

Wednesday, 14th September, 1932

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# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1932

*(5th September to 19th September, 1932)*

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## FOURTH SESSION

OF THE

## FOURTH LEGISLATIVE ASSEMBLY, 1932



NEW DELHI  
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1933

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

## *Deputy President :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

## *Panel of Chairmen :*

SIR HARI SINGH GOUR, Kt., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

MR. G. MORGAN, C.I.E., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

## *Secretary :*

MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

## *Assistants of the Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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# LEGISLATIVE ASSEMBLY.

Wednesday, 14th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## MEMBER SWORN.

Sardar Nihal Singh, M.L.A. (Fyzabad Division : Non-Muhammadan Rural).

## QUESTIONS AND ANSWERS.

### HAYMAN-MOHINDRA PUNCHING MACHINES.

232. \***Khan Bahadur Haji Wajihuddin** : (a) Will Government be pleased to state why, when Messrs. Moody and Ward in paragraph 71, on page 41 of their Report said " Punch is too expensive an instrument to entrust in the hands of the low paid staff ", is it still entrusted to the T. T. Es. drawing pay between Rs. 55 and Rs. 95 per month ?

(b) Will Government be pleased to state if it is not a fact that most of the T. T. Es. entrusted with the punches are temporary hands and in case of loss how are Government going to recover the cost of the punch ? Have there been instances where Crewmen absconded with Government property, as acknowledged by Government in reply to question No. 1110 (f) asked in the Legislative Assembly on the 18th March, 1929 ?

**Mr. P. R. Rau** : (a) The punches are available and are being made use of as a measure of economy.

(b) Such risks cannot always be avoided. Moreover, the Travelling Ticket Examiners, entrusted with the punches, are now permanent employees and very few punches have been lost in the past by the Travelling Ticket Examiners. The answer to the last part of the question is in the affirmative.

**Mr. Lalchand Navalrai** : May I know if the Agent, North Western Railway, was consulted as to whether these punches could be used throughout his Railway ?

**Mr. P. R. Rau** : I believe all Railways were addressed in the matter.

**Mr. R. S. Sarma** : Is it a fact that the cost of these punches is only Rs. 66 and not Rs. 97 as has been made out in the interpellations, in this House ?

**Mr. P. R. Rau** : I think the cost of a punch is Rs. 67-8-0 ; it was originally Rs. 75. But the cost of the punches given by me yesterday referred to the cost of the punches together with three refills and date lock.

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**Dr. Ziauddin Ahmad :** May I know whether the Agent of the East Indian Railway was consulted and, if so, what reply did he give ?

**Mr. P. R. Rau :** It is the Agent of the East Indian Railway who purchased these punches.

**Mr. Gaya Prasad Singh :** May I know, if Mr. Hayman has got any pecuniary interest in these punches ?

**Mr. P. R. Rau :** I have answered that questions already. He is a joint patentee.

**Dr. Ziauddin Ahmad :** Will the Honourable Member please lay on the table the reply of the Agent of the East Indian Railway when he was consulted about these punches ?

**Mr. P. R. Rau :** I do not quite understand what reply my Honourable friend wishes me to place on the table.

**Dr. Ziauddin Ahmad :** When the Railway Board adopted this system of punches, I understand they consulted the Agent of the East Indian Railway. What reply did he give ?

**Mr. P. R. Rau :** It is not a question of the Railway Board consulting the Agent of the East Indian Railway. It was the Agent who, of his own accord, introduced these punches.

**Mr. Lalchand Navalrai :** Am I to understand that the Agents were not consulted before these punches were put into practice on the Railways ?

**Mr. P. R. Rau :** Nothing of the sort ; as a matter of fact, it was the Agent of the East Indian Railway who came to the decision to buy these punches.

**Mr. Lalchand Navalrai :** It might be for purchasing. Thereafter were the other Agents consulted before these punches were introduced ?

**Mr. P. R. Rau :** I do not know how more clearly I can explain the position to this House. It was not the Railway Board which introduced these punches. It was the Agent of the East Indian Railway, acting on the advice of his own Departments, who purchased them.

**Mr. Gaya Prasad Singh :** It is a shady transaction ; how can you make it clear ?

**Dr. Ziauddin Ahmad :** May I ask whether the permission was given before the patent was registered, or after ?

**Mr. P. R. Rau :** I understand the punches were purchased by the Administration in June, 1928, and that the patent is dated March, 1927.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

233. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the Hayman-Mohindra Punch has now been modified for purely checking purposes, although originally it was intended for collection of tickets ?

(b) What has been the total cost of modification on all the punches as well as on each punch ?

(c) Will Government please state if the modification was undertaken by the East Indian Railway authorities or by the patentees ?

(d) Will Government be pleased to state if the punches after their final purchase by the East Indian Railway still remained the property of the patentees ?

**Mr. P. R. Rau :** (a) Yes.

(b) Rs. 1,458-3-0 for 900 punches at Rs. 1-10-0 each.

(c) By the East Indian Railway.

(d) The punches are the property of the Railway.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

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

(a) if it is a fact that as a result of the modification, the three tubes provided with each Hayman-Mohindra punch for collection of tickets worth Rs. 18 have been rendered useless ;

(b) the total cost of refill tubes rendered thus useless ; and

(c) what Government are going to do with those tubes ?

**Mr. P. R. Rau :** (a) Yes.

(b) The original cost was Rs. 40,507-13-0.

(c) The administration is considering whether they can be put to any use.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

235. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that this punch is the invention of a Member of the Railway Board and one Engineer of Messrs. Martin and Co., and is called Hayman-Mohindra Punch ?

(b) Is it a fact that the modification work was given to Messrs. Martin and Co., at the suggestion of one of its inventors ?

(c) Is it a fact that these punches were manufactured by Messrs. Martin and Co., to which firm one of the patentees belonged ?

**Mr. P. R. Rau :** (a) One of the inventors has since become a Member of the Railway Board. It is understood that the other was employed at the time by Messrs. Martin and Company.

(b) I understand that Messrs. Martin and Company were referred to in the matter by the East Indian Railway as they supplied the punches originally, but the alterations were carried out by the Railway.

(c) It appears they were manufactured in Czechoslovakia for Messrs. Martin and Company.

**Dr. Ziauddin Ahmad :** May I ask whether the Railway took the trouble to find out whether other firms were prepared to make these punches ? Or, is it due to the fact that Mr. Mohindra happened to be the Chief Engineer of Martin and Company and he recommended his own firm ?



**Mr. P. R. Rau :** To the best of my recollection, tenders were called for for the construction of these punches, but I am not quite sure of this.

**Mr. R. S. Sarma :** Will the Honourable Member be surprised to hear that Messrs. Martin and Company did not make any money out of this transaction, on the other hand that they dropped some money ? In view of the suggestion that Messrs. Martin and Company made some money.....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is making a statement ; he should put a supplementary question.

**Mr. R. S. Sarma :** Is the Honourable Member aware that Messrs. Martin and Company had incurred a loss on this Hayman-Mohindra punch ?

**Mr. P. R. Rau :** Possibly ; but I cannot answer for Messrs. Martin and Company.

**Mr. K. C. Neogy :** Will the Honourable Member disclose the source of his information that Messrs. Martin and Company incurred a loss ?

**Mr. R. S. Sarma :** I had the information from the Company themselves.

**Dr. Ziauddin Ahmad :** Is it not a fact that this patent was registered in the name of a Member of the Railway Board and an employee of Messrs. Martin and Company ? Is it not a fact that the contract was given to the same Company to which Mr. Mohindra belonged ? Is it not a fact that the East Indian Railway for some reason or another, which is not clear from the answer, purchased all these punches at a definite loss to the tax-payers of India ?

**Mr. P. R. Rau :** Mr. Hayman was not at that time a Member of the Railway Board.

**Mr. B. R. Puri :** Was he on leave ?

**Mr. P. R. Rau :** He had not then been appointed a Member of the Railway Board.

**Mr. B. R. Puri :** Was he connected with the Railway Board in any way ?

**Mr. P. R. Rau :** He was Director of Finance in the Railway Board.

**Mr. M. Maswood Ahmad :** Was he a Director or Deputy Director ?

**Mr. P. R. Rau :** He was Director.

**Dr. Ziauddin Ahmad :** Mr. Hayman is the Railway Board ?

**Mr. P. R. Rau :** No, Sir.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

236. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities and

the patentees entered into some agreement in connection with the Hayman-Mohindra Punches ? If so, what was it about ?

(b) When did the term of agreement expire ?

(c) Is it a fact that the patentees were handsomely benefited by way of patent-right money ?

(d) Is it a fact that the Crew system was abolished after the term of agreement between the Railway and the patentees expired and when the punches were finally purchased by the Railway ?

**Mr. P. R. Rau :** (a) I understand there was no agreement other than an ordinary purchase order.

(b) Does not arise.

(c) Government have no information.

(d) I do not quite understand this question. There was no term of agreement, and the Crew System was replaced by the scheme recommended by the Moody-Ward Committee long after the purchase of these punches.

#### OLD PUNCHING MACHINES SUPPLIED TO TRAVELLING TICKET INSPECTORS.

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

(a) what has become of those punches which were supplied to the old Travelling Ticket Inspectors in the East Indian Railway under the Accounts Department ;

(b) why their use has been abandoned ;

(c) the cost of each of the said punches ; and

(d) the total cost of all the punches in stock ?

**Mr. P. R. Rau :** (a) Eighty have been left over from the pre-crew days and will be utilised as and when required.

(b) The staff had already got used to the Hayman-Mohindra punches and there was no advantage in withdrawing 80 of these and re-issuing in their place the old nippers which had remained out of use for over four years.

(c) Rs. 53.

(d) Rs. 4,240.

#### OLD PUNCHING MACHINES SUPPLIED TO TRAVELLING TICKET INSPECTORS.

238. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is true that the old punches supplied to the Travelling Ticket Inspectors under the Accounts Department used to emboss punch number, date and month on the tickets and so do the Hayman-Mohindra Punches in their modified form ?

(b) Were these new punches considered an improvement over the old ones ? If so, in what way ?

(c) Will Government be pleased to state as to why such costly innovations have been resorted to during these days of financial stringency ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). It was more economical to utilise the Hayman-Mohindra punches after certain alterations than to buy new ones.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

239. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the Hayman-Mohindra Punch even in its modified form is about four times heavier than the former punch supplied to the Travelling Ticket Inspectors ?

(b) Was it ever objected to on the ground that it is too unwieldy and cumbersome a machine to be carried about by running staff ?

(c) Is it a fact that with these punches, i.e., Hayman-Mohindra punches, paper tickets and passes cannot be punched as could be done with the old punches ?

(d) Is it a fact that with the old punch five or six impressions could be made on a ticket whereas with this new one no more than two impressions can be made ?

(e) Will Government be pleased to lay on the table a sample of both the old T. T. I. and present Hayman-Mohindra punches to enable the Honourable Members to examine them personally ?

**Mr. P. R. Rau :** (a) Yes.

(b) Not that I am aware of.

(c) Neither the Hayman-Mohindra nor the old punch can punch paper tickets or passes nor is it necessary as all the information required is recorded by hand and in ink on these forms.

(d) Both give the same number of impressions.

(e) Specimens of both the punches are available in the office of the Railway Board for the inspection of any Honourable Member interested.

**Dr. Ziauddin Ahmad :** Since there are so many punches with the Railway Board for which there will never be any use, will the Honourable Member give one to every Member of the Assembly as a souvenir of the wisdom of the Railway Board ?

**Mr. P. R. Rau :** I shall be glad to sell one below cost if the Honourable Member wants to have it.

**Mr. B. R. Puri :** Have Government any serious objection to placing one on the table of the House so that we may be in a position to see it ?

**Mr. P. R. Rau :** I understand, Sir, that one of the consequences of placing it on the table of the House is that it is reproduced in the Debates. (Laughter.)

#### GRIEVANCES OF THE EMPLOYEES OF THE EAST INDIAN AND ROHILKUND AND KUMAON RAILWAYS.

240. **\*Khan Bahadur Haji Wajihuddin :** Has the attention of Government been drawn to the statement of the General Secretary, East Indian and Rohilkund and Kumaon Railway Unions as published in the

**Hindustan Times**, dated the 11th July, 1931, in regard to the grievances of the employees and other abuses prevalent on the Railways ?

**Mr. P. R. Rau** : The reply is in the affirmative.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

241. **\*Khan Bahadur Haji Wajihuddin** : Is it a fact that in reply to question No. 296 (c) by Pandit S. N. Sen in the Legislative Assembly, on 12th February, 1932, Government said that the Hayman-Mohindra Punch did not fail, whereas Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, in para. 71 on page 41 of their Report have said "the machines are apt to go out of order and there are several defects which militate against their successful use", and again in the first line of para. 72 on page 41 of the said Report they have stated "collection of tickets in train by means of the Punch is also unsatisfactory in the following way" ?

**Mr. P. R. Rau** : I am informed by the Agent, East Indian Railway, that the Hayman-Mohindra Punch fulfilled, to all intents and purposes, the object with which it was supplied.

**Dr. Ziauddin Ahmad** : How does the Honourable Member reconcile this statement about the efficiency of the machine with the statement of the Honourable Member given a few minutes ago ?

**Mr. P. R. Rau** : I believe, Sir, Messrs. Moody and Ward said that there are certain defects in the construction of this machine but in practice the Agent of the East Indian Railway has informed me that it was quite satisfactory.

#### HAYMAN-MOHINDRA PUNCHING MACHINES.

242. **\*Khan Bahadur Haji Wajihuddin** : (a) Will Government be pleased to state if it is a fact that on the North Western Railway the same punches are still being used as the old T. T. I. punches ? Will Government be also pleased to state on what other Railways such punches were used and are still being used ?

(b) Will Government be pleased to state if it is a fact that even now the Railway Board authorities are considering the question of distributing the surplus Hayman-Mohindra punches over other State Railways ?

(c) Will Government be pleased to state why the Hayman-Mohindra punch is still allowed to remain in operation in contravention of the recommendations of the officers of the Crew Enquiry Committee ? Were these recommendations accepted by the Railway Board and adopted by the East Indian Railway authorities ?

**Mr. P. R. Rau** : (a) I have ascertained that the North Western Railway continue to use punches of the old pattern. I have no information regarding the types of punches in use on other railways.

(b) As the converted Hayman-Mohindra punches are as suitable for the present work as any other type of nippers, it is obviously desirable to utilise them in preference to spending money on the purchase of new nippers.

(c) They have been adjusted to suit the new conditions of working.

**Dr. Ziauddin Ahmad :** Is it not a fact that since the purchase of these punches Mr. Hayman's son has been employed by Martin and Company ?

**Mr. P. R. Rau :** I do not know anything about that.

**Dr. Ziauddin Ahmad :** Will Government make any inquiries about it ?

**Mr. P. R. Rau :** I do not think that is part of the duties of Government.

#### **PURCHASE OF TICKET PRINTING MACHINES TO SUIT HAYMAN-MOHINDRA PUNCHING MACHINES.**

**243. \*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that two machines worth Rs. 16,000 were purchased by the Railway to print tickets to suit the Hayman-Mohindra punches ?

(b) Will Government be pleased to state what has become of those machines now and whether those Crew tickets are still continued to be printed ?

(c) Will Government be pleased to state why, when the Crew system was still a temporary and experimental measure, such highly expensive machines and punches were purchased by the Railway ?

**Mr. P. R. Rau :** (a) Yes.

(b) These machines, being adaptable, are at work in the Printing Department and are being used daily for printing tickets.

(c) I am informed that in order to facilitate the disposal of collected tickets and the preparation of ticket checking reports under the crew system, it was considered necessary to have a special type of tickets printed and to collect these with the aid of these punches.

#### **HAYMAN-MOHINDRA PUNCHING MACHINES.**

**244. \*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are thinking of using the Hayman-Mohindra punches at the gates for collection of tickets ?

(b) If so, have Government considered whether collection with these punches will not be a very slow process as compared with collection by hand and will keep the passengers detained at the gate ?

(c) Will foreign tickets, passes, paper tickets be collected with these punches ?

(d) Do the Railway Department propose to undertake further expenditure to modify the punches for the purpose of collecting tickets ?

**Mr. P. R. Rau :** (a) No.

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

(d) I am not aware of any such proposal.

**REFUSAL OF CERTAIN FACILITIES TO BENGAL DETENUS IN THE DEOLI DETENTION CAMP.**

245. **\*Mr. Bhuput Sing :** (a) Is it a fact that Sir James Crerar, the then Home Member, in March last gave an assurance in this House that Bengal conditions would be reproduced as far as practicable in Deoli for the detenues to be transferred from Bengal ? If so, will Government be pleased to state :

- (i) whether it is a fact that the day-temperature at Deoli sometimes rose above 124° F. during the summer ;
- (ii) whether it is a fact that the detenues at Deoli requested the Superintendent to supply them with *khus-khus purdahs* and *pankhas* ; and
- (iii) whether it is a fact that the Superintendent turned down their request, in spite of Government's assurance, on the ground that these things are luxuries ?

(b) If the answer to part (a). (iii), is in the affirmative, will Government be pleased to state the reasons for the refusal by the Superintendent of *khus-khus purdahs* and *pankhas* ?

(c) Will Government be pleased to state whether they have defined what are luxuries and what are necessities for the guidance of their Jail officers or has the whole thing been left in the hands of their officers to define them according to their whims and caprices ?

**The Honourable Mr. H. G. Haig :** (a) (i). Temperatures are high in the hot weather, but I have no reason to suppose that they are out of relation to the general temperatures in that part of India.

(ii) Yes.

(iii) The Superintendent supplied hand fans.

(b) *Khus-khus* was not supplied because it was not considered necessary, but ceiling *punkhas* have now been supplied.

(c) The Government of India do not consider that a definition of these terms for the benefit of their officers would serve any useful purpose. Their general connotation is well understood.

**Mr. Lalchand Navalrai :** Will the Honourable Member please state what is the temperature there in summer ?

**The Honourable Mr. H. G. Haig :** I cannot give a specific answer as to the temperature there in summer.

**Mr. Lalchand Navalrai :** Is it 124 degrees as stated in the question ?

**The Honourable Mr. H. G. Haig :** I very much doubt it. I inquired about it the other day from an officer who was stationed for six or seven years at Deoli and he told me that he had never heard of any such temperature.

**Mr. B. Das :** May I inquire if *punkha* coolies are provided to pull these ceiling *punkhas* that have been installed, or have the detenues been asked to pull them themselves ?

**The Honourable Mr. H. G. Haig :** I think I replied to this question before. Obviously *punkhas* are pulled by *punkha* coolies.

**Mr. B. Das :** Why did the Superintendent think that the provision of *punkhas* is a luxury ? Is it not a fact that some of these detenus are as good gentlemen in public life as the Superintendent himself ?

**The Honourable Mr. H. G. Haig :** Has it been stated that the Superintendent considered the provision of *punkhas* as a luxury ?

**Mr. B. Das :** I am referring to part (a) (iii) of the question.

**The Honourable Mr. H. G. Haig :** The Superintendent, so far from considering these things as luxuries, supplied in the first place hand fans and, later on, ceiling fans.

#### REFUSAL OF CERTAIN FACILITIES TO BENGAL DETENUS IN THE DEOLI DETENTION CAMP.

246. **\*Mr. Bhuput Sing :** (a) Is it a fact that no trained cooks are employed in the detention camp at Deoli and that only a few convicts who have never been trained as a cook, are employed there as cooks ?

(b) Is it a fact that mustard oil is denied to the detenus at Deoli ? Are Government aware that mustard oil is ordinarily used by Bengalees both for cooking and massaging ?

(c) If the answers to the above are in the affirmative, will Government be pleased to state the reasons for denying these facilities to these detenus ?

(d) Have Government made any enquiries as to whether these facilities are being denied to these detenus in Deoli to penalise them for their political views ? Why are they being refused such facilities which were vouchsafed to them by the Government of India in the Assembly ?

**The Honourable Mr. H. G. Haig :** (a) No. The cooks employed are convict cooks who have worked in that capacity in jails in Bengal. Some of those at first sent were not found satisfactory and have been replaced by better ones.

(b) No. I would refer the Honourable Member to the answer which I have given to part (b) of Mr. Gaya Prasad Singh's question No. 22.

(c) Does not arise.

(d) No, Sir. From what I have said the Honourable Member will see that the position is the exact opposite of that which he suggests in his question.

#### ABOLITION OF THE CONVICT SETTLEMENT AT THE ANDAMANS.

247. **\*Mr. Bhuput Sing :** (a) Is it a fact that the Jails Committee of 1919 recommended the abolition of the convict settlement at the Andamans ?

(b) Is it a fact that the Government of India accepted the recommendation and was carrying out the recommendation ?

(c) Is it a fact that prisoners guilty of violent murders committed for mean and base motives are being taken away from the Andamans ?

(d) If so, will Government be pleased to state whether they are thinking of sending political detenus to the Andamans ? If so, why ?

(a) Is it a fact that the present Government propose to treat criminals guilty of violent murders inspired by base motives better than the political murderers consisting of men of education and erudition ? If so, will they be pleased to state their reasons for so doing ?

**The Honourable Mr. H. G. Haig :** (a) No. The Honourable Member's attention is drawn to paragraph 566 of the Jails Committee's report.

(b) The policy of the Government of India is fully explained in the Home Department Resolution of the 27th February, 1926.

(c) The general policy is to transport to the Andamans prisoners who are likely to settle there and to adapt themselves to present day conditions in the settlement. Desperate and dangerous criminals whose despatch to the Andamans has been in conflict with this policy have in many cases been brought back to India.

(d) Government have no such proposal under consideration.

(e) No, Sir. The punishment of a murderer is based on his crime, and not on the degree of his education or erudition.

**Mr. Gaya Prasad Singh :** May I know if there are any other prisoners in the Andamans except these political prisoners who have been transferred there, lately ?

**The Honourable Mr. H. G. Haig :** Yes, Sir ; there are large numbers of convicts in the Andamans.

**Mr. Gaya Prasad Singh :** I am referring to convicts who have not settled there.

**The Honourable Mr. H. G. Haig :** I do not quite understand what the Honourable Member means by settling there. Prisoners who go to the Andamans serve a definite sentence of transportation.

**Dr. Ziauddin Ahmad :** What is the climatic condition of the Andamans ? Is it more healthy than it used to be before ?

**The Honourable Mr. H. G. Haig :** Very much more healthy, Sir.

**Mr. K. Ahmed :** Is it a fact that the Indian Jails Committee, in the year 1919 or 1920, reported that the place was insanitary and unfit for human beings to live in ?

**The Honourable Mr. H. G. Haig :** Conditions have changed almost completely since the Indian Jails Committee reported.

**Mr. Gaya Prasad Singh :** Is the Honourable Member aware that certain papers from his Department, placed before the Standing Finance Committee from time to time, depicted the climatic conditions in the Andamans as unhealthy and insanitary ?

**The Honourable Mr. H. G. Haig :** No, Sir, I was not aware of that. I saw some figures the other day which showed a remarkable reduction in the death rate.

**Mr. K. Ahmed :** Are Government aware that only a few years ago, two Members of the Madras Legislative Council, three Members of the Legislative Assembly and Dr. Moonga, the medical expert, went there and investigated the conditions and that they reported that the place was not only insanitary, but a centre of demoralisation and, therefore, recommended that the Moplah prisoners should be sent back to their respective homes ?



**The Honourable Mr. H. G. Haig :** My recollection of the report of the committee is slightly vague : I must ask the Honourable Member kindly to put down a question.

**Mr. K. Ahmed :** This question arises out of the answer given by the Honourable the Home Member and, in view of that fact, I am entitled, according to the rules and standing orders, to put this question and, if my Honourable friend will comply with the provisions of the rules and standing orders, may I ask him again whether he will be good enough to answer the question ? I repeat the question.

**The Honourable Mr. H. G. Haig :** I have no objection to the Honourable Member asking a question, but I cannot undertake to carry in my head the answers to all the questions that he may ask.

**Mr. K. Ahmed :** I am sorry that it is very difficult for an individual Member to carry everything in the head, but since the Honourable Member is representing the Home Department and the Department is very big and as voluminous as the Chambers' Dictionary, may I ask him to answer according to the provisions of the rules and standing orders that it is definitely laid down in the report that that place is not only insanitary, but is a centre of demoralisation and that was the reason why they asked that all the Moplah prisoners convicted in the year 1921 should be sent back to India, if the Honourable Member will kindly remember that great tragedy when 100 Moplah people were shut up in a luggage van of the train from Bellary to Podanur and it was afterwards found that about 60 of them were suffocated and died, their dead bodies were being heaped up one above the other ?

**The Honourable Mr. H. G. Haig :** I have said that if the Honourable Member will be kind enough to put down a question, I shall be very happy to explore the records and give him an answer.

**Mr. Muhammad Muazzam Sahib Bahadur :** Is it a fact that the Andamans are considered to be unhealthy, from the point of view of the officials, and healthy, from the point of view of the prisoners ?

**The Honourable Mr. H. G. Haig :** I think at the present moment the Andamans are considered to be a healthy place for a tropical climate of that kind.

**Mr. B. Das :** Is it not a fact that the Honourable Member's predecessor, Sir Alexander Muddiman, visited the Andamans and he was of the opinion that it was a nice place to stay in and that he would not mind if he had to stay there ?

**The Honourable Mr. H. G. Haig :** I believe he was very favourably impressed by the Andamans.

#### RE-INSTATEMENT OF CERTAIN EMPLOYEES OF SOUTH INDIAN RAILWAY AS RECOMMENDED BY THE RAILWAY COURT OF ENQUIRY.

248. **\*Mr. Bhuput Sing :** (a) Is it a fact that the Railway Court of Enquiry appointed by the Government of India under the Trade Disputes Act recommended the re-instatement of men whose names appear in list " A " of the report ?

(b) Is it a fact that the South Indian Railway have re-instated only three of the twelve men in list " A " pertaining to that Railway, and that

orders for re-instatement have not yet been passed in the case of the remaining nine ?

(c) Is it a fact that these nine men belong to the Statistical Branch of the South Indian Railway and that the Court of Inquiry remarked as follows on their retrenchment :

“ Another complaint is in regard to the way that the Statistical Department was retrenched. The officer who retrenched not having appeared, Mr. Pillai who was left to shoulder the burden could not explain and he frankly admitted that a course not adopted in any other department of the Railway was adopted in this department—namely, of dividing the 100 Clerks of this Department into a Junior Section of 50 receiving salary up to Rs. 46 and a Senior Section receiving salary of between Rs. 48 and Rs. 150 and retrenching the seniors without demotion. After this fair admission the explanation unsupported by any record of least efficiency as the justification for discharge lost all its value. The Court feels that these men have a genuine grievance in having been retrenched, and recommends the re-instatement of the ones whose names appear in list ‘A’.”

(d) If so, what is the explanation for this abnormal delay in passing orders of re-instatement of these nine men ?

**Mr. P. R. Rau :** (a) Yes.

(b) Three of the 12 men whose re-instatement was recommended by the Court of Enquiry have been re-appointed. As regards the nine others, the administration reports that although they consider the retrenchment in each of these cases was absolutely justified, steps are being taken, in view of the desire of Government to give effect to the recommendations of the Court, to arrange for their re-employment.

(c) No ; only five of the nine men belong to the Statistical Branch of the South Indian Railway. The remarks of the Court of Enquiry have been correctly reproduced.

(d) The matter was under correspondence between the Agent and the Board of Directors of the Railway.

**Mr. Bhuput Singh :** How long has the correspondence been going on in the matter ?

**Mr. P. R. Rau :** I understand that steps are being taken to arrange for their re-employment.

**Mr. B. Das :** Will the Honourable Member be pleased to state, in view of the recommendations having been there for the last six months for the re-instatement of these men, why the South Indian Railway has not taken steps to re-instate these men who have been recommended to be re-instated to the higher grade ?

**Mr. P. R. Rau :** The Agent of the Railway could not, I believe, take any final steps without the sanction of the Board of Directors.

**Mr. B. Das :** Has the Board of Directors sanctioned the putting of these nine men into the higher grades ?

**Mr. P. R. Rau :** I have already in reply to part (b) of the question told the House that steps are being taken to arrange for their re-employment.

**Mr. B. Das :** Will it take a long time or will it take place within the session and will the Honourable Member inform this House when these men have been re-instated ?

**Mr. P. R. Rau :** I shall call for the facts and place a statement on the table.

**Mr. Muhammad Muazzam Sahib Bahadur :** Will the Honourable Member indicate a little more definitely how long it will take to re-instate these people ?

**Mr. P. R. Rau :** When I hear from the South Indian Railway that these men have been re-instated, I shall be in a position to say how long it has taken.

#### ROUND TABLE CONFERENCE.

**249. \*Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the statement of Sir Tej Bahadur Sapru on the speech of Sir Samuel Hoare, dated 27th June, 1932, with regard to the proposed appointment of a Joint Parliamentary Committee on the Indian Constitution ?

(b) Is the statement correct of Sir Tej Bahadur Sapru, published in the press, to the effect that the Prime Minister and Lord Lothian had made very express and explicit statements in their speeches to show that the Round Table Conference would be resummoned for a final review of the work of the Committee ?

(c) Did the Prime Minister or His Majesty's Government give any indication at any time to the Round Tables for the abandonment of the Round Table Conference ?

(d) Will Government be pleased to state if the intention of His Majesty's Government and that of the Indian Government was to secure Indian co-operation by agreement on the Indian constitutional issue ? Is it proposed to change the procedure with regard to securing Indian co-operation by agreement ? If so, why ?

(e) Is it a fact that it is proposed to demand Indian co-operation by asking them to appear before the Joint Parliamentary Committee for discussing with them concrete proposals of Government prepared independently of any agreement with Indians ?

(f) Will Government be pleased to state why specific proposals of Government could not be laid before the Round Table Conference ?

(g) Are Government aware that the statement of Sir Samuel Hoare with regard to the further procedure for solving the Indian constitutional issue has caused widespread dissatisfaction in India particularly to the Round Tablers, the members of the Liberal Federation in India and other Indian Associations ?

(h) Will Government be pleased to state if there are any reasons, other than the suggestion that the new procedure will speed up the final decision on the Indian constitutional issue, for abandoning the Round Table Conference ? If so, what are they ?

**The Honourable Sir C. P. Ramaswami Aiyar :** (a) Yes.

(b) to (e) and (h). I have nothing to add to the Secretary of State's pronouncements on the subject made in the House of Commons on the 27th June, and the 13th July, 1932, and to the speech delivered in this House by His Excellency the Governor General on the 5th September, 1932.

(f) It would be foreign to the principles and methods of the Round Table Conference discussions that specific proposals should be laid before the Conference.

(g) Government are aware of the various views expressed in India on the Secretary of State's statement.

**Mr. B. Das :** Is it not a fact that the Secretary of State has had to eat humble pie and that His Excellency has come to his rescue and has saved the Secretary of State from disgrace and has restored peace and amity in the country ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Secretary of State, in his statement, had already indicated that there would be a conference held if circumstances necessitating such a conference arose. At the time His Excellency the Governor General made the speech, such circumstances arose and, therefore, it will be neither accurate nor fair to say that the Secretary of State ate either humble or any variety of pie.

**Mr. B. Das :** Does the Honourable Member agree that the Secretary of State was guided by conscientious Indian opinion in coming to that decision and whether the Government of India agreed with the Secretary of State in that opinion of his ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Honourable Member is entitled to assume that the actions of the Government and the Secretary of State are influenced by public opinion in India ; but, in this particular case, as I have endeavoured to point out, in the original speech of the Secretary of State the present move had been contemplated.

**Mr. K. Ahmed :** Is the Honourable the Commerce Member aware that just after the publication of the first interview at Dehra Dun, four conditions have been put in the paper within the course of the last two or three days and that Sir Tej Bahadur Sapru and others are of opinion that it will be a condition precedent in the third Round Table Conference that unless responsibility follows in the centre after a few months after provincial autonomy is granted, they will not take part in the Round Table Conference ?

**The Honourable Sir C. P. Ramaswami Aiyar :** I do not remember having read any such statement of Sir Tej Bahadur Sapru ; but, in any case, if Sir Tej Bahadur Sapru makes up his mind to attend this conference, his point of view would no doubt be presented to that conference with his accustomed ability.

**Mr. B. S. Sarma :** Are Government aware that even newspapers whose editors enjoy the confidence of Government have been freely publishing for some time that the Honourable Sir C. P. Ramaswami Aiyar and Chaudhuri Zafrulla Khan have already been selected to go to the Round Table Conference and, in view of the position these gentlemen hold in the Government of India, will the Leader of the House make a statement on this premature announcement ?

**The Honourable Sir C. P. Ramaswami Aiyar :** I remember to have read in one newspaper something to the effect that my Honourable colleague, the Member for Education, Health and Lands, and myself have been selected. All that I can say is that there is no warrant for the suggestion made in the newspaper, because I am not aware that the process of actual selection has been completed or even begun. In any case I may say that it is in the highest degree unlikely that I myself will attend this particular conference for reasons connected with my tenure of office as Member of Council on two occasions during which period important constitutional discussions have taken place and my advisership of certain Indian States.

**Mr. K. Ahmed :** In view of the fact that His Excellency the Viceroy has declared in this Assembly about what sort of people will be selected in the third Round Table Conference that is to say, His Excellency wanted men of broad outlook and of constitutional capacity, do Government propose to take educated, responsible and qualified men instead of men who cannot put two sentences together and depend upon the writings of some one else, and who have no knowledge at all of constitutional law or the legal history of this country or any other country ?

**The Honourable Sir C. P. Ramaswami Aiyar :** So far as I could follow my Honourable friend, his was not so much a question as a suggestion. A suggestion coming from any Honourable Member of this House will receive the attention that it deserves.

**Mr. K. Ahmed :** In view of the fact that a newspaper has published the names of some undesirable persons (Laughter) whose services will be welcomed neither by the people of this country as they will have to be paid from the exchequer of India, nor of any other country, because their knowledge of constitutional law and history is very limited and as such it will not be of any use to the country, nor have they got a broad outlook which was mentioned as a necessary qualification by His Excellency the other day, nor have they got any status in the country since they were not able to pay back their debts in full to their creditors and became insolvent....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member is making allegations of a serious character.

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, I desire, before I answer the question, to deprecate statements of the kind that the Honourable Member has permitted himself to make. He had referred to persons or some persons whose names have been mentioned. I do not know.....

**Mr. K. Ahmed :** Two classes of persons.

**The Honourable Sir C. P. Ramaswami Aiyar :** I do not know, Mr. President, whether he intends the reflection to apply to one of those persons, that is myself....

**Mr. K. Ahmed :** No, no.

**The Honourable Sir C. P. Ramaswami Aiyar :** If that is so, whether I am a person having a broad outlook or not, I have already in answer to another supplementary question said.....

**Mr. K. Ahmed :** That is not my question.

**The Honourable Sir C. P. Ramaswami Aiyar :** . . . . that for reasons entirely personal to myself, I am not likely to attend this particular conference. But, with regard to the other name, it is most unfortunate that in the absence of an Honourable Member of this House such statements should be made. But, on his behalf, I may say that it is entirely inaccurate to assert that any choice has been made or that any such discussion has taken place, because the choice, as you will remember, **Mr. President**, is the choice of the Prime Minister and the Secretary of State, and I have no doubt that those authorities who are responsible for the choice will remember the qualifications that are necessary, and I trust that implications of the kind, insinuations of the sort that have been made more than once on the floor of the House will be discontinued in the House in future.

**Sir Muhammad Yakub :** Sir, I quite agree. . . .

**Mr. K. Ahmed :** In view of the fact. . . .

**Sir Muhammad Yakub :** Sir, I quite agree with the Honourable the Leader of the House that of late we have seen on the floor of the House. . . .

**Mr. K. Ahmed :** Is it a supplementary question ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : This is the occasion to ask questions and supplementary questions, and not to make statements.

**Mr. K. Ahmed :** In view of the fact that the. . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Is the Honourable Member going to ask a question ?

**Mr. K. Ahmed :** Yes, Sir ; I am going to put a question.

In view of the fact that the Honourable the Commerce Member is both qualified in constitutional law not only. . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is an experienced lawyer of long standing. . . .

**Mr. K. Ahmed :** That is why I am telling. . . . (Laughter.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : He ought to know what a supplementary question is and how to put it.

**Mr. K. Ahmed :** If you will follow the question. . . .

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I want to give the Honourable Member his full opportunity to put supplementary questions, but I deprecate that supplementary questions should have so many statements attached to them.

**Mr. K. Ahmed :** I know I have got experience and knowledge for the last 12 years of this Legislature alone. In view of the fact that the Honourable the Commerce Member is both qualified and distinguished in law and is also familiar with constitutional history, he is neither lacking in ordinary knowledge nor in his outlook. The question that I have asked, Sir, is whether there are two classes of people who were selected before, and if their selection has to be criticised by this House,

may I ask, whether the Honourable the Commerce Member, as Leader of the House, will be good enough to convey to the Secretary of State that the persons who will be taken to the Conference as representing the people of this country do enjoy the confidence of the country, and I say this without meaning any reflection to any person or injuring the self-respect of any delegate who may be....

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, I have no doubt that in making the choice of the few persons who will attend the forthcoming conference, the Secretary of State and the Premier will exercise the most careful scrutiny and will also employ and utilise all the opportunities of information they have, and that the choice will be unexceptionable.

**Mr. K. Ahmed :** I am very much obliged, Sir.

**Rao Bahadur B. L. Patil :** Are Government aware of the decisions arrived at by the Western India Liberal Association of India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The attention of the Government has been drawn to a press cutting regarding the resolutions of the Western India Liberal Association.

**Rao Bahadur B. L. Patil :** Have they been communicated to the Secretary of State for India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Secretary of State has access to the same papers as the Government of India have.

**Mr. R. S. Sarma :** In view of the unfair and unworthy personal allegations made by the Honourable Mr. K. Ahmed, would you....

**Mr. K. Ahmed :** I object to it, Sir. I rise to a point of order. Will he, as a Nominated Member, coming here by the good graces of Government, be allowed to make a speech or put only supplementary questions ?

**Mr. R. S. Sarma :** In view of the unfair and unworthy personal allegations that have been made in the interpellations put by my Honourable friend, Mr. K. Ahmed, would you, Mr. President, consider the advisability of expunging those interpellations of my Honourable friend from the day's proceedings ?

**Mr. K. Ahmed :** Am I not entitled to ask, Sir, whether this is in order ? Under what Rule is that question put to you and under what Standing Order do you allow it ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member should study the Rules and Standing Orders more carefully before asking such questions.

On the point of order, the Honourable Member has drawn the attention of the Chair to certain incidents that have happened in the House, and the Chair has no hesitation in informing the Honourable Member that the Chair has no authority to expunge anything from the proceedings. If any part of the proceedings is to be expunged, it must be by a motion in the House.

**Mr. Muhammad Muazzam Sahib Bahadur :** Will the Honourable the Leader of the House please state, for the information of the House, whether he does not consider that these disgraceful reflections which

have been cast on a Member of the Government are due to personal animosity between the Member asking those questions and the Members of Government ?

**The Honourable Sir C. P. Ramaswami Aiyar :** These questions are a matter for the consciences of the Members who ask those questions.

**Mr. Lalchand Navalrai :** Coming directly to the question, may I ask the Honourable Member whether the procedure at the forthcoming Round Table Conference and the functions of the Members now will differ from the procedure adopted at the previous sessions of the Round Table Conference ?

**The Honourable Sir C. P. Ramaswami Aiyar :** That matter has been elucidated in the speech of His Excellency the Governor General, and I have nothing to add.

**Mr. Lalchand Navalrai :** May I understand that the impression that has gone round that this Round Table Conference has been called only to please the Liberals is incorrect ?

**The Honourable Sir C. P. Ramaswami Aiyar :** That impression is wholly incorrect.

#### ROUND TABLE CONFERENCE.

250. **\*Mr. Lalchand Navalrai :** (a) Has Government noticed the refutation published by Sir T. B. Sapru to the suggestion that the new procedure is not likely to speed up matters, but, on the contrary, interferes with the rights arising out of the principle and the procedure of the Round Table Conference ?

(b) Do Government propose to move His Majesty's Government to adopt suitable measures to revert to the original method of finally placing the specific proposals of Government before the Round Table Conference in order to restore confidence in those concerned ?

**The Honourable Sir C. P. Ramaswami Aiyar :** (a) Government have seen the statement.

(b) The Honourable Member is referred to the speech delivered by His Excellency the Governor General in this House on the 5th September, 1932.

#### PRESENT VIEWS OF MAHATMA GANDHI ON THE INDIAN CONSTITUTIONAL ISSUE.

251. **\*Mr. Lalchand Navalrai :** Will Government be pleased to state if, since the withdrawal of co-operation by Mahatma Gandhi, there has been any move by Government with Mahatma Gandhi or his colleagues in jail in order to know their present views and wants on the Indian constitution ? If so, what are they ? If not, why has not any such attempt been made with a view to restore peace in the country ?

**The Honourable Mr. H. G. Haig :** No, Sir. I would refer the Honourable Member to the remarks made by the Secretary of State in the House of Commons on the 29th April last which I have quoted in reply to Mr. Bhuput Sing's question No. 101.

**Mr. Lalchand Navalrai :** May I tell the Honourable Member that he, the other day, made a reply to a question that no communication had



passed between Mahatma Gandhi and the Government of India and the Secretary of State ?

**The Honourable Mr. H. G. Haig :** I did not catch the Honourable Member's question. Will he kindly repeat it ?

**Mr. Lalchand Navalrai :** Does the Honourable Member know that the other day, in reply to a question by Mr. Gaya Prasad Singh, he was pleased to say that no correspondence had passed between Mahatma Gandhi and the Government of India and the Secretary of State ?

**The Honourable Mr. H. G. Haig :** I think I said that no correspondence had passed between Mr. Gandhi and the Government of India and that statement is correct.

**Mr. Lalchand Navalrai :** May I ask the Honourable Member whether the correspondence that was placed in the hands of Honourable Members with regard to the depressed classes did not pass between them when the answer was given ?

**The Honourable Mr. H. G. Haig :** It was not correspondence between Mr. Gandhi and the Government of India.

**Mr. Lalchand Navalrai :** The answer was with regard to the Secretary of State also.

**The Honourable Mr. H. G. Haig :** With regard to the Secretary of State I referred to his own statement in the House of Commons.

#### CLASSIFICATION OF LADY POLITICAL PRISONERS.

252. **\*Mr. Lalchand Navalrai :** Will Government be pleased to make a full statement regarding their present policy for classification in general of educated ladies who are political prisoners ?

**The Honourable Mr. H. G. Haig :** The classification rules, which have been fully explained in the communiqué issued by the Government of India on the 19th February 1930, apply to all prisoners convicted of offences, irrespective of sex.

**Mr. K. C. Neogy :** Is the Honourable Member aware that certain ladies, who, as civil disobedience prisoners, were classed A in 1930, have been classed B in 1931-32 ?

**The Honourable Mr. H. G. Haig :** It is possible.

**Mr. B. Das :** Is the Honourable Member aware that Mrs. Kamaladevi Chattopadhyaya, a prominent Congress leader, who was put in Class A last year has since been put by the Bombay Government in Class C ?

**The Honourable Mr. H. G. Haig :** It is possible that different views are taken at different times about classification. It is primarily a matter for the Courts and secondarily for the Local Governments.

**Mr. B. Das :** Is the Honourable Member aware that Mrs. Kamaladevi Chattopadhyaya holds an equal position with Mrs. Sarojini Naidu, Mrs. Besant and other Congress leaders in India ?

**The Honourable Mr. H. G. Haig :** I have not the honour of any personal acquaintance with the lady in question.

**Mr. K. C. Neogy :** Is it a fact that the Local Governments are final arbiters in the matter of classification ?

**The Honourable Mr. H. G. Haig :** Yes, but in accordance with certain general principles which have been laid down by the Government of India.

**Mr. K. C. Neogy :** Will the Honourable Member be pleased to make a reference to Local Governments and find out as to how it is that certain ladies who were classed A in 1930, have been changed to B or C in 1931-32 ?

**The Honourable Mr. H. G. Haig :** We cannot always assume that the first classification is the correct one.

**Mr. K. C. Neogy :** Does the Honourable Member always assume that the second is the correct one ?

**The Honourable Mr. H. G. Haig :** At any rate it is taken with a full knowledge of the first classification.

**Mr. B. Das :** With reference to Mrs. Kamaladevi Chattopadhyaya, will the Honourable Member kindly consult his colleague, the Leader of the House, about the status and the political influence of that lady in the country and in the Congress ?

**The Honourable Mr. H. G. Haig :** I think, Sir, these questions might well be raised in the Bombay Council.

**Mr. K. C. Neogy :** Is the Honourable Member aware that in a report of a committee appointed by the Social Service League of Bombay for investigating complaints of released prisoners, a copy of which, I understand, was forwarded to the Honourable Member's Department, it is stated in paragraph 29 that :

“ Female political prisoners had bitterly complained of being associated with prostitutes and murderesses. (*An Honourable Member* : ‘ Shame.’) This association appears to have been deliberately forced upon them. Orders were specifically given to the matron in charge by the Superintendent of the Arthur Road Jail that no distinction was to be made between them. They were similarly kept together also in other jails.”

**The Honourable Mr. H. G. Haig :** The allegations to which the Honourable Member has given currency are, as far as I know, entirely without foundation.

**Mr. K. C. Neogy :** Has the Honourable Member made any enquiries into this allegation ?

**The Honourable Mr. H. G. Haig :** I do not know whether that is part of the allegations made by Miss Slade, into which a special enquiry was made and which were found to be without foundation.

**Mr. K. C. Neogy :** I do not know about that. But I was reading from the published report of a committee, which is sold in the market for four annas, and a copy of which was, I understand, forwarded to the Honourable Member's Department ; and this does not relate to one particular political prisoner, but it refers to female political prisoners--it is the plural number to which I wish to draw the Honourable Member's attention.

**The Honourable Mr. H. G. Haig :** This is a general charge, and, if the Honourable Member will put down a question, I will have enquiries made and give him an answer.

**Mr. Lalchand Navalrai :** Will the Honourable Member, in view of the complaints that are made about the inconveniences and the wrong classes

that are being given, be pleased to ask the Local Governments to review and revise the rules ?

**The Honourable Mr. H. G. Haig :** I explained to the House a few days ago that we had in fact been in correspondence with the Local Governments on this matter, that we had drawn their attention to the general considerations and that we had satisfied ourselves that Local Governments were working in general accordance with them.

**Mr. S. C. Mitra :** Does the classification depend upon some general principles which the Courts are asked to follow, or does it depend merely on the whims and vindictiveness of the Courts and the administrators ?

**The Honourable Mr. H. G. Haig :** No, Sir. It depends on certain general principles which are laid down in general terms in the Resolution of the Government of India.

**Mr. K. C. Neogy :** Has the Honourable Member ever heard of the name of a gentleman called Seth Ambalal Sarabhai, and is he aware that his daughter has been classed B ?

**The Honourable Mr. H. G. Haig :** No, Sir. I am not aware of these details.

**Mr. K. C. Neogy :** Will the Honourable Member make enquiries of his Indian colleagues, two of whom I find sitting on either side of him, and find out whether the social status of Seth Ambalal Sarabhai is not at least as high as that of the Honourable Member himself ?

**The Honourable Mr. H. G. Haig :** This is a matter which, as I have suggested before in regard to particular cases, is one that might well be raised in the Local Council or with the Local Government concerned.

**Mr. K. C. Neogy :** Is the Honourable Member aware that such questions have already been asked in one Local Council, and is the Honourable Member, as a Member of the Government of India, prepared to make enquiries when attention is drawn to these anomalies ?

**The Honourable Mr. H. G. Haig :** No, Sir. I was not aware that these questions had been raised in the Local Councils, and I shall be very glad if the Honourable Member will provide me with the answers that have been given.

**Mr. K. C. Neogy :** It seems that the Honourable Member does not read newspapers. (Laughter.)

#### DETENTION IN KARACHI GENERAL POST OFFICE OF LETTERS FOR BOMBAY AND QUETTA MAILS.

253. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that practically all letters of Bombay and Quetta mails are detained in the Karachi General Post Office, although they are definitely addressed for Kiamari and forwarded to Kiamari the next day instead of the same evening of the arrival of the Quetta mail ?

(b) Will Government please state whether letters addressed as "Kiamari, Karachi", in the Quetta and Bombay mails are also detained in the Karachi General Post Office and sent the next morning to Kiamari ?

(c) Is it a fact that some of the letters addressed as "Kiamari, Karachi" in the Lahore mail are also being detained in Karachi and

forwarded to Kiamari in the evening and that makes a delay of about 8½ hours ?

(d) If the replies to above be in the affirmative, will Government please state what the reason is for the delay ?

**Mr. T. Ryan :** (a), (b) and (c). No.

(d) Does not arise.

**Mr. Lalchand Navalrai :** Am I to understand that letters are being delayed on the ground of changed stamp ? Is that not correct ?

**Mr. T. Ryan :** If the Honourable Member will kindly ask his next question on the paper, I think he will find the information he seeks in the reply to that question.

#### DELAY IN DELIVERY OF KIAMARI (KARACHI) LETTERS.

254. **\*Mr. Lalchand Navalrai :** (a) Is it a fact that previous to the introduction of the stamp of Kiamari as " Kiamari, Karachi " Kiamari letters were being delivered without delay as the date stamp bore the name Kiamari only ? Are Government aware that on account of the change in the date stamp people address the letters as " Kiamari, Karachi " and that account for the delay ?

(b) Do Government propose to change the date stamp and remove the grievance of the people by prompt delivery ?

**Mr. T. Ryan :** (a) The reply to the two parts of the question are in the negative. I may explain for the Honourable Member's information that letters for Kiamari are separated in the train and sent to that office for delivery at the same time that the mails are delivered at Karachi. In some cases in which the senders wrote Karachi more prominently than Kiamari, the letters were accidentally included in the mail for Karachi and thereby suffered delay.

(b) A change in the date stamp would not meet the case. Instructions for addressing postal articles will be found in paragraphs 91 and 92 of the Post and Telegraph Guide. The correct postal address of the place now in question is *Karachi-Kiamari* as shown on page 424 of the Guide and letters are not likely to be delayed if so addressed, or if they are addressed to Kiamari followed by the name Karachi in brackets. I may add that I am reconsidering the need for retaining Karachi-Kiamari as the name of the Post Office.

#### CENTRAL BOARD OF REVENUE AND ADMINISTRATION OF THE INCOME-TAX LAW.

255. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the object of creating the Board of Inland Revenue, now the Central Board of Revenue, was to centralize the administration of the Income-tax law and to issue all rules thereunder from the Government of India itself ? Are Government aware that the Honourable Mr. (now H. E. Sir) Malcolm Hailey, while introducing the Income-tax Bill, which subsequently became the present Act of 1922, informed the Legislative Assembly that the administration of the great and growing subject of income-tax was not possible from the Secretariat and that an Officer was

needed who could not only advise on the work of the Provincial departments but also remain in close touch with commercial bodies and with the interests mainly affected by the tax and that this object could only be achieved by a whole-time officer who had opportunities of touring *throughout the year* ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how many places were visited by the Member-in-charge of Income-tax during each of the last three years and the number of the commercial bodies and private interests interviewed ?

**The Honourable Sir Alan Parsons :** (a) Yes.

(b) The information asked for regarding places visited and bodies interviewed is contained in the statement placed on the table. I cannot guarantee that the list of bodies interviewed is absolutely exhaustive. So far as individuals are concerned, it is not usually necessary to keep any record of interviews and I can give no particulars. I may explain that Commissioners of Income-tax are asked to inform Chambers of Commerce and similar bodies when the Member of the Board is visiting their jurisdiction, and that interviews are invariably granted when they are asked for.

*The following places were visited by the Member-in-charge of Income-tax during the years 1929, 1930 and 1931.*

1929.	1930.	1931.
Delhi.	Ambala.	Bombay.
Karachi.	Lahore.	Poona.
Bombay.	Rawalpindi.	Belgaum.
Benares.	Peshawar.	Godag.
Lahore.	Jhelum.	Bijapur.
Rawalpindi.	Amritsar.	Nasik.
Peshawar.	Nagpur.	Delhi.
Agra.	Madras.	
Cawnpore.	Madura.	
Patna.	Sivaganga.	
Shillong.	Karaikudi.	
Calcutta.	Bombay.	
	Calcutta.	

The following Commercial bodies were interviewed by the Member-in-charge of Income-tax during the years 1929, 1930 and 1931.

1929.	1930.	1931.
Bengal National Chamber of Commerce.	Ahrtis' and Dry Fruit Association, Peshawar.	Bengal Chamber of Commerce.
Bihar and Orissa Chamber of Commerce.	Peshawar Piece-goods Association, Peshawar.	
Upper India Chamber of Commerce.	Cloth Merchants of Mardan.	
	Bengal Chamber of Commerce.	
	Marwari Association, Calcutta.	
	Southern India Chamber of Commerce.	
	The Bombay Native Piece-goods Merchants' Association.	
	Income-tax Payers' Association, Rawalpindi.	

**AMENDMENT OF SECTION 33 OF THE INDIAN INCOME-TAX ACT.**

256. \***Mr. Lalchand Navalrai** : Will Government be pleased to state if they have received any representations for amending section 33 of the Indian Income-tax Act, 1922 ? Will they be pleased to state whether they propose to take action in the matter ?

**The Honourable Sir Alan Parsons** : Some representations have been received by the Central Board of Revenue. The Government have no present intention of amending the section.

**Mr. Lalchand Navalrai** : Will the Honourable Member be pleased to say if the Government recognise the difficulty of working this section and consider the desirability of amending it at an early date ?

**The Honourable Sir Alan Parsons** : There is no intention of amending this section at present. The representations we have received relate, I think, chiefly to fixing a period of limitation for the Commissioner's powers of revision. At present under executive order no Commissioner of Income-tax can exercise his powers of revision without first consulting the Central Board of Revenue if the order in question is an order of more than one year old. I have gone into the matter and I very much doubt whether the fixing of any rigid period of limitation would be of advantage to assesses. The Honourable Member must recognise that these powers of revision are very often used in favour of the assesses.

**Mr. Lalchand Navalrai** : Does not the Honourable Member think that if the Commissioner wants to charge more assessment after one year, it will be very hard ?

**The Honourable Sir Alan Parsons** : I should not like to express an opinion without knowing the details of the individual case.

**REVISION OF INCOME-TAX CASES BY COMMISSIONERS OF INCOME-TAX.**

257. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if it is a fact that the Central Board of Revenue have issued instructions to the effect that if a Commissioner of Income-tax desires to exercise his power of revision in any case, where more than a year has elapsed since the passing of the last order by the subordinate authorities, he should do so after first consulting the Board ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to lay on the table a statement showing the number of cases in which the permission of the Board was applied for by the Commissioners in each of the last three years and also the number of cases in which this permission was refused by the Board ?

**The Honourable Sir Alan Parsons** : (a) Yes. In paragraph 81 of the Instructions appended to the Income-tax Manual.

(b) A statement is laid on the table.

*Statement showing the number of cases in which the Central Board of Revenue permitted the Commissioners of Income-tax to exercise their powers of revision under section 33 of the Indian Income-tax Act after the lapse of a year since the passing of orders by subordinate authorities during 1929, 1930 and 1931.*

Year.	Number of cases in which permission was given.	Number of cases in which permission was refused.
1929 .. ..	1	nil.
1930 .. ..	4	nil.
1931 .. ..	3	nil.

#### REVISION OF INCOME-TAX CASES BY COMMISSIONERS OF INCOME-TAX.

258. **\*Mr. Lalchand Navalrai :** Will Government be pleased to lay on the table a statement showing the number of applications for revision received by each of the Commissioners of Income-tax during the Assessment years 1930-31 and 1931-32 separately and the number in which, even though the petition was within 12 months, the Commissioner did not see fit to exercise his power of revision ?

**The Honourable Sir Alan Parsons :** The information in the form for which the Honourable Member asks would have to be specially compiled, and I do not feel justified in imposing on the Income-tax Department the extra work that its compilation would entail. The Honourable Member will however find in return No. VII of the All-India Income-tax Report figures of cases of review under section 33 taken up and disposed of by the Commissioners in the various provinces.

#### REVIEW OF INCOME-TAX CASES UNDER THE INDIAN INCOME-TAX ACT.

259. **\*Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the case reported in the I. L. R. 8 Lahore, page 347 where it was held that the powers of review under section 33 of the Income-tax Act are subject to the same restriction in regard to limitation as those of an Income-tax Officer under section 35 and therefore review under section 33 could not be done after the expiry of one year ?

(b) Do Government propose to instruct the Board of Revenue to conform to this ruling ? If not, why not ?

**The Honourable Sir Alan Parsons :** (a) Government are aware of the opinion of the High Court.

(b) No. The Board has, of its own motion, issued the necessary instructions in paragraph 81 of the Income-tax Manual.

**Mr. Lalchand Navalrai :** May I know what are the reasons for the decision of the High Court and what instructions have been issued in order to meet that judgment ?

**The Honourable Sir Alan Parsons :** I have not got the judgment of the High Court with me, but the Central Board of Revenue have issued instructions already in accordance with their ruling.

**AMENDMENT OF SECTIONS 42 AND 43 OF THE INDIAN INCOME-TAX ACT.**

**260. \*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Federation of Indian Chambers of Commerce and Industry have during the last two or three years pressed on Government's attention the extreme need for amending sections 42 and 43 of the Indian Income-tax Act so as to free a Commission Agent in British India from the obligation to pay income-tax on the profits or interest accruing to his non-resident principals ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action has so far been taken in this direction and whether they propose to take any action ?

**The Honourable Sir Alan Parsons :** (a) The Federation passed a resolution in February, 1930, urging Government to amend sections 42 and 43 of the Income-tax Act in the manner mentioned by the Honourable Member.

(b) After full consideration, the Government decided that no action should be taken.

**Mr. B. Das :** Is it not a fact that since then the Government of India have decided to non-co-operate with the Federation of the Indian Merchants' Chamber ?

**The Honourable Sir Alan Parsons :** That is hardly how I should describe the position.

**Mr. B. Das :** May I ask the Honourable the Commerce Member if it is not a fact that because the Federation's terms were not accepted about their representation on the Round Table Conference Committees and the Consultative Committee, the Government of India have decided to non-co-operate with the Federation ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Government of India have come to no such decision in the Department of which I am in charge.

**Mr. B. Das :** When the Federation suggested certain methods for their representation at Ottawa, the Government did not reply to those letters.

**The Honourable Sir C. P. Ramaswami Aiyar :** On the other hand, the Federation said that they were utterly opposed to the root idea of the Ottawa Conference and they made certain other suggestions which did not involve their co-operation with that Conference.

**Mr. B. Das :** Do the Government pay the same respect to the Federation of Indian Merchants' Chamber as they pay to the Associated Chambers of Commerce ?

**The Honourable Sir C. P. Ramaswami Aiyar :** They pay equal respect to all accredited organisations representing commercial life.

**Mr. B. Das :** Is the Honourable Member aware that the Federation represents the bulk of Indian merchants and trades people in India ?

**The Honourable Sir C. P. Ramaswami Aiyar :** Presumably, Sir, that may be so.



**Mr. B. Das :** Why then did the Government not pay proper heed to their representation ?

**The Honourable Sir C. P. Ramaswami Aiyar :** The Federation of Indian Merchants' Chamber have shown the Government of India somewhat scant courtesy ?

**Mr. B. Das :** It is rather the other way.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say, with regard to the amendment of sections 42 and 43, whether persons other than the Federation have also sent in representations ?

**The Honourable Sir Alan Parsons :** I am afraid I must ask the Honourable Member to give me notice.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to say whether the Commissioners of Income-tax have been consulted with regard to this amendment or not ?

**The Honourable Sir Alan Parsons :** I cannot tell you at the moment.

**Mr. Lalchand Navalrai :** Will the Honourable Member be pleased to make further inquiries as to whether there is a necessity of changing this section or not ?

**The Honourable Sir Alan Parsons :** Government, after consideration, have decided that it is not necessary to amend the section.

**Mr. Lalchand Navalrai :** That was a long time ago. Since then complaints have been received. Will Government re-consider their view ?

**The Honourable Sir Alan Parsons :** I do not think re-consideration is required.

#### CASES IN WHICH RESIDENTS IN BRITISH INDIA WERE CALLED UPON TO PAY INCOME-TAX IN RESPECT OF INTEREST PAID TO NON-RESIDENTS.

261. **\*Mr. Lalchand Navalrai :** Will Government be pleased to obtain information and lay on the table a statement for each of the three years 1929-30, 1930-31, and 1931-32 as to the number of cases in each Province in which residents in British India were called upon to pay income-tax in respect of interest paid by them to non-residents ?

**The Honourable Sir Alan Parsons :** The compilation of this information would be an immense task and Government are not prepared to undertake it.

**Dr. Ziauddin Ahmad :** Are persons residing in Indian States included among non-residents ?

**The Honourable Sir Alan Parsons :** They would be non-residents in British India, yes.

**Dr. Ziauddin Ahmad :** And exempted from income-tax ?

**The Honourable Sir Alan Parsons :** Does the Honourable Member mean—Is a resident in an Indian State liable to income-tax in British India ? The answer is, as far as I am aware, in the negative, unless the income is received in or brought into British India.

**Mr. B. E. Puri :** What about the income which is derived in India ?

**The Honourable Sir Alan Parsons :** That, I imagine, is liable to income-tax, but I should not like to give definite answers to these rather technical and legal questions in the course of supplementary interpellations.

**Dr. Ziauddin Ahmad :** May I understand this clearly ? If a person residing in an Indian State brings his money to Simla, will he then be liable to pay income-tax on that ?

**The Honourable Sir Alan Parsons :** I imagine he might be, but really I should like the Honourable Member to give me the specific case that he has in mind.

**Dr. Ziauddin Ahmad :** I am talking of the general principle.

**The Honourable Sir Alan Parsons :** I cannot answer definitely on a general question of that kind.

**Dr. Ziauddin Ahmad :** I am asking this, because it is important for me. I would like to have my postal address in an Indian State, say, Rampur, which is in the United Provinces, so that I may be exempted from income-tax.

#### DISPOSAL OF INCOME-TAX CASES IN SIND.

262. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that Income-tax Officers in Sind call such assesseees, as have applied for the re-opening of their assessments under section 27 of the Act, with a view to record their statements on solemn affirmation and thereafter pass orders on such applications ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if the procedure is in accordance with the orders of Government ?

**The Honourable Sir Alan Parsons :** (a) No. But as complaints were received in the past from assesseees that orders under section 27 were being passed by Income-tax Officers *ex parte* without giving a hearing to them, the Income-tax Officers were given instructions to the effect that they should ordinarily give an opportunity to the assesseees concerned to appear before them with proofs in support of the applications made by them.

(b) The orders just mentioned were those not of the Government but of the Commissioner of Income-tax, Bombay. It appears to the Government that the procedure described is not open to objection, having regard to the provisions of section 37 of the Income-tax Act.

**Mr. Lalchand Navalrai :** Am I to understand that when assesseees appear before Income-tax Commissioners, they should be administered oath or affirmation before they make their statements ?

**The Honourable Sir Alan Parsons :** As far as I am aware, these statements are not made on oath.

**Mr. Lalchand Navalrai :** My information is that they are. Will the Honourable Member be pleased to issue instructions ?

**The Honourable Sir Alan Parsons :** If the Honourable Member will give me the information in his possession, I will have the matter inquired into.

## MOTION FOR ADJOURNMENT.

### DENIAL OF FACILITIES TO A DETENU TO PERFORM RELIGIOUS RITES.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I have received a notice from Mr. Lahiri

12 NOON.

Chaudhury that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance, as follows :

“ Denial of facilities to detenu Satyabhusan Gupta detained in the Mianwali Jail to perform religious rites (Sradh) on the recent demise of his mother ”.

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

**The Honourable Sir C. P. Ramaswami Aiyar** (Leader of the House) : Sir, in a matter of this kind I am anxious—especially when I know that the Honourable Member feels so strongly on the matter that he has taken steps to move the adjournment of the business of the House—not to say anything that might have in the remotest way the effect of wounding his feelings ; but, Mr. President, these motions ought to be on matters of urgent public importance : and I beg to submit to you, Mr. President, that, however much the case may be one for investigation by my Honourable friend, the Home Member, it is not a matter of urgent public importance. I think it is my duty to place that view before you, Mr. President ; but I want to make it clear that in any remarks that I have just now made, I am not to be understood for a moment to minimise what my Honourable friend may have in his mind with regard to the high importance of the religious rite in question.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Objection has been raised on the ground that the matter referred to is not definite, not urgent, and not of public importance. These are the three points which determine the admission of an adjournment motion. I should like to ask the Honourable Member, who has given notice of the motion, to state, for the information of the House, how he justifies the adjournment motion on the ground of its definiteness, urgency and public importance.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Mr. President, objection has been taken to my motion by the Honourable the Leader of the House on the ground that it is not a definite matter of urgent public importance. Now, in this connection, I want to impress upon the House and also the Leader of the House that when the Bengal Criminal Law Amendment Bill was passed in this House, various objections had been raised that when the detenues were going to be transferred from Bengal to different provinces, they would suffer from various disabilities, and urging that several facilities should be given to the gentlemen who happened to be detained without any trial. As regards the point of urgency, what can have been more urgent to him than to perform the sradh at the death of the mother of the detenu ? Sir, it is incumbent, as you know, on every Hindu, on the death of his mother, to perform the last rites of the mother. Secondly, it is definite, because it trespasses upon religion, and it is definite, because it rests on a particular incident, viz., the death of the mother of the detenu and the refusal of facilities to the detenu to perform the last rites of his mother, and, it is a matter of public importance, because the personal right of a particular gentleman has been taken away, and the special religious observances resting on the

detenus have not been permitted to be observed in this particular case. Sir, it is a very bad precedent, and that is why I have brought it to notice and tabled the motion for adjournment on the ground of its urgency, definiteness and public importance. I hope I have cleared my position.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the question is of public importance, because it relates to the religious rites of the Hindus. The particular ceremony of "Sradh" is a religious matter of great concern to all Hindus, unlike some of our Christian brethren who may not care very much for these spiritual affairs. (*Voices of "Question", "Question."*) Well, if that is not so, then they also should admit the very great urgency and public importance of the motion, because it is a question that relates to the spiritual welfare of one's own parents. The matter is urgent, because the ceremony of "Sradh" should be performed on a particular date after death, and that it is a very specific matter admits of no argument. I am, therefore, surprised that the Honourable the Leader of the House, who is not only a leading Member of the Government, but is also a Brahmin, and, as such, who certainly ought to know that the "Sradh" ceremony by the eldest son of the deceased is binding on every Hindu, should take up this attitude. (Hear, hear.) Particularly in this case, the detenu being detained without any trial, and not having been given any chance to clear his character, this is an additional burden on him if he is not allowed to perform religious duties enjoined on him by his shastras. I submit, it is really a very urgent matter, a very definite matter, and is a matter of public importance in that facilities for the performance of binding religious observances have been refused.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am surprised that the Honourable the Leader of the House should have taken objection to this motion. If I understood him aright, he said that it was not a definite matter of urgent public importance. Now, I submit, it is a definite matter, because it deals with the case of a particular detenu, and it is as definite as any matter can be. It is a matter of public importance, because it deals with the large question as to whether a person can be debarred from performing the religious rites of his community by reason of detention, and thus it affects not an individual case but the detenus as a class, and, therefore, it is a matter which affects a section of the community, and, therefore, affects the public and, through them, affects the whole Hindu community to which the detenu belongs. It is a matter of urgent public importance, because the urgency of it is determined by the religious necessity of the case, and the urgency is further enhanced by the fact that the "Sradh" ceremony must be performed on a particular date and within a certain time. Sir, I, therefore, do not think that there can be the slightest objection to the motion, and I, therefore, consider that it conforms to the Rules and Standing Orders both as regards definiteness, urgency and public importance.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Mr. President, if this matter is not to be considered a matter of urgent public importance, I wonder what would be considered a matter of urgent public importance in this House? (Hear, hear.) Sir, the ceremony connected with death which rests on a Hindu, Mussalman or Christian is as important in a family where that death

[Mr. Muhammad Azhar Ali.]

occurs as any ceremony can be, though it may not seem so to official eyes as long as they are our rulers (Hear, hear), but it is a most important occasion in the eyes of every Indian—I would not say of every Hindu alone. (Hear, hear.) Sir, in this special case I am told that he is not only the eldest son, but he is the only son of his deceased mother. When such disabilities are imposed on detenus, who are not prisoners in the ordinary sense and who have not actually been convicted for any offence, I do not see how we can reconcile our conscience and the conscience of the House to refusing this adjournment motion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : I should like to ask the Honourable the Mover as to when the death took place, whether Government were approached in the matter, and whether Government refused and, if so, when that refusal was made known to him ?

**Mr. D. K. Lahiri Chaudhury** : Sir, the death occurred on the 29th August, and on the 30th the application was sent to the Home Member of the Government of India and also to the Government of Bengal. They also sent reply-paid telegrams to the Home Member, Simla, and the Home Member, Bengal. This telegram was sent on the 3rd September. But when I came to Simla and made inquiries in the matter, I found that the Honourable the Home Member had already received the information. The Home Member informed me on Monday evening that he regretted very much he could not do anything in the matter. So, I tabled the motion yesterday which is being dealt with now.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : In view of the statement made, the Chair has come to the conclusion that it is a definite matter of urgent public importance. As objection has been taken, I have to request those Honourable Members, who are in favour of leave being granted, to rise in their places. (*Some Honourable Members rose.*) As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. to-day.

#### STATEMENTS LAID ON THE TABLE.

**Mr. H. A. F. Metcalfe** (Foreign Secretary) : Sir, I lay on the table the information promised in reply to unstarred questions Nos. 208, 209, 214, 215, 216 and 217 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

#### EXEMPTION OF MOTOR CARS FROM OCTROI DUTY IN AJMER-MERWARA.

208. (1) No person was exempted.

(2) The Resolutions to which the Honourable Member apparently refers are those of the Finance Sub-Committee. Copies of these are laid on the table together with a copy of Resolution No. VII of the Municipal Committee approving these proceedings of the Finance Sub-Committee.

*Extracts from the proceedings of the meeting of the Finance Sub-Committee of the Ajmer Municipal Committee held on 14th January, 1930.*

Resolution No. I. Read letter from Lieutenant-Colonel G. Howson regarding composition for Octroi duty with Octroi Superintendent's report that it may be allowed on payment of Rs. 10 per annum. It does not include tax on motor cars.

Resolved that the composition be recommended for General Committee's sanction.

Resolution No. VIII. Read papers regarding composition of octroi duty by Mr. Luck for Rs. 10 per annum.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. IX. Read papers regarding composition of octroi duty with the Forest Officer for Rs. 40 per month.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. X. Read papers regarding composition for octroi duty by Mr. R. A. Ritchie for Rs. 10 per annum.

Resolved that the composition be approved and submitted to General Committee.

Resolution No. XI. Read papers regarding composition of octroi duty by Mr. D. R. Wright.

Resolved that composition for Rs. 10 be approved and submitted to General Committee.

*Extract from the proceedings of an Ordinary Meeting of the Ajmer Municipal Committee held on 23rd January, 1930.*

Resolution No. VII. The Finance Sub-Committee recommend that octroi be compounded with the following for one year in accordance with the resolutions quoted against each excluding new motor cars :—

No.	Name.	From Date.	To Date.	Amount.	F. S. C.'s Resolution No.	Date.
1	D. R. Wright, Esq., I. G. Police.	16-11-29	15-11-30	Rs. 10	XI	14-1-30
2	R. A. Ritchie, Esq.	4-12-29	3-12-30	10	X	14-1-30
3	C. P. Luck, Esq.,	1-12-29	3-11-30	10	VIII	14-1-30
4	Lt.-Col. G. Howson	29-9-29	19-9-30	10	IV	14-1-30
5	Divisional Forest officer.	1-1-30	31-12-30	10	IX	14-1-30

Resolved unanimously that the recommendations of the Finance Sub-Committee be approved.

#### MISCELLANEOUS EXPENDITURE OF THE AJMER MUNICIPAL BOARD.

209. (a) Yes.

(b) Rs. 27,794 spent on the purchase of grass were wrongly included under head "Miscellaneous". When this is deducted from Rs. 36,660 the expenditure under "Miscellaneous" amounts to Rs. 8,866 only.

#### ELECTION OF CHAIRMAN OF THE AJMER MUNICIPAL BOARD.

214. (a) The rule exists.

Colonel Howson was not on the list of voters but he was not elected by the Committee.

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(b) Colonel Howson was nominated as Chairman of the Municipal Committee, Ajmer, by the Chief Commissioner in exercise of the powers conferred on him by Sections 12 (3) and 13 (4) of the Ajmer-Merwara Municipalities Regulation VI of 1925, at the request of the Committee, vide their Resolution No. 1, dated the 15th August, 1931, a copy of which is laid on the table.

*Extract from the proceedings of an Urgent Special Meeting of the Ajmer Municipal Committee held on 15th August, 1931.*

#### Resolution No. I.

Read proposal of 6 members who are of opinion that Lieutenant-Colonel G. Howson, C.I.E., who is well-known for his administrative capabilities is the most suitable gentleman for the Chairmanship of Ajmer Municipality but unfortunately his name does not appear on the Electoral List, they therefore propose that instead of electing a Chairman the Committee should approach the Honourable the Chief Commissioner, Ajmer-Merwara, kindly to exercise his powers under Section 13 (3) of the Ajmer-Merwara Municipalities Regulation No. VI of 1925 to nominate him as Chairman for the present term of the office of this Committee to enable the said committee to enjoy the benefit of his experience and ability.

The proposal was opposed by Mr. Hem Chandar and seconded by Mr. Ahmad Noor Khan and Mr. Gairda Lall.

The proposal and opposition was put to vote and it was decided to have votes by ballot.

The original proposal was carried by 9 to 8.

#### REPRESENTATION OF DARGAH AND PUSHKAR AND OF CLOTH AND SUGAR MERCHANTS OF THE AJMER MUNICIPAL BOARD.

215. (a) (1) The following are the figures of Visitors' tax collected through the Bombay, Baroda and Central India Railway for 1930-1931 which is in force throughout the year and not only at the time of Urs and Pushkar fairs—

Rs. 20442.

The total octroi income for 1930-1931 amounted to Rs. 2,91,870 of which Rs. 54,415 was realized under the head "cloth" and Rs. 28,209-1-6 under the head "sugar".

(a) (2) (3) Ajmer is divided into four wards, viz., (1) City Ward, (2) Kaisarganj Ward, (3) Railway Ward, and (4) Suburban Ward. They have the right to elect respectively 9, 2, 3 and 3 members. The City Ward is sub-divided into 8 sub-wards. The majority of cloth and sugar merchants live in 4 sub-wards, viz., Nos. 1, 3, 4 and 6 which have the right to elect five members. Two cloth merchants and 1 sugar merchant are members of the Committee. At present the number of nominated members on the Committee is 4. They are nominated by the local Administration to secure the adequate representation of minority communities.

(b) In view of the reply to part (a) of this question, no steps are necessary.

#### OCTROI DUTIES IMPOSED BY THE AJMER MUNICIPAL BOARD.

216. (a) On grain octroi duty is charged at maundage, but on dry fruits and dry vegetables, on fresh fruits and fresh vegetables it is charged *ad valorem*. Fresh vegetables including carrots imported in head-loads are exempted.

(b) In view of the reply to part (a) of this question no steps are necessary.

## OCTROI DUTY PAID BY THE WEAVING MILLS AT ANASAGAR.

217. (a) (1) The average octroi receipts during the last three years from the mill have been :

				Rs. A. P.
1928-29	..	..	..	2,917-10-5
1929-30	..	..	..	2,422-5-7
1930-31	..	..	..	1,509-12-2

The Bombay, Baroda and Central India Railway have compounded their octroi payments for Rs. 15,000 per annum.

(2) Octroi dues cannot be calculated on the basis of the amount of labour employed.

(b) Government do not propose to take any steps.

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**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I lay on the table—

- (i) the information promised in reply to starred questions Nos. 825 and 830 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 16th March, 1932 ;
  - (ii) the information promised in reply to starred questions Nos. 615 to 618 and to parts (d) and (e) of starred question No. 660 asked by Mr. C. S. Ranga Iyer on the 21st and 22nd September, 1931 ; and
  - (iii) the information promised in reply to part (b) of starred question No. 1107 asked by Mr. Uppi Saheb Bahadur on the 1st April, 1932.
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# RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

825 and 830. Statement showing the number of unqualified Muslims recruited since 1st July, 1931, the number of Muslims holding temporary posts whose services have been dispensed with since 1st July, 1931 and the number of candidates recruited to fill temporary, officiating and permanent vacancies during the period 1st May, 1931 to 31st January, 1932.

Departments.	No. of unqualified Muslims recruited since the 1st July 1931.	No. of Muslims holding temporary posts whose services have been dispensed with since 1st July 1931.	No. of candidates recruited to fill temporary, officiating and permanent vacancies during the period 1st May, 1931 to 31st January, 1932.						Number in Column 4 who were passed candidates.	No. in Column 4 who were nominated by the P. S. C.	Remarks.
			Hindus.	Muslims.	Europeans and Anglo-Indians.	Sikhs.	Indian Christians.	Other communities.			
<i>Department of Industries and Labour.</i>											
Industries Branch ..	Nil.	Nil.	4	3	..	2	..	..	4	Nil.	
Public Works Branch ..	Nil.	Nil.	2	2	1	..	..	..	4	3	
Director of Civil Aviation ..	Nil.	Nil.	9	5	..	1	..	..	7	3	
Controller of Printing and Stationery.	2	Nil.	2	3	..	1	..	..	1	1	
Director General of Posts and Telegraphs.	Nil.	Nil.	1	..	2	..	..	..	1	1	
Indian Stores Department ..	Nil.	*4	4	2	..	..	..	..	6	6	*Unqualified.
<i>Foreign and Political Department.</i>											
Secretariat ..	Nil.	Nil.	8	..	..	..	1	..	Nil.	Nil.	
Office of the Military Adviser-in-Chief, Indian State Forces.	Nil.	Nil.	3	..	1	..	..	..	1	2	Hindus appointed with the concurrence of the P. S. C.
<i>E. H. and L. Department.</i>											
Secretariat ..	1	2	5	2	..	1	..	..	7	7	
Director General Indian Medical Service.	Nil.	Nil.	2	5	..	1	..	..	2	2	



**EXPORT OF MONKEYS FROM INDIA.**

615—618 and parts (d) and (e) of 660. The reports received from Local Governments show that the traffic in monkeys is comparatively small and is confined to the presidencies of Bombay and Bengal and to the United Provinces. No letters or representations have been received by Local Governments from societies or individuals protesting against the export of these animals. There is no definite evidence as to the purpose for which monkeys are exported though the names and addresses of some of the principal consignees suggest that they are intended largely as zoological specimens.

2. As regards the conditions of transit, the position, so far as transport by rail in India is concerned, was stated in my predecessor's reply to part (b) of the Honourable Member's starred question No. 659 and to part (c) of his question No. 660 asked in this House on the 22nd September, 1931. In Bengal rules have been framed by the Local Government under the Bengal Cruelty to Animals Act, 1920, to ensure that more space is allowed for each monkey than that detailed in the answer to question No. 660.

3. This traffic is handled expeditiously at the docks in conditions which are not unhygienic. There is no lack of accommodation for the cages on board ships. As a general rule the cages are placed on top of the hatches and over the hatches is a canvas awning. In no circumstances are two cages placed one on top of the other. After Suez the cages are taken below deck as a protection from cold. The cages are cleaned twice a day.

4. None of the three Local Governments which have experience of this traffic has suggested that it should be restricted. One Local Government has reported that monkeys by doing great damage to crops and certain types of buildings have become a serious pest. Two Local Governments have already issued instructions which it is hoped will improve the conditions concerned with this traffic and other proposals with the same object in view are being examined. The Collectors of Customs at Bombay and Calcutta have been asked to report cases of cruelty. The Indian Railway Conference Association is being asked to consider the question of incorporating in the rules appearing in the Conference Association's Tariff, governing the transport of monkeys, a clause to the effect that monkeys will not be accepted for carriage by railway between the 15th March, and the 15th October. From the reports received from the Local Governments it is clear that the various branches of the Society for the Prevention of Cruelty to Animals are now paying attention to this question and it is hoped that with their co-operation and the help of members of the public who have interested themselves in this question the traffic will be carried on in future under more humane conditions.

# POSTS WITH SPECIAL PAY IN THE GOVERNMENT OF INDIA HELD BY NON-MUSLIMS.

Part (b) of 1107.—Statement showing (1) the number and nature of posts carrying special pay, (2) the amount of special pay, and (3) the community to which the holder of the posts belong, in the various Departments of the Government of India.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
LEGISLATIVE ASSEMBLY DEPARTMENT.	(One) Private Secretary to the Hon'ble the President.	100 p. m. ..	Muslim.
	(One) Clerk-in-Charge, Issue Branch.	50 p. m. ..	Muslim.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Stenographer attached to the Hon'ble the President.	50 p. m. ..	Hindu.
	(One) Stenographer attached to the Secretary.	50 p. m. ..	Hindu.
	(One) Multigraph Operator ..	20 p. m. (during the sessions of the Legislative Assembly and for a month before and for a week after such sessions).	Hindu.
DEPARTMENT OF COMMERCE.	(One) Assistant-in-Charge ..	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Honourable Member.	150 p. m. ..	Hindu.
	(One) Personal Assistant to the Secretary.	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Joint Secretary.	50 p. m. ..	Hindu.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
		25 p. m. (for work connected with Light houses and Light-ships Department).	
LEGISLATIVE DEPARTMENT.	(One) Clerk-in-Charge, Routine Section.	50 p. m. ..	Hindu.
	(One) Librarian .. ..	25 p. m. ..	Muslim.
	(One) Personal Assistant to the President of the Council of State.	100 p. m. ..	Anglo-Indian.
	(One) Personal Assistant to the Honourable Member.	150 p. m. ..	Hindu.
	(One) Stenographer attached to the Joint Secretary.	50 p. m. ..	Hindu.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
<b>LEGISLATIVE DEPARTMENT—contd.</b>	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge, Issue Branch.	50 p. m. ..	Muslim.
<b>FOREIGN AND POLITICAL DEPARTMENT.</b>	(One) Clerk-in-Charge of Issue Branch.	50 p. m. ..	Hindu.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of Toshakhana.	50 p. m. ..	Sikh.
	(One) Stenographer to Political Secretary.	50 p. m. ..	Hindu.
	(One) Stenographer to Foreign Secretary.	50 p. m. ..	Hindu.
	(One) Resident Clerk ..	150 p. m. ..	Anglo-Indian.
	(Two) Night Cypher Assistants.	150 p. m., each ..	Anglo-Indians (both).
	(One) Salvage Clerk* ..	25 p. m. ..	Muslim.
	(One) Fire Clerk* .. ..	25 p. m. ..	Anglo-Indian.
<b>RAILWAY DEPARTMENT.</b>	(Three) Assistants-in-Charge, (Establishment, Labour and Finance Branches).	100 p. m., each ..	Two Hindus and one Anglo-Indian.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of the Issue Branch.	50 p. m. ..	Hindu.
	(Seven) Stenographers in attendance on Chief Commissioner of Railways, Financial Commissioner, Railways, Members of the Board, Secretary and Director of Finance.	50 p. m., each ..	Five Hindus, one Muslim and one Jain.
<b>FINANCE DEPARTMENT.</b>	(Three) Stenographers attached to Hon'ble Member, Secretary and temporary Additional Secretary.	50 p. m. each ..	Hindu.
	(One) Clerk-in-Charge of Issue Branch.	50 p. m. ..	Hindu.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
<b>CENTRAL BOARD OF REVENUE.</b>	(Two) Stenographers attached to Members of the Board.	50 p. m. each ..	One Hindu and one Muslim.
	(One) Clerk-in-Charge of the Issue Branch.	30 p. m. ..	Hindu.
	(One) Cashier .. ..	30 p. m. ..	Hindu.
<b>IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.</b>	(One) Stenographer attached to the Vice-Chairman.	50 p. m. ..	Hindu.
	(One) Cashier .. ..	50 p. m. ..	Hindu.

\* These clerks are changed every summer season and during the winter months the clerk who remains in charge of the office carries on these duties.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
<b>ARMY DEPARTMENT.</b>	(One) Stenographer ..	50 p. m. ..	Anglo-Indian.
	(One) Cashier ..	50 p. m. ..	Hindu.
	(One) Assistant ..	100 p. m. ..	Hindu.
<i>Adjutant-General's Branch.</i>	(One) Cashier ..	50 p. m. ..	Sikh.
	(One) First Division Assistant for doing the work of shorthand writer.	30 p. m. ..	Hindu.
	(Two) First Division Assistants for doing the work of shorthand writers.	20 p. m., each ..	One European and one Muslim.
<i>General Staff Branch.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
	(Three) Second Division clerks for doing the work of shorthand writers.	20 p. m., each ..	Two Europeans and one Hindu.
	(Two) Third Division clerks for doing the work of shorthand writers.	20 p. m., each ..	Europeans.
<i>Quartermaster General's Branch.</i>	(One) Cashier ..	50 p. m. ..	Jain.
	(Two) Second Division clerks for doing the work of shorthand writers.	One 75 p. m. .. Other 50 p. m. ..	Hindu.
<i>Master General of Ordnance Branch.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	30 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	20 p. m. ..	Hindu.
	(One) Third Division clerk for doing shorthand writer's work.	20 p. m. ..	Sikh.
<i>Engineer-in-Chief's Branch.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	30 p. m. ..	Hindu.
<i>Military Secretary's Branch.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	75 p. m. ..	Hindu.
<i>A. M. S. (P.).</i>	(One) Cashier ..	50 p. m. ..	Muslim.
	(One) First Division Assistant for doing shorthand writer's work.	75 p. m. ..	European.
<i>Medical Directorates.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
	(One) First Division Assistant for doing shorthand writer's work.	30 p. m. ..	Hindu.
	(One) Second Division clerk for doing shorthand writer's work.	30 p. m. ..	Muslim.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
<b>ARMY DEPARTMENT—contd.</b>			
<i>J. A. G.'s Office.</i>	(One) Cashier ..	Rs. 50 p. m. ..	Hindu.
<i>Director of Contracts.</i>	(One) Cashier ..	50 p. m. ..	Hindu.
<i>A. D. O. S. (P).</i>	(One) Cashier ..	50 p. m. ..	Sikh.
<i>E. A. F. Headquarters.</i>	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) 1st Division Assistant for doing shorthand writer's work.	20 p. m. ..	European.
	(Two) 3rd Division clerks for doing shorthand writer's work.	20 p. m., each ..	One Hindu and one Muslim.
	(One) Clerk on regimental rate of pay for doing shorthand writer's work.	20 p. m. ..	European.
<b>DEPARTMENT OF INDUSTRIES AND LABOUR.</b>	(One) Assistant-in-charge ..	50 p. m. ..	Hindu.
<i>Industries Branch</i>	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge, R. & I. Section.	30 p. m. ..	Hindu.
	(One) Personal Assistant to the Hon'ble Member.	150 p. m. ..	Hindu.
	(One) Stenographer attached to Secretary.	50 p. m. ..	Hindu.
	(One) Stenographer attached to Joint Secretary.	50 p. m. ..	Anglo-Indian.
<i>Public Works Branch.</i>	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-charge, R. & I. Section.	20 p. m. ..	Muslim.
<i>Director of Civil Aviation in India.</i>	(One) Cashier ..	30 p. m. ..	Hindu.
<i>Director-General, Posts and Telegraphs.</i>	(One) Personal clerk to the Director-General of Posts and Telegraphs.	50 p. m. ..	Anglo-Indian.
	(Seven) Stenographers ..	25 p. m., each ..	One European, five Hindus and one Muslim.
<i>Central Printing Office.</i>	(One) Head Cashier ..	50 p. m. ..	Hindu.
	(One) Assistant Cashier ..	25 p. m. ..	Muslim.
	(One) Cashier .. ..	25 p. m. ..	Hindu.
	(One) Typist doing the duties of a stenographer.	25 p. m. ..	Hindu.
<i>Chief Engineer, Central Public Works Department.</i>	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(Eight) Cashiers .. ..	20 p. m., each ..	Five Hindus and three Muslims.
	(One) Storekeeper .. ..	5 p. m. ..	Muslim.
	(One) Cashier .. ..	15 p. m. ..	Hindu.

Department.	Number and nature of posts carrying special pay.	Amount of special pay attached to the post.	Community to which the holder of the posts belong.
		Rs.	
DEPARTMENT OF EDUCATION, HEALTH AND LANDS.	(One, Personal Assistant to Hon'ble Member.	150 p. m. ..	Parsee.
	(Two) Personal Assistants to Secretary and Joint Secretary.	50 p. m., each ..	Hindus.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Clerk-in-Charge of Issue Section.	50 p. m. ..	Hindu.
<i>Director-General, Indian Medical Service.</i>	(Two) Assistant-in-charge of Section.	50 p. m., each ..	One Hindu and one European.
	(One) Assistant-in-Charge of Section.	20% of his pay subject to a maximum of Rs. 50 p. m.	Hindu.
	(One) Cashier .. ..	30 p. m. ..	Hindu.
<i>Director-General of Archaeology in India.</i>	(One) Stenographer .. ..	50 p. m. ..	Hindu.
	(One) Librarian .. ..	50 p. m. from 1st November to the following 30th April each year.	Hindu.
	(One) Cashier .. ..	30 p. m. ..	Muslim.
HOME DEPARTMENT.	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(One) Personal Assistant to the Hon'ble Member.	150 p. m. ..	European.
	(One) Clerk-in-charge of the Routine and Issue Section.	50 p. m. ..	Hindu.
	(Two) Stenographers .. ..	50 p. m., each ..	Hindus.
	(Two) Resident Clerks .. ..	75 p. m., each ..	Anglo-Indians.
<i>Reforms Office.</i>	(One) Cashier .. ..	50 p. m. ..	Sikh.
	(Two) Stenographers .. ..	50 p. m. each ..	One held by a Muslim and the other is vacant.
<i>Director Intelligence Bureau, Home Department.</i>	(One) Chief Superintendent	100 p. m. ..	Anglo-Indian.
	(One) Assistant .. ..	60 p. m. ..	Hindu
	(One) Stenographer .. ..	60 p. m. ..	Hindu.
<i>Public Service Commission.</i>	(One) Assistant-in-charge, Examination Branch.	50 p. m. ..	Hindu.
<i>Military Finance Department.</i>	(Four) Assistants-in-charge	100 p. m., each ..	Hindus.
	(One) Cashier .. ..	50 p. m. ..	Hindu.
	(Two) Stenographers .. ..	50 p. m., each ..	Hindu.



**The Honourable Sir Alan Parsons** (Finance Member) : Sir, I lay on the table the information promised in reply to unstarred questions Nos. 210 and 211 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

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**EXCISE REVENUE COLLECTED BY THE LOCAL ADMINISTRATION, AJMER-MERWARA.**

210. (i) The annual excise revenue was about seven lakhs of rupees from 1927-28 to 1929-30. It has since been less.

(ii) There are two shops for the sale of country liquor, three for the sale of opium, and three for the sale of drugs in the city of Ajmer itself excluding the suburbs.

(iii) Yes.

(iv) The Government of India contribute approximately half the funds required for the maintenance of the Victoria Hospital in Ajmer, and they have also said that they will consider favourably the question of giving a grant-in-aid to the Municipality to assist it in carrying out a comprehensive sanitation scheme, on receipt of definite proposals and an assurance that the Municipality would be in a position to raise the additional funds required over and above the Government grant. No definite proposals have been received up to the present time.

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**INCOME AND EXPENDITURE OF THE EXCISE DEPARTMENT, AJMER-MERWARA.**

211. (a) The figures are :—

Year.	Receipts.		Expenditure.	
	Rs.		Rs.	
1927-28	..	7,07,673	..	36,219
1928-29	..	7,46,643	..	36,833
1929-30	..	7,12,809	..	35,854
1930-31	..	6,67,568	..	36,627

(b) As the figures show there has not been a continual increase in the revenue. During the last seven years the number of liquor shops has been reduced from 123 to 109 and the policy of restricting hours of sales is also kept in view.

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**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table :

(i) the information promised in reply to parts (e) and (f) of starred question No. 486 asked by Mr. N. M. Joshi on the 23rd February, 1932 ;

(ii) the information promised in reply to starred question No. 908 asked by Mr. S. C. Mitra on the 23rd March, 1932 ; and

(iii) the information promised in reply to starred question No. 392 asked by Mr. Nabakumar Sing Dudhoria on the 16th February, 1932.

REVISED CADRES AND PROMOTION OF SUBORDINATES IN CERTAIN DEPARTMENTS  
— OF THE GREAT INDIAN PENINSULA RAILWAY.

486. (e) According to the latest report received from the Agent, Great Indian Peninsula Railway, the number of vacancies as on 1st August, 1932 was :—

Transportation (Power) and Mechanical Engineering	..	Excess of 2.
Transportation (Traffic) and Commercial	..	.. 13 vacancies.
Civil Engineering	.. .. .	.. 8 vacancies.

(f) The total number of subordinates officiating in all Departments on 1st August, 1932, was 23.

RECALL OF A PROVISION PASS PREVIOUSLY IN POSSESSION OF THE SUB-DIVISIONAL OFFICER, NORTH-WESTERN RAILWAY.

908. (a) and (b). I am informed that in order to prevent the possibility of abuse of provision passes which are issued for the benefit of staff stationed at places in which they are unable to obtain their ordinary common provisions it is the practice on the North-Western Railway for a supply centre to be fixed for each station which, owing to the difference in needs is not necessarily the same for Europeans as for Indians. A provision pass to the Sub-Divisional Officer, North-Western Railway, Sargodha, was originally issued in 1930 to Lahore by mistake as the supply centres for the staff at Sargodha were then Jhelum for Europeans and Sargodha itself for Indians. The pass was taken away from Mr. Vasudevan's predecessor when the mistake was discovered. Mr. Vasudevan's request was under correspondence for some time, and it was finally decided that there was no objection to the issue of provision passes to Indian officers to centres of supply fixed for Europeans.

(c) I am informed that this was not the case.

ADVERTISING OF THE MAGH MELA OF ALLAHABAD.

392. (a) Yes : by the exhibition of vernacular posters and the distribution of handbills in Hindi and Bengali in areas likely to produce traffic. This was arranged through station masters, District Boards, Managers of the Jute Mills, Tea estates and collieries, and the prayagwals of Allahabad and their agents.

(b) Rs. 288.

(c) The total outlay for additional works and staff was Rs. 8,000.

(d) (e). It is not practicable to assess the results of such publicity propaganda, but I might add that the earnings amount to about 2½ lakhs.

(f) Yes.

Mr. T. Ryan (Director-General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to parts (a) and (b) of starred question No. 705 asked by Seth Haji Abdoola Haroon on the 22nd September, 1931. -

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

Names of Postal Circles and Post Offices.		(a) Total number of officials on 31st March, 1931.					(b) *Total number of approved candidates entertained for the undermentioned cadres.							
		During 1929-30.					During 1930-31.							
		(1) Officials in the selection grade.	(2) Clerks.	(3) R. M. S. Sorters.	(4) Postmen.	(5) Inferior servants.	(1) Clerks.	(2) R. M. S. Sorters.	(3) Postmen.	(4) Inferior servants.	(1) Clerks.	(2) R. M. S. Sorters.	(3) Postmen.	(4) Inferior servants.
		Muslims.	Non-Muslims.	Muslims.	Non-Muslims.	Muslims.	Muslims.	Muslims.	Muslims.	Muslims.	Muslims.	Muslims.	Muslims.	Non-Muslims.
<b>CIRCLES.</b>														
1. Bengal and Assam	..	14	356	744	4,303	87	695	1,538	4,796	1,650	4,931	19	27	103
2. Bihar and Orissa	..	12	119	323	1,514	51	1,359	376	1,432	322	2,568	19	27	103
3. Bombay	..	21	340	186	3,475	37	643	835	4,336	504	3,102	31	32	140
4. Central Provinces	..	22	123	339	1,279	131	348	454	1,663	396	2,458	10	14	7
5. Madras	..	13	274	280	3,599	88	735	4,218	3,468	591	3,468	22	162	5
6. Punjab and N. W. F.	..	81	230	1,258	2,016	206	646	2,325	1,797	62	105	14	35	192
7. Sind and Baluchistan	..	15	43	177	440	32	78	227	238	199	213	12	72	..
8. United Provinces	..	41	200	581	2,168	183	546	494	1,740	397	1,615	21	81	3
<b>POST OFFICES.</b>														
Calcutta	..	3	104	134	1,559	..	..	349	798	105	697	15	36	..
Patna	..	1	1	9	30	..	..	2	28	1	14	2	13	..
Bombay	..	7	116	63	1,201	..	..	110	1,014	106	872	..	5	..
Nagpur	..	..	..	6	14	..	..	..	..	..	..	..	32	..
Madras	..	1	24	6	265	..	..	23	70	6	44	3	4	..
Lahore	..	5	13	80	138	..	..	1	141	3	80	1	6	..
Delhi	..	4	12	35	144	..	..	108	88	61	64	5	8	..
Karachi	..	2	15	40	148	..	..	31	112	29	76	15	15	..
Lucknow	..	2	8	19	102	..	..	22	121	21	53	..	5	..

\*NOTE.—The figures under (b) represent the number of approved candidates entertained for the cadres, as asked for by the Hon'ble Member, and not the number of Muslim candidates actually appointed to the cadres. Approved candidates not entertained for the Selection Grades.

## **THE CRIMINAL LAW AMENDMENT BILL.**

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Criminal Law.

The motion was adopted.

**The Honourable Mr. H. G. Haig** : Sir, I introduce the Bill.

## **THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.**

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Bengal Suppression of Terrorists Outrages Act, 1932.

The motion was adopted.

**The Honourable Mr. H. G. Haig** : Sir, I introduce the Bill.

## **THE TRADE DISPUTES (AMENDMENT) BILL.**

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move :

“ That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, be taken into consideration.”

As Honourable Members are doubtless aware, the Trade Disputes Act of 1929 is a temporary measure which expires in 1934. The Royal Commission on Labour was of the opinion that some statutory machinery will be permanently required to deal with trade disputes and that it will be necessary to consider the form which that machinery is to take before the Act expires in the first half of 1934. They held, however, that, in spite of the fact that the Act is only a temporary measure, there was one section which needed amendment, and if the House will bear with me, I will read the paragraph in which they deal with their proposal. They say :

“ Section 13 is designed to prevent the disclosure by members of Courts or Boards of confidential information relating to trade unions or individual businesses. The main part of the section follows generally the British Act, but to this are appended provisions rendering any member of a Court or Board liable to prosecution at the instance of the person aggrieved by a wrongful disclosure. The members do not receive the protection against criminal prosecution ordinarily granted to public servants in respect of acts done in the execution of their duties, nor is it necessary for the prosecution to show that the disclosure was wilful or to prove that any injury has been done. Moreover no protection appears to be granted against a civil suit. We are inclined to doubt if a criminal prosecution is at all appropriate, at any rate in connection with a disclosure in an official report. It would perhaps be sufficient in a temporary Act of this kind to provide that no prosecution or suit should be maintainable on account of any breach of the section or any damage caused thereby, except with the previous sanction of the Government which appointed the tribunal.”

Well, Sir, the Bill before the House seeks to give effect to the recommendation of the Royal Commission, a recommendation, which I should add, was supported by the recent Railway Court of Inquiry. The Bill provides that there should be a definite request by the persons tendering information to a Court or Board of Inquiry that the information so tendered should be kept confidential. It also provides that the disclosure must be wilful and it further provides that no prosecution or suit shall be maintainable on account of such disclosure except with the previous sanction of the authority which appointed the tribunal.

[Sir Frank Noyce.]

This, Sir, is a very simple Bill. It provides against the unnecessary harassment of those who undertake the often very difficult and irksome work connected with Courts of Inquiry. I am sure, the House will agree that this is desirable. Sir, I move :

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce** : Sir, I move that the Bill be passed.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill be passed.”

**Mr. N. M. Joshi** (Nominated Non-Official) : Sir, before this Bill is passed, I should like to make one or two remarks on this subject. The Government of India are introducing this Bill in order to amend the Trade Disputes Act. The amendment has my hearty approval. At the same time, I should like to ask the Government of India what they propose to do as regards the other important amendment recommended by the Royal Commission on Indian Labour. The Honourable Member in charge of the Bill stated that the Trade Disputes Act is a temporary measure. I know this fact and I also know that the Act will come in for revision after two years. At the same time, the Royal Commission on Indian Labour recommended that in particular instances, the Government of India should take early steps to amend the law and that particular instance is as regards the position of the employees of the public utility services. The Royal Commission came to the conclusion that the Trade Disputes Act put the employees of the public utility services at a disadvantage. The Act provided that in the case of employees of the public utility services, they should not go on strike without giving notice. Now, this provision does not apply to other employees in other industrial concerns and they impose a special disability on the employees of the public utility services. The Royal Commission on Indian Labour came to the conclusion that if a special disability is to be imposed upon the employees of the public utility services, they should be given an advantage in some other way and that advantage is that some machinery should be provided for a compulsory enquiry into their grievances. This is the recommendation of the Royal Commission on that subject :

“ In our view the weakest point of the Indian provision is that while it restricts the powers of the workers in public utility services to coerce their employers it gives in return no assurance that their grievances will receive a hearing. We have made elsewhere proposals to alter the position of railway workers in this respect. With regard to the other classes to whom the section applies, we think the question of providing means for the impartial examination of disputes should have early consideration.”

Sir, the report of the Royal Commission was published last year and it is now more than a year. I want to know whether the Government of India have given consideration to this subject. I also want to know from the Government of India what they have done as regards the position of the railway employees in this matter. The Royal Commission has made certain recommendations for an enquiry into the grievances of the railway workers. I have not yet seen or heard that the Railway Board or the Government of India have accepted the recommendations of the Royal Commission and if they have not yet accepted, I want to know why the delay is being caused. Mr. President, with these remarks I support the passing of this Bill.

**Mr. A. G. Clow** (Government of India : Nominated Official) : I should just like, Sir, to say a few words in reply to what has fallen from my Honourable friend, Mr. Joshi. The recommendations of the Royal Commission in respect of the Trade Disputes Act were, as I read them, divided into two classes. They mention in the first instance the fact that the Act will expire in the spring of 1934 and they, therefore, state that "the best service we can render is to refer to some of the views expressed to us . . . . and to offer comment on a few of the outstanding questions which arise. By so doing, we may be able to stimulate thought on these questions in advance of the time that it will be necessary to make a decision". Their comments on the position of the public utility services fall in my view within that category.

**Mr. N. M. Joshi** : No, they ask for early consideration.

**Mr. A. G. Clow** : They asked for early consideration, but the question with which we are dealing is the only one on which they thought an immediate amendment was necessary. Mr. Joshi is as much entitled as I to his view of what the Royal Commission intended, but I think the House will find it a little difficult to read into the report a belief that they contemplated three separate measures, first a measure such as my Honourable friend in charge of the Bill has introduced, secondly a measure to deal with the public utility services and finally a measure which, if we are to have any legislation of this kind after 1934, must be introduced before 1934 to deal permanently with the question of trade disputes.

As regards the question of the action taken on railways, I confess that I was not clear as to which precise recommendation my Honourable friend was referring to, but it was not, so far as I could gather, a recommendation relating to legislation at all. As the Honourable the Mover has already mentioned, the present Bill arises to some extent out of an enquiry which was made into certain matters relating to railways.

**Mr. N. M. Joshi** : May I ask what the Government of India propose to do as regards the railway employees ? I am not thinking of legislation, but I am thinking of executive action.

**Mr. A. G. Clow** : I am not clear as to what the Honourable Member is referring to. But I submit to you, Sir, that it does not arise out of the present Bill which is a Bill relating to legislation for the settlement of trade disputes.

**The Honourable Sir Frank Noyce** : Sir, I have very little to add to what my Honourable friend has just said in this connection. I would only inform my Honourable friend, Mr. Joshi, that we shall take up the general question at a very early date in order to be ready with our

[Sir Frank Noyce.]

main legislation for the establishment of some permanent machinery for the settlement of trade disputes. With that assurance, I trust he will be content.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is that the Bill be passed.

The motion was adopted.

### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir C. P. Ramaswami Aiyar** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill to amend the Indian Railways Act, 1890, for a certain purpose, be taken into consideration.”

I may at once say that I have noticed that there are amendments standing in the names of two Honourable Members that this Bill be circulated for the purpose of eliciting opinion. I may also add that after consideration we have arrived at the conclusion that there are reasons why this Bill should be circulated for the purpose of eliciting opinion. At the present moment the Government of India have initiated an inquiry to be undertaken by the Road Engineer of the Government of India in conjunction with an officer representing the Railway Board to ascertain what steps should be taken to effect a co-ordination of road development with the Railways. The two officers have been instructed to visit every province, to consult the Local Governments and Railway Administrations and have been asked to draw up a report by the middle of November. Moreover, I have myself seen many valuable suggestions and criticisms as to the right policy to be adopted with regard to this co-ordination of railway and motor traffic. There are undoubtedly two sides to the question and Government realise that opinion is not unanimous or uniform. In these circumstances Government have come to the conclusion that opinion should be collected before they proceed further with this Bill. I am therefore in a position to assure Honourable Members that I shall be prepared to accept the motion for circulation.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon ”.

I want to give my views on this question for the reason that Government may be able to judge my arguments when they discuss the opinions which they will receive. Sir, the Bill under discussion proposes to provide and maintain any means of transport for the conveyance of passengers, animals or goods in any area to which access is afforded by the railways. In the Statement of Objects and Reasons, it is said :

“ It is proposed, therefore, by amending sub-section (e) of section 51 of the Act, to make it clear that the railway companies referred to in section 51 may own and operate unconditionally road motor services for the carriage of traffic in areas served by their railways ”.

Again, it is said :

“ It is, however, the smaller railways whose revenues have been seriously affected by the development of motor competition, who are in need of power to run such services ”.

You will find, Sir, that on previous occasions also it has been said that the main causes of the deficit in the railway budget are the development and increasing competition of the buses with the Railways. I want to make it absolutely clear that the motor competition is not so much responsible for the deficit in Railway earnings and, if this competition is responsible for it to a limited extent, then it is very difficult for the Railways to successfully compete with the buses. In saying that the deficit was not caused by this competition, I want to submit that it was due firstly to the capital expenditure ; secondly, the deficit was due to the top-heavy administration ; and, thirdly, it was due to the fact that the advice and opinions of the Members of this House were not given any heed to.

At the same time, Sir, the owners of buses run their buses in a very economical and businesslike manner, while the Railway Companies will require the services of a very large staff to supervise their working. They are sure to require a booking clerk, a ticket examiner on each bus, and so on. This means that their expenses will naturally go up and their administration will become very expensive, while, on the other hand, private buses run without any booking clerk or a checker, and the driver of the bus performs all the necessary duties. So, Sir, in my opinion, it will not be of any use for the Railway Board to adopt this measure. However, I am thankful to the Honourable Member in charge for his readiness to circulate the Bill and, therefore, without going into details, I move that the Bill be circulated for opinion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member specify a date within which opinion should be obtained ?

**The Honourable Sir C. P. Ramaswami Aiyar** : I suggest the 2nd January.

**Mr. M. Maswood Ahmad** : I am agreeable to that date.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I am very grateful to the Honourable Member for Railways for anticipating our wishes on this side of the House and agreeing to circulate this Bill for eliciting public opinion. Sir, when I read the Statement of Objects and Reasons I was astounded. Only a few minutes ago I put a few supplementary questions to the Honourable the Railway Member as to why is it that the Federation of Indian Chambers and the various Indian Merchants' Chambers are treated in a step-motherly fashion by the Government of India. The reply is given here in this Statement of Objects and Reasons. It seems the Associated Chambers of Commerce of India and Ceylon sometimes thought of a good business bargain and addressed the Government of India. Whether they want to sell more petrol or more motor cars I do not know. I think it is both ; that is, they want to sell more motor cars as well as more petrol. They write to the Government of India, and the Government of India without consulting the interests of the Indian merchants who have a definite and very much larger stake in the country patronise the Associated Chambers of Commerce and proceed to amend the Railway Act. Sir, I do not know whether the railways will profit ; I will discuss later on how far the railways will benefit or lose. But I want again to point out to the Government the inequity and the injustice which they show from time to time to the Indian Merchants' Chambers. I refer to the Communal



[Mr. B. Das.]

Award which was issued by the Prime Minister with the concurrence of the Governor General in Council ; and what do we find ? The seats that have been allotted to the Indian Chambers of Commerce are very disproportionate. In Madras the European industries get 4 seats and the Indian industries get only 2 seats ; in Bengal the Indian merchants get only 5 seats while the European Chambers get 14 seats ; in the United Provinces 2 seats go to the Europeans while only one goes to Indians.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Which clause of the Bill is the Honourable Member talking about ?

**Mr. B. Das** : I am talking on the general principles involved in the Bill and my friend, Sir Cowasji Jehangir, who was an Executive Councillor in Bombay, knows that one can talk on general principles when one discusses a Bill.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : How do these remarks arise on a general consideration of the Bill ?

**Mr. B. Das** : It arises out of the Statement of Objects and Reasons, because Government are influenced by the Associated Chambers of Commerce and not by the Indian Chambers.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member can deal with the subject in a general way within the limits of the Bill.

**Mr. B. Das** : Yes, Sir. I find that in Assam, the European merchants get 8 seats while the Indian merchants get only 3 seats, and, in Bombay, without Sind, the Europeans will get 4 seats and the Indians 3 only. Sir, when my Honourable friend, Sir Cowasji Jehangir, who is an industrial magnate in Bombay, read the Communal Award and found that his own industrial community has been relegated to a secondary position, he must have burnt with rage. The only thing is that he is a pacific man and he does not lose his temper : he controls himself. But I cannot control myself. I was going to tell the Honourable the Commerce Member that this step-motherly attitude of the Honourable the Commerce Member and of the Government of India is the root cause of all the troubles in India.

Now I will deal with the merits of the Bill. It is true, in England where there is a national Government and where the railways are national, they have established a Road Board and they have accepted the principle that the railways should run motor buses. Newspapers gave out that the Government of India recently appointed a committee of inquiry, that Mr. Mitchell, the Roads Engineer, and a representative of the Railway Board, should inquire into this aspect of the question. The Honourable the Commerce Member has not said anything about....

**The Honourable Sir C. P. Ramaswami Aiyar** : I did ; my Honourable friend was not here when I pointed out what that committee had to do.

**Mr. B. Das** : I am glad my Honourable friend pointed out ; but mere pointing out will not do. Those results must be published and circulated to the different Chambers of Commerce.

**The Honourable Sir C. P. Ramaswami Aiyar :** That is also what I said.

**Mr. B. Das :** Then, I think my Honourable friend, Sir Lancelot Graham, advised him wrongly when he asked that this Bill should be passed ; the draftsman of the Government of India went wrong when he advised that. The only thing is that there are certain points which not only the Chambers of Commerce should take note of, but also Provincial Governments should take note of. The Honourable the Commerce Member knows it—as being the Leader of the House—how the policy of the Government of India is to starve the provinces. To-day if this House permitted the railways to run motor buses, the roads will have greater wear and tear. Will the Government subsidise the Provincial Governments to have better roads ? I think my Honourable friend, the Finance Member, will come down on the Commerce Member and will say “ No more money ; no subsidy to the provinces ; let the provinces go to hell as there is no money in the Central Government for better roads ”. That is one aspect of the point that must be taken note of.

The other aspect is this : As my Honourable friend, Mr. Maswood Ahmad, alluded, various private firms have come out with cheap means of transport carrying passengers at a very cheap rate. Will the railways do that ? They will start cut-throat competition ; they may be State-owned ; when they are Company-managed, they are owned by British capitalists and they will imitate my Honourable friend, Sir Leslie Hudson, there and enter into cut-throat competition on the example of the shipping companies and they will start cutting rates in order to drive out all these small Indian motor bus companies ; and what will be the result ? Lakhs and lakhs and even crores of rupees have been sunk on these motor buses and these Indian motor bus companies will go to the wall ; and will the railways be able to administer and finance them ? All of us know what the present state of the Railway Finance is. It is in a very bad state and to-day if this House were to authorise the railways to start on a new venture to buy motor buses, what will they do ? They will buy the costliest makes ; probably they will order a firm like the Rolls Royce to supply them with Chassis so that when the Honourable the Commerce Member or the Honourable the Finance Member travel on those buses, there may be no jolting. We know the tradition of the Railway Board. It is an extravagant body ; and when the Railway Retrenchment Committee, presided over by my Honourable friend, Mr. Shanmukham Chetty, have recommended that the mismanagement of railways is so bad that an expert committee is necessary to sit and inquire into the technical management of railways here, my Honourable friend actually brings out a Bill and asks us to give sanction, so that the railways could go into new ventures. I am glad the Honourable the Commerce Member has anticipated our criticism to a certain extent. I have to request him also to ascertain the views of every Provincial Government as to the additional cost of road maintenance, and also from his colleague, the Finance Member, whether he will, if the railways adopt this policy, give the necessary amount of money for the better upkeep of roads which are mostly provincial. If those conditions are satisfied, when the Bill comes again for discussion in the House, I may consider whether I can give assent to such an Act.

**Mr. W. B. Hossack** (Bombay : European) : Sir, I rise to support the motion which proposes to circulate this Bill for further opinion.

[Mr. W. B. Hossack.]

Whilst gladly accepting the principle of the Bill, its only clause of any import seems to have been rather hurriedly drafted or, what is perhaps more likely, with intent to arouse discussion on the scope of application to be permitted, under the Bill. Now, there should be nothing to prevent railways operating road buses as feeders to their systems. Where no efficient or adequate road motor service system exists connecting railway stations with villages in the interior, this would be a legitimate rail borne extension. But there is such a thing as legitimate road borne traffic as some Honourable Members have already pointed out. For example, take a produce market, say, nine or ten miles from a town, the road thereto running parallel to the railway. This would be legitimate road borne traffic because you cannot expect this to be transported from the farm to the railhead in the first case, taken by the railway into the town, and then transported again by road to the market. It is much cheaper and much more convenient to take this by road. We find in the Statement of Objects and Reasons the words "running parallel to its railway line". Those words rather perturb me. Beyond a certain mileage traffic on roads parallel to railways naturally belongs to the railways; but as I have already pointed out this short distance parallel road traffic should not be driven back to the railways on any account whatsoever. The danger here lies in the fact that the railways may start competing with this short distance traffic and ultimately drive them off the road, and if successful in driving them off may in turn withdraw their road services and force the public back to the railways.

With such danger ahead, I feel that the one real clause of this Bill requires considerable enlargement to cover this point and a clearer definition must certainly be made of the word 'area'.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras : Muhammadan) : Sir, with regard to the circulation of this Bill, I do not think much need be said, except that the report of the Committee which has been appointed by the Government of India to inquire into the co-ordination of the railways with road traffic should be awaited and that this subject should be brought up after the report of that Committee is placed before the House, so that, in this case, a date need not be fixed and it may be left to the discretion of the Government of India to fix a suitable date after that report is received.

**The Honourable Sir C. P. Ramaswami Aiyar** : I may at once assure the Honourable Member that the report will be published about the end of November, if not before.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I would not have troubled the House, but I should like to know one particular thing. What would be the position of the buses to be run by the Railways as compared with the position of the private owned buses which are now plying? Of course, the railway buses will compete with private buses, but that competition ought to be on fair and equitable lines. I should like to know what would be the legal position of these buses, so far as their liabilities are concerned, whether they will be governed by the Railway Act or by the Carriers'

Act. The buses that run on the public roads are governed by the Indian Carriers' Act, and as such the Government know that the position of the public buses is practically that of an insurer. I should like to know something about the legal position of these buses, and that point should be brought before the public.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the object of this Bill is that the Government or the Railway Department desire to get power to extend their business and not only carry passengers and goods by rail, but also by means of other vehicles. The term 'vehicles' is not defined in the Bill, and it may include motor service ; it may possibly include steam service, and it may be extended even to aeroplane services. This is a question of principle that is the extension of this business. Sir, everyone, who is engaged in business, would realise that no losing concern would ever care to consider even for a single moment new propositions for extension of business. My proposition is that our Railway is a losing concern, and this is not a proper time even to think of extending the business. With regard to my statement that our Railway is a losing concern, I may remind the Honourable Member for Railways that he has borrowed money at an average rate of 5.7 per cent. while his earning from Railways is only 4.6 per cent. May I also remind him that he has to pay 34 crores of rupees in interest for the capital he has borrowed, and that he is so much in debt that he could not pay the one per cent. to the general revenues according to the convention of 1924. As a member of the Standing Finance Committee, Sir, I think I can certainly haul up the Honourable Member before any court for the non-payment of that debt, and for failure to fulfil the promise which he made in 1924 to this Assembly for paying 1 per cent. of the capital at charge, and it comes to about 5.75 crores.....

**The Honourable Sir C. P. Ramaswami Aiyar** : When the case comes in court, I shall be a counsel.

**Dr. Ziauddin Ahmad** : Thank you ; but unfortunately, the Government, by their own majority, obtained the consent of the Assembly that this sum should be written off.

**Mr. B. Das** : As a Member of the Railway Retrenchment Committee, why did you not point it out ?

**Dr. Ziauddin Ahmad** : I drew their attention to this fact. I may also remind the House that two years ago, the Railway Department had a balance of 15 crores in their Reserve Fund and about 15½ crores in the Depreciation Fund. During the last two years, the whole of their Reserve Fund has gone. They are now drawing from their Depreciation Fund, and we were asked by supplementary grants to give them money to meet the ordinary deficits in the running expenses of the Railway Department.

Sir, may I also remind the Honourable the Commerce Member that the administration of this Department is not a profitable one. During the last seven years we spent 165 crores of rupees in capital expenditure. Out of these, 113 crores were spent in undertakings which yield no revenue whatsoever, like the railway stations at Lucknow and Cawnpore, and 42 crores were spent in undertakings which yield an

[Dr. Ziauddin Ahmad.]

income of only one per cent. The Honourable Sir Alan Parsons, in reply to a question of mine, gave me a pious hope that in future these undertakings will probably yield a better income, but this is only a pious hope, and when the railway lines, which have been running for a very long time, do not yield more than 4.6 per cent. how is it possible for the lines which were built only recently to show an increase from one per cent. to any appreciable figure? Therefore, Sir, I want to point out that the Railway Department is a losing concern. They owe money right and left; they find it exceedingly difficult to meet their liabilities, and so this is not the right time for them to think of extending their business in any direction.

Sir, the second point which I want to point out is that all schemes which they have brought forward during the last few years have been failures, and I can give the House illustrations after illustrations. I would draw the attention of the House to the question of the separation of accounts from audit. The Assembly was made to believe that this would be a paying concern. Figures were quoted and Resolutions were passed to the effect that it will pay in the long run to separate the accounts from audit. Mr. Aney, in 1928, and my friend, Mr. Neogy, pointed out that such an experiment was an extravagance, but at that time it was supported by Mr. Chetty, though I am glad that Mr. Chetty has modified his opinion, and, as President of the Railway Retrenchment Committee, he himself said this :

“Consequently we cannot escape the conclusion that the optimism of the framers of the estimates of the final results of the separation when they expected a saving in direct costs of the Accounts and Audit Department has been far from being justified.....”

We find that the cost of Accounts and Audit Department in 1926-27 was 8.58 lakhs, and it jumped up in four years from 8.58 lakhs to 19.80 lakhs, that is, about 2½ times the expenditure. Therefore, the scheme which they presented before us about the separation proved to be a failure.

I will now give a second illustration about the scheme of the Railway Mining Colliery. I ask the Honourable Member to tell me whether it is or it is not a paying concern. I have been repeatedly demanding that the balance sheet of this work ought to be laid before the House and before the Railway Finance Committee, but I have never seen any balance sheet of this undertaking, and I do not think whether the Railway Board themselves know whether it is a paying concern or not. The income and expenditure are mixed up with the income and expenditure of the whole budget, and no separate accounts are shown, and, I am afraid, if they start this motor service, it may not be a paying concern, but they will mix it up with the general income and expenditure and will never say whether it has been profitable or not. Sir, in this case they will incur capital expenditure and then they will call for tenders. Probably we shall

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have an opportunity of discussing the question for tenders later on in this House. I have got illustrations after illustrations—I do not wish to waste the time of the House by going through them to-day—in which people offering better terms and persons of approved ability

and of approved experience were not given the contracts and they were given to persons who demanded higher rates and who had never been tried, for reasons which I should not like to mention but as to which, everybody can draw his own inference. I have drawn the attention of the Railway Board to those illustrations. I pointed out to them the facts and figures, I was referred to one particular individual, and I referred these questions to him, but he did not listen to them. These matters will come in the shape of questions in the Assembly as, I understand, Bhai Parma Nand has already given notice of some of these questions in connection with certain contracts.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : In view of the fact that the Bill is going to be circulated, I should like to ask the Honourable Member whether it is desirable that he should go so elaborately into details.

**Dr. Ziauddin Ahmad** : I do not want to enter at this stage into any elaborate discussion, but I have got several illustrations, and I gave only one, and I now take up another point now.

If the Railway Board started a motor service, they would enter at once into what is called the rate-war. They have got bitter experience of it in 1891-92 when they had to face rate-war, and, I am afraid, that as soon as they start this motor service, the rate-war will again begin. In disgust they will give up their motors, their steam ships and their aeroplanes to some person for nothing as they did in 1891-92 and all the capital that will be spent in purchasing these articles will practically be wasted. Therefore, I would request the Honourable Member to point out to all the persons who will be asked to give their opinions, when the Bill is circulated, that the railways are a losing concern at present, and point out also the results of their various undertakings during the last few years.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I have got only one observation to make regarding the Bill under discussion, in addition to what has fallen from previous speakers. I find in the Statement of Objects and Reasons that smaller lines have been put to a great loss and it is to supplement their income that the Bill is brought forward in order to enable them to make more money. Now, I am not aware if the Honourable the Commerce Member has taken the trouble to compare the time tables prepared by these smaller railways in the south of India. In the course of my peregrinations in the south Indian villages it has been my misfortune to travel over these smaller railways and what has happened is this. As if to spite you, as if to spite the passengers, one train comes and, before it stops, another train gets away passing your train, and you cannot get another train for the next three or four hours. What these motor companies did say, was this, "All right, we shall take advantage of this". They buy a small bus—a Ford bus or anything like that—and they carry passengers to another junction where the train will stop, and thus enable passengers to catch the other train and go on to their destination. I do not know why they do it. If you take any Branch Railway line down in

[Raja Bahadur G. Krishnamachariar.]

south India, it looks as if somebody took particular care not to bring one train to join the other and enable passengers to get into it. We want to get to our destination somehow but the Railway Company won't allow us to do it. You write a complaint—there is a printed form saying that complaints will be attended to. No further reply comes. How it has been attended to, no one knows. You write a letter again. You are supposed to be troublesome and the thing is never attended to. Consequently, I would suggest that the timings of the trains should be so made that one train may catch another, and I assure the Honourable Member that, in that case, in out of the way villages buses will cease to run. As regards rate-war, observations have already been made and I do not want to add to them at this stage.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : When my Honourable friend, the Raja Bahadur, was speaking, I was reminded of similar speeches which I had read in the official proceedings of the House of Lords and the House of Commons, when they had to deal with the Railway Companies' (Road Transport) Act of 1928, by which Act, for the first time, four of the British Railways were given what are called "road powers", that is to say, authority to own and run their own bus services. Complaints of the nature which have come from my Honourable friend, the Raja Bahadur, were freely given expression to in those debates, and, I dare say, that if a similar line were to be permitted at this late hour in this House, very many of us could relate our own personal experiences which would give support to the point of view put forward by the Honourable gentleman. There is a good deal of truth in what the Honourable gentleman has said, because I personally have also felt on occasions that the railway official—the average railway official—thinks that he is conferring a great favour upon the travelling public by allowing them to travel by the railways. Now, Sir, I am sure, this feeling is shared by a very large number of non-official Members on this side. I would particularly ask the Honourable Member in charge to look into these grievances and find out as to whether it is not due to certain latches of the railways themselves in the past that they are faced with this road competition to a very large extent—it may not be that road competition would not have come even if the railways were quite up to the mark, but still there is a good deal of truth in what the Raja Bahadur has said, and if the railways were a little more circumspect and a little more careful about the comforts of the passengers and their conveniences, the serious situation that has arisen would not perhaps have arisen.

Now, Sir, I have a good deal of sympathy with the observations made by the Honourable Member who spoke on behalf of the European Group when he said that this Bill reveals marks of having been rather hurriedly drafted.—I do not wish to use a harsher expression, but the words "perfunctorily drafted" were almost coming to my lips. Hardly a day passes when we are not reminded of the very distinguished qualities possessed by the Honourable Member in charge as a public man, as an administrator, and as what not. (*An Honourable Member* : "A lawyer.").. and I must give expression to a sense of disappointment at the manner, the perfunctory manner, in which this Bill has been drafted. I should have expected my Honourable friend, a keen and competent lawyer that he is

of very wide reputation, that he should have hesitated before putting his signature to this Statement of Objects and Reasons. (*Mr. B. Das* : "Blame the Draftsman.")

Sir, this is a very short and simple Bill, at least it looks to be a very simple one, and my complaint is exactly on that score. It seems to me that the ordinance mentality is pervading all the various Departments of the Government (Cheers from the Nationalist Benches) and the measures of legislation that are at present being drafted bear that out. They must be very short, they must be very comprehensive, they must give unconditional powers—"unconditional" is the expression that has been used, I find, in the Statement of Objects and Reasons, which says :

"...that the railway companies referred to in section 51 may own and operate unconditionally road motor services..."

That is the object of this particular measure.

Now, Sir, I have not got the English Act—the Railway Companies' (Road Transport) Act of 1928—because it is technically classed as a "private" legislation and, therefore, it does not find a place in the collection of public Statutes which are to be found in our Library downstairs. I dare say, my Honourable friend has got a copy with him even now. Will he kindly look at that particular Act and tell me how many sections that particular measure contains? Is it not replete with safeguards, with exceptions, with provisions for inquiry, with provisions for complaints with regard to rates and fares and all sorts of things, and will the Honourable Member get up in his seat and tell me as to why is it that all these provisions were overlooked by him and his Department when this particular Bill was drafted? I am fully prepared to go into all the details of the provisions of that measure, as far as I could find them from the debates of the House of Lords and the House of Commons, but I do not think it will be very much appreciated at this hour.

**Mr. B. Das** : The Law Member is not here to appreciate your points.

**Mr. K. C. Neogy** : There was a Joint Parliamentary Committee appointed to examine the provisions of that Bill which was originally initiated in the interests of the L. M. S. Railway in England and the Joint Parliamentary Committee sat for no less than 37 days in taking evidence of all the parties concerned before they reported in favour of that measure. Now, I want my Honourable friend to tell the House as to what corresponding opportunity the Government propose to give to the interests concerned in placing their views before this House. We have been assured that two officers have been told off on this particular duty. They are touring all over India, conferring with Local Governments, but I want to be assured that the interests that will be affected by this measure will have as ample an opportunity as they had in the case of the English Statute.

Now, Sir, I do not want to go into the details of the English Statute at all, but I would just point out one particular fact. The apprehension, which was in the minds of British legislators when this particular measure was under consideration, was that if two rival methods of transport were to be united under one control, it might lead to the creation of a very powerful monopoly; and, in disposing of that apprehension, apart from



[Mr. K. C. Neogy.]

providing safeguards and exceptions of all kinds and provisions for inquiry and other restrictions, there is one particular factor which was borne in mind by the British Parliament. The evidence, which the Joint Parliamentary Committee had collected, showed that there was a very large system of omnibus services throughout the country, a system almost as large as the system of the Railway Companies, with very powerful financial and other interests linked together and they came to the conclusion that, in view of this particular circumstance, it would be extremely improbable that such a powerful organisation of the omnibus services in England could be displaced without a fight. Now, I want my Honourable friend to tell this House as to whether that particular condition is satisfied in this country. Those of us who have to travel between Kalka and Simla will be able to bear me out when I say that in many instances it is the owner who is also the driver. The owner-driver puts on a solitary bus on the road. Does my Honourable friend think that such a person would be in a position to fight the powerful interests of a Railway Company? Now, that is a very serious aspect of the matter and I very much hope that this question will be gone into when the Bill goes out for circulation.

Now, there is one other matter referred to in the Statement of Objects and Reasons to which I want to turn. It is assumed, that is how I read it, that so far as the State-managed lines are concerned, they are under no disability of any kind. They have the authority to have their own motor bus service, if they like. I daresay, the Government have been advised by their Legislative Department on this particular point, but what about the Company-managed lines themselves? The section of the Indian Railways Act, which this Bill seeks to amend, applies to certain railway lines. Now, the other statutory enactment which governs the Indian Railways is a British enactment. It is the Indian Guaranteed Railways Act of 1879. Now, that Act contains a section corresponding to the particular section which is sought to be amended by this particular Bill. It is almost in similar terms. I need not trouble the House with the terms of that particular section, but what is material is that that particular section applies to several railway concerns. Some of them have been turned into regular State-managed systems, but there are others which still continue as Company-managed lines. Now, the question that arises is this. If this amendment is accepted, a Company-managed line like the Bengal and North-Western Railway, and there are other Company-managed lines like that, will have the authority to have its own bus service.

**The Honourable Sir C. P. Ramaswami Aiyar :** No. As a matter of fact, Mr. President, the railways which are running under a statutory authority can be given this power only by virtue of Parliamentary Statute or an amendment. This Bill will not apply to Company-managed lines. It will not apply to State-managed lines. As a matter of fact, it applies only to a certain number of small concerns many of which are private in character.

**Mr. K. C. Neogy :** I am very glad that I have been corrected in this particular matter, but I should have been more glad if this particular Bill was specific in character, exactly in the same manner as the British Statute is specific. The British Statute applies to four British Railways.

Originally the intention was to give the benefit of this particular power to five, but one was dropped out as a result of the inquiry made by the Joint Parliamentary Committee. And if my Honourable friend is really anxious to benefit certain specific small lines, then the better course for him would have been to name those particular lines instead of leaving it to the discretion of Government as is proposed to be done.

**The Honourable Sir C. P. Ramaswami Aiyar :** They are over 50 in number.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : How long will the Honourable Member take ?

**Mr. K. C. Neogy :** I will finish in a very few minutes. When I was referring to the Company-managed lines, I was led to make those observations because of the manner in which the Statement of Objects and Reasons has been drafted. The Statement of Objects and Reasons says this :

“ Section 51 of the Act does not apply to State-managed lines and such lines, therefore, are under no legal disability in the matter of owning and operating road services.”

Now, Sir, I really do not understand how is it my Honourable friend says, or how is it that he expects this House to conclude from this, that this particular provision is not for the benefit of all Company-managed lines.

**The Honourable Sir C. P. Ramaswami Aiyar :** Read the first sentence of the Statement of Objects and Reasons.

**Mr. K. C. Neogy :** The first sentence reads thus :

“ Under the existing sub-section (e) of section 51 of the Indian Railways Act, 1890, a railway company which is not one of the guaranteed companies.....may with the sanction of the Governor General in Council provide and maintain, etc.”

Now, I was exactly coming to that point. I am sorry my Honourable friend interrupted me when I was developing this particular point. Now there are Company-managed lines like the Bombay, Baroda and Central India Railway, the South Indian Railway and the Madras and Southern Mahratta Railway. Is it the contention of Government that, so far as these lines are concerned, they do not stand in need of starting any motor bus service to compete with the existing services ?

**The Honourable Sir C. P. Ramaswami Aiyar :** If Parliament will make that amendment ?

**Mr. K. C. Neogy :** I was going to point out the distinction that my Honourable friend's amendment is raising between certain Company-managed lines and certain other Company-managed lines. That is why I was saying that this is a sort of half measure. You should go into the matter thoroughly and find out exactly which are the particular lines that need this kind of help ; and either make your legislation specific with regard to them, or if you want to have uniform legislation for all the Company-managed lines, because I see from the Statement that the State-managed lines do not stand in need of legislative assistance, then take some means of placing all the Company-managed lines on the same footing. Now, Sir, there is one other point which I wanted to raise in this connection. The British Statute gives certain kinds of relief to certain local authorities. If, for instance, a local authority finds that the rates and fares charged by any omnibus service owned and conducted

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by a railway are not reasonable, they are competent to complain before several authorities, one of them being the Rates Tribunal. I want my Honourable friend to examine this particular question and consider as to whether he is prepared to give any relief, any forum before which the aggrieved party could go in regard to these matters, and whether he is prepared to arm the present Railway Rates Committee with that authority which the corresponding body in England possesses in this particular matter.

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

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

**The Honourable Sir C. P. Ramaswami Aiyar :** Mr. President, I had not originally intended, in view of my assurance that this Bill will be circulated for the purpose of eliciting public opinion, to speak at all, and certainly not to speak at any length, but I think I shall be wanting in courtesy to Honourable Members, who have put forward various points of view, if I do not indicate very briefly my answers to the various queries propounded here. In the first place, let me deal with the somewhat trenchant criticisms of my Honourable friend, Mr. Neogy. He has sought to smite the Government hard and I must say that I emerged or rather ought to have emerged very much shaken from the onslaught, but it may be permitted even for such a victim to say a few words by way of defence or justification. The reason why this measure is not more comprehensively drafted than it has been is not due entirely to these qualities of perfunctoriness and legal negligence which were attributed to us. They were due, I submit, to the circumstances attendant upon this Bill itself and its scope. Let me again point out that this Bill has no application to the State-managed Railways. Therefore, a large class of these administrations are out of the ambit of the Bill and also, as it has been observed by the Honourable Member himself, this Bill does not advert to and has no reference to those Companies operating under Parliamentary Statutes. The residue, therefore, on which this Bill can operate, can only be certain Companies of a comparatively small jurisdiction who find that their work and their finances are severely handicapped by reason of the competition which is referred to. I may, with reference to another remark which fell from the Honourable Member, say that this Bill, if it receives legislative sanction and is passed into law, will be then a kind of jumping-off ground so that we may approach Parliament in order that they may proceed with reference to those lines in regard to which Parliamentary sanction or Parliamentary legislation is necessary. As has been pointed out in the Statement of Objects and Reasons, so far as the State-managed Railways themselves are concerned, we are advised that no legislation is necessary. This, I may submit, is the only reason why this Bill does not proceed to such elaborate details as the English Statute to which reference has been made, and this also is my justification of the defence for what has been characterised as the ordinance method of legislative approach. Then, my Honourable

friend, Dr. Ziauddin Ahmad, was at great pains to demonstrate how bankrupt the railway administration was both in the matter of administrative efficiency and in the matter of its actual finances. He was anxious also to warn this House and the country at large that no greater powers and no extension of jurisdiction should be granted to a body which has proved itself so unworthy. Dr. Ziauddin's varied talents have been utilised consistently for the purpose of improving the railway administration according to his lights and it was rather uncharitable on his part to have indulged in those remarks. But at the risk of being very disrespectful, may I indicate that practically all the remarks that he made were irrelevant and beside the point, because whatever the manifold sins of commission and omission of the Railway Board may be, the bulk of the Companies comprised within the scope of this Bill have nothing to do either with the State or the Railway Board. Therefore, those very valuable and illuminating remarks on the financial administration of the railways, though they may be placed on record for other purposes and may be very usefully referred to on other occasions, may be put out of the picture on this particular occasion.

**Mr. K. C. Neogy :** Does the Honourable Member admit the accuracy of the statements ?

**The Honourable Sir C. P. Ramaswami Aiyar :** My Honourable friend is a sufficiently acute person to realise that it is unnecessary to controvert the accuracy of a statement when its relevancy itself is in question. Then, my Honourable friend, Raja Bahadur Krishnamachariar, referred to the troubles by which he has been beset in the course of his travels in the south of India. May I point out that, while I realise that he is a large landholder in the South of India, he is also very closely connected with His Exalted Highness the Nizam's State and it has introduced this particular departure which we are now asking for.

**Raja Bahadur G. Krishnamachariar :** Wait until the result is known.

**The Honourable Sir C. P. Ramaswami Aiyar :** One cannot always wait for the results being known before taking necessary action.

Then, Sir, a question was put to us about the Carriers Act and the application of the Carriers Act. My only answer is this, that so far as I can see—and I am not speaking here as a Law Member but as a lawyer temporarily out of work—in all probability the Carriers Act would apply in regard to buses run by the Railway Companies, steamers run by them are not presumably governed by the Railways Act. Then, finally, I come to the very comprehensive denunciation of my Honourable friend, Mr. Das. He pointed out that the Statement of Objects and Reasons says that the Associated Chambers of Commerce passed a Resolution and the Government began its work of codification immediately. My answer to this is that we have in our possession a number of representations received from *bona fide* Indian agencies also asking for action. But, as I have stated, it will be Government's endeavour to get opinion all round, Indian and European, and to act on the basis of the majority opinion so collated and gathered. Mr. Das' artillery has, therefore, been wasted.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd January, 1933.”

The motion was adopted.

### THE PORT HAJ COMMITTEES BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as amended in Select Committee, be taken into consideration.”

Sir, it will be within the recollection of the House that when this Bill was referred to the Select Committee last session, certain criticisms were made of the proposed composition of the Haj Committees, on the ground that the nominated element would predominate on these committees. The House must have observed from the report of the Select Committee that those provisions have been modified in the direction of making these committees more popular. I do not think, Sir, that at this stage it would be proper for me to anticipate certain amendments, which are down on the order paper, but, inasmuch as those amendments also involve certain questions of principle, it would be worth while to comment upon those points of principle. Two points of principle have been made out by my Honourable friend Bhai Parma Nand. First that, in his opinion, the electorates proposed for these Haj Committees involve the creation of a new communal body. The answer to that is that communal bodies already exist in this country and that, if they have to be admitted as necessary in the political field, their desirability in what is an exclusively religious field can hardly be called into question. The second point of principle made by Bhai Parma Nand is that it involves a breach of the principle of religious neutrality on the part of Government to make any contribution whatsoever towards the expenses of Hajis proceeding to the Hedjaz. My answer to that is that it involves no breach of the principles of religious neutrality, because it is the duty of Government to make such provision as it can for the comfort and convenience of all classes of its subjects. It must be within the knowledge of the House that there are special Hindu festivals, as, for example, the *Kumbh mela* at Hardwar or the *Magh mela* at Allahabad where special arrangements are made for the comfort of the pilgrims who go there. There is therefore no reason why Government should not extend a similar treatment to their Muhammadan subjects.

Then, I come to the main objections which seem to underlie most of the minute of dissent of my Honourable friend, Mr. Maswood Ahmad. He wants the composition of the Haj Committees to be altered. He wants the powers of the Local Governments, even in such simple matters as scrutiny of rules made by Haj Committees, or the general financial control over their expenditure, he wants all that to be removed ; forsooth, because he is distrustful of the intentions of Government in this matter. Well, Sir, I would like to state to the House that it was Government which, on the suggestion of Honourable Members of the Legislative Assembly, agreed to appoint a Haj Enquiry Committee in 1929. The Government, it was, which, on receipt of the recommendations of the Haj Committee, undertook

to the utmost of its ability to bring forward measures which would implement the recommendations made by the Haj Enquiry Committee. This Bill, Sir, is one, in fact, it is the first, if my information is correct, of the measures brought forward by Government, which has now reached the stage of being near the Statute-book. I can assure Honourable Members of this House, the Muslim Members in particular, that there is nothing sinister behind the motives of Government in bringing forward this measure, or in providing for such measure of Government control as appears in the various provisions of the Bill. The whole object of such control is to ensure, in the initial stages of the working of these committees, that Government experience or the experience of Government officials should be available in order to make certain that these committees work smoothly.

Finally I would say that it is more than three years since the Committee was appointed, and it is more than a year since the Committee reported. We have now, before us the first fruits of the labours of the Committee presented in legislative form to this House, and, Sir, the Bill, as presented to-day, has emerged from a very representative and influential Select Committee. I think that the best earnest that the House can give of its interest in the welfare of the Hajis is to proceed without further delay to place this Bill on the Statute-book.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be taken into consideration.”

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

I am very sorry to say that we could not come to a unanimous decision on this measure. There was and there is difference of opinion amongst us on this question. Though I differed from the majority of the Select Committee, yet I feel all of them are sincere and they have love for Islam.

My Honourable friend, Sir Abdur Rahim, is my elder in relation, older in age, greater in knowledge, in ability and in experience. I respect him, I recognise all these and revere him as a leader of my community. My Honourable friend, Maulana Sayyid Murtuza Saheb, is an old champion of Muslim cause. He has love for Islam and for his country and his sacrifices are well known and at the same time, he is a great scholar of Islamic law. My Honourable friend, Maulvi Muhammad Shafee Daoodi, is a great man, an old comrade of Maulana Muhammad Ali and Maulana Shaukat Ali. His sacrifices of 1912 and 1922 cannot be forgotten. He has a vast knowledge of Muhammadan law. In short, Sir, other members of the Select Committee as well are great assets to the Muslim community and they have the same love for Islam as I have and I respect all of them. I am sorry that the great hero Sir Fazl-i-Husain, in whom all the Muslim community has great trust, is not here. but I have got a great politician and a great well-wisher of Muslim community, Chaudhri Zafarullah Khan, as his successor and I dissociate myself from the remark which was made the other day by a Member on the floor of this House. This was the best selection which

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was possible on the occasion. His ability cannot be questioned, I believe he will support any just proposal based on sound arguments from any corner of the House whether any one supports it or not.

Now, Sir, before discussing this Bill, I wish to say that this measure does not affect any other community except the Muslims and so I will ask the Government not to interfere and not to favour any one school of thought. Similarly I appeal to my Hindu brethren not to support or oppose me in this question. Let us decide this question ourselves amongst the Muslims. I want to make it clear that the note of dissent of my Honourable friend, Bhai Parma Nand, has perhaps been written on some misunderstanding or misapprehension. The note of dissent was perhaps intended for the original Bill. The modified Bill does not contain those provisions at all :

“ It aims at the establishment of a strong statutory Muslim organisation throughout the country on the basis of religion and under the patronage of the Government. This clause, with its sub-sections, makes a provision for the establishment of an elaborate elective machinery to gain that end. We find in sub-section (1) (b) the following :

4 members to be elected by the elected Muslim members of the District Boards in Bengal.

This simply means the organisation of the Muslim members of all the District Boards in Bengal on a communal basis as distinct and, in a way, opposed to the non-Muslim members of the District Boards.”

But if you see the recommendation of the Select Committee, you won't find it there. Sub-section (1) (b) of clause 4 says :

“ Two members to be elected by the elected Muslim councillors and elected Muslim Aldermen of the Corporation of Calcutta.”

So, Sir, it is clear that the fear which my Honourable friend, Bhai Parma Nand, has mentioned in the note of dissent is not at all in the Bill. Where is then this organisation of Muslim members of the Bengal District Boards ? Am I not correct, Sir, in my statement that the minute of dissent was drafted under some misapprehension. Those objectionable points are not at all in the Bill. Therefore my Hindu brethren have nothing to fear from this Bill. I am very doubtful whether my appeal will have any effect, but I shall be doing my duty if I remove any suspicion in the minds of our Hindu brethren. This Bill affects only the Muslims and the Hindus need not be frightened. So, I ask the Government and my Hindu friends to allow us, the Muslims, to decide this measure amongst ourselves.

Now, coming to the provisions of the Bill, I will say, Sir, that the Bill, as presented by the Honourable Member on that occasion and as modified by the Select Committee now, is not in accordance with the recommendations of the Haj Enquiry Committee. The main item is the formation of the Port Haj Committees. In this connection, Sir, I was to quote the recommendation of the Haj Enquiry Committee :

“ The Port Haj Committees at Calcutta, Bombay and Karachi should be re-constituted with a membership of twenty-five.”

Here you will find that the membership is restricted to 19 only.

Further on, in paragraph 151, on page 172, members of the Haj Enquiry Committee say that eighteen of these members should be elected in accordance with approved byelaws by various Muslim Associations

and Anjumans representing all shades of Muslim opinion. That is to say, 18 out of 25 comes to 72 per cent. and here this election has been restricted by the Select Committee to 42 per cent. only. And the co-option there was about 8 per cent. which has been raised by the Select Committee to 21 per cent. while the Select Committee has increased the nomination to a very great extent. The Haj Enquiry Committee says that two should be co-opted from among persons who have recently performed the Haj, but this restriction is not found in the Bill. About nominated members they say that five members should be nominated by Government. This five out of 25 comes to 20 per cent., but here, in this Bill, we find that the nomination has been raised to 37 per cent.

Further, Sir, though the Select Committee have changed the composition to a very great extent, but if you will go on to clause 5 you will find that whatever has been gained by clause 4 has been left in the hands of the Local Government. This clause will always be a weapon in the hands of the Local Government. Clause 5 says :

“ The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.”

We already know the views of the Local Governments.

**An Honourable Member :** Why did you not oppose it in the Select Committee ?

**Mr. M. Maswood Ahmad :** That is another point. My Honourable friend who asks that question is well aware that as I received a telegram from my home about serious illness there, I left Simla in haste and could not be present in the Select Committee at the time this was discussed. I am thankful to my friend for this question.

You will find, Sir, that although they have recommended a consultation with the Standing Haj Committee, these recommendations cannot be a law and I have dealt with this point in my note of dissent fully. When there is not a word mentioned in this Bill, it is useless to make these suggestions.

Further, Sir, you will find that in several clauses, which I have clearly mentioned in my note of dissent, so many powers have been given to the Local Government and to the Central Government that it was beyond the expectations of the Muslim community. Government have not taken the power in one clause. They take it in one clause 10, then after one clause they take it in another clause 12 and again in other clauses 14 and 22. In this way you will find that in four places power has been given to the Local Government. Apart from this in many clauses the words “ subject to the confirmation of the Local Government ” may be seen.

About the formation of the Haj Committee there was a very sound recommendation in the Haj Enquiry Committee's Report. Their recommendation was that members of the Port Haj Committee will be elected by Muslim organisations, but here in the Bill I do not find a single word about that. Not a single seat has been given to the representative of any Muslim organisation in this country at all, not a single seat has been given to any organisations of Ulemas. This is a purely religious



[Mr. M. Maswood Ahmad.]

matter and the Haj Committee may be in need of knowing many things from the Ulemas, but I do not find any suggestion for an Alim to be a member of the proposed Port Haj Committees. Sir, after a month or two, my Honourable friend will discuss the Medical Council Bill. There they have everywhere said that one member will be from this medical faculty and another member from another medical faculty, but I do not find that any seat for an Alim to guide the Port Haj Committee in religious matters has been provided in this Bill. So, Sir, this Bill is quite different from what the Haj Enquiry Committee recommended and so I think it requires republication and circulation.

The report of the Select Committee was placed before us a week ago ; this Bill has not been published in any of the papers and our Muslim organisations do not know how we have changed the Bill and whether, after these changes, the Bill is acceptable to the Muslim community or not. Sir, I make these remarks in addition to my note of dissent and I propose that this Bill should be circulated for the purpose of eliciting opinion. Sir, I move.

**Shaikh Sadiq Hasan** (East Central Punjab : Muhammadan) : Sir,

3 P. M.

I feel it my duty to oppose this Bill. This Bill has been denounced throughout the country by Muslim Ulemas and also in public meetings which have been held in so many parts of the country. We have to see whether the Ulemas who denounce this Bill are in the right or in the wrong. If they are in the right, certainly it is the duty of Muslim Members here to support them, but, if they are in the wrong, it is our duty to enlighten them and show them that they are in the wrong. I say that this Bill though contains the very laudable object of helping the pilgrims I consider it to be one of the most reactionary Bills ever put before this House, and I will do my level best to convince the House of this fact. First of all, let us take the composition of the Port Haj Committee. Out of 19 members, Government want to have seven nominated members. Government are well aware and the Members here are well aware that neither in any district board nor in any municipality is there such a large percentage of nominated members. But Government are not content with that, they want something more. They have got something more in this Bill, and, unfortunately, I am surprised to see, they have been supported by some of my friends for whom I have got the greatest respect. Whether they were mesmerised, I cannot say, but I have met them and talked with them and I know they are of a different calibre. Take the case of Sir Abdur Rahim, a gentleman who has worked for his community and suffered for his community and who is a great patriot. Still he agrees to the power to alter the composition of the Haj Committee being given to the Governor General in Council. I think, Sir, this clause is sufficient to condemn the Bill.

Now, Sir, as to the other clauses. Take clauses 10, 12 and 22. Local Governments have got the right to make rules relating to the constitution of the committees, they have got the power to make rules regarding the Chairmen and they have the power to make rules regarding the financial control of the committees. If Governments have got the power to make all these rules, I wonder, what is left to the committees. These committees are going to be nothing but puppets in the hands of Local Governments, for what sinister purpose, I do not know.

Now, this Bill goes still further. Take the provisions of clauses 14 (2), 15 (2) and 23 (2). Clause 14 (2) says :

“ The Local Government may make rules regulating the relations between a Port Haj Committee and its Executive Officer.”

The Government want to make rules as to how the committee should govern its own subordinates ; they must interfere and make rules to regulate the conduct of the committee and its executive officer. Clause 15 (2) says :

“ Such authorisation may impose such restrictions and conditions as the Local Government may think fit.”

After four years when the committee gets power to appoint its own executive officer, even then such authorisation may impose such restrictions and conditions as the Local Government may think fit. Even though they pay the salaries from their own purse, still Government must interfere and tell them what is to be done and what the power of the executive officer will be. Clause 23 (2) says :

“ Bye-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.”

I consider the provisions of the Bill most derogatory and humiliating to any self-respecting Mussalman to go and work on such a committee. I wonder if Sir Abdur Rahim himself would deign or condescend, under the circumstances, to go and work on such a committee ; and if he would not work himself, why should he allow these provisions to stand which would humiliate and degrade others who go and work on these committees ?

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : Why do you follow him as leader then ?

**Shaikh Sadiq Hasan** : I do not know what the Government are aiming at. The aims and objects of this committee are very simple. They are to help the pilgrims. Why should the Government like to have such a tight hold over these committees, I cannot understand. In a year's time there is going to be responsible self-government in the provinces. If in the provinces where so many things will have to be done, where the destinies of the people will have to be decided, the Central Government are going to give a free hand to the provincial legislatures to decide whatever they like and the supervision of Central Government is going to be nominal, what makes the Government move that they should have such reactionary measures brought in ? And for what purpose ? To help the pilgrims. Government are not stupid. I do not consider Government are foolish ; I consider this Government to be a very wise one, especially for their own purposes...

**An Honourable Member** : For their own purposes !

**Shaikh Sadiq Hasan** : Certainly for their own purposes.

**An Honourable Member** : What are they ?

**Shaikh Sadiq Hasan** : It is a very wise Government so far as the interests of their own are concerned. And, therefore, now when they are going to have such rules and regulations for this small petty committee—it appears to me very small—there must be something behind their minds which we humble people cannot understand.

**Mr. K. Ahmed** : There is something in the moon also that you cannot understand.

**Shaikh Sadiq Hasan :** Do you understand it well ? I have got another objection too. That is that in this committee representation of Ulemas is ignored. I cannot understand how my friend, Mr. Maswood Ahmad, considers that members of the Jamiat-ul-Ulema should be taken here. They are a non-co-operating body ; they would not come even if Mr. Maswood Ahmad asks them. But, in any case, what do I find ? The Bill has ignored all Ulemas who may have cared to join. I mean the representatives of Nadwa and the Ulemas of Deoband and Shia Mujtahids and others who are not non-co-operating with the Government ; they would have been quite welcome on this committee.

**Mr. M. Maswood Ahmad :** I suggested they should be given representation in the Port Haj Committees ; I did not say that they would non-co-operate at all. Ulemas are ready to co-operate in this matter.

**Shaikh Sadiq Hasan :** Then there is another point. I find the duties of the committee are not wide enough. I think the duties should have been wider and they should have more scope for their work. I find they are not even allowed to receive subscriptions. It means putting these committees absolutely in the hands of the Government. Although I do claim that it is the duty of the Government to protect the pilgrims and look after them, but still, what I do think is this that they should not make these committees absolutely dependent on the Government. They should authorise them to collect subscriptions and there are hundreds and thousands of people who would willingly subscribe to these committees provided they believed that these committees are not puppets in the hands of the Government. Sir Frank Noyce, I am afraid, would deprive them of certain portions of the income in order perhaps to make them more dependent on the Government...

**The Honourable Sir Frank Noyce :** I have no intention of doing anything of the kind.

**Shaikh Sadiq Hasan :** What about your amendments (b), (c) and (d) ?

**The Honourable Sir Frank Noyce :** I would suggest that the Honourable Member waits until that amendment is reached before he criticises it.

**Shaikh Sadiq Hasan :** I am bound to say a word about my friend, Bhai Parma Nand. I will speak very briefly.

**An Honourable Member :** He does not want the Bill either ; so you are in agreement !

**Shaikh Sadiq Hasan :** We are agreed, but with different motives. My friend, Bhai Parma Nand, says :

“ I think while seeking for the protection and comforts of the Muslim pilgrims it would be a great evil to introduce communal spirit in the local and Legislative Bodies of the country.”

Coming as it does from the Vice-President of the Hindu Mahasabha which is quite a communal body, I think I cannot say what these words denote. I will not say hypocrisy, but something akin to it.

Again he says :

“ There seems to be no reason for limiting the right of vote to Muslim Members alone of District Boards or Legislative Bodies.”

As an amendment of his is coming on that point and I will not anticipate.

Again he says :

“ I hold an entirely different view. The pilgrimage affair is a purely religious one. It is not for the Government to undertake any responsibility in this matter.”

I would like to give a bit of advice to my friend, Bhai Parma Nand. He is the Vice-President of the Hindu Mahasabha, and, as I understand, the object of that body is only to fight against Muslims where the interests of the Hindus conflict with those of the Muslims ; they are not out to trouble the Muslims where their own interests are not concerned. Here the question is of poor pilgrims. Surely I do not think that the Hindu Mahasabha, whose Vice-President he is, would like that these thousands of pilgrims should suffer, although the Hindus have nothing to gain from it. With these words, I resume my seat.

**Bhai Parma Nand** (Ambala Division : Non-Muhammadan) : Sir, I have heard the Honourable Member, Mr. Maswood Ahmad, advising me as well as other Hindu Members not to interfere in this Bill, because it is the concern of the Mussalmans and they should be allowed a free hand to settle this matter among themselves. I quite agree with him and I like the idea. When the question of voting comes, if the Honourable Mr. Maswood Ahmad and his other Muslim friends want me and other Hindu members of our party to abstain from voting, I would of course agree to do so. I will not interfere in the matter and I will advise my Hindu friends not to interfere in the matter and allow them to settle it among themselves.

But, Sir, admitting that, I have to say this : When the Bill comes before this House, then, as Members of this House, we have a right to express our opinions on the pros and cons, how it affects the whole country, how it affects the different communities and, so on, and I think we have a right to be heard on that point. (*Several Honourable Members* : “ Certainly.”) There is one other point which was mentioned by the Honourable Member, and that is with regard to a mistake committed by me in writing out my dissent. The fact is that when clause No. 4 was being discussed, I was absent, and I had intimated about my absence to the Member in charge of that Bill. The next day I came up and inquired from the gentleman who was acting as Secretary as to what were the amendments made in the Bill. He gave me two or three amendments, but he did not mention that the particular clause relating to the election of members by the members of the district boards of Bengal was also deleted. I took down those notes on my copy, and as this correction was not mentioned to me, I really made a mistake in referring to this clause of the original Bill that the members were to be elected by the Muslim members of the district boards of Bengal. But, all the same, my principal objection remains there, and that is that the Muslim Members of the Central Legislature and of the Council of State should have nothing to do with elections to the Port Haj Committees of Bombay, Bengal or Karachi. In making the constituency for election of these

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Haj Committees so large as to include the Muslim Members of the Provincial Councils as well as those of the Legislative Assembly and the Council of State, I thought we were providing a very elaborate machinery for doing a very small service, however important that service may be from a religious point of view.

I want to tell my friend, Mr. Sadiq Hasan, that I am not at all opposed to the protection or looking after the comforts of these pilgrims who go to Hedjaz. I have stated it definitely. Besides I supported almost every clause in the other two Bills which were opposed by some Muslim members of the Select Committee and they had to be postponed. I was in perfect sympathy with the views of the members of the Select Committee as well as with the policy of the Government so far as the protection or looking after these pilgrims went. Therefore, Sir, to say that as a member of the Hindu Mahasabha I wanted to have a quarrel with my Muslim friends on that point, is, to say the least, absolutely wrong and saying things which are not relevant to the subject before us. My principal objection is not to the spirit or the aims and objects of the Bill. I quite see that as 20,000 or 25,000 Muslim pilgrims every year leave Karachi, Bombay or Calcutta for Hedjaz, their comforts should be properly looked after. This duty was done by the Commissioner of Police or some other Government officers before, but as it has been thought necessary that some special agency should be appointed to do that work, I did not oppose the idea, and rather welcomed it. But my point is that in a purely local affair confined to Bombay, Karachi or Calcutta, there is no need that the whole country or a whole community should be moved in order to elect a particular number of members of a committee to be appointed for the purpose, therefore, I thought that there could not but be some other ulterior motive in allowing the Provincial Legislatures as well as the Central Legislature to become a part of the constituency for the election of these committees. I do not think this objection refers in any way to the pilgrims who proceed to Haj, or to the removal of their difficulties and troubles.

Then, there are other reasons that I have to advance, and those reasons are briefly these. In the first place, my Honourable friend, Mr. Bajpai, says that it does not involve Government interference. While I say that just at the time when we were discussing this Bill in the Select Committee, we had Muslim papers and Anjumans definitely telling us that Government were going to interfere with their religion and that they would not tolerate this interference. This was the view expressed by the Jamiat-ul-Ulema, and by a number of Muslim papers. They looked upon this measure as a gross interference with Muslim religion, and it was on this very account that the other two Bills relating to these pilgrims had to be postponed by Sir Fazl-i-Husain himself.

Then, Sir, as this was a matter in which Muhammadans were going to suspect religious interference, it was natural for them to suspect it, and as my friend, Mr. Sadiq Hasan, also suspects in this an undue interference on the part of Government, that was the reason which weighed with me in holding that Government should not provide such an

elaborate machinery so as to include Central and Provincial Legislatures.

My second argument was that for the last two or three years this measure has been before the Government ; this House appointed the Haj Enquiry Committee which toured round the country and spent something like one lakh of rupees on their work. On looking to their recommendations, we find that they never thought of making Provincial or Central Legislatures a part of the constituency for the election of Port Haj Committees. They merely say that Muslim Associations and the municipal corporations of Bombay, Karachi or Calcutta should elect members to these Port Haj Committees. I want to draw the attention of the House to this particular fact that they do not say Muslim members of these corporations but simply the municipal corporations should elect these members...

**Mr. G. S. Bajpai :** On a point of fact, Sir. I do not wish to interrupt the Honourable Member, but I would draw his attention to Appendix D to the Report, which would correct some of the statements he has been making just now. It definitely states that the elected Muslim members of the Bombay and Bengal Legislative Councils should be included as constituents, and also the Muslim members of the two Corporations.

**Some Honourable Members :** Page, Sir.

**Mr. G. S. Bajpai :** Page 212.

**Bhai Parma Nand :** This appendix might have been appended afterwards ; I know nothing about it. But I have referred to the main recommendations of the Haj Enquiry Committee's report. They mention Muslim Associations as well as the Corporations of Bombay, Calcutta and Karachi, and they do not make any mention of the Muslim members of those Corporations, nor do they make any mention of the Legislatures. When the Haj Enquiry Committee, all consisting of Muslim members, recommend that Legislatures should not come in into the matter, that the corporations as a body should elect Muslim members for the Haj Committee, I do not see any reason why the Government should come in and introduce a new element in the Bill unless they had some other object in view. Then, there was another point. Opinions were given by different authorities on this point, and I shall just quote the authority of the Government of Bengal in their letter, dated the 12th September, 1930. The Government of Bengal oppose the suggestion of including Legislatures on a similar ground. In their letter they say :

“ As regards allowing elected Muslim Members of Legislative Councils to send representatives, I am to say that this procedure is likely to bring politics into a religious matter.”

This is the definite opinion of the Government of Bengal on this subject. They opposed the bringing in of members of the Legislatures into the business of this election of the Port Haj Committees. It is on that ground, and not with any view or prejudice against the pilgrims or against the Muslims, as was suggested by my Honourable friend Mr. Sadiq Hasan, that I wrote my note of dissent. My view is that the matter is a simple one. In one sense it is not even a religious question. The pilgrimage as such is religious function ; but the task of looking after the comforts of the pilgrims is not religious ; it is a secular one. That

[Bhai Parma Nand.]

can very well be entrusted to Government officials, and it can be entrusted even to Hindu police officers, just as much as to Muhammadan or Christian police officers. All the same, if the Muhammadan community wants that there should be Muslim committees I have no objection to this ; my objection is only this, that the Central Legislature and the provincial Legislatures should be kept out of these committees ; otherwise it will introduce afresh and keep up that virus of communalism in the Legislatures on the basis of religion. It was said by the Honourable Member on the Government Benches that communal parties already exist. I admit that. But as in the case of the Communal Award and as on the question of separate communal electorates, we have thought it to be our duty to oppose this communalism in our constitutions,—whether Government will agree with us or not,—we have been doing so in the interests of the country, in the interests of the future political development of our nation ; for the very same reasons, I say to introduce religion now on the score of these Haj Committees into our Legislatures is a thing which cannot be acquiesced in by us. Yes, there already exist separate electorates and communal parties, but that is no reason why we should strengthen or accentuate them and keep them on by introducing religion directly into our politics. My proposal was simply this, that local associations, and municipal corporations may be permitted to elect members to these Haj Committees—the corporations of Karachi, Bombay and Calcutta, and also the Muslim Associations should be given a free hand in the elections as has been recommended by the Haj Enquiry Committee. It is surprising that all these recommendations were set aside and the Government on their own initiative have introduced in the Bill an altogether new element which was even so strongly opposed by the Government of Bengal. On these grounds I oppose certain sections of the Bill.

**Kunwar Hajee Ismail Ali Khan** (Meerut Division : Muhammadan Rural) : I had not the slightest idea to participate in this debate as my learned and esteemed friend, Mr. Maswood Ahmad, gave me an assurance that he was not going to move any of his amendments. However, when he moved his motion about circulation of this Bill, with his usual sense of publicity, it has become my duty to record my views before the House. When my Honourable friend said that unfortunately he could not get any unanimous decision of the Muslims, I was quite surprised. There were eight Muslim members of the Select Committee and two non-Muslims, and from those eight Muslim members of the Select Committee there was only one note of dissent, namely, from my Honourable friend, Mr. Maswood Ahmad ; what more unanimity he wants ? Another thing that surprised me more was this. The remarks that my friends, Maulvi Parma Nand and Bhai Maswood Ahmad (Laughter), I mean Bhai Parma Nand and Maulvi Maswood Ahmad, have made on the floor of this House were not mentioned by them before the Select Committee. I was also a member of the Select Committee.

**Bhai Parma Nand** : As I stated, I was absent on that day and so I could not place my views.

**Kunwar Hajee Ismail Ali Khan** : I am not exposing any secrets of the Select Committee—and I want to bring to the notice of the House this fact—when I say that one circular was issued by the Department and we

were asked to express our opinions. I have seen all those papers and I can assure you, Mr. President, that I have not seen these views which have been advanced by Bhai Parma Nand and Mr. Maswood Ahmad.

**Bhai Parma Nand** : I wrote my note and gave it on that very day.

**Kunwar Hajee Ismail Ali Khan** : Anyhow, it is unfortunate that we could not know these views in the Select Committee. When the Haj Enquiry Committee was formed and it toured throughout the country, not a single objection was taken by the Muslims that this interferes with our religion. Even at the time when the motion for reference to Select Committee was before the House, not a single objection was raised by my Honourable friend Mr. Maswood Ahmad that it is interference with religion. There was only one objection, and that related to the constitution of the Port Haj Committee especially in Calcutta, which was raised by my Honourable friend Mr. Anwar-ul-Azim. So, in the Select Committee we amended this. It was not discussed in the Select Committee in a hurried way. We spent more or less 15 days on this Bill.

**Bhai Parma Nand** : Not this alone, but on the three Bills.

**Kunwar Hajee Ismail Ali Khan** : But we spent most of our time on this Bill.

**Mr. K. Ahmed** : But you got money.

**Kunwar Hajee Ismail Ali Khan** : But we have not taken so much money as the members of the Haj Enquiry Committee or my friend from the Labour Commission. But when my Honourable friend said in his note of dissent about representation of the Ulemas I cannot understand the reason. It is not a matter for Ulemas ; it is a matter of sanitation of the ports and kindred other things. I have got every respect for our Maulvis and Ulemas, but surely our Ulemas cannot do anything in the matter of sanitation. I think, Sir, we must be thankful to the Government for having brought forward this measure before the House, but, Sir, the picture of reforms in these matters will not be completed without the other two Bills that are still before the Select Committee. With these few words I oppose the motion for circulation and support the Bill as amended by the Select Committee.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, it is a very happy augury indeed for the future that my friends, Bhai Parma Nand and Mr. Maswood Ahmad, should have joined hands over this Haj Bill. Unfortunately, however, Mr. Maswood Ahmad who, I learn for the first time from the last speaker, is a constitutional lawyer, has suggested to this House that only Muhammadan Members should take part in the division or in the debate, that Government must keep quiet and must not take any part, nor the Hindu Members and I take it also that he does not want the non-official European Members to take any part. That is the contention of the Jamiat-ul-Ulema. I am not sure whether my Honourable friend is recognised as a member of that body. I do not think he is. If he is, I should congratulate him. Sir, the attitude of that body towards legislation relating to Muhammadans is that they are the only authority in India and should be the only authority in future to legislate in all matters affecting Muhammadans. Their theory is this. This Bill affects the religion of Islam and they are the only authority to pronounce upon whatever affects Islam. They say this is a Bill which affects the Islamic peoples.



[Sir Abdur Rahim.]

Therefore they must legislate. They are the only persons who understand the interests of Islam and of the Mussulmans and, therefore, they should be regarded as the sole authority to enact measures for the benefit of Mussalmans. I am sure, whatever be their contentions in support of such a claim, this House cannot accept it. Then it is said on the one hand that Government will control the Haj Committees according to this Bill and, therefore, we should not accept it. On the other hand, it has been said by my friend, Mr. Sadiq Hasan, that it is the duty of Government to help the pilgrims. We know how miserable has been the condition of these pilgrims to Hedjaz and how they suffer. Almost every one that comes after performing a pilgrimage tells you tales of woe which it is extremely painful to hear. We all know that and every member of the community feels that it is time that something should be done to help them and to ameliorate their condition. Sir, for that purpose the Government, at the unanimous request, I believe, of all Muslim Members of this House, appointed a Haj Enquiry Committee consisting of eight members who toured all over the country and took nearly two years to make their report. They arrived at unanimous conclusion after having spent so much time and a good deal of public money.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair, which was taken by Sir Hari Singh Gour.]

That report was unanimous. The Committee had opportunities of meeting Muslim bodies and Muslims of all shades of opinion and, I believe, they examined witnesses in every part of India. After very careful deliberation, these Muslim gentlemen, some of whom, at least even Mr. Maswood Ahmad concedes, are men of position and influence in the community, made their report and it was in accordance with that report that this Bill was drawn up and also two other Bills which, I am sorry to find, have not been brought before this Assembly. There is also a Standing Haj Committee, I understand, of which I am not a member. They also supported those recommendations. Then, Sir, when this Bill and the other two Bills were introduced in this House, the House admitted the necessity for protecting pilgrims, they admitted the principle underlying these three Bills and sent them to a Select Committee consisting of a number of Muhammadans. The House knows that it is very seldom that I find the time or the energy to preside over Select Committees, but I consented to serve on this Select Committee, because my friend, Sir Hari Singh Gour, who takes so much trouble over these matters and who may be said to be an expert in the matter of Select Committees, was likely to be away. At that time, we understood that the Select Committee would meet sometime in Simla at the beginning of, or during, the Simla session. We, however, received a telegram in the month of May from the Government asking us to come up to Simla in order to consider these Bills in the Select Committee and we thought that Government regarded the matter to be so urgent that they wanted the reports of the Select Committee on all the three Bills in time to place them before the Legislature at the present session and get them passed, so that the pilgrims who would be going to Hedjaz for the next Haj might have the benefit of their provisions. It was thought that these Bills would not take more than two or three days, as they were practically of a non-controversial character. I was also under the same impression, having gone through the Bills carefully, except perhaps that in one or two matters they might be amended. But, as it

happened, to my surprise, questions of all kinds were raised in the Select Committee and we had to consider them and it took the Select Committee no less than 10 or 12 days to go through all the clauses of the Bills and to draw up the reports. The reports were drawn up on all the three Bills, but, for some reason or other, which I have not been able to appreciate, and from what I am told, I do not at all sympathise with it, Government thought fit to withhold the other two Bills. I am making this complaint, because, if all the three Bills were before the House, the House would have been in a better position to understand how this committee was going to work and how it would be able to benefit the pilgrims. But I understand that those two other Bills will be brought up before the Legislature next session ; without these I do not think this committee will be able to do much to benefit the pilgrims, because the Indian Merchant Shipping Act has to be amended and we have got to make provisions for the protection of the pilgrims against the wiles and malpractices of pilgrim guides and brokers who sometimes call themselves " Muallims " without being " Muallims " at all. (Laughter.) This is a notorious fact ; everybody admits that there is a very grave evil to be remedied ; and it was, therefore, that we met to consider carefully every provision, every word of these Bills, and, with practical unanimity, passed these Bills, making some amendments here and there. I say " practical unanimity ", because in the Select Committee itself, whatever objection was raised, was fully met. Sir, it is a matter of surprise to find Mr. Maswood Ahmad proposing circulation of this Bill for eliciting public opinion and that after the matter had been pending before the Muslim public and the Ulema and everybody for the last three years at least. (Hear, hear.) Sir, if the Muslim public, having regard to the grave evils, the grave sufferings of these poor pilgrims to the Hedjaz, could not, during all this time, make up their mind what to do and if when the Government comes to their aid, the Muslim Members of this House repudiate their help simply because the Government is given some control over the Haj Committees, and raise all sorts of objections not realizing how great the difficulties are in the way of helping pilgrims, I say it is indeed a matter of very great regret. We have got to deal with a powerful shipping company, there is only one company now which carries pilgrims to the Hedjaz. We have got to consider their attitude. They do not depend entirely on the pilgrim traffic ; they could not carry on simply with the help of the pilgrim traffic. There is only one company which carries pilgrims to the Hedjaz. We have therefore to bear in mind the fact that there is no competition for pilgrim traffic. If we had, there would have been little difficulty in negotiating with this company whose interests were represented on the Select Committee by my friend, Mr. Morgan. Then there were other difficulties also which had to be met. Sir, Bhai Parma Nand takes the objection to the Bill, if I read the mentality behind his minute aright, that Government and this Legislature have no business to saddle the country with the cost of this committee because to help Muhammadan pilgrims is according to him supporting a purely communal measure. Sir, if that be the attitude which any Hindu leaders are going to adopt towards legislation for promoting the interests of followers of Muhammadan religion with a view to affording practical help to poor persons who think it their religious duty to perform a long pilgrimage to another country, if, when to alleviate their sufferings in the cause of humanity action is sought to be taken which meets with disapproval on

[Sir Abdur Rahim.]

the ground that such action is communal and ought not to have the support of Government—which is neither Hindu nor Muhammadan—or of the Legislature which is a mixed body consisting of Hindus, Muhammadans and Christians, then in that case, Sir, the future of the country is very dark indeed. (Hear, hear.) Sir, time after time proposals have come up before us for legislation regarding Hindu social matters, but it has never struck any of us Muslim Members to raise any objection that public time is being wasted in dealing with matters which are purely communal. Sir, I do hope that this sort of objection will never be raised again. (Hear, hear.) As for my friend, Mr. Maswood Ahmad's objection, I put it to him that if the Muhammadans cannot agree, in a matter of this sort, on a matter purely for the benefit of poor pilgrims, then it is hopeless to expect that they will be able to effect any improvement in their condition through the efforts of the legislature. Now, Sir, the complaint regarding control by the Government is to my mind absolutely frivolous. We are going soon to have provincial autonomy and it will be the representatives of the people, both Hindus and Muhammadans, who will have sole charge of the Government and administration of this country. Under those circumstances, if we are going to give any power to such a legislature and such a Government, what is the objection to that? You say now that the Government is controlled by non-Muslims, by foreigners, by a bureaucracy, but there will be no bureaucracy to control the Government in future. Sir, what is the main objection of Bhai Perma Nand? For the first three or four years Government will have to find the money to run these committees.

[At this stage, Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

Afterwards the committees themselves will be self-supporting and the money that the Government will have to find in the meantime will not be very large so as to trouble the conscience of Bhai Parma Nand. It will be a very modest sum; I forget the exact figure, it will be something like Rs. 20,000 or Rs. 30,000, but after three or four years the committees will be self-supporting. The Bill has made provisions for realization of certain sums of money from members of Muslim community and these will go to the coffers of the committee for the benefit of the pilgrims themselves, in addition to whatever donations charitable persons may make. Under those circumstances, is it unreasonable that in the beginning, for three or four years, there should be some men nominated by the Government, some officials, to assist the committee? I for one, Sir, do not think that there are many Members in this House who are so eager to acquire responsibility for the Government and administration of this country as myself, but I must say that to object to a provision of a character like this is simply drawing upon imagination and giving way to all sorts of imaginings which have no foundation whatever in fact. Our sole desire was, in which every member of the Select Committee agreed, to have some nominated members and also some officials, in order to ensure that this committee would work smoothly and properly. Sir, there are few people in this House who have had to deal with more Muhammadan Associations than I have including the Jamiat-ul-Ulema, Nadwat-ul-Ulema, the Tabligh

and other Conferences. I did think and do say now without any fear of challenge that it would very much strengthen the hands of the committee and would ensure their successful working if we had some representatives of Government on the proposed Haj Committee. Sir, we must not forget what the powers are to be exercised by this committee. This committee has mainly to deal with the Shipping Company which carry the pilgrims and they are a powerful company. And I say publicly here that it would be difficult for the Haj Committee at least in the beginning to function usefully if they do not get full support of the Government. And how are they to get the support of Government? It is through the men nominated by Government that they will be able to get that support. Now, Sir, it has been said that there is some sinister object behind this Bill. I have lived long enough and I have seen enough of the working of the Government to be able to find out their motives hidden or apparent as most people, and I can assure my Honourable friend Mr. Sadiq Hasan that his apprehensions are absolutely ill-founded. I am often an unsparing critic of Government's measures but I am convinced that there is not the slightest trace of any such motive behind this Bill or the other two Bills which I hope will be brought before the House next session. It is said that Government wants to control the Haj. I saw a pamphlet from the Jamiat-ul-Ulema. The Jamiat-ul-Ulema seem to have read a book by a man called Stoddart, who is an American. I have got a copy of that book myself. There the author says that there is a powerful confederacy of Islam or a possibility of unity of Islamic peoples and that is a serious threat to non-Muslims. Sir, I was interested to read an article in the *Statesman*, a newspaper which no one can accuse of being partial to the Muslim community, pointing out that all these fears are groundless. Everyone thought at one time that if anything happened to the Khilafat, there would be an uprising of the Muslim world. Sir, the fact however is before which we have to hang down our heads in shame, Khilafat has been abolished and by a Muslim Power. Then, it is pointed out in that article, how in Bengal which has such a large percentage of Indian Muslim population, the Muslim community is so badly divided.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member can resume his speech on the next occasion. Adjournment motion will now be taken up. **Mr. Lahiri Chaudhury**.

#### MOTION FOR ADJOURNMENT.

DENIAL OF FACILITIES TO A DETENU TO PERFORM RELIGIOUS RITES.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, with your permission, I beg to move that the House do now adjourn.

4 P.M.

Sir, the motion, which I have tabled, undoubtedly speaks for itself, namely, the denial of facilities to a certain detenu to perform the last rites on the demise of his mother. That was the content of my motion for adjournment. Sir, this is the first time in my life of politics that I stand in the way of the business of the House by bringing a motion

[Mr. D. K. Lahiri Chaudhury.]

for adjournment. I stand here, Sir, not as a Hindu or as a politician or as a sentimental being, but absolutely as a humble citizen of the country appealing to all the Honourable Members in the House to look at the matter in a dispassionate way. Here is an instance where our religion is hampered. It is a very serious question and the circumstances are very peculiar. I have brought forward this motion, only because I feel it so strongly in the matter. It must be remembered that no one can feel in the House more than myself who lost his mother when he was only 11 days old. I was reared up under the care and supervision of my maternal grandmother. When she died, it was then I realised what mother is. I know, Sir, what it is to lose one's mother. Sir, it can be easily imagined how a man feels when he loses his mother. It is a question which ought to strike every man how awful it is if the son is not allowed to perform the last rites of his mother, who has kept him in her womb for a number of months and endeavoured to protect him from the sun and the rain and who has sacrificed even her life to save him. I make this speech on the ground that this sort of thing should not be tolerated. To a Hindu religion is above all. India is a land where every pinch of dust is sanctified with the blood of religious warfare. Hindus can ignore liberty, can give up wealth and comforts, can sacrifice many things, but they cannot in any way tolerate anything that stands in the way of their religion. Sir, I appealed to the Honourable the Home Member that arrangements should be made to give facilities to perform the last rites even in jail, if not outside. But he told me that he could not do anything unless he consulted the Government of Bengal. I said, for Heaven's sake, do not allow the date to be passed. I approached him so far as I remember just on the day I arrived here, but he said he would let me know later on when he received a communication from the Government of Bengal. Only on Monday evening I heard the deadly news that the object was not achieved. Sir, here is the man who has been detained without fair trial and to whom justice and equity have been denied and who has not been allowed to perform even the last rites of his mother.

Sir, I do feel very strongly that this kind of treatment of detenus should not continue any longer. These detenus have been snatched away from their hearth and home, from their family, even from their own province, and being detained in remote places out of the touch of any ethnical relations in such a ruthless manner in the Punjab as not even to be able to perform their mother's *Sradh* ceremony. If they are meted out such shabby treatment, even in the matter of performance of religious ceremony, I wonder whether their lives also are not at stake. I shudder to think what horrible treatments are meted out to these detenus in the remote parts of India. I stand in my place on the floor of the House and say, with all emphasis at my command, that this performance of religious ceremony is not a trivial matter. It is a matter which really affects the very roots of Hindu society. With your permission, Sir, I would appeal to all the Members of the House, Hindu, Muslim, Sikh, Christian, to everybody, that they are also born of a mother and their mothers may die some day and it is up to them to perform the last rites for their mothers who brought them up from their cradle. I do believe that it is the policy of Government not to stand in the way of religious performances of the people

of India. I may just quote an instance, that of my Honourable colleague to my left who himself was a detenu in the Mandalay jail and he performed the *Durga Puja* ceremony in the jail itself. This is also another ceremony to be performed by every Hindu. The Honourable the Leader of the House, in spite of his multifarious duties and in spite of the responsible office he holds, does go to Kurukshetra to perform his father's *Shradh* ceremony. Does he not do so? I pause for a reply.

**The Honourable Sir C. P. Ramaswami Aiyar** (Leader of the House) : Yes, I have done so once.

**Mr. D. K. Lahiri Chaudhury** : In spite of that, the Honourable Member took objection to my motion on the ground that it was not a matter of urgent public importance. I am glad to hear that he goes to Kurukshetra. I feel, Sir, that the detenus also should be treated as human beings. Though their personal liberty has been snatched away by this, if I may say so, lawless law, though they have been snatched away from their homes, yet they must be allowed to perform all their religious ceremonies. The other day, I was watching the Honourable the Home Member replying regarding the question of detenus. I was amazed to hear him refer with a little bit of gesture to the *bhadralok* class. I do not know whether the Honourable the Home Member is more respected in his own society than these detenus are in our society. It is a fact that these youths are the flowers of the country, they are just swayed away by sentiments of idealism. They are not terrorists with no means of living, but they are the brilliant products of the Indian Universities. What leads them to do the things they are doing? Only a few days ago, we heard from His Excellency the Viceroy an appeal to all classes of Indians to help Government in stamping out the terrorist movement from India. There is no use sprinkling water over a tree and cutting at the root. If we want the tree to grow we must sprinkle water at the root first. We must go into the root of the administration by which we are governed in this country. We must find out what are the defects lying under the administration that are leading these brilliant intelligent youths of our country to adopt such inhuman methods of "Terrorism". When personal liberty of individuals is taken away, how can you get any decent citizen of India to help in the suppression of terrorism? I am one of those who will help the Government with the utmost power in my command to eradicate terrorism from Bengal. I will help the Government in any just measures taken to root out terrorism. But when we are confronted with a matter like this in which our religion is involved, naturally, being Hindus, we must safeguard our religious rights. This detenu ought to be allowed to perform the religious ceremonies. I do not know why the Honourable the Home Member is so much afraid of this detenu that he will not allow him to go out to perform this religious ceremony. I cannot believe that this mighty Government, with so much arms and ammunitions behind them, with a big militia of C. I. D. at their back, I cannot believe that they cannot curb this single soul. It is a matter of great shame that the Government cannot release a single individual for a single day for the purpose of performing his religious ceremonies. I feel very much at this attitude of Government and that is why I have moved the adjournment of this House for discussing this matter. I hope every Member of this House will view this matter dispassionately and will judge it on its merits and will give his consent and full sympathetic support to my motion.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the House do now adjourn.”

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, the Honourable Member in moving his motion appealed to the family feelings, feelings, Sir, which we all have and which we all respect, whatever may be our religion or whatever may be our politics. I need hardly assure him, Sir, that it is a matter of very great regret to the Government that they are forced in any way to wound those feelings. They do not do so lightly. In the course of his speech, the Honourable Member raised certain points which left me a little in doubt as to what exactly his demand is and on what grounds he proposes that the Government should be censured. The Honourable Member came to me once or twice in the intervals of our continuous business in this House and mentioned this case to me. I understood from the Honourable Member that the point he was pressing on me was that this particular detenu, or rather state prisoner, should be allowed to proceed from the Punjab where he is under detention to Calcutta for the purpose of performing this ceremony.

**Mr. D. K. Lahiri Chaudhury** : Did I not give an alternative suggestion ?

**The Honourable Mr. H. G. Haig** : I am coming to that shortly. I said it would be necessary to consult the Government of Bengal on that point. I did consult the Government of Bengal by telegram. They sent a reply which entirely convinced me that that request was not possible, and at the very earliest moment I got that news, one afternoon, I think, as I was going home in the evening, I happened to see the Honourable Member on the road and I informed him that I was afraid the answer must be ‘ no ’. Now, Sir, he had in the course of the previous conversation suggested to me as an alternative that it might be possible to make some arrangements for the performance of this ceremony at Mianwali where Mr. Satyabhushan Gupta is detained. I said I knew nothing about that and the point was not further pressed by the Honourable Member. I confess I was taken completely by surprise when without any further conversation with me he tabled a motion for the adjournment of the House. But in the course of his speech just now, it appeared to me that he was reverting to those ideas which he already mentioned previously that some arrangement might possibly be made at Mianwali. About that I am afraid I am not in a position to say definitely at the moment, but I should like to know whether the Honourable Member still considers that that is a possible alternative.

**Mr. D. K. Lahiri Chaudhury** : What I want to suggest is this. I thought it was possible that *Shradh* might be done in the jail. But I do not know whether it can be done in a jail where there is no river. Generally these *Shradh* ceremonies are done on the river banks, such as the Ganges. If such a provision could be made, it would be good.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : There is a river not very far from Mianwali.

**The Honourable Mr. H. G. Haig** : Now, Sir, I will come back to that point at the end of my speech. But I wish to explain quite briefly to the House, and I think the House is entitled to know, the general

reasons why we found ourselves unable to agree to Mr. Satyabhushan Gupta being sent to Calcutta. It is true that at times when terrorism is not very active, steps have been taken in the past, and Government are always very glad to be in a position to take such steps, to allow detenus to go to their homes for the purpose of performing these ceremonies. But there are two reasons why we could not agree to that course in the case of Mr. Satyabhushan Gupta. The first is that unfortunately at the moment terrorism is very active. Every effort is being made at this moment by the terrorist party and we are not in a position to afford at such a moment to relax any precautions. The second point is one personal to Mr. Gupta. I do not want to discuss elaborately in this House our estimate of Mr. Gupta, but let me say as briefly as possible that we do regard him as particularly dangerous, that he was detained originally under the Bengal Criminal Law Amendment Act, that the Government of Bengal felt that even then, detained in Bengal, he was still a danger, and they asked us to take the exceptional course of dealing with him under Regulation III so that he might be removed far from Bengal. Now, Sir, that action was taken, and in the present circumstances it really is not a request to which we could possibly accede that he should be allowed to go back to Bengal even for such a purpose. Now I come once more to the point whether anything can be done at Mianwali. I have been able to make no inquiries from the Punjab Government and we are all a little bit in the dark as to what may or may not be feasible. But, Sir, I am perfectly prepared to ask the Punjab Government to consider whether they are able to make arrangements for the performance of this ceremony at Mianwali; and I will go further and say that any small expenses that might unavoidably be incurred in consequence of the ceremony taking place at Mianwali rather than in Calcutta Government would no doubt be prepared to find.

**Mr. D. K. Lahiri Chaudhury** : May I ask the Honourable Member whether, if it is not feasible to perform it in jail, it can be done on the banks of the river, if there is any at Mianwali?

**The Honourable Mr. H. G. Haig** : I imagine, Sir, there would not be much difficulty about that, but I must first of all consult the Punjab Government.

**Mr. D. K. Lahiri Chaudhury** : Sir, in view of the reply given by the Honourable the Home Member, for which I am very grateful to him, I beg leave to withdraw my motion.

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

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The Assembly then adjourned till Eleven of the Clock on Thursday, the 15th September, 1932.