers appointed as ——. 540.
Reversion of Time-keepers' posts of certain ——. 540.

PERSONAL ALLOWANCE(S)—
Question *re* —— refused to Subedar-Majors. 636.

PERSONAL ASSISTANT—
Question *re* post of —— to the Controller of Inspection, Indian Stores Department. 1686-87.

PERSONNEL OFFICER(S)—
Question *re*—
Appointment of Muslims as Assistant—— on the North Western Railway. 1601.
Creation of a post of Chief —— on the North Western Railway. 1599.
Duties of —— at the Headquarters Office, North Western Railway. 1602.
Muslim —— in the North Western Railway. 1598.
Muslims appointed as —— on the North Western Railway. 1926.

PESHAWAR—
Question *re*—
Building applications of Indians rejected in —— Cantonment. 30-31.
Invitation of Khan Abdul Ghaffar Khan to a Durbar in ——. 1604-05.
Sale of meat in ——. 822.
Transfer of Lieutenant-Colonel M. Dockrell from —— Cantonment. 748-49.

PESHAWAR CANTONMENT—
Question *re* provision of an Elected Board for ——. 2482.

PETITION(S)—
Appointment of the Committee on ——, 937.
—— relating to the Hindu Marriages Dissolution Bill. 441, 755-56.
—— relating to the Hindu Marriages Dissolution Bill and the Hindu Untouchable Castes (Removal of Disabilities) Bill. 1704-06.
—— relating to the Hindu Widows' Right of Inheritance Bill. 441.
Question *re* —— from apprentices in the Rifle Factory at Ishapore. 2224.

PICKETS—
Question *re* alleged caning of —— in Tinnevelly. 532.

PICKETERS—
Question *re* alleged rough handling of a lady —— by the police. 1224.

PICKETING—
Question *re* —— of liquor shops in the North-West Frontier Province. 990.
Statement (laid on the table) by Sir Evelyn Howell *re* —— of liquor shops in the North-West Frontier Province. 2498.

PIECE-RATED EMPLOYEES—
See " Employee(s) ".

PILGRIMS—
Question *re* lack of traffic arrangements for —— visiting the shrine of Nizamuddin Olia at Delhi. 345-46.

PILLAI, Mr. NARAYAN RAGHAVAN—
Oath of Office. 2543.

PIPE(S)—
Question *re* import duties or bounties on galvanised iron and steel sheets and ——. 1229-30.
Resolution *re* duties on galvanised iron and steel —— and sheets. 1055-60.

PISANGAN—
Question *re* disputes between the Istimrardar of —— and his tenants. 377.

PITKEATHLY, Mr. J. S.—
Question *re* domicile of ——, Chief Controller of Stores, Indian Stores Department. 2377.

PLATE-LAYER(S)—

Question *re* apprentice —— appointed as permanent way Sub-Inspectors. 540.

PLATFORM(S)—

Question *re*—

Attendance at the railway —— of the Railway Mail Service sorters. 2547-49.

Lists of condoned —— annulled by the Northern Command. 752.

Statement (laid on the table) by Mr. G. M. Young *re* ——, the erection of which has been condoned in Ambala Cantonment. 2491.

PNEUMONIA—

Question *re* —— caused by Military Service. 635.

POINT(S) OF ORDER—

—— raised by Dr. Ziauddin Ahmad whether, when Government are asked whether they have certain information, they are entitled to reply merely that they are not aware of it. 2214.

—— raised by Mr. Amar Nath Dutt as to whether discussion of what took place outside the House is permitted. 2295.

—— raised by Mr. C. S. Ranga Iyer as to whether an Honourable Member who is directly and personally concerned with the affairs of a contracting firm is entitled to take part in a debate concerning it. 2158-61.

—— raised by Mr. C. S. Ranga Iyer as to whether it is proper for an Honourable Member to refer to private conversations in the course of supplementary questions and secure confirmation thereof. 1617.

—— raised by Mr. Lalchand Navalrai as to whether replies to questions laid on the table should not be read out in the House so that supplementary questions might be put. 1610.

—— raised by Mr. N. M. Joshi whether a Member has a right to be heard on a —— on which the Chair has given a decision without hearing the Honourable Member. 2292-93.

—— raised by Mr. S. C. Mitra as to whether an Honourable Member can impugn the correctness of the statement of another Honourable Member in the House. 422.

—— raised by the Honourable Sir George Rainy as to whether an Honourable Member who had not passed through the lobby at the proper time is entitled to vote. 2007.

—— raised by the Honourable Sir George Rainy as to whether the question of subvention to the North-West Frontier Province can be raised on the Demand for Grant in respect of the Legislative Assembly and Legislative Assembly Department. 2289.

—— raised by the Honourable Sir George Rainy that as the railway collieries supply coal only to the railways, the criticism of the administration of these collieries is pertinent rather to the Railway Budget than to the General Budget. 2162-63.

POLICE—

Demand for Grant. 2336.

Demand for Supplementary Grant. 934.

Motion for Adjournment *re*—

Excesses of the —— in Delhi and desecration of the mosque of Kucha Rahman. 1951, 1985-2008.

Question *re*—

Alleged rough handling of a lady picketer by the ——. 1224.

Appointment of women —— in Delhi. 530.

Cloth seized by the —— at Bhagalpur. 357.

POLICE—(*concld.*)
Question *re*—(*concld.*)
Control and maintenance of reserved subjects of ——, Income-tax, etc. 807.
Employment while on leave of Colonel Halland, Senior Superintendent of ——, Delhi. 1126.
Removal under the Ordinance of private money by the Ajmer ——. 2565.
Statement (laid on the table) by the Honourable Sir James Crerar *re* casualties among the —— and public, arising out of measures taken against the Civil Disobedience Movement. 2497.

POLICE INSPECTOR—
Question *re* alleged objectionable methods in search for Congress funds, adopted by the ——, Ajmer. 2568.

POLITICAL ACTIVITIES—
Question *re*—
Forfeiture of military pensions for participation in ——. 1691.
Military pensions forfeited for participation in ——. 637.

POLITICAL CASES—
Question *re* pensions withheld on account of convictions in ——. 2604.

POLITICAL DEPARTMENT—
Question *re* Muslims appointed to the —— in the North-West Frontier Province. 2544.

POLITICAL DISTURBANCES—
Statement (laid on the table) by the Honourable Sir James Crerar *re* Government servants murdered in communal and ——. 2492-96.

POLITICAL OFFENCES—
Question *re* number of women arrested and imprisoned for ——. 2580.

POLITICAL PRISONER(S)—
Allegations regarding —— in the North-West Frontier Province. 64-65.
Flogging of —— in the North-West Frontier Province. 49-50.
See also " Prisoner(s) ".

POLL TAX—
Question *re* levy of —— in Tanganyika for education. 2558.

PORT HAJ COMMITTEES BILL—
See " Bill(s) ".

PORT TRUSTS—
Question *re* superior staff on the various ——. 1231.

PORTER(S)—
Question *re*—
Appointment of Sikh as —— in the Delhi Railway Mail Service. 1679.
Appointment of Sikh —— and van peons in the Railway Mail Service, Delhi. 1680.
Leave and passes for ——of the East Indian Railway. 654.
—— appointed to the Railway Mail Service, " A " Division. 2721.
—— of the Railway Mail Service, " A " Division, removed from service. 2721.

PORTS AND PILOTAGE—
Demand for Grant. 2336.

POST CARD(S)—
Question *re*—
Amount realised by sale of stamps and —— in the North-West Frontier Province. 1603-04.
Destruction of insufficiently stamped ——. 36-39.
Nine-pie—— and sixteen-pie envelopes. 652.

POST OFFICE(S)—
Question *re*—
Abolition of the lowest selection grade examination in the ——. 1943-44, 2659.
Anglo-Indian women retained in officiating vacancies in the Madras General ——. 633-34.
Appointment of a Muhammadan as Town Inspector of ——, Mussoorie. 877-78.
Appointment of Indians as Superintendents of —— in Kashmir. 1946.
Communities of postmen and inferior servants in Mussoorie ——. 877.
Complaint against the Superintendent of ——, Salem. 989.
Delegation of certain powers to Town Inspectors of —— in the first class Head Offices. 2547.
Examination for appointment of Inspectors and Head Clerks of ——. 1944.
Expenditure by the —— for the occupation of Thakersey House and Irwin House in Bombay. 2545-46.
Expenditure incurred in conducting the lowest selection grade examination in the ——. 2660.
Head —— in districts. 712-13.
Hindu and Muslim Superintendents of —— in the Punjab Postal Circle. 992.
Occupation of —— Inspection Houses by a Deputy Postmaster General. 2095.
—— in the Mymensingh and Dacca districts. 713.
Promotion of certain Town Inspectors of ——. 2013.
Promotions to the lowest selection grade in the ——. 2660.
Quarters in the Arcade Building of the Calcutta General ——. 372-73.
Recruitment of Sikh clerks in the Delhi Head ——. 2657.
Recruitment of Sikh packers and postmen in the Delhi Head ——. 2656.
Reduction of pay of Superintendents of ——. 652.
Rent paid for the Bow Bazar ——. 2663.
Retrenchment of the post of Superintendent of —— at Dacca. 711-12.
Stopping of permanent recruitment for the ——. 2546.
Sub- —— in the Dehra Dun Division. 876.
Travelling allowance paid on transfer to a Superintendent of —— in Mysore. 695.
Statement (laid on the table) by Mr. T. Ryan *re*—
Communities of postmen and inferior servants in Mussoorie ——. 2615.
Travelling allowance paid on transfer to a Superintendent of —— in Mysore. 1626.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re*—
Appointment of a Muhammadan as Town Inspector of ——, Mussoorie. 1626.
Sub- —— in the Dehra Dun Division and communal composition of their staffs. 1625-26.

POSTAGE—
Question *re* postal income and increased ——. 1950.

POSTAL CIRCLE(S)—
Question *re*—
Abolition of the Bihar and Orissa ——. 27-28.
Appointment of Sikhs to the Punjab —— Office. 1669.
East Indian Railway passes issued to the Deputy Postmaster General, United Provinces ——. 2096.
Extensions of service granted in the Punjab and North-West Frontier ——. 2204.
Hindu and Muslim Superintendents of Post Offices in the Punjab ——. 992-93.
Promotion of juniors in the lower selection grade in ——. 1596-98.
Recruitments in the United Provinces ——. 2096.
Reduction of selection grade posts in the Bengal and Assam ——. 373.
Reversion to substantive appointments of certain Postal Officials in the Punjab and North-West Frontier ——. 2386.
Selection posts converted into time-scale appointments in the Punjab and North-West Frontier Postal Circle. 2386.
Transfer of postal officials in the Punjab and the North-West Frontier ——. 2386.

POSTAL DEPARTMENT—
Question *re*—
Injustice to Muslims in the ——. 1947.
Introduction of lower division clerkships in the ——. 2661-62.
Scales of pay in the ——. 2549-50.
Sikh holidays in the Punjab ——. 1681-82.

POSTAL DIVISIONS—
Question *re* contracts for the conveyance of mails in the Dehra Dun and Jhansi ——. 2095-96.

POSTAL EMPLOYEES—
Question *re* loss by floods caused to —— in Eastern Bengal. 714-15.

POSTAL INCOME—
Question *re* —— and increased postage. 1950.

POSTAL OFFICERS—
See " Officer(s) ".

POSTAL OFFICIAL(S)—
Question *re*—
Retirement of —— of 55 years of age or 30 years' service. 2662.
Reversion to substantive appointments of certain —— in the Punjab and North-West Frontier Postal Circle. 2386.
Stamps for letters addressed to ——. 651-52.
Transfer of —— in the Punjab and the North-West Frontier Postal Circle. 2386.

POSTAL SERVICE—
Question *re*—
Appointments abolished in the Central Circle of the —— and Railway Mail Service. 35.
Retrenchments in the ——. 373.

POSTMAN(MEN)—

Question *re*—

Appointment of telegraph peons as ——. 2591-92.

Communities of —— and inferior servants in Mussoorie post offices. 877.

Number of Muslim and Hindu —— in certain Sub-divisions. 876-77.

Promotion of —— as lower division clerks. 2662.

Recruitment of Sikh packers and —— in the Delhi Head Post Office. 2656.

Statement (laid on the table) by Mr. T. Ryan *re* communities of —— and inferior servants in Mussoorie post offices. 2615.

POSTMASTERS—

Question *re* appointment of Sikhs as Sub- —— in Delhi. 2657.

POSTMASTER(S) GENERAL—

Question *re*—

East Indian Railway passes issued to the Deputy ——, United Provinces Circle. 2096.

Occupation of Post Office Inspection Houses by a Deputy ——. 2095.

Party to the ——, Madras, by the Managing Director of a motor mail service. 1220-21.

POSTS AND TELEGRAPHS—

Question *re*—

Abolition of the posts of Superintendents of Wireless and Cash Branches of the office of the Director General of ——. 1507.

Absence of the Superintendent of the Wireless Branch of the office of the Director General of ——. 2017.

Appointment of Deputy Director General, ——. 2476.

Appointment of Superintendent, Wireless Branch, office of the Director General, ——. 1508.

Creation of a new appointment in the office of the Director General of ——. 347-48.

Denial of Calcutta-Delhi transfer concessions to certain clerks and peons of the office of the Director General of ——. 1509.

Employment of a separate Superintendent for the Wireless Branch of the office of the Director General of ——. 2017-18.

Leave reserve of Assistants in the office of the Director General of ——. 348.

Office hours of Muslim employees of the office of the Director General of ——, during the *Ramzan*. 1234.

Paucity of Muslims appointed to the office of the Deputy Accountant General, ——. 1924.

Recruitments in the office of the Deputy Accountant General, ——. 371-72.

Reductions of appointments of Assistant Director General, ——. 2475.

Staff of the office of the Accountant General, ——. 700.

Staff of the office of the Deputy Accountant General, ——. 700-01.

Substitution of Assstant Directors General by Assistant Deputy Directors General of ——. 348.

Volunteers for retirement in the office of the Director General of ——. 1507.

Statement (laid on the table) by the Honourable Sir George Schuster *re* recruitment of Muslims in the office of the Deputy Accountant General, ——, Delhi. 2490-91.

POSTS AND TELEGRAPHS DEPARTMENT—
Demand for Excess Grant. 928-29.
Question *re*—
Candidates appointed to the Superior Telegraph and Engineering Branches, ——. 2716-17.
Cut in pay of low paid men in the ——. 2596-97.
Determination of seniority of Baudot supervisors in the ——. 2606.
Pension scheme for subordinates on the —— 2596.
Position of Sikhs in the ——. 1678.
Promotions in the ——. 1680-81.
Refund to employees of the —— of deductions from their salaries. 2350.
Revised schemes for pension on the ——. 2595-96.
Traffic Controller in the ——. 981-82.

POSTS AND TELEGRAPHS RETRENCHMENT SUB-COMMITTEE—
Question *re* recommendations of the ——. 2606.

POUNDS—
Question *re* payment of pensions of members of the Indian Medical Department in rupees or ——. 1127-28.

POWER HOUSES—
Question *re* Military ——. 351-52.
Statement (laid on the table) by Mr. G. M. Young *re* Military ——. 1811.

POWER SUPPLY—
Question *re* economy and safety in electric lighting and ——. 1608.

PREJUDICIAL CIRCULAR—
Question *re* alleged " —— " of the Eastern Bengal Railway. 715.

PRESIDENCY AND ASSAM DISTRICT—
Question *re* paucity of Muslims in the Military Engineering Service, ——. 2477-78.

PRESIDENT, Mr. (The Honourable Sir IBRAHIM RAHIMTOOLA)—
Expressions of regret by —— on the death of—
Mr. F. W. Allison. 2670.
Mr. K. V. Rangaswami Iyengar. 2611-12.
Sir Bomanji Dalal. 3092.
The Honourable Mian Sir Muhammad Shafi. 23.
Further discussion on the motion to refer the Indian Income-tax (Second Amendment) Bill to Select Committee was allowed by —— even after the Honourable Member in charge was called upon to reply since its subject-matter was important. 167.
Remarks by —— *re* the time for taking up Motions for Adjournment. 73.
Statement by —— on Mr. C. S. Ranga Iyer's Motion for Adjournment *re* publication in the Press of the Proceedings of the Legislature. 721-22.
See also " Rulings ".

PRESS(ES)—
Motion for adjournment *re* publication in the —— of the Assembly speeches. 657-63.
Question *re*—
Appeal against discharge by binders in the East Indian Railway ——. 2218.
Appointment of a Muslim as Accountant and Cashier, Government of India ——, New Delhi. 2404-05.

PRESS(ES)—*(contd.)*
Question *re*—*(concld.)*
Appointment of apprentices to the Security Printing, India, the Currency Note ——. 543-44.
Appointment of Muslim peons in the Government of India ——, New Delhi. 2404.
Appointment of Muslims as Copyholders in the Government of India ——, New Delhi. 2403-04.
Appointment of Muslims in the Security Printing, India, Currency Note —— and Central Stamp Stores. 543.
Appointment of Muslims to the Government of India ——, New Delhi. 2404, 2405.
Appointment of Sikhs to the Office and —— of the Private Secretary to the Viceroy, etc. 1677-78.
Carelessness of a Head Clerk in the Government of India ——, Aligarh. 1663.
Cut in pay of binders, compositors, etc., in the East Indian Railway ——. 2218-19.
Deduction for Provident Fund from the earnings of piece-rated employees of the Government of India ——, New Delhi. 2545.
Deduction from pay of piece-rated employees of the Government of India ——, Calcutta. 2221-23.
Deductions from pay of industrial employees of the East Indian Railway ——. 2219.
Discharge of compositors and binders from the East Indian Railway ——. 2217-18.
Education of the children of —— employees in Delhi. 2550.
Government printing work placed with private ——. 2221.
Grievances of Muslims in the Government of India ——, New Delhi. 2405.
Lack of heating arrangements in the Government of India ——, New Delhi. 2552.
Lack of water taps in the Government of India ——, New Delhi. 2552.
Machinery lost in the Government of India ——, Aligarh. 1617.
Paucity of Sikhs employed in the Government of India ——, Simla and New Delhi. 1671.
Payments made to private —— for Government printing work. 2221.
—— asked to furnish securities. 60.
—— censorship. 1245.
Provision of facilities for recreation, etc., of —— employees in New Delhi. 2551-52.
Qualifications of the officiating Assistant Managers of the Simla and Aligarh Government of India ——. 2381.
Quarters of —— employees in New Delhi. 2551.
Redress of communal inequalities in the Government of India ——, New Delhi. 2404.
Rent-free quarters to the officiating Assistant Manager, Government of India ——, Aligarh. 2381.
Rent of quarters of employees of the Government of India ——, New Delhi. 2544.
Retrenchments in the Government of India ——, Aligarh. 1617-18.
Staff of the Security Printing, India, Currency Note —— and Central Stamp Stores at Nasik. 542-43.
Strength of supervising and operating staff in the East Indian Railway ——, Calcutta and Howrah. 2219-21.
Ten per cent. cut in earnings of piece-rated employees of the Government of India ——, New Delhi. 2544.
Use of the Vernacular —— for railway publicity. 875-76.

PRESS(ES)—(*concld.*).
Statement by Mr. President on Mr. C. S. Ranga Iyer's Motion for Adjournment *re* publication in the —— of the proceedings of the Legislature. 721-22.
Statement (laid on the table) by the Honourable Mr. H. G. Haig *re* —— asked to furnish security. 2788-92.
Statement (laid on the table) by the Honourable Sir James Crerar *re* alleged restrictions on the —— in Bengal. 2413.

PRESS MESSAGES—
Question *re* censorship of —— regarding proceedings of the Assembly. 1077-78.
See also " Message(s) ".

PREVENTION OF DEDICATION OF DEVADASIS BILL—
See " Bill(s) ".

PRICE(S)—
Question *re*—
Low —— of silver. 646.
—— of jail-made articles. 2469.
—— of salt in the Calcutta market. 706.
Resolution *re* stabilisation of exchange and ——. 828-43.

PRINCE OF WALES SEAMEN'S INSTITUTE—
Question *re* non-admission of Indians to the ——, Bombay. 2587-88.

PRINTERS—
Question *re* promotion of Indian —— trained in England. 2380-81.

PRINTING—
Question *re* South Indian Railway —— contract with Messrs. Hoe and Company. 1134.

PRINTING WORK—
Question *re*—
Government —— placed with private presses. 2221.
Payments made to private presses for Government ——. 2221.

PRISON(S)—
Question *re* alleged wrongful detention in —— of Har Dhian Singh Chandiwala. 1522-23.

PRISONER(S)—
Motion for Adjournment *re*—
Alleged maltreatment of women political ——. 2283, 2408, 2443-63.
Question *re*—
Accommodation of women —— in the Delhi Jail. 2476.
Allegations regarding political —— in the North-West Frontier Province. 64-65.
Allegations regarding the quality of food supplied to ——. 64.
Alleged harassing of —— in the Ajmer Central Jail. 2568.
Alleged rough handling of a woman ——. 1523.
Allowances and treatment of —— in Delhi. 2382.
Allowances permitted for certain —— detained under Regulation III of 1818. 2363-64.
Classes of imprisonment awarded to political ——. 364-66.
Classification of lady ——. 343-44.

PRISONER(S)—(*concld.*)
Question *re*—(*concld.*)
Classification of political ——. 2777-81.
Classification of —— in the Ajmer Central Jail. 2566.
Classification of women political ——. 1524.
Clothes for —— in the Ajmer Jail. 1665-66.
Complaint about the treatment of —— in the Ajmer Central Jail. 2567.
Conditions of interviews with political —— in the Ajmer Central Jail. 2567.
Confinement in a dark cell of a —— in the Ajmer Central Jail. 2564.
Confiscation of the privilege of interview of certain political ——. 2563.
Corn-grinding labour given to political ——. 2567.
Decrease in weight of —— in Ajmer Jail. 1665.
Delay in release of a —— after payment of a fine. 1663.
Disallowance of a religious book to a —— in the Ajmer Central Jail. 2568
Expenditure incurred on transferring —— from Delhi to Multan. 1225.
Facilities for —— detained under the Emergency Powers Ordinance. 2382.
Flogging of political —— in the North-West Frontier Province. 49-50.
Hunger strike of a —— in the Ajmer Jail. 2564.
Hunger strike of political —— in Ajmer. 2567.
Insufficiency of clothes provided for —— in the Ajmer Jail. 2563-64.
Insufficient food and blankets for —— in the North-West Frontier Province. 333.
Labour imposed on —— in the Ajmer Jail. 1666.
Number of political —— detained under recent Ordinances. 343.
Particulars of State ——. 43-44.
Political —— arrested and released in Delhi. 2477.
—— exposed to the cold in the North-West Frontier Province. 332-33.
Provision of fans for —— in the Central Jail, Multan. 1522.
Provisions of accommodation for political —— in Delhi. 1683.
Quarters of certain —— in the Delhi Jail. 2381-82.
Record of weights of political —— in the Ajmer Central Jail. 2568.
Reports on the health and treatment of ——. 2364-65.
Standard of diet of " C " class —— in Ajmer. 2566.
Treatment of lady —— under trial in Delhi. 987.
Women —— transferred to Lahore in a third class compartment. 1523-24.
Statement (laid on the table) by Sir Evelyn Howell *re* allegations regarding political —— in the North-West Frontier Province. 2793.
Statement (laid on the table) by the Honourable Sir James Crerar *re*—
Classification of women political —— in the Delhi Jail. 1625.
Number of political —— detained under recent Ordinances. 2409.
Treatment of under-trial lady —— in the Delhi Jail. 1625.

PRIVATE SECRETARY TO THE VICEROY—
Question *re* appointment of Sikhs to the Office and Press of the ——, etc. 1677-78.

PROBATIONER(S)—
Question *re*—
Confirmation of —— in the Chief Accounts Office, East Indian Railway. 2607.
Confirmation of —— in the East Indian Railway Accounts Department. 1947-48.
Confirmation of Railway Accounts ——. 717-18.

PROCEEDING(S)—

Question *re* censorship of Press messages of —— of the Legislative Assembly. 1231.

Statement by Mr. President on Mr. C. S. Ranga Iyer's Motion for adjournment *re* publication in the Press of the —— of the Legislature. 721-22.

PROMOTION(S)—

Question *re*—

Accelerated —— for officers of the Indian Medical Department. 881-82.

Departmental —— in All-India Services. 1234.

—— in leave vacancies on the North Western Railway. 564.

—— in the Posts and Telegraphs Department. 1680-81.

—— in the Railway Department. 823.

—— of a Cashier in the office of the Assistant Director of Ordnance Services (Provision). 2576.

—— of a European Officer on the Great Indian Peninsula Railway. 1069-70.

—— of an Anglo-Indian subordinate on the Great Indian Peninsula Railway. 1070.

—— of Assistant Station Masters in the Delhi Division of the North Western Railway. 825.

—— of guards on the Great Indian Peninsula Railway. 826.

—— of Indians in the Bridge Department of the Great Indian Peninsula Railway. 823-24.

—— of lower subordinate staff in the Engineering Department of the Great Indian Peninsula Railway. 823.

Revised cadres and —— of subordinates in certain Departments of the Great Indian Peninsula Railway. 1066-68.

PROPAGANDA—

Question *re* non-interference with "Buy Indian" ——. 2781.

PROPERTY(IES)—

Question *re*—

Arrests made and —— confiscated under the Ordinances in the North-West Frontier Province. 437.

Auction of private —— in the Gandhi Ashram at Hatundi. 2565.

PROSCRIPTION—

Question *re* —— of certain Hindi books in Ajmer. 47.

PROSECUTION(S)—

Question *re*—

—— instituted by the Executive Officer, Sialkot Cantonment. 1593-94.

—— under the Foreign Relations Ordinance. 1231.

Statement (laid on the table) by Mr. G. M. Young *re* —— instituted by the Executive Officer, Sialkot Cantonment. 2615.

PROTECTION—

Question *re* —— for the Cotton Mill Industry. 2719.

PROVIDENT FUND—

Question *re*—

Deduction for —— from the earnings of piece-rated employees of the Government of India Press, New Delhi. 2545.

Rate of interest allowed on the General ——. 1232.

Repayment of advances from ——. 356.

PROVINCE(S)—
Question *re*—
Grant of financial aid to the ——. 2582.
Qualifications and communities of Engineers in each ——. 2474.

PROVINCIAL BOUNDARIES QUESTIONS—
Question *re* ——. 1942.

PROVINCIAL GOVERNMENTS—
Demand for Supplementary Grant—
Payments to —— on account of Administration of Agency subjects. 934.
Question *re*—
Financial relations between the Central Government and the ——. 2718.
Loans asked for by ——. 1229.

PROVINCIAL SUBJECTS—
Question *re* expenditure from Central Revenues on ——. 2580.

PUBLIC—
Motion to reduce Demand for—
"Railway Board" *re*—
Conveniences of the travelling ——. 1383-1402.
Statement (laid on the table) by the Honourable Sir James Crerar *re* casualties among the police and —— arising out of measures taken against the Civil Disobedience Movement. 2497.

PUBLIC ACCOUNTS COMMITTEE—
Consideration of the Report of the ——. 1181-86, 1196-1214.
Election of Members to the ——. 2231, 2500, 2612.
Presentation of the Report of the ——. 379-92.

PUBLIC HEALTH—
Demand for Grant. 2338.

PUBLIC SERVICE COMMISSION—
Demand for Excess Grant. 926.
Demand for Grant. 2325.
Motion to reduce Demand for—
"——" *re*—
Inadequate retrenchment. 2325-34.
Question *re*—
Grievances of the Muslim community against the ——. 2085-86.
Indian newspapers utilized for advertisements of the ——. 997.
Recruitment of Muslims by the ——. 2088-94.
Suspension or reduction of recruitment by the ——. 354.
Statement (laid on the table) by the Honourable Sir James Crerar *re* suspension or reduction of recruitment by the ——. 2499.

PUBLIC SUITS VALIDATION BILL—
See "Bill(s)".

PUBLIC WORKS DEPARTMENT—
Question *re*—
Allotment of quarters in New Delhi to clerks of the local ——. 720.
Appointment of Computor for calculation and design of structure in the ——, Delhi. 2475.
Arrest of Mr. W. A. Edge of the ——, Delhi, for alleged embezzlement. 2717.

PUBLIC WORKS ENGINEERING DEPARTMENT—
Question *re* ratio of European, Anglo-Indian and Indian Time-keepers in the ——. 539-40.

PUBLICATION—
Motion for Adjournment *re* —— in the Press of the Assembly speeches. 657-63.
Question *re* —— by newspapers of proceedings of the Legislative Assembly. 545-46.
Statement by Mr. President on Mr. C. S. Ranga Iyer's Motion for Adjournment *re* —— in the Press of the proceedings of the Legislature. 721-22.

PUBLICITY BUREAU—
Question *re* visit of the Director of the Central —— to Meerut in connection with the Meerut conspiracy case. 644.

PUBLICITY DEPARTMENT—
Question *re* —— of the Eastern Bengal Railway. 1532.

PUBLICITY OFFICES—
Question *re* retrenchment in Indian —— in London and New York. 820.

PUNISHMENT—
Question *re*—
Alleged racial discrimination in —— in the Howrah Goods Shed. 2782.
Departmental —— of Government servants. 2720.

PUNJAB—
Question *re*—
Appointment of a Muslim as Commissioner of Income-tax in the ——, North-West Frontier Province and Delhi. 2573-74.
Appointment of Muslims in the —— and Madras Income-tax Departments. 69-70.
Appointment of Sikhs to the —— Postal Circle Office. 1669.
Disposal of establishment cases in the Income-tax Department in the ——, North-West Frontier Province and Delhi. 2573.
Extensions of service granted in the —— and North-West Frontier Postal Circle. 2204.
Income-tax Officers, Inspectors and clerks in the —— and North-West Frontier Province. 1673-74.
New appointments in the Income-tax Department in the ——, North-West Frontier Province and Delhi. 2572.
Paucity of Muslims in the —— Income-tax Department. 68-69.
Preponderance of Muslim Officers in the —— Postal Circle. 993.
Reversion to substantive appointments of certain postal officials in the —— and North-West Frontier Postal Circle. 2386.
Selection posts converted into time-scale appointments in the —— and North-West Frontier Postal Circle. 2205.
Sikh holidays in the —— Postal Department. 1681-82.
Sikh Officials in the Railway Mail Service in the ——. 1679.
Transfer of Inspectors of the Railway Mail Service, —— Circle. 1679-80.
Transfer of postal officials in the —— and the North-West Frontier Postal Circle. 2386.
Statement (laid on the table) *re* appointment of Muslims in the Income-tax Department, ——. 1187.

PUNJAB MUSSALMAN(S)—
See " **Mussalman(s)** ".

PUNJAB POSTAL CIRCLE—
See " Postal Circle ".

PURCHASE—
Question *re*—
—— of the Bengal and North-Western and Rohilkhund and Kumaon Railways. 997.
—— of the Bengal and North-Western Railway. 360-61, 702-03.

PURI, Mr. B. R.—
Question *re*—
A defective railroad subway between Badami Bagh and Lahore railway stations. 1377-78.
Alleged rough handling of a lady picketer by the police. 1224.
Contribution by Britain to the cost of the British Army in India. 55-56.
English time tables of the North Western Railway. 32-33.
Publication by newspapers of proceedings of the Legislative Assembly. 546.
Railway saloons provided for Railway officials. 31-32.
Salary of the Officer in the charge of the Mohenjodaro excavations and retrenchment of his staff. 62.
Resolution *re*—
Chief Justices of High Courts. 147-48.
Establishment of a Supreme Court in India. 571-77, 578, 579, 581, 597, 598, 601, 602-06.
Recent Ordinances. 247, 260-63.

PURI, Mr. GOSWAMI M. R.—
Question *re*—
Abolition of railway dining saloons. 1134-35.
Admission to higher classes of servants of sick travellers. 1134.
Appointments abolished in the Central Circle of the Postal and Railway Mail Service. 35.
Auction of land in Karol Bagh and Paharganj for residential quarters. 2561.
Case for Berar prepared by the Berar All-Parties Conference. 439.
Contract for clothing entrusted to Messrs. Hoe and Company. 1131-32.
Contracts for bookstalls on the South Indian and Madras and Southern Mahratta Railways. 1131.
" Correspondence " Colleges in India. 703.
Employment while on leave of Colonel Halland, Senior Superintendent of Police, Delhi. 1126.
Income from increased income-tax on salaries of Government servants. 327.
Infliction of imprisonment and fines under recent Ordinances. 439.
Monthly railway time table issued by the South Indian Railway. 1133.
Provision of quarters for the staff of the Railway Clearing Accounts Office, Delhi. 2560-61.
Publication of notifications *re* selection of engineering apprentices. 1135.
Renewal of the Wheat Import Duty Bill. 536.
Retirement of officers in Government of India Departments. 35-36.
Savings in civil expenditure to be effected by the 10 per cent. cut in salaries. 34-35.

PURI, Mr. GOSWAMI M. R.—*(concld.)*
Question *re*—*(concld.)*
Savings to be effected in Military Departments by the 10 per cent. cut in salaries. 34.
South Indian Railway Printing Contract with Messrs. Hoe and Company. 1134.

PUSHKAR—
Question *re* representation of Dargah and —— and of cloth and sugar merchants on the Ajmer Municipal Board. 2391.

Q

QUALIFICATION(S)—
Question *re*—
Alleged lack of —— of a teacher in the Municipal Board City Boys' School, Ajmer. 374.
—— of the officiating Assistant Managers of the Simla and Aligarh Government of India Presses. 2381.

QUARTER(S)—
Question *re*—
Alleged partiality in the allotment of ——. 1235.
Allotment of Government —— in New Delhi. 718-19, 2203.
Allotment of —— in New Delhi to clerks of the local Public Works Department. 720.
Allotment of —— in New Delhi to temporary clerks. 720.
Auction of land in Karol Bagh and Paharganj for residential ——. 2561.
Clerks' —— in New Delhi. 719.
Clerks' —— in New Delhi required by the various Departments. 720-21.
Clerks' —— in New Delhi vacated by retrenched clerks. 720.
Lack of water taps in railway —— at Paharganj. 826-27.
Latrine in menial ——. 715.
Ministerial and inferior staff —— in New Delhi. 2203.
Provision of —— for the staff of the Railway Clearing Accounts Office, Delhi. 2560-61.
—— for duftries. 1686.
—— in the Arcade Building of the Calcutta General Post Office. 372-73.
—— of certain prisoners in the Delhi Jail. 2381-82.
—— of press employees in New Delhi. 2551.
—— of the Eastern Bengal Railway staff. 716-17.
Rent of —— of employees of the Government of India Press, New Delhi. 2544.
Rent-free —— to the officiating Assistant Manager, Government of India Press, Aligarh. 2381.

QUARTERMASTER GENERAL—
Question *re* barbed wire fence round the office of the —— in Simla. 2570.

QUEEN'S GARDEN—
Question *re* dispersal of a meeting in the ——, Delhi, and arrest of Mufti Kifayatullah. 2470-71.

QUORUM—
Meeting of the Legislative Assembly adjourned for want of ——. 742.

R

RACIAL CONSIDERATIONS—
Question *re* —— in the retrenchment of posts. 625.

RACIAL DISCRIMINATION—
Question *re*—
Alleged —— in appointments of senior subordinates on the railways. 628-29.
Alleged —— in certain appointments at Jamalpur. 567.
Alleged —— in punishments in the Howrah Goods Shed. 2782.
Alleged —— in the medical examination of lady passengers embarking at Calcutta for Rangoon. 2578-79.
Alleged —— in training of apprentices at Jamalpur. 1520.
—— by the British India Steam Navigation Company in disembarking passengers. 2578.

RAFIUDDIN AHMAD, KHAN BAHADUR, MAULVI—
Election of —— to the Standing Committee on Emigration. 2490.

RAGHUBIR SIGNH, KUNWAR—
Election of —— to the Central Advisory Council for Railways. 2729.
Motion to reduce Demand for—
"Railway Board" *re* conveniences of the travelling public. 1388-90.
Question *re*—
American wheat imported into India. 71-72.
Application of the ten per cent. cut. 378.
Education of the children of press employees in Delhi. 2550.
Employment on railways of sons of railway servants. 654.
Facilities for Hindu Railway employees at Tundla for the Dewali festival. 71.
Free passes for children of railway employees. 654.
Importation of wood pulp into India. 652-53.
Lack of heating arrangements in the Government of India Press, New Delhi. 2552.
Lack of water taps in the Government of India Press, New Delhi. 2552.
Leave and passes for porters of the East Indian Railway. 654.
Provision of facilities for recreation, etc., of press employees in New Delhi. 2551-52.
Quarters of press employees in New Delhi. 2551.
Railway saloons provided for Railway officials. 71.
Utilisation of fine funds on railways. 653.
Resolution *re* recent Ordinances. 298-99.
Sugar Industry (Protection) Bill—
Motions to consider and to postpone. 2859-60.

RAILWAY(S)—
Bengal and North-Western—
Question *re*—
Accommodation for clerks in the Audit Office ——. 1530.
Ages of workmen superannuated on the ——. 1527-28.
Clerks maintained on the frontier of Nepal in —— stations. 1524-25.
Institutes for European and Indian Staff on the ——. 1529-30.
Leave for subordinates of the ——. 1531.

RAILWAY(S)—(*contd.*)
Bengal and North-Western—(*concld.*)
Question *re*—(*concld.*)
Markers employed in the ——. 1530.
Purchase of the ——. 360-61, 702-03.
Purchase of the —— and Rohilkund and Kumaon Railways. 997.
Recruitment and promotions in the —— workshops at Gorakhpur. 1530-31.
Working hours of the —— staff. 1531.
Statement (laid on the table) by Mr. P. R. Rau *re* leave for subordinates of the ——. 2793.
Bengal Nagpur—
Question *re*—
Charges for goods on the ——. 1225-26.
Employees of the ——. 2014.
Employment of Oriyas on the ——. 1620.
Freight rates on the ——. 1228, 1229.
Oriyas employed in the ——. 1073-74.
Passes issued during holidays on the ——. 2014-15.
Refund of transhipment charges by the ——. 1227.
Replacement of the contract system on the —— by the Departmental system. 2486.
Transhipment charges over the Johilla bridge realised by the ——. 1226-27.
Bombay, Baroda and Central India—
Question *re*—
Appointment of certain Station Masters on the ——. 2023.
Termination of the services of certain employees on the ——. 2024, 2025.
Bukhtiarpore-Bihar Light—
Question *re* construction of waiting rooms at stations on the ——. 629.
Company-managed—
Motion to reduce Demand for—
"Railway Board" *re*—
Lack of supervision and control over ——. 1447-62.
East Indian—
Question *re*—
Abolition of the crew system on the ——. 643.
Alleged injustices to Muslim employees on the ——. 2362.
Allegations against the Deputy Chief Accounts Officer, General Branch, ——. 556-57.
Allowances of guards and ticket examiners on the ——. 998.
Appeal against discharge by binders in the ——, Press. 2218.
Authority over teachers of the —— School at Tundla. 67.
Casual leave and gate allowances of crew staff and ticket collectors of the ——. 359-60.
Communities of chargemen appointed in the —— Workshop at Lucknow. 567.
Confirmation of probationers in the Chief Accounts Office, ——. 2607.
Confirmation of probationers in the ——, Accounts Department. 1947-48.
Cut in pay of binders, compositors, etc., in the —— Press. 2218-19.
Deductions from pay of industrial employees of the —— Press. 2219.
Designation of ticket checkers on the ——. 611-13.
Discharge of compositors and binders from the —— Press. 2217-18.
Discontinuance of a through carriage on an —— Express. 2216-17.
—— passes issued to the Deputy Postmaster General, United Provinces Circle. 2096.

RAILWAY(S)—(*contd.*)
East Indian—(*concld.*)
Question *re*—(*concld.*)
Education and training of certain employees in the —— Workshop at Lillooah. 567.
Employment of Muslims in the ——. 3027.
Excess of civil engineers on the ——. 2407.
Foregoing excess fares on the ——. 816-17.
House rent and mileage allowances of ticket checking staff of the —— and Oudh and Rohilkhand Railways. 621.
Introduction of the contract system in the cash and pay department of the ——. 2485-86.
Lady ticket collectors on the ——. 2207.
Leave and passes for porters of the ——. 654.
Managing Committee of the —— Anglo-Vernacular High School at Tundla. 66-67.
Muslim Establishment clerks in the ——. 1015.
Muslims appointed as Office Superintendents and Head Clerks on the North-Western and ——. 1945-46.
Number of Officers in the Civil Engineering Department, ——. 2405-06.
Number of Officers in the Mechanical Engineering Department, ——. 2406.
Opinion of the —— authorities on the crew system. 614-15.
Passenger traffic receipts in the ——. 1940.
Pay and mileage allowance of ticket examiners on the —— and North-Western Railways. 617.
Posts of ticket collectors on the —— promoted to travelling ticket examiners. 1940.
Promotion of subordinates in the Civil Engineering and Traffic Departments, ——. 2407.
Reduction in the salary of travelling ticket checkers on the ——. 1939.
Reduction of pay of travelling ticket inspectors on the ——. 997-98.
Strength of supervising and operating staff in the —— Press, Calcutta and Howrah. 2219-21.
Subordinates promoted on the —— and Oudh and Rohilkhand Railways. 2408.
Supply of ice and mineral water on the ——. 2213-15.
System of ticket checking on the ——. 618.
System of ticket checking on the North-Western and ——. 613-14.
Teachers of Indian schools maintained by the ——. 66.
Ticket checking system on the ——. 1223-24, 1939-40.
Use of waiting rooms by travelling ticket examiners on the ——. 969.
Eastern Bengal—
Election of members to the Central Advisory Council for ——. 2671, 2729.
Election of members to the Standing Finance Committee for ——. 2500, 2612.
Question *re*—
Alleged " Prejudicial Circular " of the ——. 715.
Allowances of traffic relieving staff of the ——. 1926-27.
Cost of the —— Supplement to the Indian State Railway magazine. 1532.
Daily allowance of Engineering subordinate staff of the ——. 716.
Friction between crew staff and students of Jadabpur and Ichapur stations on the ——. 991-92.
Increase of superior officers on the ——. 2361.
Muslim Establishment Officers in the ——. 1015.

RAILWAY(S)—(*contd.*)
Eastern Bengal—(*concld.*)
Question *re*—(*concld.*)
Publicity Department of the ——. 1532.
Quarters of the —— staff. 716-17.
Reported "Unreasonable Action" on the ——. 715.
Statement (laid on the table) by Mr. P. R. Rau *re* officers dealing with establishment matters on the ——. 2617.
Great Indian Peninsula—
Question *re*—
Abolition of the office of Transportation Superintendent, —— at Nagpur. 106.
Amalgamation of the Accounts and Audit Departments of the ——. 1071.
Amalgamation of the Commercial and Transportation Departments of the ——. 1070-71.
Complaint of official interference in the management of the —— Employees' Co-operative Society. 1072-73.
Contracts for unloading and stacking coal on the ——. 1934-35.
Costly electrification scheme on the ——. 1935-36.
Denial of holidays to the Staff of the Chief Traffic Manager's Office, ——. 1070.
Idle locomotives of the ——. 1935.
Leave rules for certain subordinates on the ——. 1068.
Non-transfer of staff of rates and claims branches in the ——. 1066.
Promoted subordinates granted Lee Concessions on the ——. 1068.
Promotion of a European Officer on the ——. 1069-70.
Promotion of an Anglo-Indian subordinate on the ——. 1070.
Promotion of guards on the ——. 826.
Promotion of Indians in the Bridge Department of ——. 823-24.
Promotion of lower subordinate staff in the Engineering Department of the ——. 823.
Recruitment of certain European Officers for rates and claims work in the ——. 1066.
Reduction of posts of Junior Inspectors of Station Accounts on the ——. 1071.
Re-amalgamation of the Commercial and Transportation Departments of the ——. 1937.
Re-introduction of a through carriage between Lucknow and Bombay on the ——. 2562.
Retention of a large and expensive fuel staff on the ——. 1936-37.
Revised cardes and promotion of subordinates in certain Departments of the ——. 1066-68.
Supersession of certain subordinates in the ——. 1064-65.
Training of Bridge Inspectors on the ——. 824-25.
Statement (laid on the table) by Mr. P. R. Rau *re* contracts for unloading and stacking coal on the ——. 2617.
Indian—
Question *re*—
Appointment of staff officers on ——. 975.
Cost of divisional organisation ——. 627-28.
Cost of staff of various communities on ——. 1074.
Madras and Southern Mahratta—
Question *re* contracts for bookstalls on the South Indian and ——. 1131.

RAILWAY(S)—*(contd.)*
Motion to reduce Demand for—
"Executive Council" *re*—
Lack of supervision over the coal transaction of ——. 2155-72.
"Railway Board" *re*—
Favouritism in the ——. 1436-46.
—— retrenchment policy. 1402-35.
North Western—
Question *re*—
Accountants' posts on the ——. 710.
Age of Babu Khushi Mohamed, late Chief Goods Clerk, ——, forced to retire. 2784.
Allowances and duties of guards on the ——. 2384-85.
Appeals by travelling ticket examiners of the ——. 621-22.
Appointment of a guard as Janitor, Headquarters office, ——. 2392-93.
Appointment of Assistant Chief Draftsman, Headquarters' office, ——. 996.
Appointment of Assistant Controllers on the ——. 986, 1605-06.
Appointment of Assistant Train Controllers on the ——. 811-12, 827, 1257-58.
Appointment of Indians to certain posts on the ——. 2201-02.
Appointment of Muslim officers in the Headquarters office, ——. 1600.
Appointment of Muslims as Assistant Personnel Officers on the ——. 1601.
Appointment of Muslims as clerks and Assistant Surgeons on the ——. 1601.
Appointment of Muslims in the Electrical Branch, Agents Office, ——. 975.
Appointment of Muslims on the ——. 1619-20.
Appointment of Muslims to the —— Medical Service. 541.
Appointment of non-Muhammadans as mechanical drawing officers on the ——. 995.
Appointment of Traffic Inspectors on the ——. 986.
Appointments on the ——. 112.
Arrears of pay of certain clerks promoted by the Chief Accounts Officer, ——. 1061-62.
B Class Maclagan Engineering apprentices on the ——. 2401.
Casual leave for officers and clerks on the ——. 2396.
Communities of clerks, etc., on the ——. 1233.
Creation of a post of Chief Personnel Officer on the ——. 1599.
Discharge of Muslim clerks from the Headquarters office, ——. 1601-02.
Divisional organisation on the ——. 59.
Duties of Personnel Officers at the Headquarters office, ——. 1602.
Employees of the —— retrenched. 655-56.
Employees retrenched on the ——. 1598.
Employment of Hindus on the ——. 993-96.
Endorsement of passes of officers and clerks on the ——. 2394-95.
English time tables of the ——. 32-33.
Family Pass Rules on the ——. 2397-98.
Grant of concessions to clerks of the —— offices for attending office on Sundays and holidays. 2403.
Grievances of Muslim watermen on the ——. 105-06.
Head Draftsman, Loco. Headquarters Office, ——. 2398.
Higher grades in Establishment Branches of Headquarters and Divisional Superintendents' Offices on the ——. 2402.
Hindus and Muhammadans employed as drivers, etc., on the ——. 563.

RAILWAY(S)—*(contd.)*
North Western—*(contd.)*
Question *re*—*(contd.)*
Lack of notice to staff retrenched in the office of the Chief Accounts Officer, ——. 607.
Leave rules on the ——. 708-09, 2393-94.
Local purchases by the ——, Medical Department. 1514-15.
Mechanical drawing officers on the ——. 995.
Medical certificates required from the —— employees. 2399.
Medical Examination of railway employees on the ——. 826.
Medical treatment of employees on the ——. 2399.
Misuse of passes on the ——. 1512-14.
Muslim Assistant Surgeons on the ——. 111-12.
Muslim personnel officers in the ——. 1598.
Muslim representation in appointments on the ——. 1003-04.
Muslim representation in the ——, Medical Department. 1510-12.
Muslim appointed as Office Superintendents and Head Clerks on the —— and East Indian Railways. 1945-46.
Muslims appointed as Personnel Officers on the ——. 1926.
Muslims promoted to the Superior Revenue Establishment of the ——. 1925-26.
Non-appointment of Indians as Chief Draftsmen on the ——. 996.
Non-appointment of Muslims to the Headquarters Office, ——. 1600.
—— Co-operative Credit Society. 1618.
Number and communities of staff in each Division of the ——. 1945.
Number of Indian Medical Department Assistant Surgeons on the ——. 542.
Officers' and clerks' grades on the ——. 563-64.
Paucity of Hindus in Workshops on the ——. 2398-99.
Paucity of Muslims in the lower gazetted service of the ——. 1598.
Pay and mileage allowance of ticket examiners on the East Indian and ——. 617.
Pay of lady typists on the ——. 2395.
Pay of the Litigation Officer, ——. 562.
Promotion of Assistant Station Masters in the Delhi Division of the ——. 825.
Promotion of clerks at the Headquarters office, ——. 2402-03.
Promotion of firemen, etc., on the ——. 2202-03.
Promotion of guards on the ——. 2384.
Promotion of Mr. S. R. Woodmore, officiating Chief Draftsman, ——. 563.
Promotion of typists on the ——. 2395-96.
Promotions in leave vacancies on the ——. 564.
Provision for railway employees failing in the medical examination on the ——. 826.
Purchase of emergency equipment by the ——, Medical Department. 1515-16.
Qualifications of lady stenographers and typists on the ——. 2395.
Recall of a provision pass previously in possession of the Sub-Divisional Officer, ——. 2382-83.
Recruitment of Assistant Surgeons on ——. 542.
Recruitment of Boy Firemen on the ——. 995.
Reduction of the pay of the Chief Engineer, Construction, ——, and his staff. 2400.
Reflooring and relining of walls in the —— Headquarters Office. 2401.
Reorganisation of the office of the Chief Personnel Officer, ——. 564.

RAILWAY(S)—(*contd.*)
North-Western—(*concld.*)
Question *re*—(*concld.*)
Retrenchment in the office of the Chief Accounts Officer, ——. 565-66, 607-10.
Retrenchment of certain Junior Inspectors of Accounts on the ——. 2471-72.
Retrenchment of Mussalman employees on the ——. 656.
Retrenchment of officers and workmen on the ——. 2396.
Retrenchment of works managers, etc., of the Loco. and Carriage shops, ——. 2397.
Retrenchments effected by the Chief Accounts Officer, ——. 1061.
Retrenchments in the Delhi Division of the ——. 1004-05, 1925.
Reversion to lower posts of officiating men on the ——. 710-11.
Reversion to previous appointments of certain Assistant Surgeons on the ——. 112.
Seniority lists of staff of the Chief Accounts Office, ——. 707-08.
Supersession of certain officers on the ——. 1599-1600.
System of ticket checking on the —— and East Indian Railways. 613-14.
Ticket-checking on the ——. 812.
Traffic Inspectors, Station Masters and Assistant Station Masters on the ——. 976.
Traffic Manager, ——. 2393.
Statement (laid on the table) by Mr. P. R. Rau *re*—
Appointment of Chief Draftsman on the ——. 2409.
Head Draftsman, Loco. Headquarters Office, ——. 2854.
Muslim clerks discharged from the office of the Chief Medical Officer, ——. 2616.
Oudh and Rohilkhand—
Question *re*—
House rent and mileage allowances of ticket-checking staff of the East Indian and.——. 621.
Subordinates promoted on the East Indian and ——. 2408.
Question *re*—
Abolition of —— Dining Saloons. 1134-35.
Alleged racial discrimination in appointments of senior subordinates on the ——. 628-29.
Appointment of Indians to high offices and to Advisory Committees on ——. 106.
Appointment of trained apprentices on ——. 1520.
Construction of a —— line between Hubli and Kumpta. 1941.
Construction of —— lines between Dohad or Rutlam and Galiakot. 358.
Cost of the —— Court of Inquiry. 107.
Cut in salaries of —— employees. 809.
Employment on —— of sons of —— servants. 654.
Excess freight charged to traders by certain ——. 1228.
Expenditure on the Watch and Ward Department on ——. 626.
Free railways passes on foreign ——. 715-16.
Indian Christians employed on ——. 1243-45.
Moody-Ward System of —— ticket-checking. 611.
Number of Indian Medical Department Assistant Surgeons on various ——. 1684.
Pass Rules on ——. 1398.
Passes issued to lady employees on ——. 2400-01.
Promotion of *ex*-War services men on ——. 1262-63.

RAILWAY(S)—(*concld.*)
Question *re*—(*concld.*)
Powers of Agents and Divisional Superintendents on ——. 65-66.
—— concession for the transport of Khewra salt to Calcutta. 1136.
—— saloons provided for —— officials. 31-32.
—— system of accounting. 2094.
—— ticket-checking systems. 2207, 2207-09.
Recruitment of Muslims as apprentice mechanics on various ——. 1233.
Utilisation of fine funds on ——. 653.
Rohilkhand and Kumaon—
Question *re* purchase of the Bengal and North-Western and ——. 997.
State—
Question *re*—
Administration of ——. 65.
Appointment of Indians as officers on ——. 2401.
Communities of Engineers in ——. 2474.
Condonation of break in service of —— employees. 808-09.
Increase of hours of clerical establishment on ——. 2403.
Lower gazetted service on ——. 811.
Percentage of different communities on the subordinate staff of ——. 1074.
Qualifications and communities of Engineers in ——. 2473.
Recruitment of staff in —— Accounts Offices. 717.
Reports of Mr. K. M. Hassan on employment of Muslims on ——. 1600.
Retrenchment of high officials in the Railway Board and ——. 58-59.
Retrenchment of officials on —— nearing the age of superannuation. 2354-55.
Retrenchment of superior officers on ——. 1533-34.
Separation of Audit and Accounts Department of ——. 1532.
Staff and Financial Officers on ——. 1672.
Termination of the services of temporary Engineers on ——. 810-11.
Statement (laid on the table) by Mr. P. R. Rau *re* reduction of certain appointments on ——. 2499.
State-managed—
Question *re*—
Cost of investigation to reduce periodical returns of ——. 625.
Percentage of Muslims employed on ——. 976.
South Indian—
Question *re*—
Contracts for bookstalls on the —— and Madras and Southern Mahratta Railways. 1131.
Monthly Railway Time Table issued by the ——. 1133.
Percentage of appointments held by Indian Christians on the ——. 560-62.
—— Printing Contract with Messrs. Hoe and Company. 1134.

RAILWAY ACCOUNTING SYSTEM—
See " Accounting System ".

RAILWAY ACCOUNT(S)—
Question *re*—
Candidates for an examination held by the Controller of ——. 1672.
Confirmation of —— probationers. 717-18.

RAILWAY ACCOUNTS EXAMINATION—
See " Examination(s) ".

RAILWAY ACCOUNTS OFFICE(S)—
See " Accounts Office(s) ".

RAILWAY ACCOUNTS SERVICE—
Question *re* representation of Muslims in the subordinate ——. 1699-1700.

RAILWAY APPRENTICE(S)—
Question *re* allegations in regard to —— in Jamalpore. 67—68.
See also " Apprentice(s) ".

RAILWAY AUDIT—
Question *re* staff of the office of the Director, ——. 701.

RAILWAY AUDIT AND ACCOUNTS DEPARTMENT(S)—
Question *re* Muslim grievances in the ——. 976-77.

RAILWAY AUDIT OFFICE(S)—
See " Audit Office(s) ".

RAILWAY AUDIT SERVICE—
Question *re*—
Appointment of Muhammadans in the ——. 2392.
Number of Muhammadans in the ——. 2392.
See also " Audit Service(s) ".

RAILWAY BOARD—
Demand for Grant. 1322.
Demand for Excess Grant. 929.
Motion to reduce Demand for—
" —— " *re*—
Abolition of the ——. 1323-30.
Conveniences of the travelling public. 1383-1402.
Favouritism in the railways. 1436-46.
Future of the —— and the constitutional aspect. 1462-1504, 1535-78.
Indianisation of superior services. 1578-80.
Lack of supervision and control over Company-managed railways. 1447-62.
Railway retrenchment policy. 1402-35.
Representation of Muslims in the railway services. 1331-75.
Question *re*—
Age and service of staff in the ——'s office. 1697-98.
Allowances in the office of the ——. 1315-16.
Appeals of travelling ticket inspectors to the Secretary, ——. 1938-39.
Appointment of Sikhs to the office of the ——. 985, 1669-70.
Exclusion of the ——'s establishment in the report of Mr. K. M. Hassan. 1694.
Instructions issued by the —— *re* criteria to be observed in discharge of railway employees. 1700-01.
Memorials withheld by the ——. 1586, 1587.
Pay of the Cashier, ——. 1698.
Percentage of Muslim Assistants and clerks in the ——'s office. 1695.
Railway passes allowed to the Cashier, ——. 1698-99.
Redress of communal inequality in the ——'s Office. 1696.
Reduction in cost of officers on special duty with the ——. 627.
Report of Mr. K. M. Hassain, Officer on special duty, ——. 975.
Retrenchment of high officials in the ——, and State Railways. 58-59.
Retrenchment proposals of the ——. 1663-64.
Seniority list of establishment in the ——'s office. 1696.

RAILWAY BUDGET—
See " Budget—Railway ".

RAILWAY BUNGALOW—
Question *re* sub-letting of a —— in Rawalpindi. 2383.

RAILWAY CENTRE(S)—
Question *re* orders for wireless apparatus for —— in India. 819.

RAILWAY CLEARING ACCOUNTS OFFICE—
Question *re*—
Alleged threatening of Muslim clerks in the ——. 2362.
Pay sheets of the ——. 2362.
Provision of quarters for the staff of the ——, Delhi. 2560-61.
Retrenchment of Hindus and Sikhs in the ——. 1671-72.
Seniority list of the ——. 2362.
See also " Accounts Office ".

RAILWAY COMPANY—
Question *re* complaints against the —— by the *ex*-Station Master, Katni. 1227-28.

RAILWAY CONFERENCE ASSOCIATION—
Question *re* expenditure on the office of the ——. 626.

RAILWAY COURT OF ENQUIRY—
See " Court of Enquiry ".

RAILWAY DEPARTMENT—
Question *re*—
Allowance of daftries in the ——. 1317-19.
Promotions in the ——. 823.
Retrenchment in the ——. 1618.

RAILWAY EMPLOYEE(S)—
Question *re*—
Facilities for Hindu —— at Tundla for the Dewali festival. 71.
Indebtedness among ——. 880-81.
Medical examination of —— on the North Western Railway. 826.
Provision for —— failing in the medical examination on the North Western Railway. 826.
See also " Employee(s) ".

RAILWAY HOSPITAL—
See " Hospital ".

RAILWAY LINE(S)—
Statement (laid on the table) by the Honourable Sir George Rainy *re* net earnings on certain newly constructed ——. 2409-12.

RAILWAY MAIL SERVICE—
Question *re*—
Appointment of members of minority communities in the ——. 1534.
Appointment of Sikh porters and van peons in the ——. Delhi. 1680.
Appointment of Sikhs as porters in the Delhi ——. 1679.
Appointments abolished in the Central Circle of the Postal and ——. 35.
Attendance at the Railway platforms of —— sorters. 2547-49.
Dissatisfaction among staff of the —— " A " Division. 2721.

RAILWAY MAIL SERVICE—(*concld.*)
Question *re*—(*concld.*)
Porters appointed to the —— " A " Division. 2721.
Porters of the —— " A " Division removed from service. 2721.
Railway passes for —— Inspectors. 1592-93.
Sikh officials in the —— in the Punjab. 1679.
Transfer of Inspectors of the —— Punjab Circle. 1679-80.

RAILWAY MEN—
Question *re* promotion of *ex*-War service ——. 2204.

RAILWAY OFFICERS—
Question *re* retrenchment of —— in divisions or at headquarters. 59.

RAILWAY OFFICIALS—
Question *re* Railway saloons provided for ——. 31-32.
See also " Official(s) ".

RAILWAY PASS(ES)—
Question *re* free —— on foreign railways. 715-16.
See also " Pass(es) ".

RAILWAY PLATFORM(S)—
See " Plantform(s) ".

RAILWAY PUBLICITY—
Question *re* use of the vernacular press for ——. 875-76.

RAILWAY QUARTERS—
Question *re* lack of water taps in —— at Paharganj. 826-27.

RAILWAY RETRENCHMENT SUB-COMMITTEE—
Question *re* Report of the ——. 1531.
See also " Retrenchment Committee ".

RAILWAY SALOONS—
Question *re* —— provided for Railway Officials. 71.
See also " Saloon(s) ".

RAILWAY SCHOOL(S)—
Question *re*—
Status as Government servants of the teachers in the —— at Tundla. 67.
Status of Headquarters in ——. 2479-80.

RAILWAY SERVANT(S)—
Question *re* retrenchment of Muslims ——. 2360.

RAILWAY SERVICE(S)—
Motion to reduce demand for " Railway Board " *re* representation of Muslims in the ——. 1331-75.
Question *re*—
Appointment of certain officers in the ——. 562-63.
Muslim representation in —— in East Bengal. 1015.
Report on the representation of Minority communities in ——. 1074-75.
Representation of Muslims in ——. 558-59, 1005-15.

RAILWAY STAFF—
Question *re*—
Dissatisfaction amongst —— of the Howrah Goods Shed. 878.
Grievances of —— of the Howrah Goods Shed. 878-79.
See also " Staff ".

RAILWAY STAFF COLLEGE—
See " College(s) ".

RAILWAY STATION(S)—
See " Station(s) ".

RAILWAY SUBORDINATES—
See " Subordinate(s) ".

RAILWAY TICKET CHECKING—
See " Ticket Checking ".

RAILWAY TIME TABLE—
Question *re* monthly —— issued by the South Indian Railway. 1133.

RAILWAY WORKSHOP(S)—
See " Workshop(s) ".

RAINY, THE HONOURABLE SIR GEORGE—
Bamboo Paper Industry (Protection) Bill—
Motion for leave to introduce. 398.
Motion to refer to Select Committee. 505-09, 518, 520-22.
Motion for extension of time for representation of the Report of the Select Committee. 781.
Presentation of the Report of the Select Committee. 851.
Motion to consider Select Committee's Report. 1080-82, 1087, 1101, 1112, 1113, 1117, 1120-24.
Consideration of clause 2. 1142.
Consideration of clause 4. 1148-51.
Motion to pass. 1153, 1158.
Demand for Grant in respect of—
Foreign and Political Department. 2291-92.
Railway Board. 1322.
Expressions of regret on the death of—
Mr. F. W. Allison. 2668.
Mr. K. V. Rangaswami Iyengar. 2608-09.
Sir Bomanji Dalal. 3027-28.
The Hon'ble Mian Sir Muhammad Shafi. 13-14.
General Discussion of the Railway Budget. 1289, 1299, 1304-09.
Indian Air Force Bill—
Motion to postpone consideration. 2919-21.
Indian Companies (Supplementary Amendment) Bill—
Motion for leave to introduce. 166.
Motion to consider. 393.
Motion to pass. 393.
Indian Partnership Bill—
Consideration of clause 44. 905.
Motion to pass. 924.

RAINY THE HONOURABLE SIR GEORGE—(*contd.*)

Message from His Excellency the Viceroy and Governor General appointing —— to perform the functions assigned to the Finance Member on the occasion of the general discussion of the Railway Budget. 1017.

Motion for Adjournment *re*—

Alleged maltreatment of women political prisoners. 2458-60.

Arrest and internment of Mahatma Gandhi. 104.

Publication in the Press of the Assembly speeches. 661-62.

Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in Jail. 2786-87, 2839-41, 2843.

Motion *re*—

Election of members to the Central Advisory Council for Railways. 1826, 1827-28.

Election of the Standing Finance Committee. 1812, 1813, 1824-25.

Election of members to the Standing Finance Committee for Railways. 1826.

Motion to reduce Demand for—

"Executive Council" *re*—

Constitutional issue. 1980-81.

Lack of supervision over the coal transactions of the railways. 2165-69, 2171, 2172.

Royal Commission on Labour. 2153-54.

Separation of Burma from India. 2189-91, 2192.

"Railway Board" *re*—

Abolition of the Railway Board. 1327-29.

Conveniences of the travelling public. 1398-1401.

Future of the Railway Board and the constitutional aspect. 1483, 1570-74, 1576.

Railway retrenchment policy. 1413, 1428, 1434.

Representation of Muslims in the railway services. 1372-74.

Obstructions of Members entering the Assembly Chamber. 1079.

Point of order—

Raised by —— as to whether an Honourable Member who had not passed through the lobby at the proper time is entitled to vote. 2007.

Raised by —— as to whether the question of subvention to the North-West Frontier Province can be raised on the Demand for Grant in respect of the Legislative Assembly and Legislative Assembly Department. 2289.

Raised by —— that as the railway collieries supply coal only to the railways, the criticism of the administration of these collieries is pertinent rather to the Railway Budget than to the General Budget. 2162-63.

Presentation of the Railway Budget for 1932-33. 1188-96.

Report on financial questions arising out of the proposed separation of Burma from India. 3024.

Resolution *re*—

Duties on galvanised iron and steel pipes and sheets. 1255-59, 1158, 1161-63, 1171, 1175-76.

Recent Ordinances. 281-84, 319.

Statement *re*—

Draft Convention and Recommendations *re* protection against accidents of workers employed in loading and unloading ships. 2818-19.

South Africa. 2963.

Statement (laid on the table) by —— *re* grant of extensions of service to officers of the Income-tax Department, Bombay. 1811.

Statement of Business by ——. 722, 166, 937-38, 1188, 1534-35, 2229-31, 2851-52.

RAINY, THE HONOURABLE SIR GEORGE—(*concld.*)
Sugar Industry (Protection) Bill—
Motion for leave to introduce. 398.
Motion to refer to Select Committee. 495-98.
Motion for extension of time for presentation of the report of the Select Committee. 781.
Presentation of the report of the Select Committee. 1080.
Motion to consider. 2821-24.
Motions to consider and to postpone. 2861, 2864-65.
Consideration of clauses 3 and 4. 2870.
Consideration of clause 5. 2873-74.
Consideration of clause 6. 2875.
Motion to pass. 2876, 2879.
Wheat Import Duty (Extending) Bill—
Motion for leave to introduce. 495.
Motion to consider. 682-84, 688-90, 693-94.
Motion to pass. 694.
Point or order raised by —— as to whether the extension of the period of the duty proposed by an amendment in a taxing measure requires the previous sanction of the Governor General. 689.
Wire and Wire Nail Industry (Protection) Bill—
Motion for leave to introduce. 398.
Motion to refer to Select Committee. 499-501, 504-05.
Presentation of the Report of the Select Committee. 781.
Motion to consider. 1019-20, 1037-39.
Motion to pass. 1040.

RAJAH, RAO BAHADUR M. C.—
Election of —— to the Public Accounts Committee. 2612.
Election of —— to the Standing Committee on Emigration. 2490.
Question *re*—
Inconvenient timings of the Grand Trunk Express. 548.
Instructions *re* reduction of pay and retrenchment of personnel by the Government of Madras. 29.
Overcrowding and catering on the Grand Trunk Express. 547.
Quarters for duftries. 1686.
Retrenchment concessions. 548.
Retrenchment of staff in the office of the Deputy Controller of Currency, Madras. 28-29.
Selection of persons for retrenchment in various Departments. 29-30.

RAJAN BAKHSH SHAH, KHAN BAHADUR MAKHDUM SYED—
General discussion of the General Budget. 1291-93, 1734, 1919-22.
Question *re* commercial audit in Government factories. 1933-34.

RAJPUTANA—
Demand for Grant. 2342.
Demand for Excess Grant. 928.
Question *re*—
Minimum marks required for passing into a higher standard in schools in Ajmer-Merwara, ——, etc. 2387.
Minimum pass marks in schools in —— and Delhi. 2388.

RAMSAR—
Question *re* closing of a dispensary at ——. 538-39.

RAMZAN—
Question *re* office hours of Muslim employees of the office of the Director General of Posts and Telegraphs, during the ——. 1234.

RANGACHARIAR, Diwan Bahadur T.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1091-94.
Motion to pass. 1153-54.
Demand for Excess Grant in respect of—
Appropriation from the Reserve Fund. 930.
Indian Posts and Telegraphs Department. 928.
Lighthouses and Lightships. 927.
Demand for Supplementary Grant in respect of—
Council of State. 933.
Interest on Miscellaneous Obligations. 932.
Loans and Advances bearing interest. 935
Mint. 934.
Hindu Marriages Dissolution Bill—
Motion to re-circulate. 962.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 760-62.
Indian Partnership Bill—
Motion to consider. 786, 787, 793-97, 802, 803, 804, 805, 806.
Consideration of clause 19. 884-85.
Consideration of clause 30. 887-88, 889, 890, 891-93, 894.
Consideration of clause 32. 895-96.
Consideration of clause 45. 905.
Consideration of clause 57. 905-06.
Consideration of clause 68. 914, 915.
Consideration of clause 69. 922.
Question (Supplementary) *re*—
Contract for clothing entrusted to Messrs. Hoe and Company. 1132.
Interception of a telegram addressed to Mr. Tom Williams. 814.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1029-30.

RANGA IYER, Mr. C. S.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 403, 432, 434, 664-68, 676.
Motion to consider. 1856, 1919.
Motion to amend clause 2. 2507-08.
Motion to pass. 2690-92.
Demand for Grant in respect of—
Foreign and Political Department. 2294-95.
Indian Posts and Telegraphs Department (including Working Expenses). 2275-81, 2287.
Expressions of regret on the death of—
Mr. F. W. Allison. 2668-69.
Mr. K. V. Rangaswami Iyengar. 2809.
Sir Bomanji Dalal. 3028.

RANGA IYER, Mr. C. S.—(*contd.*)
Foreign Relations Bill—
Motions to consider and to circulate. 2749-50, 2755.
Consideration of Clause 2. 2816.

General Discussion of the General Budget. 1761.

General Discussion of the Railway Budget. 1293-96.

Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 491.
Motions to refer to Select Committee and to re-circulate. 737-40.

Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 103-04, 442-49, 452.

Indian Air Force Bill—
Motion to consider. 2924-25.

Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2977.

Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2447-50.
Arrest and internment of Mahatma Gandhi. 104.
Publication in the Press of the Assembly speeches. 657-59, 663.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in Jail. 2787-88, 2841-44.

Motion to reduce Demand for—
"Customs" *re*—
Insufficient economy effected by Government under Customs. 2247-49, 2250, 2252, 2264.

"Executive Council" *re*—
Avoidance of income-tax. 2102-03.
Indianisation of the Army. 2125-27, 2141.

"Public Service Commission" *re*—
Inadequate retrenchment. 2328-32.

"Railway Board" *re*—
Favouritism in the railways. 1445.
Future of the Railway Board and the constitutional aspect. 1462-78, 1492, 1493, 1495, 1502, 1503, 1539, 1547, 1562, 1574-78.
Indianisation of superior services. 1578.
Representation of Muslims in the railway services. 1369-70.

Obstruction of Members entering the Assembly Chamber. 1079, 1080.

Point of order raised by—
As to whether an Honourable Member who is directly and personally concerned with the affairs of a contracting firm is entitled to take part in a debate concerning it. 2156-58.
As to whether it is proper for an Honourable Member to refer to private conversations in the course of supplementary questions and secure confirmation thereof. 1617.

Port Haj Committees Bill—
Motion to refer to Select Committee. 3004, 3005, 3006.

Public Suits Validation Bill—
Motion to postpone consideration. 2946-47.
Consideration of clause 3. 2963.

RANGA, IYER, Mr. C. S.—(*concld.*)
Question *re*—
Classification of political prisoners. 2777-80.
Letter by Members of Legislative Assembly on the future constitution of India. 2715-16.
Participation of India in the Imperial Economic Conference at Ottawa. 2910.
Question (Supplementary) *re*—
Censorship of press messages regarding proceedings of the Assembly. 1077.
Constitutional problems of backward tracts. 623.
Discontinuance of a through carriage on an East Indian Railway Express. 2217.
Expulsion of certain citizens from Mhow Cantonment. 2212.
Reduction in British and Indian regiments in India. 56.
Secret European circular regarding the Reforms. 2727.
The Indian National Congress. 2379.
Report on financial questions arising out of proposed separation of Burma from India. 3025, 3043-44.
Resolution *re*—
Establishment of a Supreme Court in India. 599-601.
Recent Ordinances. 222, 225-28, 245, 246, 247, 248, 277, 297.
Resolution to amend the previous resolution on roads. 3012.
Sugar Industry (Protection) Bill—
Motion to consider. 2829.
Motions to consider and to postpone. 2865
Motion to pass. 2877-78.
Statement by Mr. President on ——'s motion for adjournment *re* publication in the Press of the proceedings of the Legislature. 721-22.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2986.

RANGE OFFICE(S)—
Question *re* abolition of —— at Dacca and Shillong. 713-14.

RANGOON—
Question *re*—
Alleged Racial discrimination in the medical examination of lady passengers embarking at Calcutta for ——. 2578-79.
Carriage of Air Mail between —— and Karachi. 979-80.
Statement (laid on the table) by Mr. G. M. Young *re* medical examination of lady passengers embarking at Calcutta for ——. 2912.

RANK(S)—
Question *re*—
Decisions of Courts Martial refused to Indian ——. 637-38.
Dismissal of Indian ——. 637.
Pensions admissible to widows and mothers of deceased ——. 637, 1691.
Pensions granted to —— re-engaged for the Great War. 636.
Pensions of —— re-engaged for the Great War. 1690-91.

RASTOGI, Mr. BADRI LAL—
General Discussion of the General Budget. 1785.
Question *re*—
Census figures. 650-51.
Construction of waiting rooms at stations on the Bukhtiarpore-Bihar Light Railway. 629.

RASTOGI, Mr. BADRI LAL—(*concld.*)
Question *re*—(*concld.*)
Control and maintenance of reserved subjects of police, Income-tax, etc. 807.
Inconvenient timings of trains at Bukhtiarpore junction station. 629.
Modification of the Ordinances. 876.
Nine-pie postcards and sixteen-pie envelopes. 652.
Percentage of education and proportion enfranchised. 651.
Persons returned to the Legislative Assembly by the Patna *cum* Shahabad Non-Muhammadan constituency. 2909.
Reports of Retrenchment Committees and places visited by them. 630-32.
Stamps for letters addressed to postal officials. 651-52.
Taxes and duties imposed by the Government of India and Budget Surpluses and Deficits. 2908-09.
Third class accommodation provided for Secretariat employees moving to Simla from New Delhi. 2554.

RATE(S)—
Question *re* —— for common labour in the Delhi Province. 2009.

RATES BRANCH—
Question *re* non-transfer of staff of —— and Claims Branch in the Great Indian Peninsula Railway. 1066.

RATES WORK—
Question *re* recruitment of certain European Officers for —— and Claims work in the Great Indian Peninsula Railway. 1066.

RAU, Mr. P. R.—
Oath of Office. 1923.
Statement (laid on the table) by —— *re*—
Head Draftsman, Loco. Headquarters Office, North-Western Railway. 2854.
Schools for children of railway employees at Gorakhpur. 2854.

RAWALPINDI—
Question *re*—
Construction of offices in the garden of the Lansdowne Institute, ——. 1594-95.
Sub-letting of a Railway Bungalow in ——. 2383.

RECEIPT BOOK—
Question *re* loss of excess fare ——. 2210.

RECOMMENDATIONS—
Question *re*—
—— for retrenchment in connection with the Indian Stores Department. 41.
Statement *re* Draft Convention and —— *re* protection against accidents of workers employed in loading and unloading ships. 2818-19.

RECORD SORTER(S)—
Question *re*—
Application of the 10 per cent. cut in pay to duftries and ——. 807-08.
Old ——, jamadars and peons retained in the Government of India Secretariat. 1685.
Statement (laid on the table) by the Honourable Sir George Schuster *re* old ——, jamadars and peons retained in the Government of India Secretariat. 2852.

RECREATION(S)—
Question *re* provision of facilities for ——, etc., of press employees in New Delhi. 2551-52.

RECRUITMENT—
Question *re*—
—— of Assistant Surgeons on the North-Western Railway. 542.
—— of certain European Officers for Rates and Claims work in the Great Indian Peninsula Railway. 1066.
—— of Indians and Europeans to the Indian Civil Service and Indian Police Service. 25-27.
Stopping of permanent —— for the post office. 2546.

REDDI, Mr. T. N. RAMAKRISHNA—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1852-54, 1880, 1881.
Motion to amend clause 4. 2676-78.
Demand for Grant in respect of Home Department. 2321-24.
Election of —— to the Public Accounts Committee. 2612.
General Discussion of the General Budget. 1752-54.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Commmitee. 461, 463.
Motion to reduce Demand for—
"Executive Council" *re*—
Avoidance of income-tax. 2105-07.
Question *re*—
Censorship of Press messages of proceedings of the Legislative Assembly. 1231.
Census enumeration of Christian and Muhammadan depressed classes. 1232.
Communities of clerks employed in Military Dairy Farms. 1003.
Employment of clerks for checking accounts on Military Dairy Farms. 1003.
Employment while on leave of Colonel Halland, Senior Superintendent of Police, Delhi. 1126.
Formation of Franchise Committees of the Central Legislature. 875.
Indian Overseers and Munshis in Military Grass Farms. 1002.
Muslims employed in Military Grass Farms. 1002.
Promotion of Indians in the Bridge Department of the Great Indian Peninsula Railway. 823-24.
Promotion of lower subordinate staff in the Engineering Department of the Great Indian Peninsula Railway. 823.
Promotions in the Railway Department. 823.
Rate of interest allowed on the General Provident Fund. 1232.
Superior staff on the various Port Trusts. 1231.
Training of Bridge Inspectors on the Great Indian Peninsula Railway. 824-25.
Question (supplementary) *re* classification of political prisoners. 2780.
Resolution *re* Imperial Bank of India. 112-17, 124.

REDUCTION—
Question *re*—
Instructions *re* —— of pay and retrenchment of personnel by the Government of Madras. 29.
—— in British and Indian regiments in India. 56.
—— of posts of Junior Inspectors of Station Accounts on the Great Indian Peninsula Railway. 1071.

REFORM(S)—
Motion for Adjournment *re* unsatisfactory reply of the Leader of the House in regard to the expediting of the —— with Mahatma Gandhi in jail. 2785-88, 2829-47.

REFORM(S)—*(contd.)*
Question *re*—
Administrative position of Berar in relation to constitutional ——. 48.
Members of the Frontier —— Advisory Committee. 556.
—— for the North-Western Frontier Province. 552.
Secret European circular regarding the ——. 2721-28.

REFUND(S)—
Demand for Grant. 2341.
Demand for Supplementary Grant. 935.
Question *re* —— in respect of excess fares recovered. 2210.

REGIMENT(S)—
Question *re* reduction in British and Indian —— in India. 56.

REGISTRATION—
Question *re*—
—— of partnership firms under the Income-tax Act. 2657.
See " Indian —— (Amendment) Bill " under " Bill(s) "—

REGULATION(S)—
Question *re*—
—— for the Army in India Reserve of Officers. 654-55.
Removal of the North-West Frontier Crime ——. 1602-03.
Sale price of bye-laws and —— in Cantonments. 748.

REGULATION III of 1818—
Question *re*—
Allowances permitted for certain prisoners detained under ——. 2363-64.
Procedure followed under ——. 980-81.

RELATIVES—
Question *re* —— in the Office of the Assistant Director of Ordnance Services (Provision). 1622.

RELEASE—
Question *re*—
Delay in the —— of a prisoner after payment of a fine. 1663.
Representation from religious leaders for the —— of Mahatma Gandhi. 550-51.
Rumoured —— of Mr. Gandhi. 357.

RELIGIOUS BOOK—
See " Book(s) ".

RELIGIOUS LEADER(S)—
Question *re* representation from —— for the release of Mahatma Gandhi. 550-551.

REMITTANCES—
Question *re* national wealth, ——, incomes, pay and allowances, etc .1380.

RENT(S)—
Question *re*—
High water meter —— in New Delhi. 1929.
Levy of income-tax on —— of unoccupied houses. 1380.
—— of quarters of employees of the Government of India Press, New Delhi. 2544.
—— paid for the Bow Bazar Post Office. 2663.
Rules for the recovery of —— for Government buildings in Simla and Delhi. 1001-02.

REORGANISATION—
Question *re* —— of the office of the Chief personnel Officer, North-Western Railway. 564.

REPATRIATION—
Question *re* —— of Indians from Malaya. 335.

REPORT(S)—
Consideration of the —— of the Public Accounts Committee. 1181-86, 1196-1214.
Presentation of the —— of the Public Accounts Committee. 379-92.
Question *re*—
Exclusion of the Railway Board's establishment in the —— of Mr. K. M. Hassan. 1694.
Hide Cess Enquiry Committee's ——. 641.
—— of Mr. K. M. Hassan on employment of Muslims on State Railways. 1600.
—— of Mr. K. M. Hassan, officer on special duty, Railway Board. 975.
—— of Retrenchment Committee. 364.
—— of Retrenchment Committees and the places visited by them. 630-32.
—— of Retrenchment sub-Committees. 1136.
—— of the Archæological Department. 2356-57.
—— of the committee of enquiry into the riot at Dera Ismail Khan. 537-38.
—— of the Railway Court of Enquiry. 1946.
—— of the Railway Retrenchment sub-Committee. 1531.
—— of the Royal Commission on Labour. 1528-29.
—— on economic and financial relations between British India and Indian States. 41.
—— on the encroachments on Muslim burial grounds in Ajmer. 1255.
—— on the health and treatment of certain prisoners. 2364-65.
—— on the representation of minority communities in Railway service. 1074-75.
—— on financial questions arising out of the proposed separation of Burma from India. 3014-25, 3030-50.
Statement (laid on the table) by the Honourable Sir George Schuster *re* —— on the Howard-Nixon Memorandum regarding financial questions arising out of the separation of Burma from India. 2224-29.

REPRESENTATION—
Question *re*—
Indian —— in the Secretariat of the League of Nations. 340-41.
Report on the —— of minority communities in railway service. 1074-75.
—— from religious leaders for the release of Mahatma Gandhi. 550-51.
—— of Muslims in the railway services. 558-59.
—— of the people of Cantonments on the Round Table Conference and its Committees. 750-51.
Sikh —— to the Director, Army Audit, regarding reductions. 1684.

REPRESSIVE POLICY—
Question *re* present —— of the Government. 339.

RESERVE FUND, APPROPRIATION FROM THE—
Demand for Excess Grant. 930-32.

RESERVE OFFICER(S)—
See "Officer(s)".

RESERVED SUBJECT(S)—
Question *re* control and maintenance of —— of Police, Income-tax, etc. 807.

RESOLUTION(S)—
Question *re*—
—— adopted by the Legislative Assembly in 1931. 339.
—— of the Government of Bengal on the shooting at the Hijli detention camp. 1221-23.
—— on the draft Bill to establish a Medical Council in India. 60.
—— passed by the All-India Cantonments Conference. 754-55.
—— *re* High Courts. 1382.
Withholding of —— from the meeting of the Lahore Cantonment Board. 743.
—— *re*—
Appointment of a Committee on Education. 851-74.
Appointment of a committee to hear grievances of retrenched officers. 843-50.
Chief Justices of High Courts. 125-53.
Adopted. 153.
Duties on galvanised iron and steel pipes and sheets. 1055-60, 1158-76.
Establishment of a Supreme Court in India. 571-606.
Hours of work in coal mines. 1177-81.
Imperial Bank of India. 112-25.
Negatived. 125.
Recent Ordinances. 212-66, 267-325.
Stabilisation of exchange and prices. 828-43.
—— to amend the previous —— on roads. 3010-12.
Statement laid on the table *re*—
Action taken on —— adopted by the Legislative Assembly. 567-70.
Non-inclusion of certain —— in the agenda of a meeting of the Lahore Cantonment Board. 2616.

RESTRICTIONS—
Question *re* —— against Indians entering Panama. 527.

RETIREMENT—
Question *re*—
Reduction of pay of an officer previous to ——. 643-44.
—— of officers in Government of India Departments. 35-36.
—— of Postal Officials of 55 years of age or 30 years' service. 2662.

RETRENCHED OFFICER(S)—
Resolution *re* appointment of a committee to hear grievances of ——. 843-50.
See also " officer(s) ".

RETRENCHMENT—
Motion to reduce Demand for—
" Executive Council " *re*—
——. 2025-83.
" Public Service Commission " *re*—
Inadequate ——. 2325-34.
" Railway Board " *re*—
Railway —— policy. 1402-35.
Question *re*—
Definition of " Inefficiency " for purposes of ——. 2373-74.
Distinction between Jains and Hindus in connection with —— in the office of the Accountant-General, Central Revenues. 2717.
Increase of percentage after —— of Hindus in the Archæological Department. 2571-72.
Injustice in —— of men of Accounts and Audit Offices. 879.

RETRENCHMENT—(*contd.*)
Question *re*—(*contd.*)
Instructions *re* reduction of pay and —— of personnel by the Government of Madras. 29.
Maintenance of communal proportions in Departments in connection with ——. 1126-27.
Non —— of low-paid clerks and typists. 880.
Orders regarding —— of staff. 879.
Racial considerations in the —— of posts. 625.
Recommendations for —— in connection with the Indian Stores Department. 41.
Reports of —— Sub-Committees. 1136.
—— affected in various departments. 340.
—— concessions. 548.
—— effected by the Chief Accounts Officer, North-Western Railway. 1061.
—— in Indian Publicity Offices in London and New York. 820.
—— in military expenditure. 2010.
—— in subordinate offices. 1613.
—— in the Archæological Department. 2357-58.
—— in the Army Department. 2370-71.
—— in the Delhi Division of the North-Western Railway. 1004-05, 1925.
—— in the Finance Department. 1611.
—— in the Government of India Press, Aligarh. 1617-18.
—— in the Military Finance Department. 2018-19.
——in the Moradabad Engineering Workshop. 2405.
—— in the office of the Chief Accounts Officer, North-Western Railway. 565-66, 607-10.
—— in the Office of the Chief Engineer, Delhi. 1613.
—— in the Postal Service. 373.
—— in the Railway Department. 1618.
—— in the staff of the Geological Survey of India. 355.
—— of certain junior Inspectors of Accounts on the North-Western Railway. 2471-72.
—— of employees on the North-Western Railway. 1598.
—— of European and Indian Officers in Central Departments. 42.
—— of Government Officers and Staff. 377-78.
—— of high Officials in the Railway Board and State Railways. 58-59.
—— of Hindus and Sikhs in the Railway Clearing Accounts Office. 1671-72.
—— of I. C. S. Officers in the Customs Department. 42-43.
——of Muslim railway servants. 2360.
—— of Mussalman employees on the North-Western Railway. 656.
—— of officers and workmen on the North-Western Railway. 2396.
—— of officers of the Central Board of Revenue. 58.
—— of officers on State Railways nearing the age of superannuation. 2354-55.
—— of one Member of the Executive Council. 56-57.
—— of Railway Officers in divisions or at headquarters. 59.
—— of staff in the office of the Deputy Controller of Currency, Madras. 28-29.
—— of superior officers on State Railways. 1533-34.
—— of the appointments in Arsenals of certain men brought from Arsenals to Army Headquarters. 2575-76.
—— of the employees of the North Western Railway. 655-56.
—— of the post of Superintendent of Post Offices at Dacca. 711-12.
—— of Works Managers, etc., of the Loco. and Carriage Shops, North-Western Railway. 2397.

RETRENCHMENT—(*concld.*)
Question *re*—(*concld.*)
—— proposals of the Railway Board. 1663-64.
—— under Delhi Capital Outlay. 42.
Salary of the Officer in charge of the Mohenjodaro Excavations and —— of his staff. 61-62.
Selection of men for —— in Government Departments. 1610-11.
Selection of persons for —— in various departments. 29-30.
Suggestions for —— in the Ajmer-Merwara Education Department. 376.
Statement (laid on the table) by the Honourable Sir George Schuter *re*—
Sikh representation in regard to —— in the Army Audit Office. 2414.
—— in Accounts and Audit Offices. 1624-25.

RETRENCHMENT COMMITTEE(S)—
Question *re*—
Members of the Legislative Assembly nominated to ——. 656-57.
Recommendations of ——. 378.
Reports of ——. 364.
Reports of —— and the places visited by them. 630-32.
Work of the —— and the Expert Committee. 361.
See also " Committee(s) ".

RETRENCHMENT SUB-COMMITTEE(S)—
See " Committee(s) ".

REVENUE(S)—
Question *re*—
Additional —— from increased income-tax. 1381.
Excise —— collected by the Local Administration in Ajmer-Merwara. 2389.
—— derived from hides and skins export duties. 641-42.
—— sacrificed under section 49 of the Indian Income-tax Act. 2559.
State of Central ——. 338.

REVENUE ESTABLISHMENT—
Question *re* Muslims promoted to the Superior —— of the North Western Railway. 1925-26.

REVERSION—
Question *re*—
—— to lower posts of officiating men on the North Western Railway. 710-11.
—— to Time keeper's posts of certain permanent way Sub-Inspectors. 540.

REVISION—
Statement (laid on the table) by the Honourable Sir George Schuster *re* applications for —— of income-tax in Bombay Presidency. 2613.

RIFLE BRIGADE—
Question *re* expenditure involved in moving the 1st Battalion, the ——. 46-47.

RIFLE FACTORY—
Question *re*—
Apprenticeship training in the —— at Ishapore. 1260-61, 1262, 1948-49.
Examinatoin of apprentices in the —— at Ishapore. 2223-24.
Petition from apprentices in the —— at Ishapore. 2224.
Rights and privileges of existing apprentices at the ——, Ishapore. 1261.
Standard of training of apprentices in the ——, Ishapore. 1261.
Training of apprentices of the —— at Ishapore. 2600-01, 2386.

RIOT(S)—
Question *re* report of the Committee of Enquiry into the —— at Dera Ismail Khan. 537-38.

ROAD(S)—
Election of Members to the Standing Committee for ——. 1264, 1319.
Motion for election of members to the Standing Committee for ——. 1018.
Question *re*—
Bad state of repair of —— between Delhi and New Delhi. 1612.
Classification of certain ——. 438.
Names of —— in New Delhi. 2015-16.
Resolution to amend the previous resolution on ——. 3010-12.

ROHILKUND AND KUMAUN RAILWAY—
See "Railway(s)".

ROMAN CATHOLIC CHURCH—
Question *re* construction of a —— at Mingaladon Cantonment. 2577-78.

ROUBLE NOTES—
Question *re* claims of Indian holders of ——. 2013.

ROUND TABLE CONFERENCE—
Question *re*—
Bengalis appointed on the staff of the ——. 566.
Cost to India of the —— and Committees. 358.
Members nominated for the Committees of the ——. 532-35.
Number of Sikhs on committees of the ——. 1674-75.
Representation of the people of Cantonments on the —— and its Committees. 750-51.
Statement (laid on the table) by the Honourable Sir George Rainy *re* number of Sikhs and members of other communities on Committees of the ——. 2614.

ROUTINE CLERK(S)—
See "Clerk(s)".

ROY, Mr. S. N.—
Oath of office. 2777.

ROYAL AIR FORCE—
Question *re*—
Discharge of a Muslim clerk from the —— Headquarters. 2489.
Number of Muslims and Sikhs in the —— Headquarters. 2488-89.
Saving on the —— as it affects India. 2470.
Training of Indian Cadets for the ——. 2560.

ROYAL COMMISSION ON LABOUR—
Motion to reduce Demand for—
"Executive Council" *re* ——. 2145-55.
Question *re* report of the ——. 1528-29.

RUBBISH—
Question *re* dumping of —— outside the Turkman and Delhi Gates. 1238-39.

RULE(S)—
Question *re*—
Family Pass —— on the North Western Railway. 2397-98.
Leave —— on the North Western Railway. 708-09, 2393-94.
Pass —— on railways. 2398.
—— for the recovery of rents for Government buildings in Simla and Delhi. 1001-02.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIMTOOLA)—

Ballot—

Honourable Members whose names were called can exercise their right of voting till the —— is closed. 378.

Bill(s)—

An Honourable Member is perfectly entitled to give expression to his own view as to what principles are underlying a —— as it stands before the House. 185.

Previous sanction of the Governor General is necessary to move an amendment to extend the period of taxation. 689.

The Chair is bound to protect the rights and privileges of the House and would not allow any very controversial measure to be sprung upon the House at the last moment, but public business has to be done and it is for elected members to decide whether they will avail themselves of the opportunities provided for contributing towards it. 2921.

Cut Motion(s)—

In the case of ——, the Mover is entitled to reply. 1329.

Demand(s) for Grant(s) —— General Budget—

The question of subvention to the North-West Frontier Province is out of order under the —— in respect of the Legislative Assembly and Legislative Assembly Department. 2289.

Demand(s) for Grant(s)—Motion(s) for Reduction—

Motions for practical elimination of the whole Demand will be entertained on the only ground that the Honourable Member wishes to refuse supplies because he does not approve of the whole policy nuderlying the Demand.

Motions for a cut of a nominal figure can be moved to ventilate a specific grievance, but the attempt to obtain priority for cut motions ventilating specific grievances, by moving for whole cuts or practically whole cuts, or very large cuts, cannot be allowed and it is desirable, in order to facilitate the arrangement of priority, that Honourable Members moving for cuts to ventilate specific grievances, should adopt a uniform figure of cut of Rs. 100. Honourable Members, in giving notice of such a cut motion, should restrict themselves to one specific grievance, but there is no limit to the number of cut motion which an Honourable Member may move to ventilate specific grievances. Honourable Members are entitled to move that a Demand be reduced by any amount with a view to effect economy, but in discussing such motions, it is relevant to discuss only how that economy can be effected. 1321-22.

Demand(s) for Grant(s)—Motion(s) for Reduction—Railway Budget—

The subject dealing with the specific grievance of coal purchases cannot be held to be relevant to the motion *re* favouritism in the railways as that word, as explained by the Honourable the Mover, cannot be construed to cover the particular subject which the Honourable Member (Mr. A. H. Ghuznavi) wishes to raise. 1437.

Demand(s) for Supplementary Grant(s)—

No Honourable Member can move a cut motion if the subject matter which he wishes to discuss does not arise under the provision for which a —— is asked for. 1829, 1830-31.

Executive Council—

As the —— is in charge of the entire policy of administration of the Government of India, Honourable Members are in order, when discussing the Demands under the General Budget, in criticising the policy pursued by the —— in the administration of collieries which supply coal only to the railways. 2163.

Interruptions—

In the interests of good debate, Honourable Members should abstain from interrupting very frequently. 2250-51.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIMTOOLA)—(*contd.*)

List of Business—

With the unanimous consent of the House variations in procedure can be allowed. 938.

Miscellaneous—

An Honourable Member cannot ask another Honourable Member to get up and give answers to him. 2154.

As directors of companies, Honourable Members are not personally and directly interested in the contract of the managing agens of such companies and are in order in taking part in the discussion. 2159.

As this House is concerned with public business only, Honourable Members cannot deal, and ought not to deal, in the House with matters which may happen inside parties at their meetings or even inside meetings held by them outside the House. 2295-96.

Honourable Members should restrict themselves to the issue before the House. 1541, 1547-

It is not desirable that any discussion of what happened at party meetings should take place in the House as far as possible, and unless the question of principle is involved, it should not be brought on the floor of the House. 2250-51.

It is perfectly parliamentary to say that the statement made by an Honourable Member is incorrect. 422.

It is unparliamentary to attribute personal motives to Honourable Members. 1964.

Newspapers are not allowed to be read even if they concern the subject under discussion. 2631.

Newspapers should not be read in the Chamber. 1878, 2830.

No Honourable Member can introduce new matter in his reply; he can reply duly to the points which have arisen in the debate. 1462.

No offensive expression is permitted in the House and if the word " rubbish " is believed to be offensive to anyone, it must be withdrawn. 296.

Personal remarks are not permitted. 558.

Repetition in regard to one issue cannot be allowed. 1453.

Responsibility for mentioning private talks in the House rests with the Honourable Member who divulges them. 1438.

The Chair cannot deal with matter appearing in the Press except what directly affects the business of the House. 1080.

Time spent in interruptions cannot be added to the time allowed to each Honourable Member. If he objects to the interruptions, he need not yield. 1267.

Point of Order—

Honourable Members must give way on a ——. 1342.

Honourable Members must give way when a —— is raised. 1342.

Honourable Members raising a —— should take adequate care to accertain the facts before making allegations. 2159.

Question(s)—

Honourable Members in asking —— are not allowed to make suggestions for action. 27.

It is open to any Honourable Member when a supplementary —— is put to raise a point of order as to whether it was a proper supplementary question, but such points cannot arise at a later stage. 1617.

No —— can be asked when a point of order is raised. 1610.

Replies to —— however long are to be read out in the House. 1312.

Replies to —— laid on the table cannot be read in the House. If any Honourable Member wishes to elicit further information on the subject, he should give notice to get it. 1610.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIMTOOLA)—(*concld.*)

Question(s)—(*concld.*)

The practice of sending answers to certain questions to only the Member concerned is not correct procedure. An Honourable Member asks questions with the authority of the Assembly, and the Assembly as a whole is entitled to know the replies to admitted questions given by the Treasury Benches. It is therefore necessary that all questions which have been put in the Assembly should be replied to in the Assembly. 612.

When an Honourable Member asks a question whether Government are aware of certain things, it is perfectly open to Government to say, no they have no knowledge about them. 2214.

Resolution(s)—

An amendment to a resolution, which widens the scope of the original resolution, is out of order. 844-45.

Select Committee(s)—

Honourable Members are not entitled to discuss the proceedings of ——. 1890.

Honourable Members whose names are included in the proposal to serve on a —— are entitled to get up and say that they should be excused from such service. 434.

RUPEE(S)—

Question *re* payment of pensions of members of the Indian Medical Department in —— or Pounds. 1127-28.

RUPEE SECURITY(IES)—

See " Security(ies) ".

RUTLAM—

Question *re* construction of railway lines between Dohad or —— and Galiakot. 358.

RYAN, MR. T.—

Oath of Office. 13.

Statement (laid on the table) by —— *re* subsidy paid for the Mail Motor Service between Salem and Athur. 2852.

S

SADHU(S)—

Question *re* recovery of fares from —— and *Fakirs* travelling without tickets. 619.

SADIQ HASAN, SHAIKH—

Foreign Relations Bill—

Motions to consider and to circulate. 2764-66.

General Discussion of the Railway Budget. 1301.

Motion to reduce Demand for—

" Railway Board " *re*—

Representation of Muslims in the railway services. 1365-69.

Question *re*—

Appointment of Indians as Superintendents of Post Offices in Kashmir. 1946.

Appointment of Muslims on the North Western Railway. 1619-20.

Appointment of Muslims to the North Western Railway Medical Service. 541.

Local purchases by the North Western Railway Medical Department. 1514-15.

SADIQ HASAN, SHAIKH—(*concld.*)
Question *re*—(*concld.*)
Misuse of passes on the North Western Railway. 1512-14.
Muslim representation in the North Western Railway Medical Department. 1510-12.
North Western Railway Co-operative Credit Society. 1618.
Number of Indian Medical Department Assistant Surgeons on the North Western Railway. 542.
Purchase of emergency equipment by the North Western Railway Medical Department. 1515-16.
Recruitment of Assistant Surgeons on the North Western Railway. 542.
Retrenchments in the Railway Department. 1618.
Question (Supplementary) *re* non-employment of Muslim stenographers in the Finance Department. 1253.

SAILORS' HOME—
Question *re* contribution to —— in Bombay and discrimination against Indians. 2589-90'

SALARY(IES)—
Question *re*—
Cuts in —— of railway employees. 809.
Reduction in the —— of travelling ticket checkers on the East Indian Railway. 1939.
Reduction of —— and allowances, etc., of Imperial Services. 2479.
Refund to employees of the Posts and Telegraphs Department of deductions from their ——. 2350.
Rumoured further ten per cent. cut in ——. 354-55.
—— of the Officer in charge of the Mohenjodaro excavations and retrenchment of his staff. 61-62.
Savings in civil expenditure to be effected by the ten per cent. cut in ——. 34-35.
Savings to be effected in Military Departments by the ten per cent. cut in ——. 34.
Scale of — for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 552-55.

SALE PRICE—
Question *re* —— of bye-laws and regulations in cantonments. 748.

SALEM—
Question *re*—
Complaints against the Superintendent of Post Offices, ——. 989.
Subsidy paid for the Mail Motor Service between —— and Athur. 1923.
Statement (laid on the table) by Mr. T. Ryan *re* subsidy paid for the Mail Motor Service between —— and Athur. 2852.

SALOON(S)—
Question *re*—
Abolition of railway dining ——. 1134-35.
Railway —— provided for railway officials. 31-32, 71.

SALT—
Demand for Grant. 2267.
Question *re*—
Additional duty realised on imported foreign ——. 703-04.

SALT—(*concld.*)
Question *re*—(*concld.*)
Expansion of the Khewra —— works. 705.
Export to —— to Calcutta from Karachi. 707.
Imports of foreign, Indian and Aden ——. 705-06.
Kurkutch —— exported from Karachi to Calcutta. 1136.
Prices of —— in the Calcutta market. 706.
Railway concessions for the transport of Khewra —— to Calcutta. 1136.
Realisations from the additional import duty on ——. 440.
Transport facilities for —— in Karachi harbour. 705.

SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL—
See " Bill(s) ".

SANATORIUM—
Question *re* establishment of a Tuberculosis —— at Abbottabad. 2482.

SANDERS—
Question *re* case of —— *versus* Nathuram. 1000-01.

SANDHURST—
Question *re*—
Age for entrance examination for ——. 1931.
Indian Army Cadets admitted to ——. 2720.
Proportion of English and Indian officer instructors in the new Indian ——. 1930.

SANITARY AMENITIES—
Question *re* —— for Karol Bagh, Delhi. 2487-88.

SANT SINGH, SARDAR—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1858-61, 1875, 1904.
Consideration of clause 4. 2644-46.
Code of Criminal Procedure (Amendment) Bill—
Motion for leave to introduce. 942.
Election of —— to the Central Advisory Council for Railways. 2729.
General Discussion of the General Budget. 1764-67.
Indian Air Force Bill—
Motion to refer to Select Committee. 523-24.
Indian Limitation (Amendment) Bill—
Motion for leave to introduce. 943.
Indian Partnership Bill—
Consideration of clause 19A. 886.
clause 25. 886.
clause 28. 887.
clause 32. 902.
clause 59. 907.
clause 68. 912, 918, 919.
Indian Registration (Amendment) Bill—
Motion for leave to introduce. 943.

SANT SINGH, SARDAR—(*contd.*)
Motion for Adjournment *re*—
Alleged maltreatment of women political prisoners. 2442-44, 2460-61.
Unsatisfactory reply of the Leader of the House in regard to the expediting of the Reforms with Mahatma Gandhi in jail. 2834.
Question *re*—
Absence of Sikh accountants in Railway Audit and Accounts Offices. 1675-76.
Absence of Sikhs from certain branches of Army Headquarters. 1676-77.
Appeal against decisions of Medical Boards. 635.
Appeals in respect of pensionary grants. 635-36.
Appointment of a Sikh as caretaker of Government buildings in Simla. 1670-71.
Appointment of Sikh porters and van peons in the Railway Mail Service, Delhi. 1680.
Appointment of Sikhs as porters in the Delhi Railway Mail Service. 1679.
Appointment of Sikhs as sub-postmasters in Delhi. 2657.
Appointment of Sikhs in the Audit Office, Indian Stores Department. 1675.
Appointment of Sikhs in the Railway Board. 1669-70.
Appointment of Sikhs to the Currency Office, Lahore. 1676.
Appointment of Sikhs to the office and press of the Private Secretary to the Viceroy, etc. 1677-78.
Appointment of Sikhs to the Punjab Postal Circle Office. 1669.
Appointment of Sikhs to the Upper Division in certain Government offices. 822.
Arrears of family and disabliity pensions. 640-41.
Arrears of pension for disability subsequently declared as attributable to military service. 2601.
Ayurvedic dispensaries in Delhi and lack of Sikh Hakims or Vaids. 2571.
Cancellation of a passport granted to Sirdar Harbans Singh, a merchant of Sistan. 1923.
Candidates for an examination held by the Controller of Railway Accounts. 1672.
Censorship of press messages of proceedings of the Legislative Assembly. 1231.
Decisions of Courts Martial refused to Indian ranks. 637-38.
Detention of a telegram sent by ——. 1377.
Discharge of Sikh clerks from the Military Accounts Department. 1683-84.
Discharge of superannuated railway employees. 1587.
Diseases caused by military service. 2601.
Dismissal of Indian ranks. 637.
Domicile of Mr. J. S. Pitkeathly, Chief Controller of Stores, Indian Stores Department. 2377.
Expediting the establishment of the new constitution in India. 330-31.
Facilities for claiming military pensions. 2604.
Family pensions of non-combatants. 638-39.
Family pensions refused for syces killed on military service. 638.
Female military pensioners. 638.
Forfeiture of military pensions for participation in political activities. 1691.
Grievances of military men denied pensions. 1692.
Hawking of meat in New Delhi. 1673.
Income-tax Officers, Inspectors and clerks in the Punjab and North-West Frontier Province. 1673-74.
Investigation of military pension claims. 2665-67.
Letter to Maulvi Mohammad Shafee Daoodi *re* his visit to the North-West Frontier Province. 1613-17.

SANT SINGH, SARDAR—(*contd.*)
Question *re*—(*contd.*)
Medical Board proceedings refused to Indian ranks. 635.
Memorials withheld by the Railway Board. 1586, 1587.
Military disability and family pension claims. 2605-06.
Military pension claims. 2603-04, 2665, 2666.
Military pensions forfeited for participation in political activities. 637.
Nominaton of a Mussalman as a member of the Ajmer Municipal Committee. 2656.
Nomination of Indian Christians as members of the Ajmer Municipal Committee. 2655-56.
Non-employment of Sikhs as gate-keepers at Army Headquarters. 1675.
Non-grant of pensions to certain disabled sepoys. 634.
Non-nomination of a member of the depressed classes to the Ajmer Municipal Committee. 2656.
Number of Indian Medical Department Assistant Surgeons on various railways. 1684.
Number of Sikhs on Committees of the Round Table Conference. 1674-75.
Paucity of Sikhs employed in the Government of India Press, Simla and New Delhi. 1671.
Payment of disability pensions for military service. 2603-06.
Payment of family pensions in respect of casualties in the Great War. 2606-07.
Pension of certain military men increased by re-employment during the Great War. 2602.
Pensions admissible to widows and mothers of deceased ranks. 637, 1691.
Pensions granted to ranks re-engaged for the Great War. 636.
Pensions of ranks re-engaged for the Great War. 1690-91.
Pensions withheld on account of convictions in political cases. 2604.
Personal allowance refused to Subedar-Majors. 636.
Pneumonia caused by military service. 635.
Position of Sikhs in the Posts and Telegraphs Department. 1678.
Practice in regard to grant of disability and family pensions. 2602-03.
Promotions in the Posts and Telegraphs Department. 1680-81.
Publication by newspapers of proceedings of the Legislative Assembly. 545-46.
Railway Court of Enquiry. 1585-86.
Rates of military pension. 2601-02.
Recommendations of the Retrenchment Committee regarding Dairying and Animal Husbandry Departments. 2784-85.
Recruitment of Sikh clerks in the Delhi Head Post Office. 2657.
Recruitment of Sikh packers and postmen in the Delhi Head Post Office. 2656.
Refusal of disability pensions to certain discharged military men. 1687-90, 1692, 1693-94.
Registration of Partnership Firms under the Income-tax Act. 2657.
Retrenchment of Hindus and Sikhs in the Railway Clearing Accounts Office. 1671-72.
Revision of scales of pay of Government servants. 330.
Safeguarding the interests of Sikhs in various services. 1678-79.
Sale of meat in Delhi and New Delhi. 1672-73.
Sale of meat in Peshawar. 822.
Saving on account of the abolition of the post of Assistant Director of Intelligence, Indian Stores Department. 2376-77.
Sikh holidays in the Punjab Postal Department. 1681-82.
Sikh officials in the Railway Mail Service in the Punjab. 1679.

SANT SINGH, SARDAR— (*concld.*)
Question *re*—(*concld.*)
Sikh representation to the Director, Army Audit, regarding reductions. 1684.
Staff and financial officers on State railways. 1672.
Statutory rights to disability and family pensions. 2603.
Temporary increment in pre-war military pensions. 639.
Time-barring of disability pension claims. 2664.
Time-limit allowed for pension claims. 639-40.
Transfer of appeals from one Income-tax Commissioner to another. 330.
Transfer of Inspectors of the Railway Mail Service, Punjab Circle. 1679-80.
Question (Supplementary) *re*—
Amount of contributions from different nations to the League of Nations. 2349.
Construction of offices in the garden of the Lansdowne Institute, Rawalpindi. 1595.
Indian National Congress. 2379.
Interception of a telegram addressed to Mr. Tom Williams. 814, 816.
Notice under the Emergency Powers Ordinance served on Mufti Kifayat-ullah. 2375.
Removal of the North-West Frontier Crime Regulations. 1603.
Secret European circular regarding the Reforms. 2724, 2728.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2376.
Resolution *re*—
Appointment of a committee to hear grievances of retrenched officers. 847-48.
Chief Justices of High Courts. 134-36.
Recent Ordinances. 302-05.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1034-36.

SANTOS, MR. J.—
Oath of Office. 13.

SARDA, DIWAN BAHADUR HAR BILAS—
Appointment of —— on the Committee on Petitions. 937.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 401, 412-13.
Motion to amend clause 2. 2527-28.
Demand for Grant in respect of—
Indian Posts and Telegraphs Department (including Working Expenses). 2283-85.
Election of —— to the Standing Finance Committee. 2490.
Foreign Relations Bill—
Motions to consider and to circulate. 2744.
General Discussion of the General Budget. 1724-27, 1808.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 73-81, 82, 85, 88, 89, 90, 92, 96, 450, 451, 458, 459, 460, 461, 462, 464, 466-80.
Indian Partnership Bill—
Motion to consider. 782-91, 797, 798.
Consideration of clause 68. 907-08, 914, 917-19.
clause 69. 919-20, 921.
schedule I. 922, 923.
Motion to consider the amendments made by the Council of State. 2970.
Motion *re* election of the Standing Finance Committee. 1824.

SARDA, Diwan Bahadur HAR BILAS—(*concld.*)
Nomination of —— to the House Committee. 1017-18.
Public Suits Validation Bill—
Motion to postpone consideration. 2937-38.
Motion to refer to Select Committee. 2956-57.
Question *re*—
Closing of a dispensary at Ramsar. 538-39.
Conflicting interpretations under the Court-fees Act. 2481-82.
Question (Supplementary) *re*—
Censorship of foreign newspaper correspondents in India. 2012.
Destruction of insufficiently stamped postcards. 38.
Insufficiency of clothes provided for prisoners in the Ajmer jail. 2564.
Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 350-51.
Report on financial questions arising out of the proposed separation of Burma from India. 3033.
Resolution *re* recent Ordinances. 313-16.

SARMA, Mr. R. S.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 516.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 428-29, 432.
Motion to consider. 1889.
Consideration of clause 4. 2624-25.
Election of —— to the Standing Finance Committee for Railways. 2612.
Hindu Marriages Dissolution Bill—
Motions to refer to Select Committee and to re-circulate. 741-42.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 102-03.
Motion to reduce Demand for—
"Railway Board" *re*—
Favouritism in the railways. 1445.
Representation of Muslims in the railway services. 1346.
Resolution *re* recent Ordinances. 263-64.

SATYAMANGALAM—
Question *re* contract for the conveyance of mails between Erode and ——. 1219-20.
Statement (laid on the table) by Mr. T. Ryan *re* contract for the conveyance of mails between Erode and ——. 2968.

SAUGOR CANTONMENT—
Question *re* grant-in-aid for the Girls' School in ——. 1932-33.

SAVING(S)—
Question *re*—
—— in civil expenditure to be effected by the ten per cent. cut in salaries. 34-35.
—— on the Royal Air Force as it affects India. 2470.
—— to be effected in Military Department by the ten per cent. cut in salaries. 34.

SAVINGS BANK(S)—
Question *re* disposal of interest accruing on —— deposits and War Bonds held by Muslims. 106-07.

SCHOLARSHIP(S)—
Question *re*—
Candidates granted —— for training in Marine Engineering. 2584.
—— awarded at the Government Central Girls' School, Ajmer. 375.
—— granted for the training of Indians in Marine Engineering. 2584.

SCHOOL(S)—
Question *re*—
Alleged lack of qualification of a teacher in the Municipal Board City Boys' —— Ajmer. 374.
Appointment of Head Mistress of the Municipal City Girls' ——, Ajmer. 374.
Authority over teachers of the East Indian Railway —— at Tundla. 67.
Government —— for disabled soldiers at Lahore. 1125.
Grant-in-aid for the Girls' —— in Saugor Cantonment. 1932-33.
Grants-in-aid admissible to Government ——. 67.
Lawrence —— in India. 110.
Managing Committee of the East Indian Railway Anglo-Vernacular High —— at Tundla. 66-67.
Minimum marks required for passing into a higher standard in ——, in Ajmer-Merwara, Rajputana, etc. 2387.
Minimum pass marks in —— in Rajputana and Delhi. 2388.
Scholarships awarded at the Government Central Girls' ——, Ajmer. 375.
—— for the children of British soldiers. 110-11.
Status as Government servants of the teachers in the Railway —— at Tundla. 67.
Status of headmasters in railway ——. 2479-80.
Taking over of the H. M. High —— by the Ambala Cantonment Board. 1241.
Teachers of Indian —— maintained by the East Indian Railway. 66.
Time-table of classes at the Government High ——, Ajmer. 376-77.
Statement(s) (laid on the table) by Mr. G. M. Young *re* the Hindu-Muhammadan High ——, Ambala Cantonment. 2491.
Statement (laid on the table) by Mr. P. R. Rau *re* —— for children of railway employees at Gorakhpur. 2854.

SCHUSTER, THE HONOURABLE SIR GEORGE—
Demand for Excess Grant in respect of—
Administration of Justice. 926.
Appropriation from Depreciation Fund. 930.
Appropriation from the Reserve Fund. 930-32.
Delhi Capital Outlay. 928.
Finance Department. 926.
Indian Posts and Telegraphs Department. 928-29.
Interest on Ordinary Debt and Reduction or Avoidance of Debt. 926.
Irrigation, Navigation, Embankment and Drainage Works. 926.
Lightohuses and lightships. 926, 927.
Loans and advances bearing interest. 928.
Mint. 927.
Public Service Commission. 926.
Railway Board. 929.
Rajputana. 928.
Working Expenses —— Administration. 929-30.

SCHUSTER, THE HONOURABLE SIR GEORGE—(*contd.*)
Demand for Grant in respect of—
Council of State. 2288.
Customs. 2232.
Executive Council. 1952.
Foreign and Political Department. 2290, 2302, 2312-14.
Forest. 2268.
Home Department. 2314.
Indian Posts and Telegraphs Department (including Working Expenses). 2268, 2288.
Interest on Miscellaneous Obligations. 2288.
Interest on Ordinary Debt and Reduction or Avoidance of Debt. 2288.
Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works. 2268.
Legislative Assembly and Legislative Assembly Department. 2289.
Opium. 2268.
Public Service Commission. 2325.
Salt. 2267.
Stamps. 2268.
Taxes on income. 2267.

Demand for Supplementary Grant in respect of—
Agriculture. 934.
Commerce Department. 933.
Council of State. 933.
Expenditure in England under the control of the Secretary of State. 935.
Interest on Miscellaneous Obligations. 932-33.
Irrigation, Navigation, Embankment and Drainage Works. 932.
Legislative Assembly and Legislative Assembly Department. 933.
Loans and advances bearing interest. 935-36.
Mint. 934-35.
Miscellaneous. 935.
Opium. 932.
Payments to Provincial Governments on account of Administration of Agency subjects. 934.
Police. 934.
Refunds. 935.
Staff, household and allowances of the Governor General. 933.
Stamps. 932.

General Discussion of the General Budget. 1782, 1803-10.

Indian Finance (Supplementary and Extending) Amendment Bill—
Motion for leave to introduce. 397.
Motion to consider. 681-82.
Motion to pass. 682.

Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 167, 173, 176, 177, 183, 184, 185, 187, 188, 189, 757, 769-79.

Motion *re*—
Election of members to the Public Accounts Committee. 2231.

Motion to reduce Demand for—
"Customs" *re*—
Insufficient economy effected by Government under Customs. 2239, 2258-63, 2264, 2265.

SCHUSTER, THE HONOURABLE SIR GEORGE—(*concld.*)
Motion to reduce Demand for—(*concld.*)
"Executive Council" *re*—
Avoidance of income-tax. 2114-17.
Constitutional issue. 1984.
Improper interference by the Secretary of State in the financial affairs of India. 2198-99.
Retrenchment. 2038, 2074-81.
Motion to take the report of the Public Accounts Committee into consideration. 1181-82.
Presentation of the Budget for 1932-33. 1627-61.
Presentation of the report of the Public Accounts Committee. 379-92.
Public Accounts Committee—
Consideration of the report of the ——. 1211-14.
Report on financial questions arising out of the proposed separation of Burma from India. 3014-21, 3024, 3025, 3039, 3046-49.
Resolution *re*—
Appointment of a committee to hear grievances of retrenched officers. 849-50.
Imperial Bank of India. 120-24.
Stabilisation of exchange and prices. 836-41.
Salt Additional Import Duty (Extending) Bill—
Motion for leave to introduce. 1834.
Motion to consider. 2416-21, 2428-29.
Motion to add a new clause. 2437-38.
Motion to pass. 2438.
Statement (laid on the table) by —— *re*—
Appointment of Muhammadans in the Railway Audit Services. 2853.
Appointment of Sikhs in the Audit Office, Indian Stores Department. 2853.
Appointment of Sikhs in the Currency Office, Lahore. 2670-71.
Old Record Sorters, Jemadars and Peons retained in the Government of India Secretariat. 2852.
Report on the Howard-Nixon Memorandum regarding financial questions arising out of the separation of Burma from India. 2224-29.
Success of candidates in Accounts Service Examinations. 2793.

SCIENCE, INDIAN INSTITUTE OF—
Election of a member to the Council of the ——, Bangalore. 165-66.

SCIENTIFIC DEPARTMENTS, OTHER—
Demand for Grant. 2338.

SCOTT, MR. J. RAMSAY—
Election of —— to the Standing Finance Committee. 2490.
Expressions of regret by —— on the death of Sir Bomanji Dalal. 3029.
Question *re*—
Competition of jails with Industrial concerns. 2468-69.
Installation of machinery in jails. 2469-70.
Prices of jail-made articles. 2469.
Reduction of pay of an officer previous to retirement. 643-44.
Reduction of travelling and other allowances of members of the Legislature. 2590-91.
Reintroduction of a through carriage between Lucknow and Bombay on the Great Indian Peninsula Railway. 2562.

SEAMAN(EN)—
Question *re* claims of British and Indian —— in Bombay. 2655.

SEAMAN, Mr. C. K.—
Oath of Office. 13.

SEAMEN'S INSTITUTE—
Question *re* non-admission of Indians to the Prince of Wales ——, Bombay. 2587-88.

SEARCH—
Question *re* alleged objectionable methods in — for Congress Funds, adopted by the Police Inspector, Ajmer. 2568.

SEAT(S)—
Question *re*—
Allocation of ——, in the Indian Legislature for the North-West Frontier Province. 555-56.
Allocation of —— in the Legislative Assembly and Council of State to the North-West Frontier Province. 2583.

SECOND DIVISION CLERKS—
See " Clerk(s) ".

SECRETARIAT(S)—
Question *re*—
Alleged discontent amongst Muslim employees in the Government of India —— and Attached Offices. 2783.
Civil aviation establishment in the Imperial ——, New Delhi. 1606.
Indian representation in the —— of the League of Nations. 340-41.
Maintenance of parks and fountains adjacent to the Imperial —— buildings. 2204.
Old record sorters, jemadars and peons retained in the Government of India ——. 1685.
Pay of second division clerks in the Government of India ——. 68.
Permanent location of the —— in New Delhi. 1611-12.
Promotion of routine clerks in the ——. 2480-81.
Staff of the League of Nations —— and the amount of contributions made by different nations. 349-51.
Third class accommodation provided for —— employees moving to Simla from New Delhi. 2554.
Statement (laid on the table) by the Honourable Sir George Schuster *re* old Record Sorters, Jemadars and Peons retained in the Government of India —— 2852.

SECRETARY(IES)—
Question *re*—
Appeals of travelling ticket inspectors to the ——, Railway Board. 1938-39.
Appointment of an Assistant —— to the Ambala Cantonment Board. 753.
Number of ——, Deputy ——, etc., in the Government of India departments. 57.

SECRETARY FOR INDIA AFFAIRS—
Question *re* appointment of an Indian Agent in Fiji in place of the ——. 531.

SECRETARY OF STATE—EXPENDITURE IN ENGLAND—
Demand for Grant. 2343.
Demand for Supplementary Grant. 935.

SECRETARY OF STATE FOR INDIA—
Motion to reduce Demand for "Executive Council" *re* improper interference by the —— in the financial affairs of India. 2194-99.

SECURITY(IES)—
Question *re*—
Presses asked to furnish ——. 60.
Rise in rupee ——. 1506.
Statement (laid on the table) by the Honourable Mr. H. G. Haig *re* presses asked to furnish ——. 2788-92.

SECURITY PRINTING—
Question *re*—
Appointment of apprentices to the ——, India, and the Currency Note Press. 543-44.
Appointment of Muslims in the ——, India, Currency Note Press and Central Stamp Stores. 543.
Staff of the ——, India, Currency Note Press and Central Stamp Stores at Nasik. 542-43.

SECURITY PRINTING, CAPITAL OUTLAY ON—
Demand for Grant. 2343.

SEGREGATION—
Question *re* —— in Tanganyika. 1235.

SELECTION GRADE—
Question *re*—
Abolition of the lowest —— examination in the post office. 1943-44.
Promotion of juniors in the lower —— in postal circles. 1596-98.
Promotions to the lowest —— in the post office. 2660.
Reduction of —— posts in the Bengal and Assam Postal Circle. 373.

SELECTION GRADE EXAMINATION—
Question *re* abolition of the lowest selection grade examination for the post office. 2659.

SELECTION POSTS—
Question *re* —— converted into time-scale appointments in the Punjab and North-West Frontier Postal Circle. 2205.

SEN, MR. S. C.—
Bamboo Paper Industry (Protection) Bill—
Motion to refer to Select Committee. 519-20.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 425-27.
Motion to amend clause 2. 2517-19.
Foreign Relations Bill—
Consideration of clause 3. 2887.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 453-54.
Indian Partnership Bill—
Consideration of clause 32. 901.
clause 68. 911.
Motion to consider. 797-98.

SEN, Mr. S. C.—*(concld.)*
Motion to reduce Demand for—
"Executive Council" *re*—
Lack of supervision over the coal transactions of the railways. 2169-71.
Public Suits Validation Bill—
Motion to refer to Select Committee. 2952-53.
Question *re*—
Abolition of the crew system on the East Indian Railway. 643.
Hayman-Mahindra ticket punching machine. 643.
Medical certificates of Ayurvedic practitioners. 642.
Resolution of the Government of Bengal on the shooting at the Hijli detention camp. 1221-23.

SEN, Pandit SATYENDRA NATH—
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1854-55.
Motion to amend clause 2. 2516-17.
Demand for Grant in respect of—
Home Department. 2319-21.
Election of —— to the Central Advisory Council for Railways. 2729.
Hindu Marriages Dissolution Bill—
Motion to refer to Select Committee. 486-93, 722-28, 729.
Motion to re-circulate. 733, 734.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 450-51, 452.
Question *re*—
Abolition of the appointment of Deputy Assistant Engineer, Telegraphs Construction. 2607-08.
Abolition of the Crew System on the East Indian Railway. 643.
Alleged assaults on students and teachers in Chittagong. 437-38.
Allotment of Government quarters in New Delhi. 718-19.
Allotment of quarters in New Delhi to clerks of the local Public Works Department. 720.
Allotment of quarters in New Delhi to temporary clerks. 720.
Charge for the cost of establishment of the Indian Museum, Calcutta. 356.
Clerks' quarters in New Delhi. 719.
Clerks' quarters in New Delhi required by the various departments. 720-21.
Clerks' quarters in New Delhi vacated by retrenched clerks. 720.
Confirmation of probationers in the Chief Accounts Office, East Indian Railway. 2607.
Confirmation of probationers in the East Indian Railway Accounts Department. 1947-48.
Determination of seniority of Baudot Supervisors in the Posts and Telegraphs Department. 2606.
Hayman-Mahindra ticket punching machine. 643.
Medical certificates of Ayurvedic practitioners. 642.
Pensions of officers of the Indian Museum, Calcutta. 356.
Promotion of telegraphists. 2606.
Recommendations of the Posts and Telegraphs Retrenchment Sub-Committee. 2606.
Reduction in number of Sub-Divisional Officers, Telegraphs. 2608.
Re-employment of retrenched officers. 2663.
Repayment of advances from Provident Funds. 356.

SEN, PANDIT SATYENDRA NATH—(*concld.*)
Resolution *re*—
Appointment of a committee to hear grievances of retrenched officers. 843-44, 850.

SEN-GUPTA, MR. J. M.—
Question *re* arrest of —— on board an Italian ship. 548-50.

SENIORITY LIST(S)—
Question *re*—
—— of establishment in the Railway Board's Office. 1696.
—— of staff of the Chief Accounts Office, North Western Railway. 707-08.
—— of the Railway Clearing Accounts Office. 2362.

SEPARATION—
Motion to reduce Demand for—
" Executive Council " re —— of Burma from India. 2173-93.
Question *re* —— of Sind from Bombay. 339.
Statement (laid on the table) by the Honourable Sir George Schuster *re* report on the Howard-Nixon memorandum regarding financial questions arising out of the —— of Burma from India. 2224-29.

SEPARATION OF BURMA—
See " Burma ".

SEPOY(S)—
Question *re* non-grant of pensions to certain disabled ——. 634.

SERVANT(S)—
Question *re*—
Admission to higher classes of —— of sick travellers. 1134.
Communities of postmen and inferior —— in Mussoorie post offices. 877.
Employment on railways of sons of railway ——. 654.
Travelling allowances of inferior —— of the Government of India. 1319.
Statement (laid on the table) by Mr. T. Ryan *re* communities of postmen and inferior —— in Mussoorie post offices. 2615.

SERVICE(S)—
Motion to reduce Demand for—
" Railway Board " *re* Indianisation of superior ——. 1578-80.
Question *re*—
Age and —— of staff in the Railway Board's Office. 1697-98.
Departmental promotions in All-India ——. 1234.
Recruitment of members of Marathi and Canarese backward communities in Central Government ——. 1928.
Safeguarding the interests of Sikhs in various ——. 1678-79.
Termination of the —— of certain employees on the Bombay, Baroda and Central India Railway. 2024, 2025.

SERVICE, BREAK IN—
Question *re* avoidance of —— of railway officials retrenched and re-employed. 360.

SERVICE, EXTENSIONS OF—
Question *re*—
—— granted in the Punjab and North-West Frontier Postal Circle. 2204.
Statement (laid on the table) by the Honourable Sir George Rainy *re* grant of —— to officers of the Income-tax Department, Bombay. 1811.

SERVICE, TERMS OF—
——of officers, clerks, storekeepers, etc., in the Indian Army Service Corps. 45-46.

SEWAGE FARM—
Question *re* criticisms of the Delhi ——. 540-41.

SEX(ES)—
Question *re* disparity of —— among Indian immigrants in the Malay Peninsula. 647-48.

SHAFEE DAOODI, MAULVI MUHAMMAD—
Bamboo Paper Industry (Protection) Bill—
Consideration of clause 4. 1147-48.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to amend clause 4. 2676.
Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2973.
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1995, 1996, 1997-2000.
Motion to reduce Demand for—
"Railway Board" *re*—
Future of the Railway Board and the constitutional aspect. 1546, 1547.
Representation of Muslims in the railway services. 1343, 1370-72.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3004.
Question *re*—
Appointment of Under Secretary in the Finance Department. 1249-51.
Employment of a Hindu stenographer in the Finance Department. 1252-53.
Employment of Muslims in the Finance Department. 1245-49, 1251-52.
Letter to —— *re* his visit to the North-West Frontier Province. 1613-17.
Non-employment of Muslim stenographers in the Finance Department. 1253-54.
Settlement of the communal problem. 2484-85.
Sikh and Muslim clerks in the Finance Department. 1252.
Question (Supplementary) *re*—
Appointment of Sikhs in Government offices. 983-85.
Censorship of press messages regarding proceedings of the Assembly. 1078.
Expulsion of Father Elwin from the North-West Frontier Province. 547.
Incorrect lists of voters in the North-West Frontier Province. 2483, 2484.
Letter to —— *re* his visit to the North-West Frontier Province. 1615, 1616.
Refusal of permission to a deputation of the All-India Jamiat-ul-Ulema to visit the North-West Frontier Province. 529.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2376.
Resolution *re* recent Ordinances. 228-31.

SHAFI, THE HONOURABLE MIAN SIR MUHAMMAD—
Expressions of regret on the death of ——. 13-23.

SHAH NAWAZ, MIAN MUHAMMAD—
General Discussion of the General Budget. 1706-09.

SHAHABAD—
Question *re* persons returned to the Legislative Assembly by the Patna *cum* —— Non-Muhammadan constituency. 2909.

SHARMA, Mr. P. D.—
Question *re* complaint by —— of assault at a meeting of the Citizen's League, Delhi. 2467-68.

SHAUKAT ALI, MAULANA—
Question *re* visit of —— to the North-West Frontier Province. 2375-76.

SHEET(S)—
Question *re*—
Galvanised corrugated —— obtainable from Tatas. 1239-40.
Import duties or bounties on galvanised iron and steel —— and pipes. 1229-30.
Output on galvanised —— from Tatas. 1230.
Resolution *re* duties on galvanised iron and steel pipes and——. 1055-60, 1158-76.

SHEET MILL—
See " Mill(s) ".

SHER MUHAMMAD KHAN GAKHAR, Captain—
Motion to reduce Demand for—
" Executive Council " *re* Indianisation of the army. 2129-31.
Oath of Office. 13.
Resolution *re* recent Ordinances. 303.

SHILLONG—
Question *re* abolition of Range Offices at Dacca and ——. 713-14.

SHIP(S)—
Question *re* arrest of Mr. J. M. Sen Gupta on board an Italian ——. 548-50.
Statement *re* Draft Convention and Recommendations *re* protection against accidents of workers employed in loading and unloading ——. 2818-19.

SHIPPING—
Question *re* development of Indian ——. 2587.

SHOOTING—
Question *re* resolution of the Government of Bengal on the —— at the Hijli detention camp. 1221-23.

SHOP FOREMEN—
See " Foremen ".

SHOPKEEPER(S)—
Question *re* arrest of a —— for flying the Congress flag. 2565.

SHRINE(S)—
Question *re* lack of traffic arrangements for pilgrims visiting the —— of Nizamuddin Olia at Delhi. 345-46.

SIALKOT CANTONMENT—
Question *re* prosecutions instituted by the Executive Officer, ——. 1593-94.
Statement (laid on the table) by Mr. G. M. Young *re* prosecutions instituted by the Executive Officer, ——. 2615.

SICK TRAVELLER(S)—
See " Traveller(s) ".

SICKNESS—
Question *re* mortality and —— in the British army in India. 971-72.

SIGNALLING POSTS—
Question *re* employment in non —— of telegraphist postal clerks. 1516-17.

SIKH(S)—
Question *re*—
Absence of —— accountants in Railway Audit and Accounts Offices. 1675-76.
Absence of —— from certain branches of Army Headquarters. 1676-77.
Appointment of a —— as caretaker of Government buildings in Simla. 1670-71.
Appointment of —— porters and van peons in the Railway Mail Service, Delhi. 1680.
Appointment of —— as porters in the Delhi Railway Mail Service. 1679.
Appointment of —— as Sub-Postmasters in Delhi. 2657.
Appointment of —— in Government offices. 983-85.
Appointment of —— in the Audit Office, Indian Stores Department. 1675.
Appointment of —— in the Railway Board. 1669-70.
Appointment of —— to the Currency Office, Lahore. 1676.
Appointment of —— to the Indian Service of Engineers. 610.
Appointment of —— to the office and press of the Private Secretary to the Viceroy, etc. 1677-78.
Appointment of —— to the office of the Railway Board. 985.
Appointment of —— to the Punjab Postal Circle Office. 1669.
Appointment of —— to the Upper Division in certain Government offices. 822.
Ayurvedic dispensaries in Delhi and lack of —— Hakims or Vaids. 2571.
Discharge of —— clerks from the Military Accounts Department. 1683-84.
Non-employment of —— as gate-keepers at Army Headquarters. 1675.
Number of Muslims and —— in the Royal Air Force Headquarter. 2488-89.
Number of —— on committees of the Round Table Conference. 1674-75.
Paucity of —— employed in the Government of India Press, Simla and New Delhi. 1671.
Position of —— in the Posts and Telegraphs Department. 1678.
Recruitment of —— clerks in the Delhi Head Post Office. 2657.
Recruitment of —— packers and postmen in the Delhi Head Post Office. 2656.
Retrenchment of Hindus and —— in the Railway Clearing Accounts Office. 1671-72.
Safeguarding the interests of —— in various services. 1678-79.
—— and Muslim clerks in the Finance Department. 1252.
—— holidays in the Punjab Postal Department. 1681-82.
——officials in the Railway Mail Service in the Punjab. 1679.
—— representation to the Director, Army Audit, regarding reductions. 1684.
Statement (laid on the table) by the Honourable Sir George Rainy *re* number of —— and members of other communities on committees of the Round Table Conference. 2614.
Statement (laid on the table) by the Honourable Sir George Schuster *re* ——
Appointment of —— in the Audit Office, Indian Stores Department. 2853.
Appointment of —— in the Currency Office, Lahore. 2670-71.
Representation in regard to retrenchment in the Army Audit Office. 2414.

SILVER—
Question *re* low price of ——. 646.

SIMLA—
Question *re*—
Abolition of the —— exodus. 48.
Additional water supply necessary in Delhi in case of stoppage of the Simla exodus. 40.
Appointment of a Sikh as caretaker of Government buildings in ——. 1670-71.
Barbed wire fence round the office of the Quartermaster General in ——. 2570.
Delhi move allowance and —— house rent allowance. 2467.
Holding of the summer session of the Legislative Assembly at New Delhi or ——. 1381-82.
Paucity of Sikhs employed in the Government of India Press, —— and New Delhi. 1671.
Pay of the Assistant Station Master at ——. 825.
Pay of the Conservancy Inspector of the Telegraph Office, ——. 560.
Qualifications of the officiating Assistant Managers of the —— and Aligarh Government of India Presses. 2381.
Reduction of —— house rent allowance. 2374.
Rules for the recovery of rents for Government buildings in —— and Delhi. 1001-02.
Third class accommodation provided for Secretariat employees moving to —— from New Delhi. 2554.

SIND—
Question *re*—
Contributions to the Central Government from the projected provinces of the North-West Frontier and ——. 355.
Days spent in —— by the Commissioner of Income-tax, Bombay Presidency. 1591.
Disposal of income-tax applications in ——. 1589.
Grants to Orissa and ——. 2719.
Income and expenditure from Customs and Administration of Karachi and income-tax in ——. 358-59.
Income-tax application in ——. 1590, 1591.
Instructions for the Commissioner of Income-tax, ——. 1590.
Judgment on an income-tax application in ——. 1588-89.
Separation of —— from Bombay. 339.
Statement (laid on the table) by the Honourable Sir George Rainy *re* period of tour of the Commissioner of Income-tax, Bombay and ——. 2729.
Statement (laid on the table) by the Honourable Sir George Schuster *re* disposal of income-tax applications in ——. 2414.

SIND COMMITTEE—
Question *re* deficit shown by the ——. 2582.
See also " Committees ".

SINGH, KUMAR GUPTESHWAR PRASAD—
Question *re*—
Anglo-Indian women retained in officiating vacancies in the Madras General Post Office. 633-34.
Travelling allowance paid on transfer to a Superintendent of Post Offices in Mysore. 695.
Hindu Marriages Dissolution Bill—
Motions to refer to Select Committee and to re-circulate. 740-41.

SINGH, Mr. GAYA PRASAD—

Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to refer to Select Committee. 402, 429, 430, 434.
Motion to consider. 1837, 1838, 1903.
Motion to amend clause 2. 2513-14.
Motion to omit clause 4. 2537.
Consideration of clause 4. 2636.

Election of —— to the Standing Finance Committee. 2490.

Foreign Relations Bill—
Motions to consider and to circulate. 2758-59.
Consideration of clause 2. 2799-2800, 2801, 2818.

Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 89.

Indian Air Force Bill—
Motion to postpone consideration. 2917-18.
Motion to consider. 2922-23.

Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 198.

Indian "Khaddar" (Name Protection) Bill—
Motion for leave to introduce. 939.

Indian Tariff (Wireless Broadcasting) Amendment Bill—
Motion to consider. 2928-29.

Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 1993, 1994-97, 1998, 1999, 2000.
Publication in the press of the Assembly speeches. 661.

Motion *re* election of members to the Central Advisory Council for Railways. 1827.

Motion *re* election of the Standing Finance Committee. 1818-19, 1823.

Nomination of —— to the House Committee. 1017-18.

Question *re*—
Abolition of the Bihar and Orissa Postal Circle. 27-28.
Abolition of the Simla exodus. 48.
Administrative position of Berar in relation to constitutional reform. 48.
Agriculturists' rights in the Istimrari area of Ajmer-Merwara. 1666-67.
Amendment of the Trade Licensing Ordinance in Tanganyika. 2556-57.
Appointment of an Indian Agent in Fiji in place of the Secretary for Indian affairs. 531.
Appointment of certain officers in the railway service. 562-63.
Appointment of Under Secretaries in the Military Finance Department. 2020-21.
Appointment of women police in Delhi. 530.
Authority over teachers of the East Indian Railway School at Tundla. 67.
Circular to the military authorities at Chittagong to refrain from reprisals on communal lines. 47-48.
Clothes of prisoners in the Ajmer jail. 1665-66.
Congress property seized by Government. 435-36.
Construction of railway lines between Dohad or Rutlam and Galiakot. 358.
Contract for the Air Mail Service in India by Messrs. Tata and Sons. 530.
Decrease in weight of prisoners in Ajmer jail. 1665.
Deportation from the North-West Frontier Province of Father Elwin. 357, 529.

SINGH, MR. GAYA PRASAD—(*contd.*)
Question *re*—(*contd.*)
Despatch of British troops from India to China. 813.
Discontinuance of a through carriage on an East Indian Railway Express. 2216-17.
Discrimination against Indians in Tanganyika. 1235-36.
Dispersal of a meeting in the Queen's Garden, Delhi and arrest of Mufti Kifayatullah. 2470-71.
Education of European and Indian girls in Fiji. 531.
Education of Indians in Fiji. 1237-38.
Election of Indian members to the Legislative Council in Fiji. 530-31.
Expenditure involved in moving the first battalion, the Rifle Brigade. 46-47.
Expenditure on the Ecclesiastical Department. 2351-52.
Expulsion of Father Elwin from the North-West Frontier Province. 546-47.
Facilities for emigration to Brazil. 1311.
Flogging of political prisoners in the North-West Frontier Province. 49-50.
Formation of Franchise Committees of the Central Legislature. 875.
Grants-in-aid admissible to Government schools. 67.
Grievances of Indians in East Africa. 1236.
Hindus and Muhammadans employed as drivers, etc., on the North Western Railway. 563.
Income-tax assessments on incomes below Rs. 1,000. 436.
Institution of a tribunal to consider capitation charges. 1238.
Interception of a telegram addressed to Mr. Tom Williams. 813-16.
Interception of a telegram sent by Miss Mira Ben. 2352-53.
Labour imposed on prisoners in the Ajmer jail. 1666.
Lack of notice to staff retrenched in the office of the Chief Accounts Officer, North Western Railway. 607.
Ladies arrested in Delhi and conditions of imprisonment in Delhi jail. 977.
Levy of a poll tax in Tanganyika for education. 2558.
Lucknow-Lalmonirhat train service. 2216.
Managing Committee of the East Indian Railway Anglo-Vernacular High School at Tundla. 66-67.
Military Accounts Department men on deputation in the Military Finance Department. 2020.
Notice under the Emergency Powers Ordinance served on Mufti Kifayatullah. 2374-75.
Officers' and clerks' grades on the North Western Railway. 563-64.
Paucity of Indians employed in departments in East Africa. 1665.
Pay of the Litigation Officer, North Western Railway. 562.
Promotion of Mr. S. R. Woodmore, officiating Chief Draftsman, North Western Railawy. 563.
Promotions in leave vacancies on the North Western Railway. 564.
Proscription of certain Hindi books in Ajmer. 47.
Provision of accommodation for political prisoners in Delhi. 1683.
Publication by newspapers of proceedings of the Legislative Assembly. 545-46.
Recruitment of Assistant Financial Advisers from the Military Accounts Department. 2019.
Refusal of permission to a deputation of the All-India Jamiat-ul-Ulema to visit the North-West Frontier Province. 527-29.
Regulations for the Army in India Reserve of Officers. 654-55.
Reorganisation of the office of the Chief Personnel Officer, North Western Railway. 564.

SINGH, Mr. GAYA PRASAD—(*contd.*)
Question *re*—(*concld.*)
Representation of the interests of Indian settlers in Tanganyika. 2554-56.
Restrictions against Indians entering Panama. 527.
Retrenchment in the office of the Chief Accounts Officer, North Western Railway. 565-66, 607-10.
Retrenchments in the Military Finance Department. 2018-19.
Saving on the Royal Air Force as it affects India. 2470.
Segregation in Tanganyika. 1235.
Seizure of buildings belonging to the Congress. 435.
Staff of the Veterinary Hospital at Mhow Cantonment. 358.
Status as Government servants of the teachers in the Railway School at Tundla. 67.
Substitution of Air Force Units for Ground Troops on the Frontier. 2780-81.
Surcharge on coal freight. 50
Taxation of Indians in Tanganyika. 1236-37.
Teachers of Indian schools maintained by the East Indian Railway. 66.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2375-76.
Withholding of a cable sent by Pandit Madan Mohan Malaviya. 2470.

Question (Supplementary) *re*—
Accounts of discoveries at Mohenjodaro. 2017.
Allegations about the "Deoli Detenus Camp". 2566.
Allocation of seats in the Legislative Assembly and Council of State to the North-West Frontier Province. 2583.
Allowances of travelling ticket examiners. 2366.
Appointment of Muslims on the North Western Railway. 1620.
Appointment of Muslims to the Income-tax Department. 1682.
Appointment of Sikhs in Government offices. 983-85.
Appointment of Under Secretary in the Finance Department. 1251.
Arrest of Mr. J. M. Sen-Gupta on board an Italian ship. 550.
Arrests in the North-West Frontier Province. 332.
Censorship of foreign newspaper correspondents in India. 2011.
Confiscation of the privilege of interview of certain political prisoners. 2563.
Convictions under the new Ordinances. 338.
Distinction between light and heavy "Lathi" charges. 2579.
Employment of Hindus on the North Western Railway. 993-94.
Employment of Oriyas on the Bengal Nagpur Railway. 1620.
Fly nuisance in New Delhi. 882.
Future status of Berar. 2554.
Indian National Congress. 2378.
Indians trained as Aviation experts. 1608.
Insufficiency of clothes provided for prisoners in the Ajmer jail. 2563, 2564.
Invitation of Khan Abdul Ghaffar Khan to a Durbar in Peshawar. 1605.
Judgment on an income-tax application in Sind. 1589.
Members nominated for the committees of the Round Table Conference. 534.
Non-employment of Muslim stenographers in the Finance Department. 1253.
Presses asked to furnish securities. 60.
Recruitment of Muslims by the Public Service Commission. 2091.
Recruitment of Muslims in Government offices. 2369-70.
Removal of the North-West Frontier Crime Regulations. 1602, 1603.
Retrenchment of certain junior inspectors of Accounts on the North Western Railway. 2472.

SINGH, Mr. GAYA PRASAD—(*concld.*)
Question (Supplementary) *re*—(*concld.*)
Salary of the Officer in charge of the Mohenjodaro excavations and retrenchment of his staff. 62.
Secret European circular regarding the reforms. 2725.
Substitution of Air Force Units for Army Units in the defence of the Frontier. 2658-59.
Sunday penalty fees collected and method of their distribution. 2588.
Resolution *re* recent Ordinances. 270, 272, 317, 318.

SISTAN—
Question *re* cancellation of a passport granted to Sirdar Harbans Singh, a merchant of ——. 1923.

SITARAMARAJU, Mr. B.—
Appointment of —— on the Committee on Petitions. 937.
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's report. 1086-88.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1848-51, 1877.
Consideration of clause 4. 2637, 2650-54.
Motion to amend clause 4. 2682.
Motion to amend clause 1. 2686, 2687.
Election of —— to the Standing Finance Committee. 2490.
Foreign Relations Bill—
Motions to consider and to circulate. 2744-49, 2757.
Motions to pass. 2894-97.
General Discussion of the General Budget. 1730-34.
General Discussion of the Railway Budget. 1279-82.
Hindu Marriages Dissolution Bill—
Motion to re-circulate. 730-37.
Indian Air Force Bill—
Motion to postpone consideration. 2919.
Motion for Adjournment *re* unsatisactory reply of the Leader of the House in regard to the expediting of the reforms with Mahatma Gandhi in jail. 2833, 2834, 2835.
Motion *re* election of the Standing Finance Committee. 1823.
Motion to reduce Demand for—
" Customs " *re*—
Insufficient economy effected by Government under " —— ". 2249-51, 2264.
" Executive Council " *re*—
Avoidance of income-tax. 2107.
Improper interference by the Secretary of State in the financial affairs of India. 2197-98.
Separation of Burma from India. 2181-82.
Question *re* candidates appointed to the Superior Telegraph and Engineering branches, Posts and Telegraphs Department. 2716-17.
Question (Supplementary) *re*—
Fly nuisance in New Delhi. 882.
Secret European circular regarding the reforms. 2727.

SITARAMARAJU, MR. B.—(*concld.*)
Report on financial questions arising out of the proposed separation of Burma from India. 3036-39.
Resolution *re* establishment of a Supreme Court in India. 577-80.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2991-93.

SKIN(S)—
Question *re*—
Decline in the export trade of hides and ——. 2907-08.
Revenue derived from hides and —— export duties. 641-42.

SOAP(S)—
Question *re* lack of —— and oil in the Ajmer Central Jail. 2568.

SOCIETY OF INCORPORATED ACCOUNTANTS AND AUDITORS—
Question *re* admission of students of Indian universities to the ——, London. 647.

SOHAN SINGH, SIRDAR—
Election of —— to the Central Advisory Council for Railways. 2729.
Question *re*—
Action taken under section 25 of the Cantonments Act by the Executive Officer, Ambala Cantonment. 749.
Age for entrance examination for Sandhurst. 1931.
Age limit for appointment of Cantonment Fund Employees. 753-54.
Alleged racial discrimination in the medical examination of lady passengers embarking at Calcutta for Rangoon. 2578-79.
Appointment of an Assistant Secretary to the Ambala Cantonment Board. 753.
Charges of bribery and corruption in Ambala Cantonment. 754.
Construction of a Roman Catholic Church at Mingaladon Cantonment. 2577-78.
Construction of offices in the garden of the Lansdowne Institute, Rawalpindi. 1594-95.
Distinction between light and heavy "Lathi" charges. 2579.
Encroachment on adjoining land of houses in Benares Cantonment. 1595-96.
Erection of a factory at Bombay for the manufacture of vegetable ghee. 46.
Executive officers in Indian cantonments. 750.
Exemption of cantonment boards from audit charges. 747.
Extension of the House-scavenging tax in Ambala Cantonment. 745-46.
Grant-in-aid for the Girls' School in Saugor Cantonment. 1932-33.
Heavy taxation in Dehra Dun Cantonment. 748.
Holidays enjoyed by officers of the Indian army. 1593.
Introduction of elected cantonment boards in the North-West Frontier Province. 745.
Licences of meat sellers in Lahore Cantonment. 744.
Lists of condoned platforms annulled by the Northern Command. 752.
Number of women arrested and imprisoned for political offences. 2580.
Promotion of Indian military officers. 1930-31.
Promotion of Indian military officers to staff appointments. 1931-32.
Promotion of Indians in the Indian Medical Service. 1932.
Proportion of English and Indian officer instructors in the new Indian Sandhurst. 1930.
Prosecutions instituted by the Executive Officer, Sialkot Cantonment. 1593-94.

SOHAN SINGH, SIRDAR—(*concld.*)
Racial discrimination by the British India Steam Navigation Company in disembarking passengers. 2578.
Recovery of a hospital fee in Allahabad Cantonment. 747.
Refusal of permission to hold a meeting in Cawnpore Cantonment. 744-45.
Refusal of the Executive Officer, Lahore Cantonment Board, to convene a special meeting of the Board. 743-44.
Rejection of an application for construction of a bungalow in Lahore Cantonment. 744.
Representation of the people of cantonments on the Round Table Conference and its committees. 750-51.
Resolutions passed by the All-India Cantonments Conference. 754-55.
Resumption by Government of sites of bungalows in Nowshera. 751-52.
Sale price of bye-laws and regulations in cantonments. 748.
Standard plans for houses under the Eastern Command. 746-47.
Subjection of women to *lathi* charges. 2579.
Supply to the All-India Cantonments Association of important Government circulars. 755.
Terms of service of officers, clerks, storekeepers, etc., in the Indian Army Service Corps. 45-46.
Transfer of Lieutenant-Colonel M. Dockrell from Peshawar Cantonment. 748-49.
Withholding of resolutions from the meeting of the Lahore Cantonment Board. 743.

SOLDIER(S)—
Question *re*—
Compensation for theft by British —— in the British Infantry Bazar, Bareilly. 2577.
Cost of British and Indian —— and officers in India. 2010.
Cost of sending European —— to the hills. 352.
Government school for disabled —— at Lahore. 1125.
Schools for the children of British ——. 110-11.
Theft by British —— in the Bareilly British Infantry Bazar. 2576-77.
Training and discharge of certain ——. 328-29.
Training of British —— in handicrafts in India. 328.
Statement (laid on the table) by Mr. G. M. Young *re* expenditure incurred on certain —— returning to England. 1704.

SON(S)—
Question *re* employment on railways of —— of railway servants. 654.

SORTER(S)—
Question *re* attendance at the railway platforms of Railway Mail Service ——. 2547-49.

SOUTH AFRICA—
Question *re*—
Acute financial condition of Indian labourers in —— and Malaya. 335.
Deputations and delegations to ——. 335-36.
Result of the recent Indian delegation to ——. 336.
See also " Africa ".

SOUTH INDIAN RAILWAY—
See " Railway(s) ".

SPECIAL MARRIAGE (AMENDMENT) REPEALING BILL—
See " Bill(s) ".

SPECIAL PAY—
See " Pay ".

SPEECH(ES)—
Motion for Adjournment *re* publication in the press of the Assembly ——. 657-63.

STAFF—
Question *re*—
Cost of —— of various communities on Indian railways. 1074.
Discharge of temporary —— in the Controller of Railway Accounts Office. 1316-17.
Government officers and —— retrenched. 377-78.
Grievances of railway —— of the Howrah Goods Shed. 2781.
Quarters of the Eastern Bengal Railway ——. 716-17.
Superior —— on the various Port Trusts. 1231.
Technical —— and cost of test rooms in the New Delhi and Agra Central Telegraph Offices. 1314.

STAFF APPOINTMENTS—
Question *re* promotion of Indian military officers to ——. 1931-32.

STAFF COLLEGE—
See " College(s) ".

STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL—
Demand for Grant. 2288.
Demand for Supplementary Grant. 933.

STAFF OFFICERS—
Question *re* —— and Financial Officers on State Railways. 1672.
See also " Officer(s) ".

STAMPS—
Demand for Grant. 2268.
Demand for Supplementary Grant. 932.
Question *re*—
Amount realised by sale of —— and postcards in the North-West Frontier Province. 1603-04.
—— for letters addressed to postal officials. 651-52.

STANDARD PLAN(S)—
Question *re* —— for houses under the Eastern Command. 743-47.

STANDING ADVISORY COMMITTEE—
Election to the —— for the Department of Education, Health and Lands, 1951.
See also " Committee(s) ".

STANDING COMMITTEE—
Election to the —— on Emigration. 2490.
See also " Committee(s) ".

STANDING COMMITTEE FOR ROADS—
Election of members to the ——. 1264, 1319.

STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS—
Election of members to the ——. 1383.

STANDING COMMITTEE ON EMIGRATION—
Election of members to the ——. 1826, 2415.

STANDING FINANCE COMMITTEE—
Election of members to the ——. 1826, 1828, 2415, 2612.
Election of members to the —— for railways. 2500.
Election of the ——. 1812-25, 1828.
Election to the ——. 2490.

STATE-MANAGED RAILWAY(S)—
See " Railway(s) ".

STATE PRISONER(S)—
Question *re* particulars of ——. 43-44.

STATE RAILWAYS—
See " Railway(s) ".

STATEMENT(S)—
—— *re*—
Draft Convention and Recommendations *re* protection against accidents of workers employed in loading and unloading ships. 2818-19.
South Africa. 2963-65, 3012-14.

STATEMENT(S) (LAID ON THE TABLE)—
—— by Mr. G. M. Young *re*—
Disposal of appeals by the Inspecting Officer, Military Lands and Cantonments, Northern Command. 2854.
Expenditure incurred on certain soldiers returning to England. 1704.
Hindu-Muhammadan High School, Ambala Cantonment. 2491.
Horse-breeding grantees reported against. 165.
Medical examination of lady passengers embarking at Calcutta for Rangoon. 2912.
Military Power Houses. 1811.
Non-inclusion of certain resolutions in the agenda of a meeting of the Lahore Cantonment Board. 2616.
Platforms, the erection of which has been condoned in Ambala Cantonment. 2491.
Prosecutions instituted by the Executive Officer, Sialkot Cantonment. 2615.
Rejection of an application for construction of a bungalow in Lahore Cantonment. 2615.
Taxation in Dehra Dun Cantonment. 2794.
Taxation in the Cawnpore Cantonment. 2730.
—— by Mr. J. R. Blair *re*—
Railway Hospital at Nagpur. 2969.
Undistributed credit balance of a driver in a Mule Corps. 3029-30.
—— by Mr. P. R. Rau *re*—
Appointment of Chief Draftsman on the North Western Railway. 2409.
Contracts for unloading and stocking coal on the Great Indian Peninsula Railway. 2617.
Head Draftsman, Loco. Heaquarters Office, North Western Railway. 2854.
Leave for subordinates of the Bengal and North Western Railway. 2793.

STATEMENT(S) (LAID ON THE TABLE)—(*contd.*)
—— by Mr. P. R. Rau *re*—(*concld.*)
Muslim clerks discharged from the office of the Chief Medical Officer, North Western Railway. 2616.
Officers dealing with establishment matters on the Eastern Bengal Railway. 2617.
Reduction of certain appointments on State Railways. 2499.
Schools for children of railway employees at Gorakhpur. 2854.
—— by Mr. T. Ryan *re*—
Communities of postmen and inferior servants in Mussoorie Post Offices. 2615.
Contract for the conveyance of mails between Erode and Satyamangalam. 2968.
Motor mail contracts in Bombay, Madras and Bengal. 2967-68.
Subsidy paid for the Mail Motor Service between Salem and Athur. 2852.
Travelling allowance paid on transfer to a Superintendent of Post Offices in Mysore. 1626.
—— by Sir Evelyn Howell *re*—
Allegations regarding political prisoners in the North-West Frontier Province. 2793.
Books prescribed by the Chief Commissioner, Ajmer-Merwara. 2497.
Picketing of liquor shops in the North-West Frontier Province. 2498.
—— by Sir Lancelot Graham *re*—
Election expenses of candidates for election to the Legislative Assembly. 155-65.
—— by the Honourable Mr. H. G. Haig *re*—
Pay of duftries and 10 per cent. cut in their pay. 2852.
Presses asked to furnish security. 2788-92.
—— by the Honourable Sir Frank Noyce *re*—
Bad drainage of Ajmer City. 2966-67.
Birth and death rates in Ajmer-Merwara. 2966.
Correspondence colleges in India. 2498.
High death rate in Ajmer. 2967.
—— by the Honourable Sir George Rainy *re*—
Action taken on Resolutions adopted by the Legislative Assembly. 813.
Grant of extensions of service to officers of the Income-tax Department, Bombay. 1811.
Net earnings on certain newly constructed railway lines. 2409-12.
Number of Sikhs and members of other communities on committees of the Round Table Conference. 2614.
Period of tour of the Commissioner of Income-tax, Bombay and Sind. 2729.
—— by the Honourable Sir George Schuster *re*—
Applications for revision of income-tax in the Bombay Presidency. 2613.
Appointment of Muhammadans in the Railway Audit Services. 2853.
Appointment of Shikhs in the Audit Office, Indian Stores Department. 2853.
Appointment of Sikhs in the Currency Office, Lahore. 2670-71.
Appointments in the Income-tax Department of Bihar and Orissa. 2671.
Disposal of income-tax applications in Sind. 2414.
Income-tax applications rejected by the Commissioner of Income-tax, Bombay Presidency. 2498.
Old record sorters, jemadars and peons retained in the Government of India Secretariat. 2852.
Recruitment of Muslims in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi. 2490-91.

STATEMENT(S) (LAID ON THE TABLE)—(*concld.*)
—— by the Honourable Sir George Schuster *re*—(*concld.*)
Report on the Howard-Nixon Memorandum regarding financial questions arising out of the separation of Burma from India. 2224-29.
Representation of Muslims in the Income-tax Department, Bengal. 2612-13.
Representation of Muslims in the Income-tax Department, Bihar and Orissa. 1704.
Retrenchment in Accounts and Audit Offices. 1624-25.
Return of fees deposited by applicants under the Indian Income-tax Act. 2414.
Sikh representation in regard to retrenchment in the Army Audit Office. 2414.
Success of candidates in Accounts Service Examinations. 2793.
—— by the Honourable Sir James Crerar *re*—
Alleged restrictions on the press in Bengal. 2413.
Casualties among the police and public arising out of measures taken against the Civil Disobedience Movement. 2497.
Classification of women political prisoners in the Delhi Jail. 1625.
Cloth seized from the All-India Spinners Association. 2498.
Government servants murdered in communal and political disturbances. 2492-96.
Number of convictions under the Ordinances in connection with the Civil Disobedience Movement. 2413.
Number of political prisoners detained under recent Ordinances. 2409.
Suspension or reduction of recruitment by the Public Service Commission. 2499.
Treatment of under-trial lady prisoners in the Delhi Jail. 1625.
—— by the Honourable Sir Joseph Bhore *re*—
Appointment of a Muhammadan as Town Inspector of Post Offices, Mussoorie. 1626.
Stores purchased by the High Commissioner for India. 1701-03.
Sub-post offices in the Dehra Dun Division and communal composition of their staffs. 1625-26.
—— *re*—
Appointment of Muslims in the Income-tax Department, Punjab. 1187.
Examination of accounts in the Income-tax Department, Bombay. 1263.

STATEMENT OF BUSINESS—
—— by the Honourable Sir George Rainy. 166, 493-94, 722, 937-38, 1188, 1534-35, 2229-31, 2851-52.

STATION(S)—
Question *re* construction of a railway —— at Faridpur. 347.

STATION MASTER(S)—
Question *re*—
Alleged abuse by the ——, Amritsar, of the Assistant ——. 1379.
Appointment of certain —— on the Bombay, Baroda and Central India Railway. 2023.
Complaints against the Railway Company by the *ex*- ——, Katni. 1227-28.
Pay of Anglo-Indian and Indian Assistant —— at Delhi and Ghaziabad. 825.
Pay of the Assistant —— at Simla. 825.
Promotion of Assistant —— in the Delhi Division of the North-Western Railway. 825.
Supply of wagons free to Dr. Driver by the ——, Lonavla. 1073.
Traffic Inspectors, —— and Assistant —— on the North Western Railway. 976.

STATIONERY AND PRINTING—
Demand for Grant. 2341.

STATUTORY RIGHTS—
Question *re* —— to disability and family pensions. 2603.

STEAMER(S)—
Question *re* fees charged from visitors to ——. 2015.

STEEL PIPE(S)—
Resolution *re* duties on galvanised iron and —— and sheets. 1158-76.

STENOGRAPHER(S)—
Question *re*—
Employment of a Hindu —— in the Finance Department. 1252-53.
Non-employment of Muslim —— in the Finance Department. 1253-54.
Qualifications of lady —— and typists on the North Western Railway. 2395.

STONE—
Question *re* tenders for —— for the Bhakhar Dam Scheme. 650.

STORE(S)—
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* —— purchased by the High Commissioner for India. 1701-03.

STOREKEEPER(S)—
Question *re*—
Pay of clerks, —— and checkers of the Indian Army Service Corps. 51-55.
Terms of Service of officers, clerks, ——, etc., in the Indian Army Service Corps. 45-46.

STORES DEPARTMENT—
See " Indian Stores Department ".

STRATEGIC RAILWAYS—NEW CONSTRUCTION AND OPEN LINE WORKS—
Demand for Grant. 1583.

STRATEGIC RAILWAYS—WORKING EXPENSES (INCLUDING APPROPRIATION TO DEPRECIATION FUND AND MISCELLANEOUS EXPENDITURE)—
Demand for Grant. 1582.

STRONG, Mr. F. W.—
Question *re*—
Inspections made by ——, Commissioner of Income-tax, Bengal. 368-70.
Office hours kept by ——, Commissioner of Income-tax, Bengal. 371.
Travelling allowance drawn on inspection tours by ——, Commissioner of Income-tax, Bengal. 367-68.
Visit to Kalimpong of ——, Commissioner of Income-tax, Bengal. 2486-87.

STUDD, Mr. E.—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's report. 1111, 1112.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 167-74, 175.
Resolution *re* recent Ordinances. 310-13.

STUDENT(S)—
Question *re*—
Admission of —— of Indian Universities to the Society of incorporated Accountants and Auditors, London. 647.
Alleged assaults on —— and teachers in Chittagong. 437-38.
Friction between crew staff and students of Jadabpur and Ichapur stations on the Eastern Bengal Railway. 991-92.

SUB-DIVISIONAL OFFICER(S)—
Question *re*—
Recall of a provision pass previously in possession of the ——, North Western Railway. 2382-83.
Reduction in number of ——, Telegraphs. 2608.

SUBEDAR-MAJOR(S)—
Question *re* personal allowance refused to ——. 636.

SUB-INSPECTOR(S)—
Question *re*—
Apprentice plate-layers appointed as permanent-way ——. 540.
Reversion to time-keepers' posts of certain permanent way. 540.

SUBORDINATE(S)—
Question *re*—
Alleged racial discrimination in appointments of senior —— on the railways. 628-29.
Complaint about the treatment of —— at the Cawnpore Central Station. 718.
Leave for —— of the Bengal and North Western Railway. 1531.
Leave rules for certain —— on the Great Indian Peninsula Railway. 1068.
Orders in certain offices prohibiting —— from approaching members of the Legislature for redress of grievances. 707.
Passage allowance of —— of non-Asiatic domicile. 993.
Pension scheme for —— on the Posts and Telegraphs Department. 2596.
Pressure on railway —— to vote for a municipal candidate at Gorakhpur. 1525.
Promoted —— granted Lee Concessions on the Great Indian Peninsula Railway. 1068.
Promotion of an Anglo-Indian —— on the Great Indian Peninsula Railway. 1070.
Promotion of lower —— staff in the Engineering Department of the Great Indian Peninsula Railway. 823.
Promotion of —— in the Civil Engineering and Traffic Departments, East Indian Railway. 2407.
Revised cadres and promotion of —— in certain departments of the Great Indian Peninsula Railway. 1066-68.
—— promoted on the East Indian and Oudh and Rohilkhand Railways. 2408.
Supersession of certain —— in the Great Indian Peninsula Railway. 1064-65.
Statement (laid on the table) by Mr. P. R. Rau *re* leave for —— of the Bengal and North Western Railway. 2793.

SUBORDINATE ACCOUNTS SERVICE—
Question *re* success of candidates in —— examinations. 1940.

SUBORDINATE OFFICES—
Question *re* retrenchment in ——. 1613.

SUBORDINATE STAFF—
Question *re*—
Daily allowance of Engineering —— of the Eastern Bengal Railway. 716.
Percentage of different communities on the —— of State railways. 1074.

SUBSIDY(IES)—
Statement (laid on the table) by Mr. T. Ryan *re* —— paid for the Mail Motor Service between Salem and Athur. 2852.

SUBVENTION—
Grant of a —— to the North-West Frontier Province (Discussed under the Demand for Grant in respect of Foreign and Political Department). 2290-2314.
Motion for Adjournment *re* grant of a —— to the North-West Frontier Province. 1701.
Question *re* —— granted to the North-West Frontier Province. 2581, 2718.

SUBWAY—
Question *re* a defective railroad —— between Badami Bagh and Lahore railway stations. 1377-78.

SUGAR—
Question *re*—
Deputation of Indians to study —— manufacture. 1378.
Money distributed for cane growing and sugar manufacture. 986.
—— purchased for military consumption. 362-63.

SUGAR-CANE—
Question *re* prices of ——. 987.

SUGAR INDUSTRY (PROTECTION) BILL—
See " Bill(s) ".

SUGAR MERCHANTS—
See " Merchants ".

SUHRAWARDY, Sir ABDULLAH—
Appointment of —— on the Committee on Petitions. 937.
Bengal Criminal Law Amendment (Supplementary) Bill—
Motion to consider. 1914.
Motion to amend clause 2. 2529.
Election of —— to the Central Advisory Council for Railways. 2729.
Election of —— to the Standing Committee on Emigration. 2490.
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 17-19.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 100.
Motion to reduce Demand for—
" Executive Council " *re*—
Constitutional issue. 1963.
" Railway Board " *re*—
Conveniences of the travelling public. 1390.
Representation of Muslims in the railway services. 1356, 1371.
Public Suits Validation Bill—
Motion to postpone consideration. 2934-37, 2944.

SUHRAWARDY, Sir ABDULLAH—(*concld.*)
Question *re*—
Alleged injustices to Muslim employees on the East Indian Railway. 2362.
Indian army cadets admitted to Sandhurst. 2720.
Terms for discharge of railway employees. 2363.

SUKHRAJ RAI, Rai Bahadur—
Election of —— to the Standing Committee for Roads. 1319.
Question *re*—
Arrest of Mr. J. M. Sen Gupta on board an Italian ship. 548-50.
Congress property seized by Government. 435-36.
Convictions under the new Ordinances. 338.
Cut in pay of telephone operators. 2351.
Cuts in low pay in the Local Governments and the Government of India. 2350.
Income-tax assessments on incomes below Rs. 1,000. 436.
Non-attendance at a Durbar in the North-West Frontier Province. 339.
Present repressive policy of the Government. 339.
Refund to employees of the Posts and Telegraphs Department of deductions from their salaries. 2350.
Seizure of buildings belonging to the Congress. 435.
Seizure of Congress funds. 366.

SUMMER—
Question *re* retention of certain departments in Delhi during the ——. 39.

SUMMER SESSION—
Question *re* holding of the —— of the Legislative Assembly at New Delhi or Simla. 1381-82.

SUNDAY(S)—
Question *re*—
Grant of concessions to clerks of the North Western Railway Offices for attending office on —— and holidays. 2403.
Principles for grants out of the —— Penalty Fees Fund. 2589.
—— penalty fees collected and method of their distribution. 2588-89.

SUPERANNUATED OFFICERS—
See " Officer(s) ".

SUPERANNUATION—
Question *re*—
Discharge on the grounds of —— of a parcels clerk of Cawnpore. 1000.
Retrenchment of officials on State Railways nearing the age of ——. 2354-55.

SUPERANNUATION ALLOWANCES AND PENSIONS—
Demand for Grant. 2341.
Demand for Supplementary Grant. 935.

SUPERINTENDENT(S)—
Question *re*—
Abolition of the office of Transportation ——, Great Indian Peninsula Railway at Nagpur. 106.
Abolition of the posts of —— of Wireless and Cash Branches of the office of the Director General of Posts and Telegraphs. 1507.
Absence of the —— of the Wireless Branch of the office of the Director General of Posts and Telegraphs. 2017.
Appointment of Indians as —— of post offices in Kashmir. 1946.

SUPERINTENDENT(S)—(*concld.*)
Question *re*—(*concld.*)
Appointment of —— in the office of the Assistant Director of Ordnance Services (Provision). 1623.
Appointment of ——, Wireless Branch, office of the Director General, Posts and Telegraphs. 1508.
Complaints against the —— of post offices, Salem. 989.
Employment of a separate —— for the Wireless Branch of the office of the Director General of Posts and Telegraphs. 2017-18.
Hindu and Muslim —— of post offices in the Punjab Postal Circle. 992.
Muslims appointed as Office —— and Head Clerks on the North Western and East Indian Railways. 1945-46.
Reduction of clerical appointments and appointment of —— in the office of the Assistant Director of Ordnance Services (Provision). 1623.
Reduction of pay of —— of post offices. 652.
Retrenchment of the post of —— of post offices at Dacca. 711-12.
Travelling allowance paid on transfer to a —— of post offices in Mysore. 695.
Statement (laid on the table) by Mr. T. Ryan *re* travelling allowance paid on transfer to a —— of post offices in Mysore. 1626.

SUPERINTENDENT OF EDUCATION—
Question *re* number of clerks in the office of the ——, Delhi, Ajmer-Merwara and Central India. 2719.

SUPERINTENDENT OF POLICE—
Question *re* employment while on leave of Colonel Halland, Senior ——, Delhi. 1126.

SUPERIOR OFFICER(S)—
See " Officer(s) ".

SUPERIOR SERVICES—
See " Service(s) ".

SUPERIOR TELEGRAPH AND ENGINEERING BRANCHES—
See " Telegraph and Engineering Branches ".

SUPERSESSION—
Question *re*—
—— of certain officers on the North Western Railway. 1599-1600.
—— certain subordinates in the Great Indian Peninsula Railway. 1064-65.

SUPERVISING STAFF—
Question *re* strength of —— and operating staff in the East Indian Railway Press, Calcutta and Howrah. 2219-21.

SUPERVISION—
Motion to reduce Demand for—
" Executive Council " *re*—
Lack of —— over the coal transactions of railways. 2155-72.
" Railway Board " *re*—
Lack of —— and control over Company-managed railways. 1447-62.

SUPPLEMENTARY RESERVE—
Question *re* qualifications of engineers of the —— and Territorial army. 2473.

SUPREME COURT—
See " Court(s) ".

SURCHARGE(S)—
Question *re*—
Exemption from —— imposed by the Indian Finance (Supplementary and Extending) Act. 808.
—— on coal freight. 50.

SURPLUS(ES)—
Question *re* taxes and duties imposed by the Government of India and budget —— and deficits. 2908-09.

SURVEY OF INDIA—
Demand for Grant. 2336.

SWADESHI GOOD(S)—
Question *re* advocacy of ——. 987.

SWADESHI TRICYCLE—
Question *re* arrest for advertising a ——. 987.

SWEETMEAT SHOP(S)—
Question *re* bye-laws for —— and meat shops in Delhi. 2574.

SYCE(S)—
Question *re* family pensions refused for —— killed on military service. 638.

SYKES, Mr. E. F.—
Bengal Criminal Law Amendment (Supplementary) Bill—
Consideration of clause 2. 2438-42.
Motion to amend clause 2. 2500-01, 2504.
Demand for Grant in respect of—
Indian Posts and Telegraphs Department (including Working Expenses). 2270-72.
General Discussion of the General Budget. 1789-91.
General Discussion of the Railway Budget. 1286-88.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 195-97.
Motion to reduce Demand for—
" Railway Board " *re*—
Conveniences of the travelling public. 1393-94.
Representation of Muslims in the railway services. 1345.
Question *re*—
Classification of certain roads. 438.
Criticisms of the Delhi Sewage Farm. 540-41.
Instruction in landing for officers and men of the Air Force. 438-39.
Money distributed for cane growing and sugar manufacture. 986.
Prices of sugar-cane. 987.
Rates for common labour in the Delhi Province. 2009.
Sugar Industry (Protection) Bill—
Motion to consider. 2824-29.
Consideration of clause 6 2874.

T

TAIT, MR. JOHN—
Motion to reduce Demand for—
" Executive Council " *re*—
Avoidance of income-tax. 2096-99, 2117-18.
Separation of Burma from India. 2176-78, 2183, 2193.
Question *re* carriage of Air Mail between Rangoon and Karachi. 979-80.
Wire and Wire Nail Industry (Protection) Bill—
Motion to consider. 1026-28.

TANGANYIKA—
Question *re*—
Amendment of the Trade Licensing Ordinance in ——. 2556-57.
Discrimination against Indians in ——. 1235-36.
Levy of poll tax in —— for education. 2558.
Representation of the interests of Indian settlers in ——. 2554-56.
Segregation in ——. 1235.
Taxation of Indians in ——. 1236-37.

TATA AND SONS—
Question *re* contract for the Air Mail Service in India by Messrs. ——. 530.

TATA IRON AND STEEL COMPANY—
Question *re* manufacture of galvanised corrugated sheets by the ——. 821.

TATAS, MESSRS.—
Question *re*—
Galvanised corrugated sheets obtainable from ——. 1239-40.
Negotiations with a foreign firm by ——, for erection of a sheet mill. 1230.
Output on galvanised sheets from ——. 1230.

TAX(ES)—
Question *re*—
Extension of the house-scavenging —— in Ambala Cantonment. 745-46, 1241, 2215.
House-scavenging —— in Ferozepore Cantonment. 30.
Levy of a poll —— in Tanganyika for education. 2558.
—— and duties imposed by the Government of India and Budget surpluses and deficits. 2908-09.

TAXATION—
Question *re*—
Heavy —— in Dehra Dun Cantonment. 748.
—— of Indians in Tanganyika. 1236-37.
Statement (laid on the table) by Mr. G. M. Young *re*—
—— in Cawnpore Cantonment. 2730.
—— in Dehra Dun Cantonment. 2794.

TAXES ON INCOME—
Demand for Grant. 2267.

TEA DISTRICTS EMIGRANT LABOUR BILL—
See " Bill(s) ".

TEACHER(S)—
Question *re*—
Alleged assaults on students and —— in Chittagong. 437-38.
Alleged lack of qualification of a —— in the Municipal Board City Boys' School, Ajmer. 374.
Authority over —— of the East Indian Railway School at Tundla. 67.
Status as Government servants of the —— in the Railway School at Tundla. 67.
—— of Indian schools maintained by the East Indian Railway. 66.

TECHNICAL OFFICERS—
See " Officer(s) ".

TECHNICAL STAFF—
See " Staff ".

TELEGRAM(S)—
Question *re*—
Detention of a —— sent by Sardar Sant Singh. 1377.
Interception of a —— addressed to Mr. Tom Williams. 813-16.
Interception of a —— sent by Miss Mira Ben. 2352-53.

TELEGRAPH(S)—
Question *re*—
Memorials from Engineering Supervisors, ——. 1509-10.
Reduction in number of Sub-Divisional Officers, ——. 2608.

TELEGRAPH AND ENGINEERING BRANCHES—
Question *re* candidates appointed to the superior ——, Posts and Telegraphs Department. 2716-17.

TELEGRAPH ENGINEERING SERVICE(S)—
Question *re* communities of engineers in the ——. 2475.
See also " Eingineering Services ".

TELEGRAPH LINES—
Question *re* circuits of —— entering New Delhi and Agra. 1315.

TELEGRAPH MESSENGER(S)—
Question *re* system of payment for ——. 2597-98.

TELEGRAPH OFFICE(S)—
Question *re*—
Abolitition of the post of Assistant Conservancy Inspector at the Central ——. 559-60.
Pay of the Conservancy Inspector of the ——, Simla. 560.
Result of installation of test rooms at the New Delhi and Agra Central ——. 1314-15.
Technical staff and cost of test rooms in the New Delhi and Agra Central ——. 1314.
Test rooms in the New Delhi and Agra Central ——. 1312-14.
Utilisation of services of technical officers in the New Delhi and Agra Central ——. 1315.

TELEGRAPH PEON(S)—
Question *re*—
Appointment of —— as postmen. 2591-92.
Grant of conveyance allowance to Inspectors of ——. 2595.
System of supplying uniforms to —— and postal ——. 2592-95.

TELEGRAPHIST(S)—
Question *re* promotion of ——. 2606.

TELEGRAPHIST POSTAL CLERKS—
See " Clerk(s) ".

TELEGRAPHS CONSTRUCTION—
Question *re* abolition of the appointment of Deputy Assistant Engineer, ——. 2607-08.

TELEGRAPHS DEPARTMENT—
Question *re*—
Appointment of Muslims in the ——. 34.
Employment of Muslims in the ——. 1924-25.
Muslims employed in the Indian ——. 1015-16.
Recruitment to the subordinate Engineering Branch of the ——. 2599-2600.

TELEGRAPHS TEST ROOM(S)—
See " Test Room(s) ".

TELEPHONE OPERATOR(S)—
Question *re*—
Appointment of —— on a non-pensionable basis. 1075.
Cut in pay of ——. 2351.

TEMPORARY CLERKS—
See " Clerk(s) ".

TEMPORARY ENGINEERS—
Question *re* termination of the services of —— on State Railways. 810-11.

TENANTS—
Question *re* disputes between the Istimrardar of Pisangan and his ——. 377.

TENDERS—
Question *re* —— for stone for the Bhakhar Dam Scheme. 650.

TERMS OF SERVICE—
Question *re* —— of officers, clerks, storekeepers, etc., in the Indian Army Service Corps. 45-46.

TERRITORIAL ARMY—
Question *re* qualifications of Engineers of the Supplementary Reserve and ——. 2473.

TEST ROOM(S)—
Question *re*—
Elimination of telegraph —— at Agra and New Delhi. 1315.
Merits of the telegraph ——. 1315.
Result of installation of —— at the New Delhi and Agra Central Telegraph Offices. 1314-15.
Technical staff and cost of —— in the New Delhi and Agra Central Telegraph Offices. 1314.
—— in the New Delhi and Agra Central Telegraph Offices. 1312-14.

THAKERSEY HOUSE—
Question *re* expenditure by the post office for the occupation of —— and Irwin House in Bombay. 2545-46.

THAMPAN, Mr. K. P.—
Motion *re* election of Members to the Central Advisory Council for Railways. 1827.
Motion *re* election of the Standing Finance Committee. 1813-14.
Motion to reduce Demand for—
" Executive Council " *re*—
Avoidance of income-tax. 2104-05.
" Public Service Commission " *re*—
Inadequate retrenchment. 2325-28.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3005-06.
Question *re*—
Accounts of discoveries at Mohenjodaro. 2016-17.
Amount of contributions from different nations to the League of Nations. 2347-50.
Compensation for theft by British soldiers in the British Infantry Bazar, Bareilly. 2577.
Memorials from Engineering Supervisors, Telegraphs. 1509-10.
Non-issue of arms licences in Malabar. 1510.
Refusal to exhibit certain jewellery at Mohenjodaro. 2016.
Theft by British soldiers in the Bareilly British Infantry Bazar. 2576-77.
Question (Supplementary) *re* settlement of the communal problem. 2485.
Sugar Industry (Protection) Bill—
Consideration of clauses 3 and 4. 2869.
Consideration of clause 6. 2871-72.
Tea Districts Emigrant Labour Bill—
Motion to refer to Select Committee. 2979.

THEFT—
Question *re*—
Compensation for —— by British soldiers in the British Infantry Bazar, Bareilly. 2577.
—— by British soldiers in the Bareilly British Infantry Bazar. 2576-77.

THELA TRAFFIC—
Question *re* —— in New Delhi. 1613.

THIRD CLASS—
Question *re*—
—— accommodation provided for Secretariat employees moving to Simla from New Delhi. 2554.
Women prisoners transferred to Lahore in a —— compartment. 1523-24.

THROUGH CARRIAGE(S)—
Question *re* discontinuance of a —— on an East Indian Railway Express. 2216-17.

TICKET(S)—
Question *re*—
Checking of —— of female travellers. 621.
Recovery of fares from *Sadhus* and *Fakirs* travelling without ——. 619.
—— checking on the East Indian Railway. 1223-24.

TICKET CHECKERS—
Question *re*—
Designation of —— on the East Indian Railway. 611-13.
Reduction in the salary of travelling —— on the East Indian Railway. 1939.

TICKET CHECKING—
Question *re*—
Abolition of the —— staff. 616.
House rent and mileage allowances of —— staff of the East Indian and Oudh and Rohilkhand Railways. 621.
Ineffectiveness of the crew system of railway ——. 1936.
Moody-Ward and crew systems of ——. 1533, 1937.
Moody-Ward system of railway ——. 611.
Moody-Ward system of ——. 998-99.
Railway —— systems. 2207, 2207-09.
Success and cost of the Moody-Ward system of ——. 618-19.
System of —— on the East Indian Railway. 618.
System of —— on the North Western and East Indian Railways. 613-14.
—— on Branch Lines of Asansol and Dinapore Divisions. 2210-11.
—— on Main and Branch Lines. 2211.
—— on the North Western Railway. 812.
—— system on the East Indian Railway. 1939-40.

TICKET COLLECTOR(S)—
Question *re*—
Appointment of ——. 2205-06.
Casual leave and gate allowances of crew staff and —— of the East Indian Railway. 359-60.
Discharge of Travelling Ticket Inspectors and ——. 621.
Lady —— on the East Indian Railway. 2207.
Pay of head —— at certain stations. 620.
Posts of —— on the East Indian Railway promoted to travelling ticket examiners. 1940.

TICKET EXAMINER(S)—
Question *re*—
Allowances of guards and ——. 615-16.
Allowances of guards and —— on the East Indian Railway. 998.
Allowances of travelling ——. 2365-68.
Allowances of travelling —— and of guards and drivers. 1937-38.
Appeals by travelling —— of the North Wtstern Railway. 621-22.
Duties of travelling ——. 620, 621.
Excess fares collected by travelling ——. 999.
Pay and mileage allowance of —— on the East Indian and North Western Railways. 617.
Pay of travelling ——. 617.
Posts of ticket collectors on the East Indian Railway promoted to travelling ——. 1940.
Pressure on —— to increase their earnings. 619.
Recruitment of travelling ——. 620.
Re-examination of travelling ——. 2209.
Use of waiting rooms by travelling —— on the East Indian Railway. 969.

TICKET INSPECTOR(S)—
Question *re*—
Appeals of travelling ——. 616, 2206.
Appeals of travelling —— to the Secretary, Railway Board. 1938-39.
Discharge of travelling —— and ticket collectors. 621.
Reduction of pay of travelling —— on the East Indian Railway. 997-98
Reductions of pay and allowances of travelling ——. 617.
Re-examination of certain travelling ——. 2094-95.

TICKET PUNCHING MACHINE—
Question *re* Hayman-Mahindra ——. 643.

TIME KEEPER(S)—
Question *re*—
Ratio of European, Anglo-Indian and Indian —— in the Public Works Engineering Department. 539-40.
Reversion to ——' posts of certain Permanent-way Sub-Inspectors. 540.

TIME LIMIT—
Question *re* —— allowed for pension claims. 639-40.

TIME-SCALE APPOINTMENTS—
Question *re* selection posts converted into —— in the Punjab and North-West Frontier Postal Circle. 2205.

TIME TABLE(S)—
Question *re*—
English —— of the North Western Railway. 32-33.
Monthly railway —— issued by the South Indian Railway. 1133.
—— of classes at the Government High School, Ajmer. 376-77.

TIMES OF INDIA—
Question *re* comment on the Meerut Conspiracy Case in the —— Annual. 644-45.

TIMING(S)—
Question *re*—
Inconvenient —— of the Grand Trunk Express. 548.
Inconvenient —— of trains at Aligarh. 2012-13.
Inconvenient —— of trains at Bukhtiarpore junction station. 629.

TIN TUT, Mr.—
Oath of Office. 2347.

TINNEVELLY—
Question *re* alleged caning of pickets in ——. 532.

TITLES—
Question *re* —— for Hindus and Mussalmans. 557-58.

TOUR(S)—
Question *re* travelling allowance drawn on inspection —— by Mr. F. W. Strong, Commissioner of Income-tax, Bengal. 367-68.
Statement (laid on the table) by the Honourable Sir George Rainy *re* period of —— of the Commissioner of Income-tax, Bombay and Sind. 2729.

TOWN(S)—
Question *re* Military troops in —— and villages. 997.

TOWN INSPECTOR(S)—
Question *re*—
Appointment of a Muhammadan as —— of Post Offices, Mussoorie. 877-78.
Delegation of certain powers to —— of Post Offices in the first class Head Offices. 2547.
Statement (laid on the table) by the Honourable Sir Joseph Bhore *re* appointment of a Muhammadan as —— of Post Offices, Mussoorie. 1626
See also " Inspector(s) ".

TRADE BALANCE—
Question *re* —— of India. 645.

TRADE DISPUTES ACT—
See " Act(s) ".

TRADE LICENSING ORDINANCE—
See " Ordinance(s) ".

TRADERS—
Question *re* excess freight charged to —— by certain railways. 1228.

TRAFFIC-CONTROLLER—
Question *re* —— in the Posts and Telegraphs Department. 981-82.

TRAFFIC DEPARTMENT—
Question *re* promotion of subordinates in the Civil Engineering Department and ——, East Indian Railway. 2407.

TRAFFIC INSPECTOR(S)—
Question *re*—
Appointment of —— on the North Western Railway. 986.
——, Station Masters and Assistant Station Masters on the North Western Railway. 976.

TRAFFIC MANAGER—
Question *re* ——, North Western Railway. 2393.

TRAFFIC RECEIPTS—
Question *re* passenger —— in the East Indian Railway. 1940.

TRAFFIC RELIEVING STAFF—
Question *re* allowances of —— of the Eastern Bengal Railway. 1926-27.

TRAFFIC SERVICE—
Question *re* revision of the scale of pay of the local Engineering Service and ——. 2395.

TRAFFIC SUPERINTENDENT—
Question *re* complaints about a waiting room for relieving staff attending the District ——'s Office, Calcutta. 716.

TRAIN(S)—
Question *re*—
Inconvenient timings of —— at Aligarh. 2012-13.
Inconvenient timings of —— at Bukhtiarpore junction station. 629.

TRAIN CONTROLLERS—
Question *re* appointment of Assistant —— on the North Western Railway. 811-12, 827, 1257-58.

TRAIN EXAMINER(S)—
Question *re*—
Appointment of Lillooah Apprentices as electricians and ——. 1518.
—— at junction stations. 628.

TRAIN SERVICE—
Question *re* the Lucknow-Lalmonirhat ——. 2216.

TRAINING—
Question *re*—
Education and —— of certain employees in the East Indian Railway Workshop at Lillooah. 567.
—— and appointment of Special Class Railway apprentices. 996.
—— of Bridge Inspectors on the Great Indian Peninsula Railway. 824-25.
—— of Indian cadets for the Royal Air Force. 2560.
Vocational —— in the Army. 817-18.

TRAINING COLLEGE—
See " College(s) ".

TRAINING SHIP—
Question *re* increase in the number of cadets admitted to the —— " Dufferin ". 2585-86.

TRANSFER(S)—
Question *re*—
Non- —— of staff of Rates and Claims Branches in the Great Indian Peninsula Railway. 1066.
—— of Lieutenant-Colonel M. Dockrell from Peshawar Cantonment. 748-49.

TRANSFER CONCESSIONS—
See " Concessions ".

TRANSHIPMENT CHARGES—
Question *re*—
Refund of —— by the Bengal Nagpur Railway. 1227.
—— over the Johilla bridge realised by the Bengal Nagpur Railway. 1226-27.

TRANSPORT—
Question *re* —— facilities for salt in Karachi harbour. 705.

TRANSPORT UNITS—
Question *re* credit balances due to members of ——, Labour Corps, etc. 2385.

TRANSPORTATION DEPARTMENT—
Question *re* re-amalgamation of the Commercial and —— of the Great Indian Peninsula Railway. 1937.

TRANSPORTATION SUPERINTENDENT(S)—
See " Superintendent(s) ".

TRAVELLER(S)—
Question *re*—
Action taken against defaulting ——. 619-20.
Admission to higher classes of servants of sick ——. 1134.
Checking of tickets of female ——. 621.

TRAVELLING ALLOWANCE(S)—
Question *re* —— paid on transfer to a Superintendent of Post Offices in Mysore. 695.
See also " Allowance(s) ".

TRAVELLING PUBLIC—
See " Public ".

TRAVELLING TICKET CHECKER(S)—
See " Ticket Checker(s) ".

TRAVELLING TICKET EXAMINERS—
Question *re*—
Appeals by —— of the North Western Railway. 621-22.
Duties of ——. 620, 621.
Pay of ——. 617.
Recruitment of ——. 620.
See also " Ticket Examiner(s) ".

TRAVELLING TICKET INSPECTORS—
Question *re*—
Appeals of ——. 616.
Discharge of —— and ticket collectors. 621.
Reductions of pay and allowances of ——. 617.
See also " Ticket Inspector(s) ".

TRIBUNAL(S)—
Question *re*—
Applications for appointment of —— under the Trade Disputes Act. 1529.
Institution of a —— to consider capitation charges. 1238.

TRICYCLE—
Question *re* arrest for advertising a Swadeshi ——. 987.

TROOP(S)—
Question *re*—
Amalgamation of the hospitals for British and Indian —— at Kamptee. 108.
Clothing allowance of British —— and Indian ——. 2569.
Cost of relief and transfer of British ——. 345.
Despatch of British —— from India to China. 813.
Despatch of —— to Chittagong and arrest of absconders. 343.
Hospitals for British and Indian —— at Kamptee. 107-08.
Hospitals for British and Indian —— in Military stations. 109.
Military —— in towns and villages. 997.
Substitution of Air Force Units for Ground —— on the Frontier. 2780-81.

TRUSTS—
See " Indian —— (Amendment) Bill " under " Bills ".

TUBERCULOSIS—
Question *re*—
Danger of infection from —— at the new Central Jail, Multan. 1224, 1522.
Establishment of a —— Sanatorium at Abbottabad. 2482.

TUNDLA—
Question *re*—
Authority over teachers of the East Indian Railway School at ——. 67.
Facilities for Hindu Railway employees at —— for the *Dewali* festival. 71.
Managing Committee of the East Indian Railway Anglo-Vernacular High School at ——. 66-67.
Status as Government servants of the teachers in the Railway School at ——. 67.

TURKMAN GATE—
Question *re* dumping of rubbish outside the —— and Delhi Gate. 1238-39.

TYPIST(S)—
Question *re*—
Non-retrenchment of low-paid clerks and ——. 880.
Pay of lady —— on the North Western Railway. 2395.
Promotion of —— on the North Western Railway. 2395-96.
Qualifications of lady stenographers and —— on the North Western Railway. 2395.

U

UNANI SYSTEM—
Question *re* provision of the —— of treatment in New Delhi. 1243.

UNDER SECRETARY(IES)—
Question *re*—
Appointment of —— in the Finance Department. 1249-51.
Appointment of —— in the Military Finance Department. 2020-21.

UNIFORM(S)—
Question *re* system of supplying —— to telegraph and postal peons. 2592-95.

UNIT(S)—
Question *re* replacement of Viceroy's Commissioned Officers by King's Commissioned Officers in certain ——. 1927-28.

UNITED PROVINCES—
Question *re*—
East Indian Railway passes issued to the Deputy Postmaster General, —— Postal Circle. 2096.
Recruitments in the —— Postal Circle. 2096.

UNIVERSITY(IES)—
Question *re*—
Admission of students of Indian —— to the Society of Incorporated Accountants and Auditors, London. 647.
Cambridge —— examinations. 2472-73.

UNREASONABLE ACTION—
Question *re* reported —— on the Eastern Bengal Railway. 715.

UNTOUCHABLE CASTE(S)—
See under "Hindu —— (Removal of Disabilities) Bill" under "Bills". 939-40.

UPPER DIVISION—
Question *re* appointment of Sikhs to the —— in certain Government offices. 822.

UPPI SAHIB BAHADUR, Mr.—
Election of —— to the Standing Committee for Roads. 1319.
Motion to reduce Demand for—
"Railway Board" *re* conveniences of the travelling public. 1391-92.
Question *re*—
Abolition of the lowest selection grade examination for the Post Office. 2659.
Abolition of the post of Assistant Engineer, Archæological Department, Agra. 2358.

UPPI SAHIB BAHADUR, MR.—(*concld.*)
Question *re*—(*concld.*)
Age of Babu Khushi Mohamed, late Chief Goods Clerk, North Western Railway, forced to retire. 2784.
Alleged discontent amongst Muslim employees in the Government of India Secretariat and Attached Offices. 2783.
Appointment of Muslims in the Punjab and Madras Income-tax Departments. 69-70.
Delay in release of a prisoner after payment of a fine. 1663.
Expenditure incurred in conducting the lowest selection grade examination in the Post Office. 2660.
Grant of advance increments or special pay to Muslims in the Government of India Offices. 2783-84.
Introduction of lower division clerkships in the Postal Department. 2661-62.
Overtime allowance paid for sorting English mail. 2661.
Paucity of Muslims in the Punjab Income-tax Department. 68-69.
Pay of second division clerks in the Government of India Secretariat. 68.
Payment of an honorarium to Mr. Page of the Archæological Department for preparation of a Buddhist design. 2356.
Percentage of Hindus and Muslims in the Archæological Department. 2358-59.
Posts with special pay in the Government of India held by non-Muslims. 2782-83.
Promotion of certain Town Inspectors of Post Offices. 2013.
Promotion of postmen as lower division clerks. 2662.
Promotions to the lowest selection grade in the Post Office. 2660.
Rent paid for the Bow Bazar Post Office. 2663.
Report of the Archæological Department. 2356-57.
Retirement of Postal Officials of 55 years of age or 30 years' service. 2662.
Retrenchment in the Archæological Department. 2357-58.
Retrenchment of Muslim railway servants. 2360.
Subsidy paid for the mail motor service between Salem and Athur. 1923.

V

VACANCY(IES)—
Question *re*—
Promotions in leave —— on the North Western Railway. 564.
—— for members of minority communities in Central Government Departments. 2086-87.

VAIDS—
Question *re* Ayurvedic dispensaries in Delhi and lack of Sikh Hakims or ——. 2571.

VAN PEON(S)—
See " Peon(s) ".

VEGETABLE GHEE—
Question *re* erection of a factory at Bombay for the manufacture of ——. 46.

VERNACULAR PRESS—
Question *re* use of the —— for railway publicity. 875-76.

VETERINARY HOSPITAL—
Question *re* staff of the —— at Mhow Cantonment. 358.

VETERINARY SERVICES, CIVIL—
Demand for Grant. 2339.

VICEROY, HIS EXCELLENCY THE—
Address by —— to the Members of the Legislative Assembly. 1-12.
Message from —— and Governor General—
Appointing dates for the presentation and discussion of the General Budget. 1016-17.
Appointing dates for the presentation and discussion of the Railway Budget. 1016.
Appointing the Honourable Sir George Rainy to perform the functions assigned to the Finance Member on the occasion of the general discussion of the Railway Budget. 1017.
Declaring certain heads of expenditure to be open to discussion by the Legislative Assembly when the Budget is under consideration. 1017.
Re the allotment of an additional day for the discussion of the Demands for Grants. 1865.
Question *re* appointment of Sikhs to the Office and Press of the Private Secretary to ——, etc. 1677-78.
See also " Governor General, His Excellency the ".

VICEROY'S COMMISSIONED OFFICERS—
Question *re* replacement of —— by King's Commissioned Officers in certain Units. 1927-28.

VILLAGES—
Question *re* military troops in towns and ——. 997.

VISIT(S)—
Question *re* letter to Maulvi Mohammad Shafet Daudi *re* his —— to the North-West Frontier Province. 1613-17.

VISITOR(S)—
Question *re*—
Fees charged from —— to steamers. 2015.
Provision of a non-official —— for the Ajmer Central Jail. 2568.

VIZAGAPATAM HARBOUR, CAPITAL OUTLAY ON—
Demand for Grant. 2344.

VOLUNTEERS—
Question *re* —— for retirement in the office of the Director General of Posts and Telegraphs. 1507.

VOCATIONAL TRAINING—
Question *re* —— in Ordnance and Clothing Factories. 1261.

VOTERS—
Question *re* incorrect lists of —— in the North-West Frontier Province. 2483

W

WAGON(S)—
Question *re* supply of —— free to Dr. Driver by the Station Master, Lonavla. 1073.

WAITING ROOM(S)—
Question *re*—
Complaints about a —— for relieving staff attending the District Traffic Superintendent's Office, Calcutta. 716.

WAITING ROOM(S)—(*concld.*)
Question *re*—(*concld.*)
Construction of —— at stations on the Bukhtiarpore-Bihar Light Railway. 629.
Lack of a —— at Kosma. 2363.
Use of —— by Travelling Ticket Examiners on the East Indian Railway. 969.

WAJIHUDDIN, KHAN BAHADUR HAJI—
Child Marriage Restraint (Amendment) Bill—
Motion for leave to introduce. 942.
Child Marriage Restraint (Repealing) Bill—
Motion for leave to introduce. 941-42.
Election of —— to the Standing Finance Committee for Railways. 2612.
General Discussion of the General Budget. 1784-85.
Motion to reduce Demand for—
"Railway Board" *re*—
Representation of Muslims in the railway services. 1350-52.
Public Suits Validation Bill—
Motion to refer to Select Committee. 2950.
Question *re*—
Abolition of the ticket checking staff. 616.
Action taken against defaulting travellers. 619-20.
Alleged lack of qualification of a teacher in the Municipal Board City Boys' School, Ajmer. 374.
Allowances of guards and ticket examiners. 615-16.
Amount of grant-in-aid made to the education fund of the Municipal Board, Ajmer. 375.
Appeals by travelling ticket examiners of the North Western Railway. 621-22.
Appeals in cantonments. 2215-16.
Appeals of travelling ticket inspectors. 616, 2206.
Appointment of a Muhammadan as Town Inspector of Post Offices, Mussoorie. 877-78.
Appointment of a Muslim as Assistant Commissioner of Income-tax. 2573.
Appointment of a Muslim as Commissioner of Income-tax in the Punjab, North-West Frontier Province and Delhi. 2573-74.
Appointment of certain Station Masters on the Bombay, Baroda and Central India Railway. 2023.
Appointment of Head Mistress of the Municipal City Girls' School, Ajmer. 374.
Appointment of Indians to high offices and to Advisory Committees on railways. 106.
Appointment of Muhammadans in the Railway Audit Service. 2392.
Appointment of Muslims to the Office of the Commissioner, Ajmer-Merwara. 2023.
Appointment of Muslims to various appointments in Ajmer-Merwar 2021-22.
Appointment of ticket collectors. 2205-06.
Bad drainage of Ajmer City. 2390.
Birth and death rates in Ajmer-Merwara. 2390.
Checking of tickets of female travellers. 621.
Communal inequalities in the North-West Frontier Province. 2403.

WAJIHUDDIN, KHAN BAHADUR HAJI—(*contd.*)
Question *re*—(*contd.*)
Communities of postmen and inferior servants in Mussoorie post offices. 877.
Designation of ticket checkers on the East Indian Railway. 611-13.
Discharge of Travelling Ticket Inspectors and Ticket Collectors. 621.
Disposal of establishment cases in the Income-tax Department in the Punjab, North-West Frontier Province and Delhi. 2573.
Disputes between the Istimrardar of Pisangan and his tenants. 377.
Duties of travelling ticket examiners. 620, 621.
Election of Chairman of the Ajmer Municipal Board. 2390-91.
Employment of Muslims in the Income-tax Department. 2572-73.
Establishment of Tuberculosis Sanatorium at Abbottabad. 2482.
Excise revenue collected by the Local Administration in Ajmer-Merwara. 2389.
Exemption of motor cars from octroi duty in Ajmer-Merwara. 2389.
Expenditure of the Ajmer Municipal Board. 2389.
Expulsion of certain citizens from Mhow Cantonment. 2212-13.
Extension of the House-Scavenging Tax in Ambala Cantonment. 2215.
Foregoing excess fares on the East Indian Railway. 816-17.
High death rate and infant mortality in Ajmer. 2391.
House rent and mileage allowances of ticket checking staff of the East Indian and Oudh and Rohilkhand Railways. 621.
Income and expenditure of the Excise Department, Ajmer-Merwara. 2390.
Incorrect lists of voters in the North-West Frontier Province. 2483.
Lack of a waiting room at Kosma. 2363.
Lady ticket collectors on the East Indian Railway. 2207.
Loss of excess fare receipt book. 2210.
Minimum marks required for passing into a higher standard in schools in Ajmer-Merwara, Rajputana, etc. 2387.
Minimum pass marks in schools in Rajputana and Delhi. 2388.
Miscellaneous expenditure of the Ajmer Municipal Board. 2389.
Moody-Ward system of railway ticket checking. 611.
New appointments in the Income-tax Department in the Punjab, North-West Frontier Province and Delhi. 2572.
Non-appointment of qualified Muslims in Ajmer-Merwara. 2022, 2023.
Number of Muhammadans in the Railway Audit Service. 2392.
Number of Muslim and Hindu postmen in certain Sub-Divisions. 876-77.
Octroi duties imposed by the Ajmer Municipal Board. 2391.
Octroi duty paid by the Weaving Mills at Anasagar. 2391.
Opinion of the East Indian Railway authorities on the crew system. 614-15.
Pay and mileage allowance of Ticket Examiners on the East Indian and North Western Railways. 617.
Pay of head Ticket Collectors at certain stations. 620.
Pay of Travelling Ticket Examiners. 617.
Pressure on ticket examiners to increase their earnings. 619.
Promotion of *ex*-War Service men on railways. 1262-63.
Provision of an Elected Board for Peshawar Cantonment. 2482.
Provision of the *Unani* system of treatment in New Delhi. 1243.
Railway ticket checking systems. 2207-09.
Recovery of fares from *Sadhus* and *Fakirs* travelling without tickets. 619.
Recruitment of travelling ticket examiners. 620.
Recruitment of two unqualified non-Muslim clerks in Ajmer-Merwara. 2022.
Reductions of pay and allowances of Travelling Ticket Inspectors. 617.
Re-examination of travelling ticket examiners. 2209.

WAJIHUDDIN, KHAN BAHADUR HAJI—(*concld.*)
Question *re*—(*concld.*)
Refunds in respect of excess fares recovered. 2210.
Refusal of disability pensions to certain discharged military men. 1693-94.
Representation of Dargah and Pushkar and of cloth and sugar merchants on the Ajmer Municipal Board. 2391.
Scholarships awarded at the Government Central Girls' School, Ajmer. 375.
Sub-Post Offices in the Dehra Dun Division. 876.
Success and cost of the Moody-Ward system of ticket checking. 618-19.
Suggestions for retrenchment in the Ajmer-Merwara Education Department. 376.
Supply of ice and mineral water on the East Indian Railway. 2213-15.
System of ticket checking on the East Indian Railway. 618.
System of ticket checking on the North Western and East Indian Railways. 613-14.
Termination of the services of certain employees on the Bombay, Baroda and Central India Railway. 2024-25.
Ticket checking on Branch lines of Asansol and Dinapore Divisions. 2210-11.
Ticket checking on Main and Branch Lines. 2211.
Ticket checking on the North Western Railway. 812.
Time-table of classes at the Government High School, Ajmer. 376-77.
Use of waiting rooms by Travelling Ticket Examiners on the East Indian Railway. 969.

WALL(S)—
Question *re* re-flooring and relining of —— in the North Western Railway Headquarters Office. 2401.

WAR—
Question *re*—
Payment of family pensions in respect of casualties in the Great ——. 2906-07.
Pension of certain military men increased by re-employment during the Great ——. 2602.
Pensions granted to ranks re-engaged for the Great ——. 636.
Pensions of ranks re-engaged for the Great ——. 1690-91.
Temporary increment in pre-—— military pensions. 639.

WAR BOND(S)—
Question *re* disposal of interest accruing on Savings Bank deposits and —— held by Muslims. 106-07.

WAR SERVICE—
Question *re* promotion of *ex*-—— railwaymen. 2204.

WAR SERVICE MEN—
Question *re* promotion of *ex*-—— on railways. 1262-63.

WARDEN—
Question *re* appointment of Bursar and —— in the Lady Hardinge Medical College, New Delhi. 44.

WARRANT OFFICER(S)—
Question *re* surplus —— and non-commissioned officers of the Indian Army Ordnance Corps. 1240.

WATCH AND WARD DEPARTMENT—
Question *re* expenditure on the —— on Railways. 626.

WATER—
Question *re* supply of filtered ——, lighting, etc., in Karol Bagh, Delhi. 2562-63.

WATER CHARGE(S)—
Question *re*—
Quarterly bills for —— in New Delhi. 1929-30.
Staff employed on the assessment and collection of electric and —— in Delhi. 977-78.

WATERMAN(EN)—
Question *re* grievances of Muslim —— on the North Western Railway. 105-06.

WATER METER—
See " Meter(s) ".

WATER-RATES—
Question *re* canal —— in the North-West Frontier Province. 64.

WATER SUPPLY—
Question *re*—
Additional —— necessary in Delhi in case of stoppage of the Simla exodus. 40.
—— of Ajmer. 2360-61.

WATER TAP(S)—
Question *re*—
Lack of —— in Railway quarters at Paharganj. 826-27.
Lack of —— in the Government of India Press, New Delhi. 2552.

WATSON, SIR CHARLES—
Oath of Office. 2903.

WEALTH—
Question *re* national —— remittances, incomes, pay and allowances, etc. 1380.

WEAVING MILL(S)—
Question *re* octroi duty paid by the —— at Anasagar. 2391.

WEIGHT(S)—
Question *re* record of —— of political prisoners in the Ajmer Central Jail. 2568.

WHEAT—
Question *re*—
American —— imported into India. 71-72.
Prices of —— at Cawnpore and Lyallpur. 536-37.

WHEAT IMPORT DUTY BILL—
See " Bill(s) ".

WHEAT IMPORT DUTY (EXTENDING) BILL—
See " Bill(s) ".

WIDOW(S)—
Question *re* pensions admissible to —— and mothers of deceased ranks. 637, 1691.
See also " Hindu —— Right of Inheritance Bill " under " Bill(s) ".

WILAYATULLAH, KHAN BAHADUR H. M.—
Election of —— to the Standing Finance Committee for Railways. 2612.
Foreign Relations Bill—
Motions to consider and to circulate. 2736, 2750.
Consideration of clause 2. 2803-05, 2806, 2808, 2809.
General Discussion of the General Budget. 1787-88.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 205.
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kucha Rahman. 2003.
Nomination of —— to the House Committee. 1017-18.
Question *re*—
Abolition of the office of Transportation Superintendent, Great Indian Peninsula Railway at Nagpur. 106.
Decline in the export trade of hides and skins. 2907-08.
Disposal of interest accruing on Savings Bank deposits and War Bonds held by Muslims. 106-07.
Injustice to Muslims in the Postal Department. 1947.
Prosecutions under the Foreign Relations Ordinance. 1231.
Traffic Controller in the Posts and Telegraphs Department. 981-82.
Use of the vernacular press for railway publicity. 875-76.

WILLIAMS, MR. TOM—
Question *re* interception of a telegram addressed to ——. 813-16.

WIRE—
Question *re* barbed —— fence round the office of the Quartermaster General in Simla. 2570.

WIRE AND WIRE NAIL INDUSTRY (PROTECTION) BILL—
See " Bill(s) ".

WIRELESS APPARATUS—
Question *re* orders for —— for railway centres in India. 819.

WIRELESS BRANCH—
Question *re*—
Abolition of the posts of Superintendents of —— and Cash Branches of the office of the Director General of Posts and Telegraphs. 1507.
Absence of the Superintendent of the —— of the office of the Director General of Posts and Telegraphs. 2017.
Appointment of Superintendent, ——, office of the Director General, Posts and Telegraphs. 1508.
Employment of a separate Superintendent for the —— of the office of the Director General of Posts and Telegraphs. 2017-18.

WOMAN(EN)—
Motion for Adjournment *re*—
Alleged maltreatment of —— political prisoners. 2283, 2408, 2442-63.
Question *re*—
Accommodation of —— prisoners in the Delhi Jail. 2476.
Alleged rough handling of a —— prisoner. 1523.
Anglo-Indian —— retained in officiating vacancies in the Madras General Post Office. 633-34.
Appointment of —— police in Delhi. 530.
Classification of —— political prisoners. 1524.

WOMAN(EN)—(*concld.*)
Question *re*—(*concld.*)
Higher education of —— from centrally administered areas. 988-89.
Number of —— arrested and imprisoned for political offences. 2580.
Subjection of —— to *lathi* charges. 2579.
Training College for —— in the Centrally administered areas. 989.
—— prisoners transferred to Lahore in a third class compartment. 1523-24.
Statement (laid on the table) by the Honourable Sir James Crerar *re* classification of —— political prisoners in the Delhi Jail. 1625.

WOMEN POLICE—
See " Police ".

WOOD, Sir EDGAR—
Bamboo Paper Industry (Protection) Bill—
Motion to consider Select Committee's Report. 1096-98, 1101, 1109.
Motion to reduce Demand for—
" Railway Board " *re*—
Future of the Railway Board and the constitutional aspect. 1547-50, 1566.
Oath of Office. 327.
Resolution *re* establishment of a Supreme Court in India. 591-92.

WOODMORE, Mr. S. R.—
Question *re* promotion of —— officiating Chief Draftsman, North Western Railway. 563.

WOOD PULP—
Question *re* importation of —— into India. 652-53.

WORK—
Resolution *re* hours of —— in coal mines. 1177-81.

WORKER(S)—
Statement *re* Draft Convention and recommendations *re* protection against accidents of —— employed in loading and unloading ships. 2818-19.

WORKING EXPENSE(S)—
Question *re* income and —— of Banks and Firms. 649-50.

WORKING EXPENSES—ADMINISTRATION—
Demand for Excess Grant. 929-30.

WORKING EXPENSES—ADMINISTRATION (RAILWAYS)—
Demand for Grant. 1581.

WORKING EXPENSES—REPAIRS AND MAINTENANCE AND OPERATION (RAILWAYS)—
Demand for Grant. 1581.

WORKING HOURS—
Question *re* —— of the Bengal and North-Western Railway staff. 1531.

WORKMAN(EN)—
Question *re*—
Ages of —— superannuated on the Bengal and North-Western Railway. 1527-28.
Amendments of Acts affecting ——. 339.
Retrenchment of officers and —— on the North Western Railway. 2396.
See also " Employers and —— (Disputes) Repealing Bill " under " Bill(s) ".

WORKMEN'S COMPENSATION (AMENDMENT) BILL—
See " Bill(s) ".

WORKSHOP(S)—
Question *re*—
Appointment and promotion of an " outsider " in the Lillooah Railway ——. 1521.
Appointment of apprentices of the Lillooah Railway ——. 1517-18, 1520-21.
Appointment of Indians as foremen, etc., in Military ——, etc. 2400.
Communities of chargemen appointed in the East Indian Railway —— at Lucknow. 567.
Education and training of certain employees in the East Indian Railway —— at Lillooah. 567.
Limiting the number of apprentices in the Lillooah Railway ——. 1519-20.
Paucity of Hindus in —— on the North Western Railway. 2398-99.
Recruitment and promotions in the Bengal and North-Western Railway —— at Gorakhpur. 1530-31.
Retrenchment in the Moradabad Engineering ——. 2405.
Transfer of the Works Manager, Lillooah ——. 1521-22.

WORKS MANAGER(S)—
Question *re*—
Retrenchment of ——, etc., of the Loco. and Carriage Shops, North Western Railway. 2397.
Transfer of the ——, Lillooah Workshop. 1521-22.

X

X-RAY INSTITUTE—
Question *re* abolition of the —— at Dehra Dun. 820-21.

Y

YAKUB, Sir MUHAMMAD—
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 20.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 174-75, 178, 184, 201.
Motion for Adjournment *re* arrest and internment of Mahatma Gandhi. 73.

YAMIN KHAN, Mr. MUHAMMAD—
Demand for Grant in respect of—
Foreign and Political Department. 2295-97.
Election of —— to the Standing Finance Committee for Railways. 2612.
Expressions of regret by —— on the death of—
Mr. F. W. Allison. 2669.
Mr. K. V. Rangaswami Iyengar. 2611.
Sir Bomanji Dalal. 3028.
The Honourable Mian Sir Muhammad Shafi. 16.
Foreign Relations Bill—
Motions to consider and to circulate. 2750-53, 2765.
Consideration of clause 2. 2772-73, 2774, 2805, 2818.
Consideration of clause 3. 2821, 2883-84.
Motion to pass. 2900-01.

YAMIN KHAN, MR. MUHAMMAD—(*concld.*)
General Discussion of the Railway Budget. 1277-79.
Hindu Marriages Dissolution Bill—
Motion to re-circulate. 961-62.
Hindu Widows' Right of Inheritance Bill—
Motion to refer to Select Committee. 83-84.
Motion for Adjournment *re*—
Excesses of the police in Delhi and desecration of the mosque of Kuc' Rahman. 2000-02, 2003.
Motion *re* election of Members to the Central Advisory Council for Railw 1827.
Motion to reduce Demand for—
"Customs" *re*—
Insufficient economy effected by Government under "Customs". 2246-47.
"Executive Council" *re*—
Indianisation of the Army. 2118-25, 2142-43.
Port Haj Committees Bill—
Motion to refer to Select Committee. 3005.
Question (Supplementary) *re*—
Dumping of rubbish outside the Turkman and Delhi Gates. 1239.
Secret European circular *re* the Reforms. 2725.
Report on financial questions arising out of the proposed separation of Burma from India. 3020, 3024.
Resolution *re*—
Chief Justices of High Courts. 143-45.
Recent Ordinances. 305-07.
Sugar Industry (Protection) Bill—
Motion to pass. 2878.
Wheat Import Duty (Extending) Bill—
Motion to consider. 692-93.
Motion to insert new clause 3. 692, 693.

YOUNG, MR. G. M.—
Indian Air Force Bill—
Motion for leave to introduce. 397.
Motion to refer to Select Committee. 523, 525.
Motion for extension of time for presentation of the Report of the Select Committee. 1036.
Presentation of the Report of the Select Committee. 1755.
Motion to consider. 2912-14, 2923.
Motion to pass. 2925.
Motion to reduce Demand for—
"Executive Council" *re*—
Indianisation of the Army. 2135-40.
Statement (laid on the table) by —— *re*—
Disposal of appeals by the Inspecting Officer, Military Lands and Cantonments, Northern Command. 2854.
Horse-breeding grantees reported against. 165.
Military power houses. 1811-12.
Taxation in Dehra Dun Cantonment. 2794.

Z

ZAMINDAR(S)—
Question *re* income-tax on dues received by ——. 1381.

ZIAUDDIN AHMAD, Dr.—
Demand for Excess Grant in respect of—
Appropriation from the Reserve Fund. 930-31.
Working Expenses —— Administration. 929, 930.
Demand for Grant in respect of—
Foreign and Political Department. 2300-01.
Demand for Supplementary Grant in respect of—
Appropriation from Depreciation Fund. 1830.
Appropriation from the Reserve Fund. 1833.
Miscellaneous Expenditure. 1832.
Election of —— to the Council of the Indian Institute of Science, Bangalore. 440.
Election of —— to the Standing Finance Committee. 2490.
Foreign Relations Bill—
Motion to consider and to circulate. 2734-40, 2756.
Consideration of clause 2. 2773-75.
Consideration of clause 3. 2888.
Motion to pass. 2897-98.
General Discussion of the General Budget. 1779-84, 1806.
General Discussion of the Railway Budget. 1264-68.
Indian Air Force Bill—
Motion to consider. 2924.
Indian Income-tax (Second Amendment) Bill—
Motion to refer to Select Committee. 167, 209.
Indian Merchant Shipping (Amendment) Bill—
Motion to refer to Select Committee. 2973-74.
Motion for election of members to the Standing Committee for the Department of Education, Health and Lands. 1019.
Motion *re* election of members to the Standing Finance Committee for Railways. 1826.
Motion *re* election of the Standing Finance Committee. 1812-13, 1815, 1816.
Motion to reduce Demand for—
" Executive Council " *re*—
Retrenchment. 2045-51.
" Railway Board " *re*—
Abolition of the Railway Board. 1325-26, 1328, 1329.
Railway retrenchment policy. 1416, 1418, 1419, 1420, 1433-34.
Representation of Muslims in the railway services. 1356.
Motion to take the Report of the Public Accounts Committee into consideration. 1184-85.
Point of order raised by —— whether when Government are asked whether they have certain information, they are entitled to reply merely that they are not aware of it. 2214.
Public Suits Validation Bill—
Motion to postpone consideration. 2947-48.

ZIAUDDIN AHMAD, DR.—(*contd.*)
Question *re*—
Accountants' posts on the North Western Railway. 710.
Administration of State Railways. 65.
Allegations against the Deputy Chief Accounts Officer, General Branch, East Indian Railway. 556-57.
Allegations in regard to Railway apprentices in Jamalpore. 67-68.
Allegations regarding officers on special duty. 1125-26.
Allegations regarding political prisoners in the North-West Frontitr Province. 64-65.
Allegations regarding the quality of food supplied to prisoners. 64.
Arrests in the North-West Frontier Province. 331-32.
Avoidance of break in service of Railway officials retrenched and re-employed. 360.
Canal water-rates in the North-West Frontier Province. 64.
Casual leave and gate allowances of crew staff and ticket collectors of the East Indian Railway. 359-60.
Competitive examinations for Accountants. 711.
Cost of the Railway Court of Inquiry. 107.
Decline in the export trade of hides and skins. 2907-08.
Employment of Muslims in the East Indian Railway. 3027.
Gold in the Currency Reserves in India and England. 63-64.
Grievances of Muslim watermen on the North Western Railway. 105-06.
Grievances of postal officers. 362.
Hide Cess Enquiry Committee's Report. 641.
Inconvenient timings of trains at Aligarh. 2012-13.
Insufficient food and blankets for prisoners in the North-West Frontier Province. 333.
Leave rules on the North Western Railway. 708-09.
Muslims appointed to the Political Department in the North-West Frontier Province. 2544.
Powers of Agents and Divisional Superintendents on railways. 65-66.
Prisoners exposed to the cold in the North-West Frontier Province. 332-33.
Provision of quarters for the staff of the Railway Clearing Accounts Office, Delhi. 2561.
Purchase of the Bengal and North-Western Railway. 360-61.
Railway system of accounting. 2095.
Re-examination of certain travelling ticket inspectors. 2094-95.
Revenue derived from hides and skins export duties. 641-42.
Reversion to lower posts of officiating men on the North Western Railway. 710-11.
Rumoured intention to use hounds to disperse crowds in the North-West Frontier Province. 333.
Seniority lists of staff of the Chief Accounts Office, North Western Railway. 707-08.
Ticket checking on the East Indian Railway. 1223-24.
Work of the Railway Retrenchment Sub-Committee and the Expert Committee. 361.
Question (Supplementary) *re*—
Abolition of the crew system of the East Indian Railway. 643.
Abolition of the lowest selection grade examination in the post office. 1943, 1944.
Accounts of discoveries at Mohenjodaro. 2017.
Allocation of seats in the Legislative Assembly and Council of State to the North-West Frontier Province. 2583.

ZIAUDDIN AHMAD, Dr.—(*contd.*)
Question (Supplementary) *re*—(*contd.*)
Allowances of travelling ticket examiners. 2366, 2367, 2368.
Allowances of travelling ticket examiners and of guards and drivers. 1938.
Amount of contributions from different Nations to the League of Nations. 2350.
Appeals by travelling ticket examiners of the North Western Railway. 622.
Appointment of Muslims on the North Western Railway. 1619.
Appointment of Muslims to ministerial establishments of the Central Government. 2088.
Appointment of ticket collectors. 2206.
Appointment of Under Secretary in the Finance Department. 1250, 1251.
Arrests made and properties confiscated under the Ordinances in the North-West Frontier Province. 437.
Commercial audit in Government factories. 1934.
Contract for clothing entrusted to Messrs. Hoe & Co. 1132.
Conversion of pensions of members of the Indian Medical Department drawn abroad. 1130.
Cost of British and Indian soldiers and officers in India. 2010.
Cost of divisional organisation on Indian Railways. 627-28.
Costly electrification scheme on the Great Indian Peninsula Railway. 1936.
Currency and Exchange policy of the Government. 646.
Deposits, loans and cash credits of other banks with the Imperial Bank of India. 1063.
Deputations and delegations to South Africa. 336.
Designation of ticket checkers on the East Indian Railway. 611, 613.
Destruction of insufficiently stamped postcards. 38.
Disposal of interest accruing on Savings Bank deposits and War Bonds held by Muslims. 106-07.
Distinction between light and heavy "Lathi" charges. 2579.
Employment of Hindus on the North Western Railway. 993-94.
Employment of Muslims in the Telegraph Department. 1925.
Expenditure on the Ecclesiastical Department. 2352.
Female education in centrally administered areas in British India. 988.
Floating debt of the Government of India. 1064.
Flogging of political prisoners in the North-West Frontier Province. 49.
Fly nuisance in New Delhi. 883.
Foregoing excess fares on the East Indian Railway. 816.
Gold exported from, and imported into, India. 531-32.
Grant-in-aid for the Girls' School in Saugor Cantonment. 1933.
Grievances of the Muslim Community against the Public Service Commission. 2085-86.
Hawking of mutton in New Delhi. 978.
Income and expenditure from Customs and administration of Karachi and income-tax in Sind. 359.
Incorrect lists of voters in the North-West Frontier Province. 2483.
Increase in the number of cadets admitted to the training ship "Dufferin". 2585-86.
Indian representation in the Secretariat of the League of Nations. 341.
Ineffectiveness of the crew system of railway ticket checking. 1936.
Insanitary conditions in the Hedjaz. 330.
Lack of a waiting room at Kosma. 2363.
Letter to Maulvi Muhammad Shafee Daoodi *re* his visit to the North-West Frontier Province. 1615.

ZIAUDDIN AHMAD, DR.—(*contd.*)
Question (Supplementary) *re*—(*contd.*)
Levy of a poll tax in Tanganyika for education. 2558.
Lower gazetted service on State Railways. 811.
Members nominated for the Committees of the Round Table Conference. 535.
Memorials withheld by the Railway Board. 1587.
Monthly Railway Time Table issued by the South Indian Railway. 1133.
Moody-Ward system of ticket checking. 998-99.
Muslims appointed as Personnel Officers on the North Western Railway. 1926.
Opinion of the East Indian Railway authorities on the crew system. 615.
Organisations declared unlawful in the North-West Frontier Province. 990-91.
Participation of India in the Imperial Economic Conference at Ottawa. 2910-12.
Promotion of a European officer on the Great Indian Peninsula Railway. 1069.
Purchase of the Bengal and North-Western Railway. 702.
Railway Court of Enquiry. 1585, 1586.
Railway passes for Railway Mail Service Inspectors. 1592-93.
Railway saloons provided for Railway officials. 32.
Realisations from the additional import duty on salt. 440.
Recruitment of Muslims by the Public Service Commission. 2089, 2091.
Registering of Indian Medical Practitioners. 982-83.
Removal of the North-West Frontier Crime Regulations. 1603.
Report of Mr. K. M. Hassan, officer on special duty, Railway Board. 975.
Report of the Archæological Department. 2356-57.
Report on the representation of minority communities in Railway Service. 1074-75.
Representation of Muslims in the Railway Services. 559.
Representation of the interest of Indian settlers in Tanganyika. 2554.
Retrenchment of certain Junior Inspectors of Accounts on the North Western Railway. 2472.
Retrenchment of Muslim railway servants. 2360.
Retrenchment of officials on State railways nearing the age of superannuation. 2354-55.
Retrenchment of scholarships for training of Indians in Marine Engineering. 2585.
Retrenchment proposals of the Railway Board. 1664.
Revised cadres and promotion of subordinates in certain departments of the Great Indian Peninsula Railway. 1067.
Revised rates of pay of Government servants. 810.
Scale of salaries for the Governor, Executive Councillors and Ministers in the North-West Frontier Province. 553-54.
Settlement of the communal problem. 2485.
Staff of the League of Nations Secretariat and the amount of contributions made by different nations. 350.
Status of headmasters in railway schools. 2480.
Status of India as a member of the League of Nations. 338.
Sugar purchased for military consumption. 362.
Supersession of certain subordinates in the Great Indian Peninsula Railway. 1065.
System of ticket checking on the East Indian Railway. 618.
System of railway ticket checking. 2208-09.

ZIAUDDIN AHMAD, DR.—(*concld.*)
Question (Supplementary) *re*—(*concld.*)
Ticket checking on main and branch lines. 2211.
Ticket checking system on the East Indian Railway. 1939.
Titles for Hindus and Mussalmans. 558.
Training College for women in the centrally administered areas. 989.
Utilisation of fine funds on railways. 653.
Visit of Maulana Shaukat Ali to the North-West Frontier Province. 2376.
Report on financial questions arising out of the proposed separation of Burma from India. 3023-24, 3030-33.
Resolution *re*—
Appointment of a committee on education. 851-57, 860, 862, 867, 869, 872-74.
Stabilization of exchange and prices. 828-36, 841-43.
Sugar Industry (Protection) Bill—
Consideration of clauses 3 and 4. 2868-69.
Consideration of clause 6. 2875.
Wheat Import Duty (Extending) Bill—
Motion to consider. 684-86.
Motion to insert new clause 3. 691-92.

ZOOLOGICAL SURVEY—
Demand for Grant. 2337.

ZULFIQAR ALI KHAN, SIR—
Expressions of regret on the death of the Honourable Mian Sir Muhammad Shafi. 20-21.
Resolution *re* recent Ordinances. 299-302.

MGIPC—L—IX-75—11-8-32—910.