

18th February 1938

**THE**  
**LEGISLATIVE ASSEMBLY DEBATES**  
**(Official Report)**

---

**Volume II, 1939**

*(16th February to 13th March, 1939)*

---

**NINTH SESSION**  
**OF THE**  
**FIFTH LEGISLATIVE ASSEMBLY,**  
**1939**



**PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.**  
**PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.**

**1939**

**9—10**

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

## *Deputy President :*

MR. AKHIL CHANDRA DATTA, M.L.A.

## *Panel of Chairmen :*

MR. S. SATYAMURTI, M.L.A.

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

## *Assistants of the Secretary :*

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT (*Upto 31st March, 1939*).

KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

## *Marshal :*

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

## *Committee on Petitions :*

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman*.

MR. A. AIKMAN, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

# CONTENTS.

VOLUME VII.—16th February to 13th March, 1939.

	PAGES.		PAGES.
<b>THURSDAY, 16TH FEBRUARY, 1939—</b>		<b>SATURDAY, 18TH FEBRUARY, 1939—<i>contd.</i></b>	
Member Sworn . . . . .	997	The Indian Penal Code (Amendment) Bill—Introduced . . . . .	1119
Starred Questions and Answers . . . . .	997—1027	The Reciprocity Bill—Introduced . . . . .	1120
Unstarred Questions and Answers . . . . .	1027—29	The Indian Salt (Amendment) Bill—Introduced . . . . .	1120
Message from the Council of State . . . . .	1029	The Child Marriage Restraint (Amendment) Bill—Motion for leave to introduce negatived . . . . .	1120
The Indian Patents and Designs (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	1029	The Code of Civil Procedure (Amendment) Bill—Introduced . . . . .	1120—21
The Railway Budget—General Discussion . . . . .	1029—77	The Usurious Loans (Amendment) Bill—Introduced . . . . .	1121
<b>SATURDAY, 18TH FEBRUARY, 1939—</b>		The Indian States (Protection against Disaffection) Amendment Bill—Introduced . . . . .	1121
Starred Questions and Answers . . . . .	1079—	The Overseas Indians Reciprocity Bill—Introduced . . . . .	1121
Motion for Adjournment <i>re</i> Restrictions on Indians by the Government of the Union of South Africa—Buled out of order . . . . .	1106—10	The Indian Bar Councils (Amendment) Bill—Introduced . . . . .	1122
The Coal Mines (Stowing) Bill—Presentation of the Report of the Select Committee . . . . .	1110	The Hindu Women's Rights to Property (Amendment) Bill—[Amendment of subsection 3 (1) and 3 (3)]—Introduced . . . . .	1122
The Code of Criminal Procedure (Amendment) Bill—(Amendment of section 205)—Referred to Select Committee . . . . .	1110—16	The Indian Medical Council (Amendment) Bill—Introduced . . . . .	1122
The Hindu Women's Rights to Divorce Bill—Postponed . . . . .	1116—18	The Contempt of Courts (Amendment) Bill—Introduced . . . . .	1122—23
The Abolition of Whipping Bill—Introduced . . . . .	1118	The Provincial Insolvency (Amendment) Bill—Introduced . . . . .	1123
The Muslim Personal Law ( <i>Shariat</i> ) Application (Amendment) Bill—Introduced . . . . .	1119	The Presidency towns Insolvency (Amendment) Bill—Introduced . . . . .	1123
The Foreigners (Amendment) Bill—Introduced . . . . .	1119		
The Control of Coastal Traffic of India Bill—Introduced . . . . .	1119		

	PAGES.		PAGES.
<b>MONDAY, 20TH FEBRUARY, 1939—</b>		<b>WEDNESDAY, 22ND FEBRUARY, 1939—contd.</b>	
Starred Questions and Answers	1125—63	The Railway Budget—List of Demands—	
The Insurance (Amendment) Bill—Presentation of the Report of the Select Committee	1163	Demand No. 1—Railway Board	1316—63
The Railway Budget—List of Demands—		Inadequate representation of Muslims in Railway services	1316—51
Demand No. 1—Railway Board	1164—1207	Detailed Administration and Policy of the Railway Board	1351—63
Long-range Policy regarding Railway Finance	1164—91		
Indianisation of higher services in Railways	1191—1207	<b>THURSDAY, 23RD FEBRUARY, 1939—</b>	
Demand No. 6B—Working Expenses—Maintenance and Supply of Locomotive Power	1207—12	Death of His Excellency Lord Brabourne, Governor of Bengal	1365—66
Manufacture of Locomotives in India	1208—12		
<b>TUESDAY, 21ST FEBRUARY, 1939—</b>		<b>FRIDAY, 24TH FEBRUARY, 1939—</b>	
Starred Questions and Answers	1213—40	Member Sworn	1367
Unstarred Questions and Answers	1241—42	Starred Questions and Answers	1367—92
The Railway Budget—List of Demands—		Short Notice Questions and Answers	1393—96
Demand No. 6B—Working Expenses—Maintenance and Supply of Locomotive Power	1242—49	Unstarred Questions and Answers	1396—97
Manufacture of Locomotives in India	1242—49	Transferred Questions and Answers	1397—1424
Demand No. 1—Railway Board	1249—88	Motion for Adjournment re Rejection of the Delhi Municipal Committee's Application for a Distributing Licence under the Indian Electricity Act—Leave to move granted	1424—27
Amenities of Third Class Passengers	1249—62	The Railway Budget—List of Demands—	
Rate and Freight Policy	1262—76	Demand No. 3—Miscellaneous Expenditure	1427—45
Reduction in Salaries	1276—88	Provisions re Enquiry into Accidents	1427—45
<b>WEDNESDAY, 22ND FEBRUARY, 1939—</b>		Demand No. 1—Railway Board	1445—66
Starred Questions and Answers	1289—1314	Railwaymen's Grievances	1445—63
Unstarred Question and Answer	1315	Economy	1463—66
Motion for Adjournment re Detention without trial of Messrs. Vaishampain, Jawala Prasad and Bhawan Sahai—Disallowed	1316	Demand No. 2—Audit	1467
		Demand No. 3—Miscellaneous Expenditure	1467
		Demand No. 5—Payments to Indian States and Companies	1467
		Demand No. 6A—Working Expenses—Maintenance of Structural Works	1467

FRIDAY, 24TH FEBRUARY, 1939—contd.

The Railway Budget—List of Demands—contd.	
Demand No. 6-B—Working Expenses—Maintenance and Supply of Locomotive Power	1467
Demand No. 6-C—Working Expenses—Maintenance of Carriage and Wagon Stock	1467
Demand No. 6-D—Working Expenses—Maintenance and Working of Ferry Steamers and Harbours	1468
Demand No. 6-E—Working Expenses—Expenses of Traffic Department	1468
Demand No. 6-F—Working Expenses—Expenses of General Department	1468
Demand No. 6-G—Working Expenses—Miscellaneous Expenses	1468
Demand No. 6-H—Working Expenses—Expenses of Electrical Department	1468
Demand No. 7—Working Expenses—Appropriation to Depreciation Fund	1469
Demand No. 8—Interest Charges	1469
Demand No. 11—New Construction	1469
Demand No. 12—Open Line Works	1469
MONDAY, 27TH FEBRUARY, 1939—	
Member Sworn	1471
Starred Questions and Answers	1471—99
Unstarred Questions and Answers	1500
Statements laid on the Table	1501—11
Election of Members to the Standing Committee for the Labour Department	1512, 1567
The Workmen's Compensation (Amendment) Bill—Introduced	1512
The Chittagong Port (Amendment) Bill—Introduced	1513
The Indian Rubber Control (Amendment) Bill—Introduced	1513

PAGES.

MONDAY, 27TH FEBRUARY, 1939—contd.

The Cotton Ginning and Pressing Factories (Amendment) Bill—Introduced	1513
The Standards of Weight Bill—Passed as amended	1513—21
The Indian Merchant Shipping (Second Amendment) Bill—Passed	1522—23
The Insurance (Amendment) Bill—Passed as amended	1523—29
The Indian Patents and Designs (Amendment) Bill—Passed as amended	1529—49
The Coal Mines (Stowing) Bill—Discussion on the motion to consider not concluded	1550—54
Motion for Adjournment re Rejection of the Delhi Municipal Committee's Application for a distributing Licence under the Indian Electricity Act—Negatived	1554—67
TUESDAY, 28TH FEBRUARY, 1939—	
Transferred Questions and Answers	1569—92
Presentation of the General Budget for 1939-40	1592—1603
The Indian Finance Bill—Introduced	1603
TUESDAY, 7TH MARCH, 1939—	
Members Sworn	1605
Starred Questions and Answers	1605—38
Unstarred Questions and Answers	1639
Motion for Adjournment re—Grant of complete Independence to Palestine—Ruled out of order	1640
Position of Indian Nationals in Kenya—Adopted	1640, 1677—93
General Discussion of the General Budget	1640—77
Statement of Business	1693
WEDNESDAY, 8TH MARCH, 1939—	
Starred Questions and Answers	1695—1743

PAGES.

# LEGISLATIVE ASSEMBLY.

*Saturday, 18th February, 1939.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### BRITISH AND INDIAN OFFICERS IN THE INDIAN ARMY VETERINARY CORPS.

**483. \*Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) the number of officers, Indians and non-Indians, in the Indian Army Veterinary Corps (R. A. V. C.) in early 1935;
- (b) their numbers on the 1st January, 1939;
- (c) the scheme of Indianisation laid down on the 28th June, 1935;
- (d) whether the same was altered on the 9th December, 1936; if so, in what material particulars; and
- (e) whether the 1936 scheme reduced the number of posts for Indian officers, and, if so, the reasons therefor?

**Mr. C. M. G. Ogilvie:** (a) 64 British officers only.

(b) British	.	.	Establishment	.	.	61
			Strength	.	.	58
Indians	.	.	Establishment	.	.	16
			Strength	.	.	15

(c) I lay on the table a copy of the late Army Department letter No. 31799/1/Q.-11, dated the 28th June, 1935, on the subject.

(d) Yes, on 9th December, 1936, a revised establishment was fixed as follows:

British—Royal Army Veterinary Corps—62.

Indians—Indian Army Veterinary Corps—

1936-37	.	.	.	.	.	.	.	15
1937-38	.	.	.	.	.	.	.	16
1938-39	.	.	.	.	.	.	.	16
1939-40	.	.	.	.	.	.	.	17
1940-41	.	.	.	.	.	.	.	19

The revised scheme also restored the old rates of pay and Viceroy's Commissioned rank to Veterinary Assistant Surgeons of the Indian Army Veterinary Corps.

(e) Yes. The 1935 scheme envisaged an establishment of 26 Indian Commissioned Officers at the end of 1940-41. From an analysis made in 1936 of the number of Indian students studying for the diploma of membership of the Royal College of Veterinary Surgeons which is the minimum

qualification for a commission in the Indian Army Veterinary Corps, it became apparent that this total would not be available. The establishment of India Commissioned Officers was, therefore, revised on the basis of the number of Indian students who were likely to be qualified during the periods I mentioned in reply to part (d) of the question.

*Army Department letter No. 31899/1/Q-11, dated the 28th June, 1935, to the Quartermaster General in India.*

#### INDIANISATION IN THE ARMY VETERINARY SERVICE IN INDIA.

The Secretary of State has sanctioned, with effect from the 15th January, 1935, the following changes in the organization of the Indian Army Veterinary Corps :

- (a) The progressive reduction of the British cadre of Royal Army Veterinary Corps officers from 42 to 37.
- (b) The progressive increase of the Indian Cadre up to a total of 60 Indian Commissioned officers.
- (c) The reduction in the number of Veterinary Assistant Surgeons from 126 to 94.

2. The method of effecting gradual replacement of personnel to readjust the existing cadre is shewn in the enclosure to this letter. This is based on normal wastage.

3. The terms and conditions of service of *Indian Commissioned Officers*, are as follows :

- (a) The rates of pay for the officers up to the rank of Captain are given in Army Department letter No. B-28060 (A.G.-10), dated the 22nd February, 1935, and Army Instruction (India) No. 42 of 1935.

The rates of pay for Majors and senior ranks of the Indian Army Veterinary Corps are still under consideration.

(b) Conditions of service in regard to

- (i) Qualifications.
- (ii) Entrance examination
- (iii) Promotion.
- (iv) Retirement.
- (v) Leave

} are laid down in Army Department letter No. 21505-3/Q. 11, dated the 23rd October 1934, on the subject of employment of Indians as commissioned officers in the Indian Army Veterinary Corps.

4. *Veterinary Assistant Surgeons*.—From the 15th January, 1935, all Veterinary Assistant Surgeons will be enrolled and serve as warrant officers. No promotions will be made to Risaldar Major, when vacancies occur and the appointments thus lapsing will be replaced by appointments to be filled by Indian Commissioned Officers.

Jemadars will continue to receive promotion to Risaldar up to a proportion of 18 per cent. of the total establishment of Viceroy's Commissioned Officers serving.

Warrant officers serving before the 15th January, 1935, will be promoted to Jemadar after five years' service in accordance with their agreements, and will draw the new incremental pay [see sub-paragraph (c) below].

#### *Conditions of service for Warrant Officers, Indian Army Veterinary Corps.*

(a) *Qualifications* will remain as at present laid down in *Veterinary Regulations, India*.

(b) *Enrolment*.—Warrant officers, Indian Army Veterinary Corps, will be enrolled for 21 years which may be extended in special cases. They will be given the option of leaving the service after 10 years' service [see sub-paragraph (d) below].

(c) *Pay*.—The rates of pay will be :

Initial . . . . .	Rs. 60—3—80
After 10 years . . . . .	Rs. 90—5—115
After 15 years . . . . .	Rs. 115—10—165

(d) *Gratuity*.—A gratuity of one month's emolument for each completed year of service will be payable to Warrant Officers retiring after ten years' and with less than 15 years' service.

(e) *Pension*.—The rates of pension will be published later.

(f) *Invalid pensions and gratuity*.—Invalid pensions and gratuity will be payable as laid down in paragraph 209, Pension Regulations for the Army in India.

(g) *Honorary Rank*.—The honorary rank of Risaldar will be granted to Warrant Officers retiring after 21 years' service and the honorary rank of Jemadar to those retiring after 15 years' and with less than 21 years' service.

*Gradual replacement of personnel to readjust existing cadre establishments.*

British Cadre.						Indian Cadre.							
British Officers.						British Officers.			Indian Commissioned Officers.		Veterinary Assistant Surgeons.		
Years.	Remaining Est- abishment.	Decrease.	Total Estab- ment.	Remaining Est- abishment.	Decrease.	Total estab- ment.	Remaining esta- bishment.	Increase.	Total estab- ment.	Remaining esta- bishment.	Increase (W. Os.)	Decrease (V. C. Os.)	Total estab- ment.
1935-36	42	..	42	22	3	19	..	10	10	126	..	3	123
1936-37	42	..	42	19	..	19	10	4	14	123	..	5	118
1937-38	42	1	41	19	..	19	14	3	17	118	..	4	114
1938-39	41	1	40	19	..	19	17	3	20	114	3	5	112
1939-40	40	..	40	19	..	19	20	3	23	112	5	8	109
1940-41	40	..	40	19	..	19	23	3	26	109	6	9	106
1941-42	40	1	39	19	..	19	26	3	29	106	2	4	104
1942-43	39	..	39	19	2	17	29	4	33	104	6	8	102
1943-44	39	..	39	17	1	16	33	4	37	102	8	11	99
1944-45	39	1	38	16	..	16	37	4	41	99	3	6	96
1945-46	38	1	37	16	..	16	41	3	44	96	4	6	94
1946-47	37	..	37	16	5	11*	44	5	49	94	9	9	94
Total increase or decrease.	..	5	..	..	11	..	..	49	..	..	46	78	..

\*The remaining 11 British Officers will waste out by about 1956, being replaced by I. C. Os.

**Mr. Abdul Qaiyum:** May I know whether the scheme of Indianisation was revised and the number of Indians whittled down as a result of the mechanisation in England when more British Officers became available for service abroad?

**Mr. C. M. G. Ogilvie:** No. I have given, I think, at considerable length, the reason.

**Mr. Abdul Qaiyum:** May I know if it is not a fact that there are 24 students at present studying in the college mentioned by the Honourable Member?

**Mr. C. M. G. Ogilvie:** I understand that that is the case.



**Mr. Abdul Qaiyum:** May I know if the pay of the Indian commissioned officers is almost half the pay of the British officers with the same qualifications?

**Mr. C. M. G. Ogilvie:** No, certainly not.

**Mr. Abdul Qaiyum:** May I know if there is discrimination against Indians in the matter of mess allowance and additional and charge pay?

**Mr. C. M. G. Ogilvie:** There is no discrimination of any sort, but as regards allowances and so forth I shall have to require notice.

**Mr. Abdul Qaiyum:** What is the difference in the matter of allowances between Indians and British officers of this service?

**Mr. C. M. G. Ogilvie:** I should require notice of detailed questions of that sort.

**Mr. Abdul Qaiyum:** May I know if, as a result of mechanisation, a lesser number of officers will be required in this service?

**Mr. C. M. G. Ogilvie:** Naturally, as mechanisation progresses a smaller number of officers will be required.

**Mr. Abdul Qaiyum:** May I ask, in view of the mechanisation in India, why it is considered desirable to import officers from England?

**Mr. C. M. G. Ogilvie:** Because the necessary Indian officers cannot be obtained in sufficient numbers.

**Mr. S. Satyamurti:** Are there any measures taken by Government or in their contemplation to increase the number of qualified Indian officers?

**Mr. C. M. G. Ogilvie:** Certainly. The scheme which I have just described only carries us down to 1941. If then more qualified Indians become available, the numbers will undoubtedly be altered accordingly.

**Mr. Abdul Qaiyum:** May I know if the Honourable Member has read the speech of the Director General of the Veterinary Service in the War Office in England, the relevant portion being:

"Action has been taken in India to defer for the present any reduction of British Officers and give back to Veterinary Assistants their old conditions of rank and service and I understand the Indianisation scheme will be reconsidered."

This was made on the 12th June, 1936.

**Mr. C. M. G. Ogilvie:** This was again in the question which I explained in considerable detail to the Honourable Member in answer to parts (d) and (e) of his question.

**Mr. Abdul Qaiyum:** What is the policy of the Government in the matter of Indianisation of the service?

**Mr. C. M. G. Ogilvie:** The policy is to Indianise it as quickly as we can.

**Mr. President** (The Honourable Sir Abdur Rahim): Next question.

**BRITISH AND INDIAN OFFICERS IN THE INDIAN ARMY VETERINARY CORPS.**

**484. \*Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) whether the new R. A. V. C. officers sent out to India for the permanent Indian cadre are placed above Indians as regards seniority;
- (b) what is the difference in pay between British officers and Indian Commissioned officers in the Indian Army Veterinary Corps;
- (c) whether any reduction in the number of British veterinary officers has taken place in view of the rapid reduction of the animal strength of the Army due to mechanisation; and
- (d) whether in view of the fact that there will no longer be any British cavalry in India, the recruitment of the British element in the Veterinary Corps will cease?

**Mr. C. M. G. Ogilvie:** (a) No.

(b) I refer the Honourable Member to rules 7 and 187 of Pay and Allowance Regulations for the Army in India, Volume I, a copy of which is in the Library of the House.

(c) Yes.

(d) No, because:

- (i) The duties of the Army Veterinary Service in India are arranged not on a unit but a station basis.
- (ii) The duties of British officers are not confined to British cavalry, but include all horsed artillery units, all units with animals on charge, veterinary hospitals, the Army Remount Department and the Military Farms Department.
- (iii) Indian Commissioned Officers are neither sufficient in numbers nor senior enough to displace all British officers.

**Mr. Abdul Qaiyum:** May I know the reason why the number of Indians was whittled down?

**Mr. C. M. G. Ogilvie:** I have explained that very clearly in my reply to the last question asked by the Honourable Member. It is not a question of whittling down; we should have liked, if we could, to whittle up, but there were no enough Indians available.

**Mr. Abdul Qaiyum:** With reference to the answer to part (d) of the question, will the Honourable Member tell us whether there is any difference in the pay of Indian Commissioned Officers and British officers in this service?

**Mr. C. M. G. Ogilvie:** Yes, there is.

**Mr. Abdul Qaiyum:** What is the difference? Can he tell us the pay?

**Mr. C. M. G. Ogilvie:** I have referred the Honourable Member to a book which he can at any time readily procure.

**Mr. Abdul Qaiyum:** What is the justification for this discrimination in the matter of pay between Indians and Britishers?

**Mr. C. M. G. Ogilvie:** The same justification as invariably applies in the case of officers who serve in their own country and those who contract to spend their working lives or part of it outside.

**Mr. Abdul Qaiyum:** May I know if it is a fact that there is absolutely no British cavalry in India, and, if so, what is the justification for retaining British officers in this country?

**Mr. C. M. G. Ogilvie:** I have answered that question fully in reply to part (ii) of clause (d) of the question.

**Mr. Abdul Qaiyum:** What is the answer of the Honourable Member to my question whether there is no British cavalry in India?

**Mr. C. M. G. Ogilvie:** The British cavalry regiments are now in the process of being converted.

#### RECONSTITUTION OF THE DEPARTMENTS IN THE GOVERNMENT OF INDIA.

†485. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- (a) whether the matter of the reconstitution of the departments in the Government of India is under consideration;
- (b) how long this has been under consideration; and
- (c) whether Government have arrived at a conclusion in this matter?

**The Honourable Mr. R. M. Maxwell:** (a) No general reconstitution of Departments is under active consideration at present.

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

#### INDIANS IN THE RESERVE OF MILITARY OFFICERS.

†486. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) the total number of reserve of military officers to meet cases of emergency;
- (b) how many of them are Indians; and
- (c) whether any attempt has been made to increase the number of Indians; if so, what are the attempts?

**Mr. C. M. G. Ogilvie:** (a) 2,160.

(b) 623.

(c) No.

---

†Answer to this question laid on the table, the questioner being absent.

**INVESTMENTS IN THE RUPEE DEBT IN THE FORM OF STOCK, ETC.**

**487. \*Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member be pleased to state if it is a fact that advantage is not taken in large measure by the public in the matter of Rupee Debt of the first two out of the following three forms of holdings:

- (i) Stock,
- (ii) Bearer Bonds, and
- (iii) Promissory Notes?

(b) What steps do Government propose to take in order to popularise and to get better known the two first forms?

(c) Are Government aware that many frauds have occurred in connection with the collection of interest on Promissory Notes when the documents have to be sent down to a middleman or agent for collection of interest?

(d) Are Government prepared to issue a press note or in some other manner to get the public duly informed as to the advantages of holding investments in Rupee Debt in the form of stock?

(e) Have Government any figures readily available in each of the three forms mentioned in part (a), giving the total volume and also the number of holders?

**The Honourable Sir James Grigg:** (a), (b) and (d). Efforts have been made by Government, from time to time, to popularise stock certificates in place of promissory notes, for example, by attaching slips calling attention to the advantages of the alternative form of security when issuing new and renewed promissory notes. From the poor response which followed from this publicity it is evident that the ordinary investor prefers to retain his security in the form of a document easily transferable without resort to the Public Debt Office but on which his own name appears. The Reserve Bank is considering whether it would be possible to give some further inducement in this direction by lowering its charges.

(c) Government have no evidence that the collection of interest on promissory notes, through agents, gives rise to frauds on the holders of such notes.

(e) No.

**Mr. S. Satyamurti:** When was the last attempt made by Government, to which my Honourable friend referred, to popularise stocks? My Honourable friend said, I think, two attempts.

**The Honourable Sir James Grigg:** I must apologise to the Honourable Member. I have got here the last attempt, but unfortunately, there is no date on it.

**Mr. S. Satyamurti:** Do Government keep copies of official documents without dates on them?

**The Honourable Sir James Grigg:** This is a Reserve Bank document.

**Mr. S. Satyamurti:** Do the Reserve Bank issue these documents without dates?

**The Honourable Sir James Grigg:** I should imagine that the reason for the absence of date in this particular case is that it was a slip attached to the promissory notes.

**Mr. S. Satyamurti:** May I know what are the steps which Government contemplate taking with a view to popularise this stock?

**The Honourable Sir James Grigg:** The Reserve Bank is considering whether it would be possible to give some further inducements in this connection by lowering its charges.

**Mr. Brojendra Narayan Chaudhury:** May I know what steps Government propose to take to allay the apprehensions of the public arising from the Privy Council judgment?

**The Honourable Sir James Grigg:** There is a question later down on the list which relates to the judgment of the Privy Council.

**Mr. S. Satyamurti:** With reference to clause (c) of the question, may I know whether it is a fact that many frauds have occurred?

**The Honourable Sir James Grigg:** Government have no evidence of any.

**Mr. S. Satyamurti:** Have Government received any complaints from any quarter?

**The Honourable Sir James Grigg:** If there were complaints, we should have some evidence.

#### GOVERNMENT SECURITIES MANUAL.

**488. \*Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the "Government Securities Manual" published in 1921 has been out of stock for many years now? If so, from which date has it been out of stock?

(b) When do Government propose to get it reprinted and made available to the public in order that correct ideas with regard to the procedure involved in investment in Government Securities may be known to the public?

(c) Who is responsible for the omission to publish and to make this book available to the public?

(d) Is it a priced publication?

(e) Have Government changed their policy with regard to giving the fullest information to the public as to the relative advantages of the different forms of holdings of Government Paper and the procedure involved in the investments in public debt?

**The Honourable Sir James Grigg:** (a) to (d). The Government Securities Manual has been out of stock for some years now. Changes due to the creation of the Reserve Bank, the passing of the Government of India Act and the abolition of the Controller of the Currency's office have delayed its revision; but a revised edition is now in the press and will be available for sale in the near future.

(e) No.

**Mr. S. Satyamurti:** May I know how long this Manual has been out of stock?

**The Honourable Sir James Grigg:** Since 1930.

**Mr. S. Satyamurti:** May I know whether, apart from publishing this Manual, Government propose to give the fullest information to the public relating to the matters mentioned in this question?

**The Honourable Sir James Grigg:** The Manual does contain full information and that seems to be the best way of disseminating full information.

**Mr. S. Satyamurti:** When will the Manual be actually published?

**The Honourable Sir James Grigg:** It will be available for sale in the near future.

#### CONFERENCE OF INSPECTORS-GENERAL OF PRISONS OF THE PROVINCES.

**489. \*Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

- (a) whether it is a fact that a conference of Inspectors-General of Prisons of all Provinces has been held, or will be held, in New Delhi;
- (b) what are the details of the agenda of the conference;
- (c) whether this conference has been convened, or was convened, at the request of the Provincial Governments;
- (d) whether any question of policy was taken up, or will be taken up, at the conference; and
- (e) what part the Government of India propose to play, or have played in the conference?

**The Honourable Mr. R. M. Maxwell:** (a) A Conference of Inspectors-General of Prisons was held from the 23rd to the 26th January, 1939.

(b) I place on the table of the House a copy of the agenda of the Conference.

(c) A biennial Conference of Inspectors-General of Prisons is not a new thing. Such Conferences have been held in 1923, at Delhi, in 1925, at Ootacamund, in 1927, at Calcutta, in 1929, at Lucknow and in 1934, at Delhi. It was suggested to Provincial Governments that there were advantages in continuing to give Inspectors-General of Prisons a periodical opportunity of exchanging views on matters of jail administration and the suggestion was approved by all Governments except those of Bombay, Bihar, and the Central Provinces and Berar. These three Governments doubted either the propriety or the usefulness of a conference of Inspectors-General at which the Ministers in charge of the portfolio of jails were not present. All other Provincial Governments sent their Inspectors-General to this Conference, though at the last moment the Inspector-General of Prisons in Sind was prevented from attending.

(d) I would refer the Honourable Member to the agenda. The Conference merely makes recommendations. It is for Provincial Governments to decide what policy they will adopt in pursuance of these recommendations.

(e) The Government of India was not represented at the Conference but merely acted as the co-ordinating medium for bringing together the Heads of Provincial Jail Departments. I lay on the table a copy of the remarks with which I opened the proceedings, as they may serve to explain the attitude of the Government of India towards this Conference.

*Agenda for the Sixth Conference of Inspectors-General of Prisons to be held at New Delhi.*

1. Classification of prisoners with special reference to treatment of "Political prisoners".
2. The treatment of prisoners in the following matters—
  - (1) Diet.
  - (2) Labour.
  - (3) Punishments.
  - (4) Privileges such as interviews, letters, supply of newspapers and books, libraries, supply of tobacco, gramophones, radio sets, outdoor games, and expenditure from private funds.
3. (a) Introduction of a parole or "ticket of leave" system to enable prisoners to visit their families.  
 (b) Release before completion of sentence; provisional or absolute. Method in present use and recommendations.
4. (a) Remissions.  
 (b) Payment to prisoners for good or extra work done. Consideration of the new system in English prisons.
5. Treatment of hunger-strikers.
6. Education of prisoners; with special reference to paid teachers and magic lantern lectures.
7. (a) Progress made in different provinces regarding treatment of young offenders.  
 (b) Progress made in different provinces in provision of Probation for First Offenders.
8. Necessity for concentrating released habitual criminals in special industrial institutions.
9. Establishment of more Discharged Prisoners' Aid Societies.
10. Disposal of prisoners sentenced by Court-martial and discharged from Army.
11. Discussion on jail reforms introduced in provinces including study of new Acts.
12. The relationship between Advisory Boards and the Police and Magistracy.
13. Jail industries with special reference to—
  - (a) price of jail products;
  - (b) sale of jail-made articles;
  - (c) demonstration farms and cottage industries.
14. Jail staff—
  - (a) Recruitment (including Superintendents).
  - (b) Establishment of an All-India Training College.
  - (c) Necessity for a leave reserve for all sections of the Jail staff.
15. Recognition of gallantry and meritorious service by the staffs of jails.
16. Method of calculating the maintenance charges of prisoners from other provinces.

GENTLEMEN,

This, the sixth Conference of Inspectors-General of Prisons, takes place under somewhat different auspices from its predecessors. Since the last such conference took place in 1934 the position which the Government of India occupy with regard to the administration of jails in the provinces has undergone a profound change with the inauguration of Provincial Autonomy. Under the Government of India, Act, 1919, the administration of prisons was a provincial subject, subject to legislation by the Central Legislature, but the Government of India retained the power of superin-

tendence, direction and control. It was, therefore, possible to give directions to the Provincial Governments so as to unify practices in important matters of general policy and administration. This power was exercised by the Government of India frequently in connection with the important recommendations made by the Conference of Inspectors-General of Prisons in different years. Under the new constitution, the Government of India have no power in respect of jails in the provinces, except the concurrent power of legislation for the transfer of prisoners from one unit to another. The Central Government have, therefore, no functions now with regard to this conference except that of a central co-ordinating authority which has brought together the heads of Provincial Prison Departments for an exchange of ideas and experience and it is in this capacity only that I am present to open this Conference today and to welcome you on behalf of the Government of India. The Central Government have, however,\* a few jails under their control in the centrally administered areas and the recommendations of this Conference will, I need scarcely say, receive careful attention from the Central Government in so far as they may be applicable to these jails.

While, however, the new Government of India Act has thus placed the provinces in a position of formal isolation from one another and from the Centre so far as the local administration of jails is concerned, it is clear that nothing in the Act was intended to prevent the interchange of information or the discussion of subjects of common interest with a view to the maintenance of such uniformity of standards and practice as local conditions and policy may permit. Indeed the fact that the Government of India no longer has power to impose uniformity even in regard to important matters makes it all the more desirable that other machinery for this purpose should be brought into existence, and from this point of view these conferences may become more rather than less important than before as a means of supplementing the formal scheme of the Act. Provincial Autonomy must naturally bring to the fore new and possibly divergent policies, new ideas of penology and new points of practical interest on which the responsible Ministers will need the best possible advice, and it will be of great advantage to them to be able to draw upon the fund of expert knowledge which a conference such as this provides. At the same time, those who, like yourselves, are individually responsible for advising Ministers on the technical and administrative sides of their proposals will no doubt feel it an advantage to be able to compare notes and to discuss perhaps novel ideal with those holding similar responsibility in other provinces. I should thus be inclined to regard the present Conference not as the sixth of the old series but as the first of a new series which I hope will continue to play an important part in the future in keeping the jail administration of India as a whole abreast of modern requirements.

I will not detain you longer now, for to judge from the length and variety of your agenda you have plenty to occupy you during the time available to you here. Your first concern will, no doubt, be to elect your own President for this Conference. The Punjab Government have been good enough to lend the services of an officer of their Jail Department to act as Secretary and we are most grateful for this assistance. Gentlemen, I wish all success to your discussions.

---

\*1. Ajmer-Merwara Central Jail.

2. Delhi District Jail.

3. Cellular and Associated Jails, Andamans.

4. One Jail in Coorg.

**Mr. S. Satyamurti:** May I know whether the Conference was presided over by my Honourable friend the Home Member and, in doing so, was he presiding over it in the capacity of the Home Member to the Government of India?

**The Honourable Mr. R. M. Maxwell:** I did not preside over it. One of the Inspectors-General of Prisons was chosen by the members attending the conference.

**Mr. S. Satyamurti:** In view of the fact that the previous conferences had been held before the 1st of April, 1937, and in view of the advent of Provincial Autonomy since that date, may I know whether Government will consider the desirability of leaving the initiative in the running of these conferences to the Provincial Governments concerned themselves taking part as merely representing the centrally administered areas?



**The Honourable Mr. R. M. Maxwell:** All the Provincial Governments whom we consulted agreed to send their Inspectors-General of Prisons to the Conference, except those which I have mentioned.

**Mr. S. Satyamurti:** In view of the fact that three Provincial Governments stood out on this very ground which I am putting to my Honourable friend, will the Government of India reconsider the position and see that either all the Provincial Governments accept this procedure or some other procedure is evolved by which all the Provincial Governments may co-operate?

**The Honourable Mr. R. M. Maxwell:** It depends upon what is the view of the majority of the provinces. In this case the minority of provinces took the view I have mentioned. Of course if there are a majority of provinces or any considerable number of them who are unwilling to support the conference, then naturally we should not attempt to hold it.

**Mr. Badri Dutt Pande:** Who represented the centrally administered areas?

**The Honourable Mr. R. M. Maxwell:** No one.

**Mr. Lalchand Navalrai:** May I know, since the Conference met in Delhi, whether it was for the purpose of consultation with the Central Government and getting their views?

**The Honourable Mr. R. M. Maxwell:** No, Sir. As I have said, the Central Government took no part in the actual discussions, although of course the Central Government are responsible for a certain number of jails in the Chief Commissioners' Provinces and would benefit by the results of the Conference like any other province.

**Mr. Abdul Qaiyum:** Why did not the three provinces mentioned by the Honourable Member participate in the Conference?

**The Honourable Mr. R. M. Maxwell:** I have given the reasons in my reply.

**Mr. S. Satyamurti:** Did the Inspectors-General bring with them any instructions from their respective Governments?

**The Honourable Mr. R. M. Maxwell:** I do not know what is the precise nature of the instructions they had but the agenda was shown to the provinces beforehand.

#### CONFERENCE OF FINANCE MINISTERS.

**490. \*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the reasons why an All-India conference of Finance Ministers is not being held this year;
- (b) whether Government are aware that in most Provinces there is grave anxiety for the financial future of those Provinces; and

- (c) whether the Government of India propose to examine the subject from an All-India point of view in consultation with the Finance Ministers of the Provinces, if so, when, and if not, why not?

**The Honourable Sir James Grigg:** (a) I would refer the Honourable Member to my reply to parts (a) to (c) of Mr. Manu Subedar's question No. 134 on the 6th February, 1939.

(b) and (c). This is a matter for Provincial Governments in the first instance.

**Mr. S. Satyamurti:** So far as my recollection of that answer goes, did my Honourable friend say that he felt there was no need for it?

**The Honourable Sir James Grigg:** I said:

"The reason for not having so far held one this year is simply that with the extra work thrown upon me personally in connection with the Income-tax Bill and the Chatfield Committee it has been physically impossible for me to find the time."

**Mr. S. Satyamurti:** May I know whether my Honourable friend's attention has been drawn to the various Provincial budgets and the financial problems which arise therefrom, impinging also directly and certainly indirectly on the sources of the Central revenues? In view of that, may I know whether my Honourable friend has any idea of convening or asking his successor to convene a very early conference with a view to evolving, as much as one can, a co-ordinated financial policy for the whole of India?

**The Honourable Sir James Grigg:** I shall certainly pass on the suggestion to my successor but I think the Honourable Member is a little too optimistic in thinking that as a result of such a conference there will be a co-ordinated policy for the whole of India.

**Mr. S. Satyamurti:** Have Government examined the Provincial budgets published so far? And are they or are they not convinced that there is a great need for co-ordination, by consultation—whether it is achieved or not—in regard to the difficult financial problems *inter se* between the provinces and between the provinces and the Centre? Does not my Honourable friend think that an honest attempt should be made to co-ordinate thought and action in this matter?

**The Honourable Sir James Grigg:** The Honourable Member is in a better position than I am to co-ordinate the financial policy of Provincial Governments.

**Mr. S. Satyamurti:** I recognise that; but, at the same time, will the Government of India help by taking the initiative in this matter and bringing together the Financial Ministers for consultation and co-ordination?

**The Honourable Sir James Grigg:** That was the sole object of the conference held last year. It is a matter of regret to me that the conference this year has had to be postponed. At any rate this is my feeling, as far as I am concerned, but I cannot go further than that.

**Mr. S. Satyamurti:** As regards the point raised in clause (b) of my question, may I know whether Government have considered this matter as regards the grave anxiety felt in the Provinces about their financial

future, and do the Government of India propose to take any steps in this direction with a view to allaying that anxiety?

**The Honourable Sir James Grigg:** I gather that there are anxieties of various kinds and I do not want to particularise them.

#### EXCHANGE RATIO.

**491. \*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the reasons why the Government of India issued a *communiqué* declining even to examine the question of the rupee exchange ratio immediately after the Congress Working Committee passed a resolution asking for a reduction in the ratio;
- (b) when Government examined this subject last from all relevant points of view; and
- (c) what were the considerations which led them to take the view expressed in the *communiqué*?

**The Honourable Sir James Grigg:** (a) The immediate purpose of the *communiqué* was to prevent any possible misapprehensions as to the intentions of Government and so to forestall undesirable speculation.

(b) It is the duty of Government to watch constantly and continuously all economic factors affecting India.

(c) What they conceive to be the real interests of India, particularly those of the cultivator.

**Mr. S. Satyamurti:** Sir, may I know, with reference to the answers to these questions, whether Government propose to continue the present policy of treating themselves—I do not use that word in an offensive sense—as quite omniscient and not allow the relevant interests concerned at least to discuss the matter with the Government by means of a committee or a meeting and come to some decision in the best interests of India?

**The Honourable Sir James Grigg:** I have answered that question by implication or explicitly a dozen times in this House and all I can say is that we have no intention of changing our policy.

**Mr. S. Satyamurti:** May I know if Government have no intention even of examining the policy?

**The Honourable Sir James Grigg:** The Honourable Member is making an assertion that we have not examined the policy.

**Mr. S. Satyamurti:** When was the policy last examined?

**The Honourable Sir James Grigg:** All factors affecting economic conditions are constantly watched.

**Mr. S. Satyamurti:** "Constantly" is a very vague word—may I know when a formal and regular and full examination of the whole question of the rupee exchange-ratio was undertaken, and with whose help he has arrived at this conclusion?

**The Honourable Sir James Grigg:** He may not.

**Mr. S. Satyamurti:** Then may I take it that Government have not examined the question but merely want to proceed with a policy of their own. . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can draw his own inference. Next question.

**PURCHASES MADE BY THE GOVERNMENT MEDICAL STORES DEPARTMENT.**

**492. \*Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Defence Secretary please state the personnel and the expenditure of the Government Medical Stores Department?

(b) What is the value of the drugs held by this Department on any particular date during the last twelve months, for which the total is available?

(c) Is it a fact that the Army and Civil Hospitals are compelled to purchase their requirements from this Medical Stores Department and are precluded from purchasing full strength and proper material produced by the Indian spirit and pharmaceutical industry?

(d) What steps have been taken by Government to see that the requirements of the Government Medical Stores Department are purchased from indigenous sources, wherever material is produced in India?

(e) When was an inquiry made as to whether materials required are being produced in India, or not, and will Government place on the table of the House the final letter on the subject?

(f) Do Government propose to continue the maintenance of this Department, or are they prepared to enquire whether it could not be abolished?

**Mr. C. M. G. Ogilvie:** (a) and (b). I place on the table a statement giving the required information.

(c) Military hospitals obtain their requirements from the Medical Stores Department if they are stocked at the Medical Store Depots. If not, they purchase their requirements direct from firms in India. As regards civil hospitals, the answer is in the negative.

(d) I refer the Honourable Member to rule 16 of Financial Regulations for the Army in India, Part I, which determines the policy of the Medical Stores Department. A copy of this publication is in the Library of the House.

(e) In 1930-31, by the Drugs Enquiry Committee. I refer the Honourable Member to its report, a copy of which is in the Library of the House.

(f) The Government of India propose to continue the maintenance of the Department.

(a) I. *Personnel of the Medical Stores Department.*

I. *M. S. Officers.*

One in charge of each Medical Store Depot 4

I. *M. D. Officers.*

(i) *Military Assistant Surgeons.*

One Depot Manager at each Depot and an Assistant Factory.

Manager at each of the Madras and Bombay Depots 6

(ii) *Military Sub-Assistant Surgeons* . . . . . 5

*Advisory Chemist, Madras* . . . . . 1

*Chemist, Bombay* . . . . . 1

*Assistant Chemists, Madras and Bombay* . . . . . 3

*Clerical Staff* . . . . . 144

*Other Personnel e.g., Packers, Factory hands, Compounders, Cutlers, Carpenters, Chowkidars, etc.* . . . . . 498

Total . 662

II. The cash expenditure of the Government Medical Stores Department for 1936-37 for which figures are at present available, amounted to Rs. 33,69,288.

(b) The value of the drugs held by the Medical Stores Department on the 1st April 1938 was Rs. 5,50,704.

**Mr. S. Satyamurti:** With reference to the answer to clause (c) of the question, may I know if the army hospitals are precluded from purchasing full strength and proper material produced by the Indian spirit and pharmaceutical industry?

**Mr. C. M. G. Ogilvie:** They are not precluded, unless the articles are contained in the medical stores depots; if the articles are there, they have to take them, otherwise they buy direct from an Indian firm.

**Mr. S. Satyamurti:** Is quality taken into consideration?

**Mr. C. M. G. Ogilvie:** Most certainly.

**Mr. S. Satyamurti:** With reference to part (b) of the question, may I know whether Government are satisfied that the maintenance of this Department is required in the interests of the Defence Department as also in the interests of economy?

**Mr. C. M. G. Ogilvie:** Yes.

REPORT OF THE CHATFIELD COMMITTEE.

† 493. \***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) whether the Chatfield Committee have submitted their report;
- (b) if so, what their recommendations are; and
- (c) whether the report will be published, and whether an opportunity will be given to the Assembly to discuss the report before final orders are passed on it?

**Mr. C. M. G. Ogilvie:** (a) Yes.

(b) and (c). I refer the Honourable Member to the replies I gave on the 6th, 9th and 14th February, 1939, to questions on the same subject.

†Answer to this question laid on the table, the questioner being absent.

CONSTRUCTION OF THE KRA CANAL AND THE ROAD FROM YUNNAN TO ASSAM  
ETC.

494. \*Mr. M. Asaf Ali: (a) Is the Defence Secretary aware that:

- (i) in collaboration with the Siam Government, the Japanese Government have undertaken the construction of the Kra canal to obviate the strategic difficulties offered by the Singapore Naval Base;
- (ii) the road from Yunnan to Assam is expected to be reconstructed for strategic purposes; and
- (iii) the effective striking distance between the Japanese aerial base in China and the North East Frontier of India has undergone alarming reduction?

(b) If the answer to any of the foregoing parts be in the affirmative, will the Defence Secretary please state what steps Government have taken to counteract this menace, and whether the Chatfield Committee went into these details?

Mr. C. M. G. Ogilvie: (a) (i) and (ii). No.

(iii) The presence of Japanese forces in China has obviously reduced the distance, but no alarm is felt on that score.

(b) The first part of the question does not arise. The reply to the second part is that the proceedings of the Chatfield Committee are confidential.

Mr. M. Asaf Ali: I did not ask the Honourable Member to disclose the proceedings of the Chatfield Committee. I simply wanted him to tell us whether the Chatfield Committee went into this question at all.

Mr. C. M. G. Ogilvie: I cannot even gratify my Honourable friend to that extent—whether they did or did not.

Mr. M. Asaf Ali: Did the Government of India take steps to present these facts before the Chatfield Committee?

Mr. C. M. G. Ogilvie: I can only repeat that the proceedings are confidential.

Mr. M. Asaf Ali: I do not want the Honourable Member to disclose anything which may be secret: all I want to be assured of is that Government have taken steps to safeguard India's interests as far as that part of the country is concerned?

Mr. C. M. G. Ogilvie: Government take steps to safeguard India's interests in all parts of the country.

Mr. S. Satyamurti: May I know whether Japan's effective striking distance from her aerial base in Hainan and the North-East Frontier of India has been much reduced?

**Mr. C. M. G. Ogilvie:** Yes, the distance has been reduced.

**Mr. S. Satyamurti:** By how much?

**Mr. C. M. G. Ogilvie:** I suppose the actual distance must now be reduced by about five hundred miles.

**Mr. S. Satyamurti:** What are the steps Government propose to take to meet this new menace of Japan's effective striking distance from her new aerial base near China being so much reduced?

**Mr. C. M. G. Ogilvie:** I have informed the Honourable Member that no alarm is felt on that score.

**Mr. Abdul Qaiyum:** In view of the fact that the striking distance has been reduced, will Government consider or have they considered the desirability of moving the air force squadron from the North-West to the North-East Frontier?

**Mr. C. M. G. Ogilvie:** No.

**Mr. M. Asaf Ali:** With regard to the reduction of the striking distance between India and Japan, may I know if Government have stationed any air force squadrons in the North-East Frontier?

**Mr. C. M. G. Ogilvie:** No, they have not felt any necessity for doing so.

†495\*.

#### PRICE OF SALT IN THE BENGAL MARKET.

**496. \*Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state the prevailing prices of salt in the Bengal market twelve months before the Salt Protective Duty was imposed, during the period that the Salt Protective Duty was in operation, and since that period?

(b) Have Government considered whether the removal of the Salt Protective Duty is in any way responsible for the very low price now quoted in the Bengal market?

(c) Up to what limits in the interior could salt from Sambhar and Khewra, respectively, reach by rail when prices in Bengal are Rs. 50, Rs. 45, Rs. 40, Rs. 35 and Rs. 30?

(d) Is it a fact that imported salt is now coming up much further in the interior than it used to and that the off-take from Sambhar has been affected in recent months?

**The Honourable Sir James Grigg:** (a) A statement showing the information available is laid on the table.

(b) Yes.

(c) Khewra salt and ordinary Sambhar salt are not in competition with the imported article in the eastern part of India. But Reshta and Pan salts of Sambhar can, owing to the low issue price and concession railway freights, compete with imported salt in Muzaffarpur and Champaran when the price in Bengal per 100 mds. is Rs. 30; they can advance to Saran, Bhagalpur, Darbhanga and Monghyr when the price is between Rs. 35 and

---

†This question has been postponed to be answered on the 15th March, 1939.

Rs. 40 and to Purnea, Hazaribagh, Palamau, Santhal Parganas, Burdwan, Manbhum, Singhbhum, Patna, Shahabad and Gaya when the price is between Rs. 45 and 50.

(d) So far as Government are aware the only increase is due to smaller issues of Sambhar Reshta and Pan salts owing to a change in the system of issue.

*Statement showing minimum and maximum quotations of salt in rupees per 100 maunds at Calcutta. (Figures enclosed in brackets represent ex golah prices and those not enclosed ex-ship prices.)*

Description of salt.	March 1930.	1934.	1935.	1936.	1937.	1938.
<i>(Indian).</i>						
Bombay Kurkutch	N.Q. (60)	43-52(45-57)	40-43(40-46)	38(40-42)	48-59(40-60)	45-52(47-54)
Karachi Fine	52(N. Q.)	40-54(42-50)	44-56(44-62)	30-49(32-53)	43-58(44-60)	29-50(32-45)
Karach Kurkutch	N. Q.	40-54(41-47)	42-56(41-52)	34-47(35-52)	44-53(44-56)	35-44(34-43)
Nadir Fine	N. Q.	41-48(42-44)	44-50(44-60)	38-48(38-45)	48-55(46-57)	29-40(33-46)
Navalakhi Kurkutch	N. Q.	38-49(40-52)	46-56(46-62)	31-48(43-49)	42-55(44-53)	47(38-42)
Okha crushed	50(N. Q.)	43-49(44)	48-50(46-49)	44(44)	N. Q.	N. Q.
Okha Fine	N. Q.	40-50(48-53)	47-49(46-62)	30-49(34-53)	44-55(43-60)	30-48(32-56)
Okha Kurkutch	N. Q.	N. Q. (44)	N. Q.	N. Q.	48(N. Q.)	N. Q.(38-46)
Tuticorin Kurkutch	N. Q.	37-46(40-49)	40-46(40-47)	33(30-45)	53(53-54)	N. Q. (50-52)
<i>(Aden).</i>						
Aden Fine	52(60)	42-50(44-52)	50-56(50-57)	33-54(36-57)	46-65(50-63)	31-50(32-47)
Aden Kutkutch	56-58(62)	44-50(47)	48-56(55)	35-54(44-48)	48-60(48-56)	35-52(41-44)
<i>(Foreign).</i>						
Cheshire Fine White	...	N. Q. (53-60)	N. Q. (51-55)	56(55-56)	N. Q.	59-60(65)
Hamburg Fine	59-73(68)	43-50(43-55)	43-52(45-60)	47-52(51-55)	50-61(52-70)	45-61(48-66)
Hamburg Vaca	59-73(75)	50-51(51)	50-55(53-60)	52-55(53-55)	54-64(53-73)	55-64(50-70)
Port Said Crushed	53-56(61)	N. Q.	N. Q.	N. Q.	N. Q.	32-46(33-51)
Ras Hafun Fine	N. Q.	33-36(35-42)	45(N. Q.)	N. Q.	N. Q.	N. Q.
Ras Hafun Kurkutch.	N. Q.	38(40-46)	N. Q.	N. Q.	N. Q.	N. Q.
Djibouti Crushed	N. Q.	N. Q.	N. Q.	N. Q.	N. Q.	31-39(N. Q.)
Djibouti Kutkutch	N. Q.	N. Q.	N. Q.	N. Q.	N. Q.	39-40(45)

NOTE 1.—“N. Q.” denotes no quotation.

NOTE 2.—Quotations for April, 1931 to January, 1932 and January to December, 1933, will be found in Appendices to the Reports of the Central Board of Revenue on the working of the Salt additional Import Duty Act which are available in the Library of the Indian Legislature

**Mr. S. Satyamurti:** May I know whether Government propose to continue their present policy of removing this salt import duty on foreign salt, and also whether they have heard from the Government of Bengal in respect of this matter recently?

**The Honourable Sir James Grigg:** As regards the first point, the protection on salt has been removed and, so far as I am concerned, that is the policy. As regards the second question, I have said on many occasions that communications between Provincial Governments and the Government of India are normally regarded as confidential.



**Mr. S. Satyamurti:** Have the Bengal Government now made any representations to the Government of India to the effect that, if this protective duty be re-imposed, they will be able to stimulate the manufacture of salt in Bengal, because, as far as I can recollect, one of the reasons advanced by my Honourable friend was that Bengal had not made any progress in the manufacture of salt? Have the Government of India been told now on behalf of the Government of Bengal that they can manufacture salt if they are given some protection?

**The Honourable Sir James Grigg:** The Honourable Member had better give me notice of that question, but I do not think—speaking off-hand—that he will get a very illuminating answer.

**Mr. Lalchand Navalrai:** With regard to the answer to clause (d) of the question, is it not a fact that the sale of the Sambhar salt last year was seven lakhs of tons and this year it is only  $3\frac{1}{2}$  lakhs of tons? If so, what is the reason?

**The Honourable Sir James Grigg:** I think the Honourable Member is giving me information in the first part of his question and I have already given him the answer to the second part.

#### OFFICERS IN THE FINANCE DEPARTMENT.

**497. \*Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

- (a) the total number of officers of and above the rank of Assistant Secretary in the Finance Department on the 1st January, 1936 and the 1st January, 1939;
- (b) the percentage of increase in number and expenditure;
- (c) the reasons for the increase;
- (d) whether the work of the Department has increased since the introduction of Provincial Autonomy, and if so, in what respects; and
- (e) if not, how the increase in the number of officers is justified?

**The Honourable Sir James Grigg:** (a) The total number was 15 on the 1st January, 1936, and 21 on the 1st January, 1939. These include officers holding temporary appointments.

(b) The increase in number is 40 per cent., and the increase in expenditure about 34 per cent.

(c), (d) and (e). The Honourable Member's attention is invited to the replies I gave in this House to the supplementaries to his starred question No. 107 on the 25th August, 1937, and Mr. T. S. Avinashilingam Chettiar's starred question No. 456 on the 10th September, 1937, and the reply to the latter's question No. 462 on the same date. The position remains the same.

**Mr. S. Satyamurti:** What is the permanent increase? My Honourable friend referred to two categories of figures, one permanent and the other temporary. May I know what is the permanent increase in the strength of his Department?

**The Honourable Sir James Grigg:** Three.

**Mr. S. Satyamurti:** May I know the reasons for this permanent increase?

**The Honourable Sir James Grigg:** One of them is the Income-tax Adviser and another is due to an increase of work in the office of the Financial Adviser to the Communications Department and the third is the addition of staff as a result of the general organisation of the Secretariat work due to Maxwell Committee.

**Mr. S. Satyamurti:** With reference to the last appointment, has it been justified by a specific increase of duties and, if so, will my Honourable friend give the House some indication of the increase of his duties in his Department?

**The Honourable Sir James Grigg:** I cannot give the Honourable Member any specific measure of the increase of work. But I can assure the House from my personal experience that the work has increased enormously.

**Mr. Muhammad Azhar Ali:** Do Government take care of the communal representation in filling these posts?

**The Honourable Sir James Grigg:** I do not think the communal rules apply to higher appointments. In fact, the only consideration in filling these posts is efficiency.

#### SUBSTITUTION OF THE SYSTEM OF PROVIDENT FUND FOR PENSIONS.

**498. \*Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state whether Government ever considered the question of substituting the system of provident fund for pensions in the case of their servants, and if so, when, with what result and for what reasons?

**The Honourable Sir James Grigg:** The information is contained in the Summary which was placed on the table on the 25th February, 1933, and to which I have already drawn the attention of the Honourable Member.

#### INCREASE IN EXPENDITURE CAUSED BY THE CREATION OF NEW POSTS.

**499. \*Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

- (a) the increase in expenditure chargeable to central finances since the beginning of the current financial year caused by the creation of new posts;
- (b) whether the expenditure involved is over Rs. 2 lakhs;
- (c) how much of this or the actual increase is on account of Indian Civil Service officers; and
- (d) how this increase is reconciled with the intention of Government to retrench expenditure?

**The Honourable Sir James Grigg:** The information asked for is not readily available and cannot be collected without expense and labour which would not be commensurate with the results obtained. I may, however, add that only absolutely inescapable new expenditure has been incurred. Moreover, there has been on balance a very large reduction of expenditure.

**Mr. S. Satyamurti:** With reference to answer to clause (a) of the question, in view of the retrenchment circular issued by the Honourable the Finance Member that new posts will be sanctioned only for very special reasons and the question refers only to the period from the beginning of the current financial year, may I know what are the reasons for saying that the Honourable Member cannot give the information without disproportionate expenditure of time and money which would not be commensurate with the results obtained?

**The Honourable Sir James Grigg:** "New posts" is a very large order. It covers the whole of the Customs Department, the Audit and Accounts Services and everything else and it goes right down to new posts in the subordinate services.

**Mr. S. Satyamurti:** Is it not a matter of some importance to this House to know how many new posts have been created, since the beginning of this financial year in spite of the retrenchment and economy campaign?

**The Honourable Sir James Grigg:** I think the House ought to be satisfied, first, that it has the scrutiny of the estimates of the demands for grants when they are presented in detail in a fortnight's time from now and, secondly, from the assurance which I give them that there has been on balance a very large reduction of expenditure.

**Mr. S. Satyamurti:** May I ask whether all these posts that have been created are those which were provided for in the last year's budget, or have any new posts been created not provided for in the last year's budget? I have often noticed that entirely new posts not provided in the Budget have been created.

**The Honourable Sir James Grigg:** The Honourable Member has again brought forward his King Charles' head. I have reasoned with him, I have argued with him, and I have quarrelled with him on a great many occasions, and I do not propose to start again.

**Mr. Muhammad Azhar Ali:** Will any foreigners be taken on these new posts?

(No reply.)

#### REVISION OF THE NEW PENSION RULES.

500. **\*Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state whether the new pension rules have been revised, and if so, lay a copy on the table of the House?

**The Honourable Sir James Grigg:** I would invite the Honourable Member's attention to the reply given by me on the 6th of December, 1938, to Mr. Badri Dutt Pande's starred question No. 1832.

#### DISCRIMINATION IN LEAVE AND PENSION RULES OF THE SUPERIOR SERVICES UNDER THE GOVERNMENT OF INDIA.

501. **\*Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

- (a) to what extent and why there is discrimination in the leave and pension rules relating to the Indian and European officers of the superior services under the control of the Government of India; and

- .. (b) whether Government propose to consider the desirability of abolishing it at an early date?

**The Honourable Sir James Grigg:** (a) *Leave.* I would draw the Honourable Member's attention to the reply given by me to his starred question No. 772 on the 17th of March, 1938.

*Pensions.* The relevant rules are:

- (i) Rule 2(1) of the Premature Retirement Rules;
- (ii) Rule 7 of the Civil Pensions (Commutation) Rules; and
- (iii) Articles 933A and 983 of the Civil Service Regulations.

Copies of these publications are in the Library of the House.

- (b) No.

#### SMUGGLING ON THE SIND BORDER.

†502. \***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

- (a) whether any smuggling has recently been detected on the Sindh border;
- (b) whether any loss has, thus, been caused to the Customs Department;
- (c) what steps Government have taken to prevent its recurrence in future; and
- (d) in which parts of the Indian border the Land Customs Act is in force?

**The Honourable Sir James Grigg:** (a) and (b). Yes.

(c) Steps are being taken to establish a Preventive Line on the Upper Sind Frontier, to strengthen the preventive and intelligence staff in the Customs House at Karachi and to introduce a system for the better patrolling of the sea coasts.

(d) The Land Customs Act extends to all the land frontiers of India.

#### CLEARING UP OF THE APPREHENSIONS OF HOLDERS OF GOVERNMENT SECURITIES.

503. \***Mr. S. Satyamurti** (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state whether the attention of Government has been drawn to the judgment of the Privy Council in the suit "Secretary of State *versus* The Bank of India, Limited" and the comments thereon by correspondents in newspapers?

(b) In view of the interpretation in certain quarters of the actual position as provided in Act No. X of 1920—An Act to consolidate the law relating to Government Securities—do Government propose to issue a press note clearing up the apprehension to *bona fide* holders caused by statements in newspapers and elsewhere?

(c) Has there been any change of law since 1920, particularly in section 16 of the Act, which provide clearly that "the Note so issued shall be deemed to constitute a new contract between Government and such person and all persons deriving title thereafter through him"?

---

†Answer to this question laid on the table, the questioner being absent.

(d) What other steps do Government propose to take in order to clear any misapprehensions, which have arisen in the minds of the public through the newspaper comments on the Privy Council judgment?

**The Honourable Sir James Grigg:** In view of the importance of the matter, I shall make a full statement on it. The Government of India consider that the present position as elucidated by the recent Privy Council decision affords all reasonable protection to dealers in Government securities. The position as they see it is that prior to the passing of the Indian Securities Act of 1920, and in particular section 16, a holder of a Government security was liable for any defect in the title, even though such defect was embodied in a previous promissory note which had been renewed. As such a holder was obviously unable to scrutinise such endorsements, Government considered the position inequitable and the Act was amended so as to provide that the holder of the renewed note would not be under any liability in respect of such renewed note. This was effected by breaking the nexus between the old and the new note, and constituting the latter a separate contract, in exactly the same way as when a loan of one issue is converted into a new loan. This, however, does not mean that the party who has endorsed the old note on to Government will not continue to be subject to the ordinary liability of a party who has passed on a negotiable instrument with a defective title or no title at all, and Government naturally retain the ordinary right to claim against such a party. It is quite obvious that Government could not accept a position where they would assume full liability in respect of such notes as this would open the way to extensive malpractice and collusion. If such was the law it is clear that in order to protect themselves Government would have to be indemnified in every case of renewal, and this would seriously impede business in Government promissory notes. Government consider that they have gone as far as can be expected when they are prepared to renew notes after reasonable scrutiny and investigation without insisting on indemnity, except where there is some special reason for doubt, and to take their chance that the last endorsee will be able to meet the claim of a previous holder should such claim be subsequently established.

The remedy in the hands of banks and other dealers also seems plain. They should, as in the case of other negotiable instruments, take reasonable precautions that the previous endorsee is a party of standing or one known to them, and insist in other cases, if there is any element of doubt, that the scrip should be renewed before they take it, in which case they will be fully protected so long as they take the simple precaution of satisfying themselves that the party selling them the note is the actual party in favour of whom the note was renewed.

**Mr. Brojendra Narayan Chaudhury:** Have Government considered the difficulty of insurance companies and others who are compelled by law to purchase Government securities that there is not in the market sufficient amount of Government securities in forms other than promissory notes which are worthless?

**The Honourable Sir James Grigg:** The Government have considered the position and I have just read out an answer giving the result of their consideration.

**Mr. Brojendra Narayan Chaudhury:** Is the Honourable Member aware that in the open market there is very little of securities in the form of stocks, most of the securities are promissory notes which are useless.

**The Honourable Sir James Grigg:** It is not Government's fault if the public prefer to use promissory notes rather than stock certificates.

**Mr. Brojendra Narayan Chaudhury:** May I ask whether Government will consider the difficulty of these investors because in the market there are not sufficient stocks to be bought.

**The Honourable Sir James Grigg:** I can only repeat the result of the consideration which I have just read out.

#### OFFICERS SELECTED TO FORM A POOL OF OFFICERS.

†504. **\*Mr. K. Santhanam:** (a) Will the Honourable the Finance Member please state whether officers in the various Departments have been selected to form the pool of officers created by the recent resolution of the Government of India?

(b) How many of them are Indians and how many non-Indians?

(c) Has any proportion been fixed for the purpose?

**The Honourable Sir James Grigg:** (a) to (c). The attention of the Honourable Member is invited to the reply I gave to part (c) of starred question No. 236 asked by Mr. T. S. Avinashilingam Chettiar in this House on the 9th February, 1939.

#### ENLISTMENT OF RECRUITS FROM THE TRIBAL AREA IN THE REGULAR INDIAN ARMY.

505. **\*Maulvi Abdur Rasheed Chaudhury:** (a) Will the Defence Secretary please state whether Government are considering the question of enlistment of recruits from the Tribal Area in the North-West Frontier Province in the regular Indian Army?

(b) Have Government decided the tribe or tribes from which they will have recruits?

(c) Have they already taken any recruits from any tribes, and if so, from which tribes and how many?

(d) What is the reason for selecting the particular tribe or tribes?

(e) Do Government propose to take any recruits from the Wazirs? If not, why not?

(f) What is the strength of the Tochi Scouts and what is its composition?

(g) Was there any addition in the Tochi Scouts in recent years and if so, how much?

**Mr. C. M. G. Ogilvie:** (a) and (b). No change in the present scheme of recruitment from the tribal area is contemplated.

(c) Yes, Afridis, Orakzais and Mahsuds whose numbers on the 1st January, 1938, were 161, 222 and 234, respectively.

---

†Answer to this question laid on the table, the questioner being absent.

(d) Because these tribes have been found by experience to be the most suitable for military service.

(e) No. They are not among those considered suitable.

(f) and (g). These questions should be addressed to the Foreign Secretary.

**Mr. Abdul Qaiyum:** In view of the fact that it is the declared policy of the Government to improve the economic condition of the tribes and in view of the fact that they are not fit for any other service, will Government consider the desirability of enlisting a large number of these tribes-men in the regular forces because according to the Honourable Member, Sir Aubrey Metcalfe, they are all British subjects?

**Mr. C. M. G. Ogilvie:** Government do not intend at present to extend the recruitment in the tribal areas. As to the facts which the Honourable Member stated just now in the course of his question, the first is undoubtedly correct. As regards the second I hope that in some future time civilising influences may begin to prevail among the tribes.

**Mr. Abdul Qaiyum:** May I know that in view of the fact that certain tribes are considered suitable for enlistment in the army, why is it that their number is so very poor—the Honourable Member said they are 161, 222 and 234. Surely they can provide thousands of soldiers to the Indian army?

**Mr. C. M. G. Ogilvie:** Only those are taken who are considered suitable individually as well as generally.

**Mr. Abdul Qaiyum:** Is the Honourable Member aware that a larger recruitment of these people will result in minimising their discontent and they will make fine soldiers in the Indian Army?

**Mr. C. M. G. Ogilvie:** I do not know.

**Maulvi Abdur Rasheed Chaudhury:** What does the Honourable Member mean by "civilising influence"?

(No answer.)

**Mr. Abdul Qaiyum:** Bombing them?

#### VACANCIES FILLED IN THE CLERICAL ESTABLISHMENT OF THE MEDICAL STORES DEPARTMENT, LAHORE CANTONMENT.

†506. \*Sardar Sant Singh: Will the Defence Secretary be pleased to state:

- (a) the number of clerical vacancies, (i) permanent, (ii) temporary for a period above three months that were filled by direct recruitment in the clerical establishment of the Medical Stores Department, Lahore Cantonment, since January, 1934;
- (b) the number of Sikhs, Hindus, Muslims and others recruited; and

---

†Answer to this question laid on the table, the questioner being absent.

- (c) whether it is a fact that there is no Sikh in that department; if so, why?

**Mr. G. M. G. Ogilvie:** (a) Two and 28 respectively.

(b) 1, 21, 8 and nil, respectively.

(c) Yes; owing to the dearth of Sikh applicants.

#### LEASING OUT OF THE CALCUTTA MAIDAN.

**507. \*Maulvi Abdur Rasheed Chaudhury:** Will the Defence Secretary please state:

- (a) the total income derived from the leasing out of the Calcutta Maidan;
- (b) the name of Clubs to which the different portions of the Maidan has been leased out;
- (c) under what arrangements the Muhammadan Sporting, Mohan Bagan, Calcutta, and other lessees play football on the Maidan.
- (d) under what arrangement the Calcutta Turf Club utilises a portion of the Maidan; and
- (e) the total income derived by Government from the Calcutta Maidan and the total expenses of management and upkeep in the years 1933, 1934, 1935, 1936, 1937 and 1938?

**The Honourable Mr. R. M. Maxwell:** (a), (b), (c) and (e). The necessary information is being collected and will be laid on the table, when ready.

(d) A part of the Calcutta Maidan has been leased to the Royal Calcutta Turf Club for a period of 30 years with effect from the 1st January, 1932, on payment of an annual rent of Rs. 20,000. The detailed terms are stated in the lease, a copy of which is in the Library of the House.

**Mr. S. Satyamurti:** Is this lease amount fixed as a matter of concession, or is it at the market rate?

**The Honourable Mr. R. M. Maxwell:** I believe the rate is considered adequate in view of the conditions prevailing.

**Mr. S. Satyamurti:** I want to know whether this lease is at a price which Government would get if they auctioned the lease rights among various claimants for the same, or is it fixed at a concessional rate, in view of the fact that the lessee happens to be the Calcutta Turf Club?

**The Honourable Mr. R. M. Maxwell:** The land is to be kept as an open space, it is not to be disposed of, no buildings or permanent structures ought to be put thereon; considering these the lease amount is reasonable.

**Mr. S. Satyamurti:** Are Government satisfied that this is the maximum price which they can get, on the condition that the land should be kept without any buildings being allowed to spring up thereon, and if the land is given to the Calcutta University or some colleges, are Government sure that they will not get more price?



**The Honourable Mr. R. M. Maxwell:** The matter was discussed when the lease was entered into in 1932 and I presume that at that time the Government were satisfied that it was an adequate rent considering the use that was to be put of the land.

#### PROFESSION TAX LEVIED BY THE MADRAS GOVERNMENT.

† 508. **\*Dr. Sir Ziauddin Ahmad:** Will the Honourable the Finance Member please state whether the profession tax levied by the Madras Government is levied on persons serving in Centrally administered services?

**The Honourable Sir James Grigg:** The Madras Government do not levy a profession tax.

---

#### MOTION FOR ADJOURNMENT.

#### RESTRICTIONS ON INDIANS BY THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair has received notice of a Motion for adjournment of the House for discussing the following subject:

“The proposal before the Government of the Union of South Africa to introduce legislation for the purpose of further restricting the right of Indians to acquire or occupy immoveable property.”

The Honourable Member does not say what the Government of India have got to do with it. Have the Government of India taken any action or not taken any action with respect to this matter which the Honourable Member wants to discuss?

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammadan Urban): The Government of India are the primary party concerned. They look after the interests of Indians in South Africa.

**Mr. President** (The Honourable Sir Abdur Rahim): Perfectly true. Is the Honourable Member holding the Government of India responsible for the proposed legislation in South Africa? Have the Government of India failed to take any steps?

**Sir Syed Raza Ali:** It is the primary duty of the Government of India at the present juncture to make representations either direct or through their Agent General to dissuade the Union Government from introducing legislation of this character.

**Mr. President** (The Honourable Sir Abdur Rahim): Have they failed to take such steps?

**Sir Syed Raza Ali:** That is so; it would amount to that.

**Mr. President** (The Honourable Sir Abdur Rahim): It ought to have been mentioned in the notice.

---

† Answer to this question laid on the table, the questioner being absent.

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): I object to this motion also on the ground that what my Honourable friend has referred to is not a specific matter of recent occurrence. A newspaper report of this appeared in the *Statesman* of the 17th February—through the courtesy of my Honourable friend I was shown that this morning and I imagine the adjournment motion is based upon that report. You will find, Sir, that the bulk of the report relates to a Resolution which was placed before the Minister of the Interior in Pretoria in December, 1938. Not only that. If my Honourable friend were to contend that he himself was not aware of it or that we did not have earlier publicity with regard to the receiving of this deputation in December, I would draw your attention to two facts. On the 4th February I was answering a question with regard to events in South Africa and my Honourable friend, Sir Syed Raza Ali, asked the following question:

"With reference to the reply recently given by the Honourable Mr. Stuttaford, the Minister of the Interior in South Africa to the deputation of European rate payers that waited on him giving a sort of assurance about the addition to Indian disabilities in the matter of acquisition of land in the Transvaal, will Government be pleased to say if they have taken any action in the matter, and if so, what?"

**Mr. President** (The Honourable Sir Abdur Rahim): Does that refer to this proposal?

**Sir Girja Shankar Bajpai**: That is the thing. There is nothing else. There is only the Resolution which was placed before the Minister in December. And the next part of the proceedings, if I may read it out to the House, is the interview given by the Minister for the Interior, Mr. Stuttaford to a Press Correspondent. This is what the Minister says:

"A Cape Town message states that interviewed regarding the proposed legislation Mr. Stuttaford stated that hitherto nothing had been decided and the whole question was still in the air."

**Mr. President** (The Honourable Sir Abdur Rahim): The case is that there is a proposal to introduce legislation.

**Sir Girja Shankar Bajpai**: The Government of India have no intimation official or otherwise of any proposal to legislate beyond this Resolution which was placed before the Minister for the Interior in December, 1938. There is no other intimation or knowledge before the Government of India.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that there is no proposal now for legislation?

**Sir Girja Shankar Bajpai**: There is none. Because, as I said, the press report, to which my Honourable friend has referred, relates to this Resolution which was placed by the Ratepayers' Association before the Minister in December, 1938.

**Sir Syed Raza Ali**: Sir, I submit that there is a very definite proposal before the Union Government to introduce anti-Indian legislation.

**Mr. President** (The Honourable Sir Abdur Rahim): Proposal by whom?

**Sir Syed Raza Ali:** Proposal by Government. In fact I will read to you what Mr. Stuttaford has said. He is the Minister of the Interior in South Africa and any matter relating to Indians is within his cognisance. It is he to whom representations can be made either by the people of South Africa or by us on any question relating to the position of Indians in South Africa. What took place was this. It seems a deputation waited on him some time ago and made certain proposals with regard to the terms of a certain Commission known as the Land Laws Commission being so extended that the Commission would be competent to make proposals against the acquisition of property by Indians. That was the deputation to which a reference was made by my Honourable friend. It seems that a fresh proposal has been made now which I will read out. This is a fresh proposal independently of the proposal to which the Education Secretary referred. It runs thus.

**Mr. President** (The Honourable Sir Abdur Rahim): What is the date of that?

**Sir Syed Raza Ali:** Yesterday, Sir:

"The Minister for the Interior, Mr. Stuttaford, has undertaken to introduce in Parliament in the 1940 session legislation granting authority to the Registrar of Servitude for prohibiting lease of property, sale to and occupation by Asiatics free of charge if 60 per cent. of property owners agreed to it."

**Mr. President** (The Honourable Sir Abdur Rahim): But the Government Member says that he has no knowledge except what has appeared in the papers.

**Sir Syed Raza Ali:** That betrays an amount of want of knowledge on the part of the Government of India which really is very profound, to say the least of it. If Reuter knows it and the Government of India do not, I am afraid I cannot congratulate the Government of India on their alertness.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must make out that the Government of India have not taken the necessary steps that they could take in the matter. They cannot be charged with negligence of their duties unless they had knowledge of the matter.

**Sir Syed Raza Ali:** As I have pointed out, there were two definite proposals. One was with regard to the terms of the Land Laws Commission being so extended as to empower the Union Government to bring forward anti-Indian legislation. To that my Honourable friend has replied. But now there is a fresh proposal.

**Mr. President** (The Honourable Sir Abdur Rahim): But they say they have no intimation.

**Sir Syed Raza Ali:** That is what I want to discuss. If they have no information they ought to be censured. It is the duty of the Government of India to know it. Otherwise, what is the use of spending such large sums of money in keeping an office there and keeping their representative there? In any case there can be no objection to this important question being discussed on the floor of the House. We came to know of it only yesterday.

**Mr. President** (The Honourable Sir Abdur Rahim): Having regard to the distance of South Africa from India, it is only fair that the Government of India should have information as to what is going on before they can be censured.

**Sir Syed Raza Ali**: Sir, I can assure you that a telegram sent from Delhi does not take more than four hours to reach Cape Town.

**Mr. President** (The Honourable Sir Abdur Rahim): The Government of India may want time to do that and get the information.

**Sir Syed Raza Ali**: If the Government of India so suggested, I would probably have no objection to the discussion taking place on Monday. Sir, this is a very important question. Events march in South Africa with very great rapidity. The Parliament is in session in Cape Town and my fear is that something may be done by Parliament this very session.

**Mr. President** (The Honourable Sir Abdur Rahim): At any rate the Chair cannot accept this motion today, because the Government of India have no intimation.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): Sir, may I make a submission? The very fact that the Government of India have no information is, I submit, a matter for censure, because they have an Agent there at our expense, watching over our interests. This is a matter of some importance to the Indians there, and the Government of India ought to be in touch with the affairs there. If the representative of the *Statesman* can get this information, I do not see why the Government of India cannot get it. I submit that that shows culpable negligence on the part of Government.

**Mr. President** (The Honourable Sir Abdur Rahim): But the notice is not worded like that.

**Mr. S. Satyamurti**: But it means that.

**Mr. President** (The Honourable Sir Abdur Rahim): No; the Chair thinks it must disallow the motion as being out of order.

**Mr. S. Satyamurti**: Sir, may I suggest that you may postpone this till Monday?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member knows the procedure and he can put down a short notice question if he likes.

It appears so far that some statement has appeared in the papers that there is a proposal to promote certain anti-Indian legislation, and that is what is mentioned in the notice, but it is stated by the Member of Government that they have no information yet. The Chair, therefore, holds that the present motion is not in order. The Honourable Member may put down a short notice question.

**Mr. S. Satyamurti**: They may refuse to answer that.

**Mr. President** (The Honourable Sir Abdur Rahim): That is assuming all sorts of things. The Honourable Member himself has put down many short notice questions which have been answered by Government.

---

## THE COAL MINES (STOWING) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to present the report of the Select Committee on the Bill to make further provision for safety in coal mines.

---

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

### (AMENDMENT OF SECTION 205.)

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, the Honourable the Home Member raised an objection to the proposal for Select Committee on the ground that in the case of a distinction now prevailing regarding cases where, in the first instance, the magistrate makes up his mind to issue a warrant instead of issuing a summons, it would not be prudent or desirable that he should dispense with the appearance of the accused. That is his contention. To a large extent, I agree with him. I agree with the Honourable the Home Member that at the outset it is open to the magistrate to issue a summons or to issue a warrant. And, if, in the first instance, he makes up his mind to issue a warrant and not a summons, he ought not to dispense with the appearance of the accused. That is true. Otherwise, if he intends to dispense with the appearance of the accused, that means that he does not think that the offence is serious, and that it is not a case where, in the first instance, a warrant ought to be issued. Therefore, at that stage to dispense with the appearance of the accused may not be proper. But, later on, it is open to the same magistrate on the complaint petition, that is, on the materials available to him and presented to him or laid before him by the complainant, that he finds the offence is serious and requires the issue of a warrant instead of a summons in the first instance, he may later on, after the appearance of the accused, find from further materials that it is not a fit case where the accused ought to be dragged to him from time to time, however respectable he might be or however inconvenient it might be to him to be forced to appear in Court, he may come to the conclusion that though initially, on the materials before him, he issued a warrant, there is no longer a justification for forcing the accused to come before the Court every day. In that case, the law, as it stands at present, i.e., section 205, does not empower him to allow him to appear by a Vakil. To that extent the law, as it stands, requires further modification. In cases where the magistrate comes to the conclusion on the materials available later on that the man ought to be allowed the indulgence or privilege of presenting himself or appearing by a Vakil, let it not be said that the magistrate has no power. But my Honourable friend, Sardar Sant Singh, and the Honourable the Home Member are both under the impression that it is open to the magistrate to circumvent the provision

or the absence of the provision by cancelling the warrant and issuing a summons. I do not find any authority for this procedure even though the procedure might have been adopted all along, and for what I see it is illegal. Therefore, to remedy a defect, let us not force a magistrate who wants to do some justice to resort to illegal methods by circumventing the law. Hence it is necessary that the law should be amended so as to empower magistrates to allow the accused to appear by pleaders or vakils at a later stage, even though, in the first instance, the magistrate might have issued warrant for the appearance of the accused, if he should come to the conclusion that the presence of the accused directly is no longer necessary, let him have that power. I, therefore, support the motion for reference to Select Committee.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, before I speak on this motion, I must inform the House that Sardar Sant Singh, who has moved this motion, is not present today owing to unavoidable reasons, and has asked me to apologise to the House on his behalf.

I support the motion to refer this Bill to Select Committee. Section 205 of the Criminal Procedure Code gives power to the magistrate in summons cases only, in his discretion, to give exemption to an accused person from attending Court in person and appearing by some agent: that discretion is very necessary in criminal cases. In cases where the magistrate issues a warrant in the first instance, he has got no power to issue an exemption order under section 205. Therefore, the attempt of the Honourable the Mover of this Bill is to ask the House to send it to the Select Committee for consideration. It is a very modest request. He does not want the law to be changed forthwith, but that this Bill should not be thrown away and shelved at this very early stage. It cannot be denied that there are several offences in the Indian Penal Code where, according to the Schedule, the magistrate has to issue a warrant in the first instance, *e.g.*, I might call attention to a simple offence under section 504 which relates to insult and abuse. If a complaint is filed under section 504, the law requires that a warrant should issue in the first instance. I submit that this a lacuna in the Criminal Procedure Code that in cases of small offences, where the law requires that there should be a warrant in the first instance, why should not the discretion be given to the magistrate in suitable warrant cases also to allow the accused to appear by pleader or agent and the accused to be exempted from personal appearance?

Let us now consider both sides of the question. The first and foremost reason given by the Honourable the Home Member is that this is the third time that a similar Bill has been brought before the Assembly, and, therefore, it should be nipped in the bud as on the two previous occasions. But I submit that the very fact that after two abortive attempts the Honourable Member has again come with a motion for reference to Select Committee, where cool and calm consideration can be given to the points raised, is itself evidence of the difficulties felt by the people and one of the reasons which has compelled the Honourable Member to bring up the Bill again. We may not agree with all that is suggested in the Bill now, but the motion is only for referring the Bill to Select Committee.

[Mr. Lalchand Navalrai.]

The second reason given by the Honourable the Home Member is the reliance on section 204 of the Criminal Procedure Code. He says, the magistrate already has the discretion, and why should you ask for any further discretion? When a complaint is made under section 204, the magistrate has power to issue a summons or a warrant. There is no doubt of that, but it should be realised at what stage? The complaint is made at the start: the magistrate does not know that the circumstances under which exemption may be given: at that stage, a complaint is made and preliminary enquiries are conducted sometimes—mostly not and process is issued. In many cases, even a novel procedure is adopted, of which complaints have been brought before the bar associations and they have passed resolutions condemning the practice, *viz.*, that when a complaint comes before the magistrate, his *munshi* takes down the deposition required under section 200—sometimes in his own office and sometimes before the magistrate; and thus a case is made out for issue of process. A warrant is forthwith issued. At that time the magistrate does not know the circumstances of the accused—they are not before him. He, therefore, says “I have got power to issue a warrant and the law also requires it, and, therefore, I have to issue a warrant: I shall not consider anything else.” At that stage the accused person is not before him and he may not even know that a complaint has been filed against him. I, therefore, submit that the provisions of section 204 give no help in what this Bill asks for. This Bill refers to a further stage, after the process has issued. The question arises whether the person against whom a warrant has been issued should be given an opportunity not to appear in Court and wait until the time when he can be called under the latter part of section 205. It cannot, therefore, be urged as a reason that section 204 allows discretion to the magistrate.

Coming to the next point that the magistrate can change the warrant into a summons. My learned friend, Mr. Ayyangar, has rightly said that there is no legal procedure for that. I would call it a contrivance, and though it is in favour of the public, still it is merely a contrivance, a stratagem for the purpose of helping a particular man by a magistrate who has got no powers in that direction. There are many kinds of magistrates, and some, I know, are very liberal, and they cancel the warrants. But the anomaly some times is,—though, of course, that practice should be continued, after a warrant has actually been served, a man sends up his representation that he should be exempted. In such cases, some liberal minded magistrates go to that length and cancel the warrant. Whether this is right or wrong or it is according to law, one can't say, but this is what they do, but there is no provision for it at all. Why should the magistrates twist and turn the law? Why should they adopt wrong methods? Why should not such a law be amended by this Legislature? Therefore, Sir, I submit that this Bill should be committed to a Select Committee.

Another reason advanced by the Honourable the Home Member is that this is an attempt in favour of rich people, and not for the benefit of the poor. Sir, my point is this, that this amendment will help the whole public, whether rich or poor. In the first place, it will help *purdanashin* ladies, and *purdanashin* ladies you will find both among the rich as well

as the middle classes and also the poor people, and so it cannot be contended that this is an attempt to help only the rich people. Then, it is no doubt true, that it is also meant for rich people, some of whom, even according to the Civil Procedure Code, do not appear in Court, and who are given exemptions. Why should not discretion be given to the magistrates in that case also? Then, the argument about the poor men, that they are not intended by the Bill, is a fallacious one. There are several cases in which the poor people, especially, are needlessly harassed in practice. If there is any enmity or some disagreement between two parties, what do they do? They run to long distances for filing complaints. A man from Bombay goes to the Punjab and puts in a complaint, it may be a false complaint,—and a warrant is issued against the man in Bombay. Why should that man come all the way from Bombay to the Punjab? Why should not exemption be given to such a man until at least a *prima facie* case is made out. Sir, I think this is a clear case for referring the matter to a Select Committee for being considered from both points of view.

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): Sir, I rise to support the motion moved by my Honourable friend, Sardar Sant Singh. I am rather surprised at the attitude taken up by the Honourable the Home Member in opposing this motion for reference to a Select Committee. I wish my friend, Sardar Sant Singh, instead of moving for reference of this very useful Bill to a Select Committee had insisted on having it considered by this House and passed as soon as possible. . .

**Mr. Lalchand Navalrai:** He did not do it because he lost heart after meeting with disappointment on two previous occasions.

**Mr. Abdul Qaiyum:** I though he had very good nerves.

Now, Sir, the present section 205 of the Criminal Procedure Code, if I may say so with all respect, sets a premium on legal hypocrisy. What happens is this. A man brings a complaint. If the complaint is referred for inquiry to another subordinate magistrate, the complainant does not hesitate to produce *ex parte* evidence which appears very strong, with the result that he can, in 95 cases out of 100, secure a warrant, because the case is made to appear so formidable that the magistrate has no option but to issue a warrant. The result is that when the other party turns up in Court, and some cross examination takes place, even the magistrate realises that he made a great mistake in issuing a warrant where a summons would have sufficed.

Now, what is the effect of the present section 205 of the Criminal Procedure Code? There is not the slightest doubt that in practice it works great hardship. In my part of India, what happens is this. People are very sensitive and people do not like that women should be hauled up in court as accused persons. Now, some unscrupulous persons who are actuated by malice and spite, at once bring complaints involving innocent women. Supposing a case of abduction takes place, what happens is this. One man is guilty of abduction, and in order to wreak vengeance, the other party impleads the sisters and other female relatives of the man as parties to the complaint with the result that warrants are issued against them and they are all hauled up. I will give another instance of a case in which



[Mr. Abdul Qaiyum.]

I myself appeared, in the third year of my practice. We have a lawyer there who is an expert in bringing complaints and he has developed this the bringing of complaints to almost a scientific art. What happened in one case was this. In a simple case of trespass, he cited about 200 or 300 persons belonging to a particular part of the village as accused persons. I was briefed for the accused, and on every date of hearing when we appeared, we found that at least one or two were sick or unavoidably detained with the result that the hearing had to be put off. This was a simple case in which 200 or 300 people had to come from a long distance, waste a whole day in Court and, just because the magistrate had issued warrants in the first instance, he could not exempt them from appearing in Court. After a number of hearings, the Magistrate got disgusted with the whole thing, and he resorted to the device, which is very often resorted to under this section, namely, he cancelled the warrants and issued summons instead and exempted all the persons from appearing in court. Then, on the very first hearing, to my great surprise, there were no witnesses in the court for the prosecution. Now, this was a case in which a large number of people had to come and appear in court from a far off village on numerous occasions and all of them had to be sent back simply because one or two among them could not be present. Surely, cases like these cause grave hardship as a result of the existence of section 205 of the Criminal Procedure Code.

Then, Sir, another very interesting device which is resorted to by complainants is this. They have a knack of bringing complaints against persons who may be residing in different parts of the country and who may have absolutely nothing to do with the offence. Supposing a man in Peshawar brings a complaint against a man who is in Calcutta, and in his absence he manages to lead evidence of a very satisfactory nature and secures a warrant for the arrest of the man in Calcutta. The result is, that the poor man has to come to Peshawar all the distance, not once, but perhaps on two or three occasions at least, and he is put to a lot of expense. He can satisfy the court that there was absolutely no necessity for issuing a warrant in the first instance. This is not all, Sir. Sometimes respectable persons, who are absolutely innocent, are hard put to it under the provisions of this very obnoxious section as it exists, with the result that they are put to the experience of being parties to a criminal case, of being made to appear in court, and of wasting very useful time by putting in their appearance in court. I think the Honourable the Home Member will realise that in practice this particular section causes untold hardship on women, on innocent and respectable persons, of all classes. Therefore, what this Bill aims at is, that instead of forcing the magistrate to resort to this legal fiction or what I would call legal hypocrisy, of cancelling a warrant and converting it into a summons and then exempting a person from appearing, why should we not vest powers in magistrates, in every case, to exercise their discretion whether it is a fit case for summoning an accused person in court. Surely, we can place so much trust in our magistrates. There are many other laws, which are at present current in this country, which give considerable discretion to magistrates and judges who have to administer them. Why should we not place trust in that particular discretion which is always extended to the magistracy and to the subordinate judges? There is absolutely no reason why we should not. After all, why not leave it to the magistrate himself? If he finds that

person need not appear in court, he can dispense with his presence, and, surely, there is nothing to prevent him from insisting that the person exempted from appearance should appear in court when sufficient evidence has been laid before the court in support of the complaint. That can always be done. So that there is absolutely no risk of the party escaping or taking undue advantage of this provision. I really think that my Honourable friend, Sardar Sant Singh, need not have moved a motion for reference to Select Committee. He should have straightaway moved for the consideration of the Bill and getting it passed into law, and thus bringing about an useful amendment of section 205 of the Criminal Procedure Code. I hope the Honourable the Home Member who is now very busy talking to his assistant, will take good care to accept this harmless proposal, namely, of reference to Select Committee of this Bill. I have great pleasure in supporting the motion for reference of the Bill to a Select Committee.

**Some Honourable Members:** Let the question be now put.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is: —

"That the question be now put."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 205*), be referred to a Select Committee consisting of the Honourable Sir Nripendra Sircar, the Honourable Mr. R. M. Maxwell, Mr. C. J. W. Lillie, Dr. F. X. DeSouza, Mr. P. J. Griffiths, Mr. Muhammad Azhar Ali, Syed Ghulam Bhik Nairang, Mr. M. Ananthasayanam Ayyangar, Mr. Sham Lal, Mr. Govind V. Desmukh, Mr. K. S. Gupta, Mr. Lalchand Navalrai and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided:

AYES—49.

Abdul Ghani, Maulvi Muhammad.  
Abdul Qaiyum, Mr.  
Abdur Rasheed Chaudhury, Maulvi.  
Ahsan, Maulvi Muhammad.  
Asaf Ali, Mr. M.  
Ayyangar, Mr. M. Ananthasayanam.  
Azhar Ali, Mr. Muhammad.  
Bajoria, Babu Baijnath.  
Banerjee, Dr. P. N.  
Basu, Mr. R. N.  
Bhutto, Mr. Nabi Baksh Illahi Baksh.  
Chaliha, Mr. Kuladhar.  
Chaudhury, Mr. Brojendra Narayan.  
Chetty, Mr. Sami Vencatachelam.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Datta, Mr. Akhil Chandra.  
Deshmukh, Dr. G. V.  
Deshmukh, Mr. Govind V.  
Essak Sait, Mr. H. A. Sathar H.  
Gadgil, Mr. N. V.  
Ghiasuddin, Mr. M.  
Ghuznavi, Sir Abdul Halim.  
Gupta, Mr. K. S.

Hans Raj, Raizada.  
Hegde, Sri K. B. Jinaraja.  
Hosmani, Mr. S. K.  
Jedhe, Mr. K. M.  
Jogendra Singh, Sirdar.  
Kailash Behari Lal, Babu.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Maitra, Pandit Lakshmi Kanta.  
Malaviya, Pandit Krishna Kant.  
Misra, Pandit Shambhu Dayal.  
Mudaliar, Mr. C. N. Muthuranga.  
Muhammad Ahmad Kazmi, Qazi.  
Murtuza Sahib Bahadur, Maulvi Syed.  
Pande, Mr. Badri Dutt.  
Parma Nand, Bhai.  
Raghbir Narayan Singh, Choudhri.  
Rao, Mr. M. Thirumala.  
Saksena, Mr. Mohan Lal.  
Satyamurti, Mr. S.  
Sinha, Mr. Satya Narayan.  
Som, Mr. Suryya Kumar.  
Subbarayan, Shrimati K. Radha Bai.  
Umar Aly Shah, Mr.  
Yamin Khan, Sir Muhammad.

## NOES—42.

Abdul Hamid, Khan Bahadur Sir.  
 Ahmad Nawaz Khan, Major Nawab Sir.  
 Aikman, Mr. A.  
 Ayyar, Mr. N. M.  
 Bajpai, Sir Girja Shankar.  
 Bewoor, Mr. G. V.  
 Bhagchand Soni, Raj Bahadur Seth.  
 Boyle, Mr. J. D.  
 Buss, Mr. L. C.  
 Chanda, Mr. A. K.  
 Dalal, Dr. R. D.  
 D'Souza, Mr. Frank.  
 Gorwala, Mr. A. D.  
 Greer, Mr. B. R. T.  
 Griffiths, Mr. P. J.  
 Hardman, Mr. J. S.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmed, Shams-ul-Ulema.  
 Kushalpal Singh, Raja Bahadur.  
 Lillie, Mr. C. J. W.  
 Mackeown, Mr. J. A.  
 Maxwell, the Honourable Mr. R. M.

Menon, Mr. P. A.  
 Menon, Mr. P. M.  
 Metcalfe, Sir Aubrey.  
 Miller, Mr. C. C.  
 Mukerji, Mr. Basanta Kumar.  
 Nur Muhammad, Khan Bahadur Shaikh.  
 Ogilvie, Mr. C. M. G.  
 Rahman, Lieut.-Col. M. A.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Sher Muhammad Khan, Captain Sardar Sir.  
 Sircar, the Honourable Sir Nripendra.  
 Sivaraj, Rao Sahib N.  
 Spence, Mr. G. H.  
 Staig, Mr. B. M.  
 Stewart, The Honourable Sir Thomas  
 Sukthankar, Mr. Y. N.  
 Sundaram, Mr. V. S.  
 Thomas, Mr. J. H.  
 Zafrullah Khan, the Honourable Sir  
 Muhammad.

The motion was adopted.

## THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Sir, before you take up the next motion which stands in the name of Dr. Deshmukh, I would draw your attention to the fact that this Bill was circulated for opinion and the Members of the House have not received those opinions at all, except one small paper containing the views of Piploda and Coorg Governments. It will be very unfair to ask Members of this House to discuss the motion without receiving those opinions. It is only after a perusal of those opinions that we will be able to judge this question better and so, I would like this motion to be postponed till the next non-official Bill day. I do not want to put any obstruction but I think it is only fair to the House that my friend should agree to this postponement.

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Sir, I beg to move:

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Mr. R. M. Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Suryya Kumar Som, Mr. Bhulabhai J. Desai, Mrs. K. R. Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. President** (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Mr. R. M. Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Suryya Kumar Som, Mr. Bhulabhai J. Desai, Mrs. K. R. Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Babu Baijnath Bajoria:** For the reasons I have already explained, I move that this motion to refer the Bill to a Select Committee be postponed till the next non-official day for Bills.

**Mr. President** (The Honourable Sir Abdur Rahim): What is the Honourable Member's ground?

**Babu Baijnath Bajoria:** The grounds are that we have not received the opinions on the Bill. We have received only one sheet, showing the opinions of Panth Piploda and Coorg.

**Dr. G. V. Deshmukh:** That shows that all the others are in favour.

**Mr. President** (The Honourable Sir Abdur Rahim): When was the Bill circulated for opinions?

**Babu Baijnath Bajoria:** The Bill was circulated for opinions which were to be received by the 15th February. I do not know whether the Government had time to circulate the opinions to the Members. I do not know whether they have received them at all. That the Honourable the Leader of the House will be able to say.

**The Honourable Sir Nripendra Sircar** (Law Member): Sir, may I explain the position of Government. I think my friend said that he was not sure whether Government had done this, that or something else. It was no business of Government. Circulation was the business of somebody else, but the position really is this. I support Mr. Bajoria. It is quite true that the opinions should have been sent by the 15th February, but the fact is that very few opinions have been received. They are coming in dribblets, and only the opinion from Coorg and one other small place has been received and circulated. The others have not been circulated. We have not got the opinions of the Provincial Governments. The opinions of two of the Provincial Governments have come in very recently. They are not before the Members of the House. They could not be printed or circulated, and they are not really in favour of Dr. Deshmukh's Bill. The other Governments have not replied yet. So, I do think that the House will not proceed with the discussion of this matter—a matter of great importance—without seeing those opinions and paying attention to them. I do not think it is reasonable to suggest that we shall go on talking the whole day and then see what can be done later on. I had a talk with Dr. Deshmukh. I quite understand his anxiety. While he is not very seriously objecting to the House being given a reasonable opportunity to consider all opinions, he is afraid that he may lose seisin of the Bill, that it may go into the general heap and what with balloting and other rules it may not come up the next day. On that, I can assure Dr. Deshmukh and the House that from the practical point of view this question of priority will not arise, because there are only three Bills which have been referred to the Select Committee and which can possibly get ahead of Dr. Deshmukh's Bill, but there is no chance of those reports being presented in time to get ahead of this Bill, so that the question is rather academic as to whether it should have priority or not. He will have that in any case. No doubt, if this matter is adjourned today, a large number of Bills will be introduced, but I may draw your attention to Standing Order 7A. Dr. Deshmukh's Bill, being a Bill which has been circulated for the purpose of eliciting opinions, will have precedence over all other Bills.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair is not expressing any opinion on that.

**The Honourable Sir Nripendra Sircar:** The opinion need not be expressed, but I am giving the facts to Dr. Deshmukh that he has no reason to lose his priority.

**Dr. G. V. Deshmukh:** In view of the assurance given by the Leader of the House and also the help I have received from the Government. . .

**Babu Baijnath Bajoria:** Undue help.

**Dr. G. V. Deshmukh:** They helped me in the righteous cause I lead, and I thank them for the help they gave.

Well, Sir, for these reasons, I have no objection to accepting the suggestion from my friend, Mr. Bajoria, who is at heart as good a social reformer as I am, but he wants to square up his position with the orthodox section. I have no objection to accepting the amendment of Mr. Bajoria, but I take it that I hope I will have an opportunity to put forward my views on the 11th.

**Mr. President** (The Honourable Sir Abdur Rahim): Very good, that is if the House accepts the motion.

The Chair will put the question under the circumstances which have been mentioned by Mr. Bajoria and the Leader of the House that the opinions have not been received, though the Bill had been circulated for that purpose. The question is:

"That the further discussion of the motion to refer the Bill to a Select Committee be postponed till the next non-official day for Bills."

The motion was adopted.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair would make it clear that as regards the position which the Bill occupies on the next non-official day the Chair expressed no opinion.

---

### THE ABOLITION OF WHIPPING BILL.

**Mr. M. Thirumala Rao** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to abolish the punishment of whipping.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to abolish the punishment of whipping."

The motion was adopted.

**Mr. M. Thirumala Rao:** Sir, I introduce the Bill.

## THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (AMENDMENT) BILL.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill to amend the Muslim Personal Law (*Shariat*) Application Act, 1937.”

The motion was adopted.

**Qazi Muhammad Ahmad Kazmi**: Sir, I introduce the Bill.

---

## THE FOREIGNERS (AMENDMENT) BILL.

**Mr. N. V. Gadgil** (Bombay Central Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Foreigners Act, 1864, for certain purposes (*Insertion of new section 1-A*).

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Foreigners Act, 1864, for certain purposes (*Insertion of new section 1-A*).”

The motion was adopted.

**Mr. N. V. Gadgil**: Sir, I introduce the Bill.

---

## THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

**Mr. Sami Vencatachelam Chetty** (Madras: Indian Commerce): Sir, I beg to move for leave to introduce a Bill to control the Coastal Traffic of India.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill to control the Coastal Traffic of India.”

The motion was adopted.

**Mr. Sami Vencatachelam Chetty**: Sir, I introduce the Bill.

---

## THE INDIAN PENAL CODE (AMENDMENT) BILL.

**Mr. Kuladhar Chaliha** (Assam Valley: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Indian Penal Code.”

The motion was adopted.

**Mr. Kuladhar Chaliha**: Sir, I introduce the Bill.

## THE RECIPROCITY BILL.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to make provision in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British Possessions on a basis of reciprocity.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to make provision in regard to entry, residence, the acquisition, holding or disposal of property, franchise, the holding of public office, or the carrying on of any occupation, trade, business or profession in British India by persons domiciled in the British Possessions on a basis of reciprocity."

The motion was adopted.

**Mr. Govind V. Deshmukh**: Sir, I introduce the Bill.

---

## THE INDIAN SALT (AMENDMENT) BILL.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Salt Act, 1882, for a certain purpose.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Salt Act, 1882, for a certain purpose."

The motion was adopted.

**Mr. Badri Dutt Pande**: Sir, I introduce the Bill.

---

## THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was negatived.

---

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**Babu Kailash Behari Lal** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908, for certain purposes.”

The motion was adopted.

**Babu Kailash Behari Lal**: Sir, I introduce the Bill.

---

### THE USURIOUS LOANS (AMENDMENT) BILL.

**Mr. Kuladhar Chaliha**: Sir, I move for leave to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill to limit rates of interest and for that purpose further to amend the Usurious Loans Act, 1918.”

The motion was adopted.

**Mr. Kuladhar Chaliha**: Sir, I introduce the Bill.

---

### THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) AMENDMENT BILL.

**Mr. B. Das** (Orissa Division: Non-Muhammadian): Sir, I move for leave to introduce a Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.

In this connection, I would like to make only one observation. I wish I had introduced this Bill last week before the Ludhiana Conference took place. I am introducing this Bill only a week later.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill to amend the Indian States (Protection against Disaffection) Act, 1922, for a certain purpose.”

The motion was adopted.

**Mr. B. Das**: Sir, I introduce the Bill.

---

### THE OVERSEAS INDIANS RECIPROCITY BILL.

**Mr. Mohan Lal Saksena** (Lucknow Division: Non-Muhammadian Rural): Sir, I move for leave to introduce a Bill to safeguard the rights and interests of Indian Nationals abroad.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill to safeguard the rights and interests of Indian Nationals abroad.”

The motion was adopted.

**Mr. Mohan Lal Saksena**: Sir, I introduce the Bill.



## THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926.”

The motion was adopted.

**Mr. Akhil Chandra Datta**: Sir, I introduce the Bill.

---

## THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

[AMENDMENT OF SUB-SECTIONS 3(1) AND 3(3).]

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Hindu Women's Rights to Property Act, 1937. [*Amendment of sub-sections 3(1) and 3(3).*]

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Hindu Women's Rights to Property Act, 1937. [*Amendment of sub-sections 3 (1) and 3 (3).*]”

The motion was adopted.

**Mr. Akhil Chandra Datta**: Sir, I introduce the Bill.

---

## THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Medical Council Act, 1933.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

“That leave be granted to introduce a Bill further to amend the Indian Medical Council Act, 1933.”

The motion was adopted.

**Qazi Muhammad Ahmad Kazmi**: Sir, I introduce the Bill.

---

## THE CONTEMPT OF COURTS (AMENDMENT) BILL.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Contempt of Courts Act, 1926, for certain purposes.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Contempt of Courts Act, 1926, for certain purposes."

The motion was adopted.

**Mr. Akhil Chandra Datta**: Sir, I introduce the Bill.

---

#### THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

**Babu Kailash Behari Lal** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Provincial Insolvency Act, 1920."

The motion was adopted.

**Babu Kailash Behari Lal**: Sir, I introduce the Bill.

---

#### THE PRESIDENCY-TOWNS INSOLVENCY (AMENDMENT) BILL.

**Babu Kailash Behari Lal**: Sir, I move for leave to introduce a Bill further to amend the Presidency-towns Insolvency Act, 1909.

**Mr. President** (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Presidency-towns Insolvency Act, 1909."

The motion was adopted.

**Babu Kailash Behari Lal**: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th February, 1939.