

# LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 6th AUGUST, 1934

Vol. VII—No. 1

## OFFICIAL REPORT



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# LEGISLATIVE ASSEMBLY.

*Monday, 6th August, 1934.*

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

## QUESTIONS AND ANSWERS.

### TRANSFER OF THE RAILWAY MAIL SERVICE SORTERS FROM ALLAHABAD TO JUBBULPORE AND GAYA.

348. \***Seth Liladhar Chaudhury** : (a) Is it a fact that the sorters of F2 and P15 sections of the R. M. S. Department have been transferred from Allahabad to Jubbulpore and Gaya respectively ?

(b) Is it a fact that these changes have been made against the wishes of the employees concerned ?

(c) Is it a fact that the employees of F2 and P15 sections are the permanent residents of Allahabad and the United Provinces, and these transfer orders have placed them in an awkward and embarrassing position ?

(d) Is it a fact that, despite the protest of the said employees, these changes have been made and in spite of their repeated representations, no provision has been made for the increase in their respective allowances, nor is any extra amount sanctioned for compensating them for their house-rent and transportation expenses ?

(e) Is it a fact that the transfers of these employees were ordered contrary to the terms of the agreement made with them at the time when they were employed in the service ?

(f) Are Government aware that the transfer of the United Provinces men to the Central Provinces will create a lot of inconveniences and difficulties to them in shifting their parental homes to a strange place and furthermore will create a great hindrance in the progress of the education of their children, who are at present prosecuting their studies in the United Provinces, and are not familiar with the curriculum of the Central Provinces schools ? If so, will Government please state what special provision in the salaries of the said employees they are prepared to make ?

(g) If the answer to part (f) be in the negative, are Government prepared to cancel the transfer orders of the said employees and allow them to work in the same manner as they are working at present ?

(h) Is it a fact that instead of giving an increase to the employees of F2 and P15 sections, a further reduction has been ordered in their pay and the future scale of payment ? If so, will Government be pleased to state the rule under which this has been done ?

**The Honourable Sir Frank Noyce :** (a) to (h) : Information has been called for, and a reply will be placed on the table of the House in due course.

#### SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

349. \***Seth Liladhar Chaudhury :** Will Government be pleased to state whether the scheme of Provincial Service in the R. M. S. Department, which was introduced in 1920, has proved satisfactory both to the public and to Government ? If so, will Government be pleased to state how far this scheme has enabled them to make an economy in the expenditure ? If not, will Government be pleased to state whether they are prepared to revise their decision and to revert to the old system ?

**The Honourable Sir Frank Noyce :** By the term, "The scheme of Provincial Service in the Railway Mail Service Department", it is presumed that the Honourable Member refers to the abolition of the separate Railway Mail Service Circles and the transfer of the administration of the Railway Mail Service to the heads of postal circles. No such scheme was introduced in 1920, though a scheme was considered in that year but was not adopted. It was, however, again taken up in 1926 as the result of a recommendation made by the Posts and Telegraphs Department Committee of 1924-25, and, the transfer of the control of the Railway Mail Service to the heads of postal circles was gradually completed during the years 1926 to 1929. The reasons for the change were chiefly administrative, although an economy in expenditure has also resulted. Government regret that they are not in a position to supply the exact figures as to the savings effected. They are, however, satisfied that substantial administrative and financial benefits have resulted and they do not propose to revise their decision or revert to the old system.

#### SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

350. \***Seth Liladhar Chaudhury :** (a) Is it a fact that in spite of the Provincial Service scheme in operation the employees of the C27 and C28 sections of the Railway Mail Service are made to run through three Provinces, that is to say, they have to run from Howrah to Lucknow and *vice versa* and thus they have to pass through the provinces of Bengal, Bihar and Orissa and the United Provinces of Agra and Oudh ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what particular difficulty they experience in allowing the sorters of F2 and P15 sections to run from Allahabad to Jubbulpore and *vice versa* ?

(c) If the answer to part (a) be in the negative, and if Government are not prepared to accede to the request of the sorters of F2 and P15 sections, are Government prepared to open a new Record Office of F. Division at Allahabad on the same lines as the one already in existence at Jhānsi, without incurring any extra expenditure according to the scheme submitted by the sorters of the said division in a memorial to the Post Master General, Nagpur, Enquiry Committee, Madras and Retrenchment Committee, New Delhi, in which the memorialists have submitted that a net saving of Rs. 5,000 per annum can be made by the Postal Department, if the authorities are prepared to abolish the Record Office at Jubbulpore and change it into a Sub-Record Office without discharging a single hand and facing any inconvenience in the efficiency of the work ?

**The Honourable Sir Frank Noyce :** (a) to (c). Information has been called for, and a reply will be laid on the table of the House in due course.

**MILEAGE ALLOWANCE TO THE TICKET CHECKING STAFF.**

351. **\*Khan Bahadur Haji Wajihuddin :** With reference to the reply to starred question No. 132 (a), (i), (ii) and (iii), dated the 16th February, 1934, regarding mileage allowance to the ticket checking staff, given in this House, will Government be pleased to state if a deviation from the Standing Rules of the administration is admissible on the Indian State Railways without an amendment of the said rules ?

**Mr. P. R. Rau :** The reply to this will depend on the nature of the rule in question. As regards the rule referred to in question No. 132, I have nothing to add to the reply given by me on the 16th February.

**ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

352. **\*Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state the result of their enquiries in respect of starred question No. 133, parts (a) and (b), dated the 16th February, 1934, regarding allowances of the Travelling Ticket Inspectors on the East Indian Railway, and state why the mileage allowance of the old Travelling Ticket Inspectors has been compulsorily substituted by the consolidated allowance ?

**Mr. P. R. Rau :** The reply to parts (a) and (b) of starred question No. 133 has been laid on the table of the House.

Regarding the latter part of the question, I would again refer the Honourable Member to the reply given to Sardar Sant Singh's starred question No. 476, on the 4th September, 1933.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if the question of allowances has been finally decided ?

**Mr. P. R. Rau :** I think that certain memorials are at present under consideration.

**Mr. Lalchand Navalrai :** The Honourable Member has always been saying that they are under consideration ?

**Mr. P. R. Rau :** They are not always under consideration, Sir.

**Mr. Lalchand Navalrai :** May I now know from the Honourable Member when he can remove the anxiety of these men and when Government will say whether they are going to get back those allowances or not ?

**Mr. P. R. Rau :** I cannot remove the anxiety of these men and say definitely before considering the memorials whether they will get whatever they were in receipt of.

**Mr. M. Maswood Ahmad :** Have Government received the replies from the Agents ?

**Mr. P. R. Rau :** Replies have been received recently.



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### RULES FOR THE SUBMISSION OF MEMORIALS ON STATE RAILWAYS.

353. \***Khan Bahadur Haji Wajihuddin** : With reference to the reply to unstarred question No. 141, parts (a) to (d), dated the 6th March, 1934, will Government be pleased to state, if there are no different rules regarding the submission of memorials on different State Railways, what the circumstances were under which the Agent, East Indian Railway, has been held competent to dispose of such memorials which, based on the same subject, were forwarded by the Agent, North Western Railway, to the Railway Board ?

**Mr. P. R. Rau** : Rules regarding the submission of memorials on the State-managed Railways are the same. But even though an Agent is empowered to deal finally with certain memorials, there is nothing to prevent him from forwarding such memorials to the Railway Board, if he wishes to do so.

### MEMORIALS REGARDING PAY AND ALLOWANCES OF RAILWAY EMPLOYEES.

354. \***Khan Bahadur Haji Wajihuddin** : With reference to the reply to unstarred question No. 142, dated the 6th March, 1934, will Government be pleased to state if the case of the old Travelling Ticket Inspectors of the Accounts Department, on the East Indian Railway, who are now employed under the Operating Department under the Moody-Ward scheme of ticket checking, is not a class case and whether it is not a case under which the conditions of service, on which these men were engaged have been adversely affected in respect of emoluments, provident fund deductions, retiring gratuity and future prospects, etc. ?

**Mr. P. R. Rau** : The answer to the first part of the question is in the affirmative. As regards the second part, the *ex*-Travelling Ticket Inspectors were, on the abolition of their posts, offered other posts as an alternative to retrenchment, which they accepted. It is not, therefore, a case of alteration of conditions of service.

### MEMORIAL FROM THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

355. \***Khan Bahadur Haji Wajihuddin** : With reference to the reply to unstarred question No. 142 (d), (f) and (g), dated the 6th March, 1934, and to the memorial from the Travelling Ticket Inspectors on the East Indian Railway, will Government be pleased to give a reply now to these questions ?

**Mr. P. R. Rau** : The memorial referred to is under consideration.

### INFORMATION PROMISED IN REPLY TO CERTAIN QUESTIONS ASKED IN THE LEGISLATIVE ASSEMBLY.

356. \***Khan Bahadur Haji Wajihuddin** : Will Government be pleased to give a reply to the undernoted questions, promised to be given in due course :

Unstarred questions Nos. 212, 213, 214, 215 and 216, dated the 19th March, 1934 ; and No. 140, dated the 6th March, 1934 ; and starred questions Nos. 180, 181 and 182, dated the 21st February, 1934 ?

**Mr. P. R. Rau :** Replies to all, except one of the questions referred to by the Honourable Member, have been laid on the table of the House. Government are making further inquiries in regard to question No. 216.

**MODIFICATION IN THE MOODY-WARD SCHEME ON THE EAST INDIAN RAILWAY.**

357. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are contemplating some modification in the present Moody-Ward scheme ?

(b) Is it a fact that reduction amongst Travelling Ticket Examiners is anticipated as a result of any modification ?

(c) Are Government prepared to issue instructions to the East Indian Railway authorities that in any such change the retention of Travelling Ticket Examiners should be strictly based according to seniority and as per recommendations of the Court of Enquiry and that no other factors should be allowed to govern the issue ?

**Mr. P. R. Rau :** I have called for certain information, and a reply will be laid on the table in due course.

**SAFEGUARDING OF THE INDIAN FILM INDUSTRY.**

358. **\*Mr. B. V. Jadhav :** (a) Have Government noticed the announcement in the Press that foreign producers of cine-films are going to produce their pictures in Indian vernaculars, in competition with Indian talkies ?

(b) If so, what steps do Government propose to take to safeguard the Indian film industry in the face of this competition ?

(c) What consideration have Government given to the suggestion of the Motion Picture Society of India to levy a protective duty of Rs. 3-8-0 per every foot of foreign film produced in Indian vernaculars ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) and (c). The suggestion of the Motion Picture Society of India on this subject is under examination.

**DEFINITION OF "MACHINERY" PERTAINING TO CINEMA INDUSTRY.**

359. **\*Mr. B. V. Jadhav :** Will Government be pleased to state the definition of the term "machinery" pertaining to the cinema industry as understood at present for customs purposes ?

**The Honourable Sir James Grigg :** There is no special definition of "machinery" pertaining to the cinema industry. Apparatus, or parts of apparatus, imported for the purposes of that as of any other industry are assessable under items 59A and 59D of the Import Tariff Schedules, if they satisfy the conditions laid down in those entries.

**Mr. B. V. Jadhav :** Is it a fact that the projectors were taxed at ten per cent. a few months ago, but that now they are taxed at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation of the items in the Tariff Schedule, as I have stated in my original answer.

**Mr. B. V. Jadhav :** Is it not a fact that the same machine was classified as machinery and taxed at ten per cent., while latterly it is now taxed at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation and of the precise nature of the machinery. I think what the Honourable Member has in mind is that we should apply *ex post facto* the criterion of what the machinery is used for. The tax must be based on the nature of the machinery in relation to the Tariff Schedules.

**Mr. B. V. Jadhav :** Is it not a fact that projectors are used as machinery ?

**The Honourable Sir James Grigg :** I should certainly think so.

**Mr. B. V. Jadhav :** Is it a fact that they were taxed at ten per cent. as machinery, and that they are taxed at 30 per cent. now ?

**The Honourable Sir James Grigg :** They can be used for other purposes as well as cinema purposes.

**Mr. S. C. Mitra :** Will Government consider the question of giving a rebate if they find that the projector has been used as machinery for the cinemas ?

**The Honourable Sir James Grigg :** No, Sir. As I said just now, I do not think Government can possibly apply *ex post facto* tests and revise customs duty in accordance with the use to which the machinery is put, once it has passed the customs.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I know when this change was introduced, by putting them under the category which brings them under 30 per cent. duty, while for many years they were put under the category of machinery and levied only ten per cent ? When was this change made by the customs authorities ?

**The Honourable Sir James Grigg :** There is no change at all. It is a question of the interpretation of the descriptions in the Tariff Schedules.

**Diwan Bahadur A. Ramaswami Mudaliar :** When was this new interpretation put ?

**The Honourable Sir James Grigg :** I do not admit that there was any new interpretation.

**Mr. Gaya Prasad Singh :** Is it not a fact that the projectors were charged at ten per cent. before ; and they are now charged at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation of the *items* in the Tariff Schedules. If the projectors satisfy one specification, they are charged at the lower rate. If they don't, they are charged at the higher rate.

**Mr. Vidya Sagar Pandya :** Is it after the financial difficulties of the Government of India increased that the new interpretation was put and 30 per cent. was charged instead of ten as formerly ?

**The Honourable Sir James Grigg :** I should not think so. I should not think that the difference was a vital element in the budgetary equilibrium of India.

**Diwan Bahadur A. Ramaswami Mudaliar :** Will the Honourable gentleman tell us from what date this new rate of duty is being enforced ?

**The Honourable Sir James Grigg :** I do not admit that there is a new rate. What I am contending is that the rates have been charged in accordance with the decisions as to which category the articles fall into.

**Mr. B. V. Jadhav :** It is a revised rate. From what date has this revised rate been enforced ?

**The Honourable Sir James Grigg :** I have already answered that question.

**Mr. T. N. Ramakrishna Reddi :** These projectors were originally charged ten per cent. Now they are charged 30 per cent. Does the Honourable Member deny that ?

**The Honourable Sir James Grigg :** The rates on the various items have been charged in accordance with the judgment arrived at by the Collectors of Customs as to which category they fall into.

**Diwan Bahadur A. Ramaswami Mudaliar :** From time to time ?

**The Honourable Sir James Grigg :** From time to time.

#### RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPH COMMITTEE.

360. **\*Mr. B. V. Jadhav :** Will Government be pleased to state when they propose to take action on the recommendation of the Indian Cinematograph Committee (*vide* paragraph 208, page 98 of the report published in the year 1928) to make it "obligatory on all exhibitors to show at every exhibition a small percentage of educational films" for a period not exceeding 15 minutes and not less than 10 minutes ?

**Mr. G. S. Bajpai :** Consideration of the proposal of the Indian Cinematograph Committee, referred to by the Honourable Member, was dependent upon the constitution of a Central Cinema Bureau which was also recommended by the Committee. The scheme regarding the Bureau did not, however, find favour with most of the Local Governments and trade interests consulted and had to be dropped.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I suggest that a reference be made now to the Local Governments in view of the rate of development of this industry in recent times ?

**Mr. G. S. Bajpai :** I would convey that suggestion to the Department concerned. I am merely concerned with educational films.

#### MOTION PICTURE INDUSTRY OF INDIA.

361. **\*Mr. B. V. Jadhav :** Are Government prepared to consider the inclusion of the motion picture industry of India among the industries that will be treated by the Bureau of Industrial Intelligence and Research attached temporarily to the Indian Stores Department ?

**The Honourable Sir Frank Noyce :** The Government of India have not drawn up any detailed list of Industries to which the activities of

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the proposed Bureau of Industrial Intelligence and Research will be confined. It will be sometime before a detailed scheme for the working of the new Bureau is formulated, but it will be open to 'the motion picture industry' to approach the Bureau when it starts to function for such assistance as it may be able to give.

#### FILM DEPARTMENT OF THE RAILWAY PUBLICITY BUREAU.

362. **\*Mr. B. V. Jadhav :** Will Government be pleased to state whether the Film Department of the Railway Publicity Bureau is functioning? If not, how long did it function? How many films have they produced, and how much money have they spent on the production of the films?

**Mr. P. B. Rau :** The reply to the first part of the question is in the negative. The work of production of cinema films was undertaken from 1927 to 1931. The total number of films produced was 101 and the cost of their production was Rs. 3,19,071.

**Mr. B. V. Jadhav :** Is it not very high cost?

#### SELECTION BOARDS OF THE OPERATING AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

363. **\*Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state the date from which Selection Boards have been functioning on the Operating and Commercial Departments of the East Indian Railway?

(b) Are substantive promotions to selection post or posts in special grades made on the recommendations of the Selection Boards only and not according to the choice of a single officer?

(c) Is the same principle observed when making officiating appointments to vacancies in the special grades or selection posts?

(d) If the reply to part (c) be in the negative, will Government please state the guiding principle observed in connection with such officiating arrangements?

**Mr. P. B. Rau :** With your permission, Sir, I shall reply to this and the next question together. I have called for information, and will lay a reply on the table of the House in due course.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if he knows whether these Selection Boards consist of officials only or of non-officials also?

**Mr. P. B. Rau :** I do not think they would normally contain non-officials.

**Mr. Lalchand Navalrai :** Will you please make an inquiry about that?

**Mr. P. B. Rau :** I do not see any reason why non-officials should be on these Selection Boards.

**PROMOTIONS IN THE COMMERCIAL DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†364. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state the principle and the procedure prescribed when making substantive promotions to posts in the category of "Special Grades" in the Commercial Department of the East Indian Railway?

(b) Is the same procedure followed when making officiating appointments to these posts?

(c) If the reply to part (b) be in the negative, will Government please state the procedure that should be observed?

**ABSENCE OF MUSLIM STENOGRAPHERS IN CERTAIN GOVERNMENT OF INDIA DEPARTMENTS.**

365. \***Maulvi Sayyid Murtuza Saheb Bahadur** : (a) Is it a fact that permanent Muslim stenographers are conspicuous by their absence in the following departments of the Government of India :

- (i) Home,
- (ii) Finance,
- (iii) Commerce,
- (iv) Legislative Department,
- (v) Legislative Assembly Department, and
- (vi) Army Department,

and that there is only one stenographer out of a cadre of six or seven stenographers in the Department of Education, Health and Lands, and that the same is the case in the Foreign and Political Department?

(b) Will Government please state if their attention was ever invited to the paucity of Muslim stenographers in the Government of India Secretariat and to the injustice thus done to Muslims? If so, will Government kindly state why no steps were taken to increase the number of Muslim stenographers in the Government of India Secretariat?

**The Honourable Sir Henry Craik** : (a) There are no Muslim stenographers in the Finance, Commerce, Legislative and Legislative Assembly Departments, but there is one in the Home Department, (at present on deputation elsewhere), and one in the Army Department. Of five permanent stenographers in the Education, Health and Lands Department one is a Muslim, and in the Foreign and Political Department one of six is a Muslim.

(b) The attention of the Government has been drawn to the desirability of appointing Muslims to stenographers' posts. Government always consider the claims of qualified Muslims, but it must be remembered that vacancies in this grade are not of frequent occurrence.

**Maulvi Sayyid Murtuza Saheb Bahadur** : Am I to understand that there are no qualified Muslims even in the Provinces—in which case Government may, I hope, be pleased to have them drafted therefrom to the Government of India offices?

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†For answer to this question, see answer to question No. 363.

*The Honourable Sir Henry Craik* : I have no doubt that there are a number of qualified Muslims in the Provinces. I think a later question on today's paper deals with that suggestion that stenographers should be drafted from the Provinces to the Government of India.

*Mr. Amar Nath Dutt* : May I know if Government take the religious persuasion of a particular individual into consideration in making appointments ?

*The Honourable Sir Henry Craik* : I think in order to retain the proper communal proportions, that has to be considered.

*Mr. Amar Nath Dutt* : Sir, "community" is one thing and "religion" is another. I am now speaking of "religion".

*The Honourable Sir Henry Craik* : I do not quite see the difference.

*Mr. Lalchand Navalrai* : May I know if, in order to meet that inequality, Government propose to take those persons that have to be taken in on that account only or also on the ground of efficiency ?

*The Honourable Sir Henry Craik* : Efficiency is certainly considered ; it is necessary for every stenographer. I understand, to pass a qualifying examination.

*Mr. Lalchand Navalrai* : May I know if all the recruitment that is to take place is through the Public Service Commission ?

*The Honourable Sir Henry Craik* : Yes, that is so.

*Mr. M. Maswood Ahmad* : Will Government state what is the test of efficiency for a stenographer ?

*The Honourable Sir Henry Craik* : I am afraid I cannot say that off-hand.

*Mr. M. Maswood Ahmad* : Will Government please state whether any attempt has been made during the last two years to appoint any stenographer in the Home Department ?

*The Honourable Sir Henry Craik* : I have only been in charge a week, but I believe that there have been no vacancies during the last year or so.

#### MUSLIM STENOGRAPHERS IN RECEIPT OF SPECIAL PAY IN THE GOVERNMENT OF INDIA SECRETARIAT.

366. *\*Maulvi Sayyid Murtuza Saheb Bahadur* : (a) Is it a fact that in the Government of India Secretariat, stenographers working with Honourable Members, get a special pay of Rs. 150 per mensem, each, while those attached to Secretaries and Joint Secretaries get a special pay of Rs. 50 per mensem, each, only ?

(b) Will Government kindly state if there is any Muslim stenographer in the Secretariat who is in receipt of such a special pay ?

(c) If the answer to part (b) above be in the affirmative, will Government please state if they intend to take any steps to remove this grievance of the Muslim community ?

*The Honourable Sir Henry Craik* : (a) The reply is in the affirmative.

(b) Yes, at present there is one in the Railway Department.

(c) I presume that the Honourable Member wishes to know what action Government intend to take to increase the number of Muslim stenographers in posts carrying special pay. If so, I must point out that selection for these posts is governed by fitness and not by communal considerations.

**Maulvi Sayyid Murtuza Saheb Bahadur :** May I know from the Honourable Member if he knows that the Muslims have never asked that inefficient and incompetent hands should be entertained in any Department of the Government services ? (Hear, hear.)

**The Honourable Sir Henry Craik :** I will take the Honourable Member's word for it.

**Mr. Amar Nath Dutt :** Do Government propose to take steps to convert men of one religious faith into another, in order to equalize representation in the services ?

**The Honourable Sir Henry Craik :** The answer is an unhesitating negative.

**Maulvi Sayyid Murtuza Saheb Bahadur :** Is it not a fact that the importance of the Muslim community as a community has been recognized by the Government in matters relating to all these appointments ?

**The Honourable Sir Henry Craik :** Yes, Sir.

#### APPOINTMENT OF MUSLIM STENOGRAPHERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

367. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the Government of India in the Home Department have recently issued a resolution fixing the percentage of Muslims in the services at 25 ?

(b) Is it a fact that in the whole of the Secretariat of the Government of India there are only five Muslim stenographers working as follows :

- (i) one in the Foreign and Political Department ;
- (ii) one in the Education, Health and Lands Department ;
- (iii) one in the Agricultural Research Council ; and
- (iv) two in the Industries and Labour Department ;

against about fifty stenographers belonging to other communities ?

(c) Is it a fact that very well qualified Muslim stenographers are available in the various Provincial Governments who would be quite prepared to come to the Government of India ?

(d) Will Government please state whether in order to remove this disparity, they are prepared to ask Local Governments to submit the names of properly qualified Muslim stenographers for employment in the Government of India Secretariat ?

(e) Is it a fact that in the past some Hindu and Christian stenographers were exempted from the general test of the Public Service Commission and are now working permanently in the Government of India Secretariat ?



(f) Do Government likewise propose to exempt such Muslim stenographers, (who are considered competent by their officers), as may wish to come from the Provincial Governments to the Government of India Secretariat ?

**The Honourable Sir Henry Craik :** (a) The Resolution in question provides that 25 per cent. of vacancies to be filled by direct recruitment will be reserved for Muslims.

(b) My information is that out of 71 stenographers, temporary and permanent, nine are Muslims.

(c) I have no information.

(d) The normal method of recruitment is from candidates who have passed the test prescribed by the Public Service Commission. But provision exists for the appointment of candidates with special qualifications, and applications from such candidates will be duly considered.

(e) In the past, the Public Service Commission have exempted, one Hindu and one Christian, from the prescribed test, but these exemptions were not made on communal grounds.

(f) No.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state for what reasons these exemptions were made ?

**The Honourable Sir Henry Craik :** I am afraid I have no exact information on that point, but I imagine that it was because the two persons in question had previous special experience and qualifications. If the Honourable Member so desires, I shall be glad to look into the matter further.

**Maulvi Sayyid Murtuza Saheb Bahadur :** May I know whether, if the Muslims also satisfy the same condition, or conditions, they will come under the same category as those that have already been exempted on these grounds ?

**The Honourable Sir Henry Craik :** Yes, I should say, certainly, Sir.

#### GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS.

368. **\*Mr. S. G. Jog :** (a) Has the attention of the Government been drawn to an article under the heading of "A suggestion to the Railway Board" published in the *Railway Times*, Bombay, dated the 23rd June, 1934 ?

(b) Is it a fact that the Agent's reply referred to therein has proved that the Travelling Ticket Examiners are utilised in other than their legitimate duties ?

(c) Did the Public Accounts Committee give its consent to retain the Moody-Ward system under the Operating control ? If so, when ? Or was the consent given in respect of the Crew system which has been abolished ?

(d) When was the Crew system abolished and when were these recommendations made, as quoted in paragraph 2 of the said article ?

(e) Is it true that the questions about mileage allowance and grade promotion are under the consideration of the administration, as mentioned in paragraph 4 of the said article ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state when the decision is likely to be given ?

(g) Will Government be pleased to state if the complaint contained in paragraph 6 of the said article is true, and if so how is it being overcome by the East Indian Railway authorities ?

(h) Is it true that an employee drawing Rs. 200 pay and with longer service is held junior to a man drawing Rs. 160 pay and with shorter service ?

(i) Do Government propose to consider the advisability of having a joint check by Accounts and Operating on the lines suggested in the concluding paragraph of the said article ? If not, why not ?

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

(b) I presume, my Honourable friend is referring to the reply given to question No. 155, asked by himself, on the 16th February, 1934. If so, the fact that Travelling Ticket Examiners have duties in addition to checking tickets does not imply that these duties are not part of their legitimate duties.

(c) I would refer the Honourable Member to paragraph 47 of the Proceedings of the Public Accounts Committee which examined the accounts of 1929-30 and to the evidence recorded in pages 39—43 of Volume II of the report.

(d) The Crew System was abolished from June, 1931. As regards the second part of the question the date on which the question was discussed by the Public Accounts Committee, if my Honourable friend is referring to it, was 27th November, 1931.

(e) Two memorials, one from the Travelling Ticket Examining staff of the North Western Railway and one from the Ticket Examining staff of the East Indian Railway, are under the consideration of the Railway Board in consultation with the Agents of the railway administrations.

(f) I regret I am unable to give an exact date, but I hope it will not take long, as the remarks of the administrations concerned have been recently received.

(g) and (h). These are matters entirely within the competence of the Agent, East Indian Railway, and Government are not prepared to interfere ; but I am sending a copy of the question to the Agent for information.

(i) Government do not contemplate making any change at present in the organisation of this department.

#### CLASSIFIED SENIORITY LIST OF STATE RAILWAY EMPLOYEES.

369. \***Mr. S. G. Jog :** Is it a fact that Government have informed this House in reply to unstarred question No. 95 on the 24th February, 1934, that the classified seniority list of State Railway employees are meant for departmental use and not for publication ? If so, will Government please state :

(a) whether any Department of Government publishes its classified lists ;

- (b) whether the lists for sale shown in the catalogue of the publications by the Superintendent, Government Printing, are departmental classified lists or otherwise ;
- (c) the rule or order notified in the Gazette or otherwise notifying that such lists should not be notified to the staff ;
- (d) the method, means, or ways of getting acquainted with the seniority or juniority of the staff amongst themselves ;
- (e) how the seniority or juniority of the Financial Commissioner, Railways, stood on the 1st July, 1934, amongst his colleagues and officers of the Accounts and Audit Services ;
- (f) how the Financial Commissioner, Railways, came to know about his position on the list when it is never notified to the staff ; and
- (g) whether Government now propose to publish and notify to the staff and place a copy of the classified seniority lists in the Library of this House, and if not, why not ?

**Mr. P. R. Rau :** Yes.

- (a) So far as I am aware no Department of the Government of India publishes classified seniority lists of subordinate staff.
- (b) If my Honourable friend will kindly inform me what publications in the catalogue he refers to, I shall endeavour to give him a reply.
- (c) There is no such rule or order. If my Honourable friend will refer again to the reply he refers to, he will find that I did not say that these lists should not be notified to the staff.
- (d) I am not aware that at present subordinate staff have any difficulties in finding their relative seniority ; they have only to apply to their superior officers.
- (e) The latest classified list of officers in the Finance Department, Government of India, and the Departments under its administrative control is up to the 31st May, 1934, and a copy is, I believe in the Library of the House. If my Honourable friend is interested in knowing the relative position of the present Financial Commissioner of Railways, as compared with the other officers in the Indian Audit and Accounts Service, he can find the information in page 19 of that list.
- (f) My Honourable friend's assumption in the second part of the question is incorrect. Classified lists of Gazetted Officers are usually compiled by Departments of the Government of India including the Railway Department, and are published.
- (g) A copy of the classified list of officers of all railways, corrected up to the 31st December, 1933, is in the Library of the House.

The printing of seniority lists of subordinates is a matter for the Railway administrations to decide with reference to their utility for departmental use, and Government are not prepared to issue general instructions that seniority lists of all subordinates should be printed. I understand, however, that State-managed Railways generally print lists of subordinates in grades rising to Rs. 250 and over.

**PROMOTIONS IN CERTAIN GRADES ON THE LUCKNOW AND MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.**

370. \***Mr. S. G. Jog** : Is it a fact that Government informed this House on the 2nd March, 1934, in reply to the starred question No. 323 (a), that the collection of the information regarding promotions in certain grades on the Lucknow and Moradabad Divisions of the East Indian Railway, is likely to involve a considerable amount of labour ? If so, will Government please accept the cost of labour from me and collect the required information ?

**Mr. P. R. Rau** : The answer to the first part of the question is in the affirmative, and to the second in the negative.

**APPRECIATION OF THE WORK OF TRAVELLING TICKET EXAMINERS.**

371. \***Mr. S. G. Jog** : Is it a fact that the working of the Travelling Ticket Examiners during the period 1916—28, was considered satisfactory and as such was appreciated by the authorities ?

**Mr. P. R. Rau** : I have not been able to trace any reports received by the Railway Board on the subject.

**CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

372. \***Mr. S. G. Jog** : (a) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway during the period 1916—28 was under the Audit Department ?

(b) Is it a fact that the principal function of the cadre of the Travelling Ticket Examiners under the Audit Department was to check and to detect unauthorized travelling, frauds or irregularities of the Traffic Department ?

(c) Is it a fact that under the Audit Department the Travelling Ticket Examiners unearthed the irregularities of the Traffic Department ?

(d) Is it a fact that to achieve the complete check and detection of irregularities the Audit Department is created ?

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

(b) Their duties consisted in checking tickets of passengers in trains and collecting the proper fares and any penalties due from passengers found travelling without tickets.

(c) Travelling Ticket Examiners were expected to endeavour to detect all irregularities which came within the scope of their duties.

(d) It is one of the functions of the Audit Department to examine the accounts in order to detect irregularities, if any.

**CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

373. \***Mr. S. G. Jog** : (a) Will Government please state the circumstances under which the Divisional Superintendents on the North Western Railway in 1925 assembled and unanimously decided to take

over the control and working of the cadre of Travelling Ticket Examiners from the Audit Department ?

(b) Will Government please lay on the table a copy of the minutes of the meeting of the Divisional Superintendents ? If not, why not ?

**Mr. P. R. Rau :** (a) The decision was based on the consideration that better supervision over travelling ticket examining staff would be possible with Divisional Superintendents and their District Officers constantly travelling about.

(b) No. These documents are confidential.

#### UNAUTHORISED TRAVELLING BY THE PERSONNEL OF THE RAILWAY TRAFFIC DEPARTMENT.

374. **\*Mr. S. G. Jog :** Is it a fact that the personnel of the Traffic Department, both officers and subordinates, enjoy the privilege of unauthorized travelling ?

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

#### CARRYING OF RELATIVES AND FRIENDS OF TRAFFIC DEPARTMENT OFFICERS IN THEIR INSPECTION CARRIAGES.

375. **\*Mr. S. G. Jog :** Is it a fact that officers of the Traffic Department do carry with them in their respective Inspection Carriages, their friends and unauthorized relatives without tickets or permits ?

**Mr. P. R. Rau :** No Railway officer is permitted to carry with him in Inspection Carriages his friends or relatives without proper tickets or passes.

#### CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

376. **\*Mr. S. G. Jog :** (a) Is it a fact that the cadre of Travelling Ticket Examiners was formed on the North Western Railway under the Audit Department in 1912 ?

(b) Is it a fact that the cadre of Travelling Ticket Examiners on the North Western Railway was transferred in 1915 from the Audit Department to the Traffic Department ?

(c) Is it a fact that the Control and Working of Travelling Ticket Examiners from 1912 to 1915 was under the Audit Department ?

(d) Will Government please state the nature of duties of the Travelling Ticket Examiners performed under the Audit Department between 1912 and 1915 ?

(e) Will Government please state the circumstances under which the Control and Working of the Travelling Ticket Examiners on the North Western Railway were transferred in 1915 from the Audit Department to the Traffic Department ?

(f) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway was in 1916 retransferred from the Traffic Department to the Audit Department ?

(g) Will Government please state the circumstances under which the control and working of the Travelling Ticket Examiners on the North Western Railway were re-transferred in 1916 from the Traffic Department to the Audit Department ?

(h) Will Government please state the nature of duties of the Travelling Ticket Examiner, performed under the Traffic Department between 1915 and 1916 ?

(i) Will Government please lay on the table copies of the reports submitted both by the Audit Department and the Traffic Department on the Working of the Travelling Ticket Examiners during the period 1912—15 and 1915-16, respectively ? If not, will Government please state the source through which the efficiency or extravagancy of the cadre was judged ?

**Mr. P. R. Rau :** (a), (b), (c), (e), (f) and (g). I would refer my Honourable friend to the reply given to question No. 461, asked by Sardar Sant Singh on the 4th September, 1933.

(d) and (h). Government are not aware that the duties of Travelling Ticket Examiners changed between 1912 and 1916. Their duties presumably included checking tickets and collecting fares and penalties.

(i) I understand that no records are now available.

#### DEBT LEGISLATION.

377. **\*Rai Sahib Badri Lal Rastogi :** Are Government aware that more than one Provincial Government has introduced debt legislation in its Local Legislative Council ? Are Government also aware that the question of slump in trade is an all-India question ? If so, do Government propose in the interest of the country as a whole to take up the question of debt legislation ?

**The Honourable Sir Henry Craik :** The answer to the first two parts of the question is in the affirmative. As regards the last part, I would refer the Honourable Member to the answer given on the 19th July, 1934, to starred question No. 143, by Sir Muhammad Yakub, in which my predecessor explained why the Government of India did not consider it desirable to introduce central legislation in the matter.

**Mr. J. Ramsay Scott :** Are Government aware that the United Provinces Government are introducing legislation which penalizes the creditor for the benefit of the debtor amounting to legalized default ?

**The Honourable Sir Henry Craik :** I am aware that the United Provinces Government have under consideration legislation which does fix the rates of interest on loans, but I am not familiar with the details of that legislation.

**Mr. J. Ramsay Scott :** Are Government prepared to assist Local Governments to overcome these difficulties by supporting land mortgage banks and thus avoiding the enactment of such an objectionable and dangerous legislation ?

**The Honourable Sir Henry Craik :** I think the question of land mortgage banks is dealt with in a Resolution of the Finance Department published after the Economic Conference held last April.

**Mr. J. Ramsay Scott :** Will Government kindly consider the question and make a statement or put it on the table ?

**The Honourable Sir Henry Craik :** Which question ?

**Mr. J. Ramsay Scott :** On its attitude towards this proposed provincial legislation and land mortgage banks.

**The Honourable Sir Henry Craik :** I do not think it is fair to ask the Government of India to make a statement at present on their attitude towards provincial legislation. That is a matter for consideration when the legislation in question takes final form and emerges from the Local Legislative Council.

**Mr. Vidya Sagar Pandya :** May I ask, Sir, how far the recommendation made at the time of the Reserve Bank Bill about rural credit has progressed ?

**The Honourable Sir Henry Craik :** Would the Honourable Member mind repeating the question ?

**Mr. Vidya Sagar Pandya :** There was a recommendation made about rural credit when the Reserve Bank Bill was under consideration, and the Government had promised to take some steps in the matter. I would like to know what steps have been taken in that matter, because that will go a great deal to solve the question of interest as well as the question of land mortgage banks.

**The Honourable Sir Henry Craik :** I think that question ought really to be addressed to my Honourable colleague on my left, but I understand that the Reserve Bank Act does contain a section directing that the Bank shall set up a department to deal with rural credit, and steps are being taken to carry out that direction of the Act.

**Mr. Vidya Sagar Pandya :** I want to know what progress has been made in that direction ?

**The Honourable Sir James Grigg :** That does not arise out of the present question. If the Honourable Member puts down a question, I will be able to give an answer.

**Dr. Ziauddin Ahmad :** With reference to the question put by Mr. Scott, may I ask whether the Government of India are aware that the Government of the United Provinces have made a great mess of this question of rural indebtedness with the result that they have annoyed the landlords of the United Provinces ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Bhai Parma Nand.

**Bhai Parma Nand :** Is it a fact that the Indebtedness Relief Bill was before the United Provinces Legislative Council and that certain important changes were made in it ? Those changes required the sanction of His Excellency the Viceroy, and, therefore, the Bill has been sent to His Excellency the Viceroy for his sanction. Will the Honourable Member give us information on that point ?

**The Honourable Sir Henry Craik :** My impression is that one Bill that emerged from the United Provinces Legislative Council was submitted to His Excellency the Governor for his sanction and that he referred it back to the Council suggesting that certain amendments should be made. I am only speaking what I have read in the newspapers. That is my

impression. I do not think the legislation has advanced beyond that at present. But I speak subject to correction. I have been out of India for the last three months, and I have not closely followed what has been going on in the United Provinces.

**Dr. Ziauddin Ahmad :** With reference to the reply just given by the Honourable Member, is it a fact that this Bill, which was really stopped by the Governor, was a Government Bill and it was really based on the report of a Committee and was drafted with the approval of the Executive Council and passed by the Legislature, and then it was stopped altogether ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Is the Honourable Member giving information or is he asking for it ?

**Dr. Ziauddin Ahmad :** I am asking a question by saying " Is it a fact ? "

**The Honourable Sir Henry Craik :** The Honourable Member is himself in a much better position to answer that question. I have been out of India during the last three months, but my impression is that the Bill was certainly a Government Bill and that amendments were carried against the Government vote in the course of its passage through the Legislative Council and these amendments His Excellency the Governor found himself unable to accept. So he referred the Bill back to the Council. I am speaking subject to correction as my knowledge is drawn entirely from what I have read in the newspapers.

**Dr. Ziauddin Ahmad :** Is it a fact that the reasons for the withholding of this Bill are in this question ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Mr. Bhuput Sing.

#### CONFISCATED FUNDS NOT RETURNED TO THE CONGRESS.

378. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state the total amount of confiscated funds in each Province which are not going to be returned to the Congress ?

(b) How is it proposed to utilise these confiscated funds ?

(c) Will these funds remain in the hands of the Central Government or the Provincial Governments concerned ?

(d) Do Government propose to divert the whole amount to the Viceroy's Earthquake Relief Fund for utilisation in the affected areas of Bihar ?

(e) If not, why not ?

**The Honourable Sir Henry Craik :** (a) By section 17E of the Indian Criminal Law Amendment Act, 1908, a Local Government was empowered, if it was satisfied that any monies, securities or credits were



being used or were intended to be used for the purposes of an unlawful association, to declare such monies, etc., forfeited to His Majesty. I must make it plain that there is no question of the return of moneys so forfeited.

I regret I have no information of the total amount so forfeited in the various provinces.

(b) to (e). Forfeited moneys are credited to provincial revenues and merge in the provincial balances.

**Mr. Bhuput Sing :** Will Government kindly inquire how much money has been confiscated in all the Provinces ?

**The Honourable Sir Henry Craik :** I regret I have no information on that point.

**Mr. Bhuput Sing :** Will the Honourable Member kindly make an inquiry from the Local Governments ?

**The Honourable Sir Henry Craik :** If the Honourable Member really thinks it worth while, I shall make inquiries.

**Mr. S. C. Mitra :** Will Government please explain the principle why they make a difference between the confiscation of movable and immovable property ?

**The Honourable Sir Henry Craik :** The difference is made in the Act. There are two sections of the Act, one refers to money, credits and so on, and the other refers to immovable property.

**Mr. S. C. Mitra :** Is it not stated in the Statute that the immovable property is also confiscated and that Government can get money out of those properties by putting them into auction ?

**The Honourable Sir Henry Craik :** The Local Government can take possession of the immovable property, but it is not forfeited to His Majesty. That is the distinction.

**Mr. Bhuput Sing :** May I know if the immovable property is sometimes returned when these societies are declared lawful ?

**The Honourable Sir Henry Craik :** Yes, that is correct.

**Mr. Bhuput Sing :** Why have not the Government returned back the movable property when these societies have been declared lawful ?

**The Honourable Sir Henry Craik :** Because, in the case of cash, securities, credits, and so on, the Statute says that they can be forfeited to His Majesty. In that case, there is no question of return. In the case of the immovable property, that is to say, land or buildings, the Statute only allows the Local Government power to take possession of them. If the ban on the Association is removed, such immovable properties are returned, but not the movable properties which have been forfeited to His Majesty.

**Mr. Bhuput Sing :** Will the Government of India kindly ask the Local Governments to use this money for the relief of the distressed people who are suffering either from floods or earthquake ?

**The Honourable Sir Henry Craik :** I said that the money merges in the general provincial balances, and whether it can be applied to such purposes as the Honourable Member suggests is really a question of financial propriety.

**Mr. Amar Nath Dutt :** Will Government take steps to utilise that money for the relief of the new Finance Member ? (Laughter.)

(No answer.)

#### LIGHTING ARRANGEMENTS ON THE LONGWOOD ROADS, SIMLA.

379. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they are aware that there are no lighting arrangements on Longwood roads passing through cottages allotted to the Members of this House ?

(b) Are Government aware that there are such arrangements on the Cart Road ?

(c) Do Government propose to take any steps to remove the darkness ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No. Certain lights are provided by the Central Public Works Department, and there are also lights provided by the Municipal Committee in the neighbourhood.

(b) Yes.

(c) I would suggest that the Honourable Member might refer the matter to the House Committee. Government will give careful consideration to any suggestions made by the House Committee for the improvement of the lighting arrangements at Longwood.

#### FLOODS IN NORTH BIHAR.

380. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they have in their possession any additional information than that published in the newspapers regarding the serious floods in North Bihar ?

(b) How many lives have so far been lost and what is the extent of the damages to property ?

(c) Can relief be given out of the Viceroy's Earthquake Fund for these floods, and will local bodies be given anything out of the funds granted to Bihar and Orissa Government for earthquake relief ?

(d) Do Government propose to make a special separate grant to the Provincial Government for flood relief ?

(c) What steps have the Bihar Government taken so far to relieve the distress arising out of floods and what preventive measures have been taken ?

**Mr. G. S. Bajpai :** I lay on the table copies of the Press communiqués, issued by the Government of Bihar and Orissa, dated the 18th, 19th and 26th July, and also a copy of the Government of Bihar and Orissa's letter, dated the 30th July, 1934. It will be seen that there has been no loss of life or loss of cattle ; though some damage has been done to *katcha* houses, it is not very serious ; damage has also been done to the crops, and it is estimated that five per cent. of the *Bhadai* crop has been damaged severely in Champaran, but that the damage to the paddy is less serious. In Muzaffarpur, the extent of the damage cannot be estimated, as the water had only just shown signs of falling on the date of the report (July 28th). Necessary relief measures have been organised by the Local Government.

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*The 18th July, 1934.*

The position regarding the floods in the Tirhut Division, as ascertained up to the night of the 17th July, 1934, is as follows :

An aeroplane was obtained by the Local Government for the purpose of ascertaining the exact position. Mr. J. E. Scott, Commissioner of the Tirhut Division, flew over the whole of the affected tract and landed at Motihari. There has been an abnormal flood on the Sikrana and Burh Gandak rivers, which came down with more than the usual acceleration. This flood has caused a shallow sea to form from Motihari to Muzaffarpur but the water is extremely shallow and is not likely to cause any danger. Though numerous villages are surrounded by water, little damage appears to have been done to the house or to the inhabitants or their cattle. There is very little flooding in the Dhaka direction. The flooding on the river Bagmati has never been abnormal and gives no cause for alarm. North of Muzaffarpur eight or nine low lying villages have been washed out by the waters of the Bagmati banking up against the flood in the Bur Gandak. The inhabitants of these villages have been rescued.

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*The 19th July, 1934.*

Heavy rain at Motihari and in the hills to the north has led to flooding in the basin of the Sikrana (Burh-Gandak) river. The flood is now receding at Sugauli and is making its way towards Muzaffarpur. There is no reason for anxiety and the flood is not expected to be abnormal. The Bagmati river is low. The Commissioner of Tirhut flew over the affected area on Tuesday last. The villages likely to be affected by the flood have been warned and all precautions have been taken.

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*The 26th July, 1934.*

Up to the morning of the 23rd of July, the position with regard to the floods in North Bihar was as follows :

In Champaran the floods started to fall on the afternoon of the 17th. By the 19th the water had fallen considerably in the area round Motihari and to the west of that town. As the water passed down from the north west of the district, there was heavy flooding round Madhubani from midnight of the 17th. In this area a few village sites went completely under water and a certain number of houses have collapsed.

The flood rescue arrangements which had been organized by the Collector worked well. Sufficient boats were available and the inhabitants of submerged villages were rescued promptly and given food and clothing. By the 22nd the necessity for active relief work had ceased everywhere in Champaran except at Madhubani. The information received is to the effect that no lives, either of human beings or of cattle, were lost and that about two annas damage was done to transplanted rice in the worst affected areas. A certain amount of damage has also been done to the bhadoi crop.

In Muzaffarpur nothing serious occurred in the Hajipur Sub-division, though the Gandak river rose very high. There was flooding in the north east of the Sitamarhi sub-division, where the water had fallen by one foot by the 22nd. The brunt of the floods fell on the country to the north of Muzaffarpur in the Sadr Sub-division. The first eleven miles of the Muzaffarpur-Sitamarhi Road were breached or went under water in numerous places and villages along the line of the road were heavily inundated in Minapur, Sakra, Katra, and Muzaffarpur thanas. Here again the special flood rescue system worked well. Relief parties went out promptly in boats with money, food and fodder and a large number of refugees have been brought in to Muzaffarpur and given shelter in the Damuchak colony.

The general position is that the danger is over for the present in Champaran, north and west Sitamarhi, Darbhanga and Saran. There should be no more trouble in the portion of the Sadr Sub-division of Muzaffarpur, west of the Sitamarhi Road except damage to houses and crops from prolonged immersion. East of this line towards Pusa and Samastipur it is not yet possible to gauge the position as the flood water is now passing in that direction. The bund which protects Samastipur town has been strengthened.

In anticipation of floods, elaborate arrangements were made at the instance of Government to provide boats in unusually large numbers to organise rescue centres and to provide for refugees. The necessity for this organisation has been amply justified. This was the first occasion on which it was tested, and it is satisfactory to find that the organisation has worked efficiently. Without it, the damage caused by the flood would have been far more serious.

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*Copy of a letter No. 1145-B.R., dated the 30th July, 1934, from the Government of Bihar and Orissa, to the Government of India, Home Department.*

In reply to your telegram No. D./3312 of the 27th July, 1934, and in continuation of my telegram of the same date, I am directed to give the following additional information about the floods in the Champaran and Muzaffarpur districts—

- (a) Loss of human life reported nil.
- (b) Loss of cattle reported nil.
- (c) Damage to property :—Some damage to property has resulted from the entry of flood water into village-sites and the consequent crumbling of walls and damage to *katcha* houses. The extent of the damage thus caused cannot yet be estimated, but it is not very serious. With regard to crops, damage was done to the *bhadoi* crop in the flooded area of Champaran district, where considerable areas were under water, and it is estimated that 5 per cent. of the *bhadoi* crop in that district has been severely damaged. The damage to the paddy is less serious. No estimate of the damage done to crops in Muzaffarpur can yet be given, as the water is draining off very slowly from the central parts of the district.
- (d) With regard to the measures taken by Government in readiness for the floods, the construction of a large fleet of boats had been in progress for several months and the boats were distributed before the onset of the rains at places where they were likely to be required. Shelters for refugees were constructed after the earthquake, and these were purposely made in greater numbers than were certainly required then, so that there would be room in case of necessity for flood-refugees. Money was placed at the disposal of the Commissioner and Collectors from Famine Relief Funds and arrangements were made by the local officers and officers of the District Board to meet any situation caused by floods. The local Government arranged for an aeroplane to be available at very short notice, wherever required.

- (e) An air-reconnaissance of the flooded area was made at an early stage by the Commissioner of Tirhut, Mr. Scott, and valuable information was thus obtained. The boats have proved valuable in moving many hundreds of people from flooded sites to higher ground. The Public Works Department and district board authorities made special arrangements, to watch and strengthen and if necessary raise embankments, and the efforts of those engaged in this work prevented much more serious damage in several places,—particularly in Muzaffarpur town itself. Visits were made by officers deputed for the purpose to the badly-affected areas, by boat in many cases, and food was distributed where necessary. Arrangements were made for shelter for refugees on high ground, and in Muzaffarpur town the shelters already constructed proved extremely useful. Copies of three press communiques issued on the 18th July, 19th July, 1934, and 26th July, 1934, are enclosed. The latest news on the 28th morning is that the rivers which had begun to rise again are falling and the flood is abating.

**Mr. Gaya Prasad Singh :** May I ask, Sir, what assistance the Government of India have given or propose to give to the Bihar Government in order to cope with this situation that is arising out of the floods ?

**Mr. G. S. Bajpai :** The Government of India have not been approached by the Government of Bihar for any assistance presumably because they consider that the resources which have already been placed at their disposal by the Government of India and from the Viceroy's Relief Fund are adequate.

**Mr. Gaya Prasad Singh :** May I know if the assistance from the Viceroy's Relief Fund could be given to cope with the flood situation ?

**Mr. G. S. Bajpai :** I have a recollection of reading in the Press the other day that Rs. 50,000 have been allotted from that Fund for flood relief.

**Mr. K. C. Neogy :** Are not Government making a serious attempt to cheapen corrugated iron sheets in the interests of the distressed agriculturists ? I am simply reminding the Government of it and they can take credit for it.

**Mr. E. Studd :** Are Government taking steps to see that in the rebuilding of devastated towns, provision will be made for an improved lay-out and the abolition of the old slum areas ? Or is it Government's intention to allow the slums to be re-built ?

**Mr. G. S. Bajpai :** I should have thought that the Relief Commissioner would certainly take the elementary precaution which the Honourable Member has mentioned when he considers proposals for re-construction.

**Mr. E. Studd :** Will the Government of India be prepared to support the proposals of the Local Government for an improved re-construction.

**Mr. G. S. Bajpai :** The Government of India, as far as I know, have received no proposals from the Government of Bihar for improved re-construction of the slums, because that appears to be a question which is perfectly within the competence of the Local Government. But my Honourable friend's suggestion, if he so wishes, can be passed on to the Government of Bihar.

DECLARATION OF A PUBLIC HOLIDAY FOR *Chaitra Sudi Tryodashi*. •

381. \***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether they are aware that *Chaitra Sudi Tryodashi*, that is, the thirteenth day of New Moon in *Chait*, is the anniversary date of birth of *Mahavir*, the last *Tirthankar* of Jains, which is observed throughout India by all sects of Jains ?

(b) Do Government propose to declare it as a public holiday under the Negotiable Instruments Act ? If not, why not ?

**The Honourable Sir Henry Craik** : (a) Yes.

(b) Section 25 of the Negotiable Instruments Act, 1881, vests the power to declare any day to be a public holiday in the Local Government and not in the Government of India. The matter is, therefore, one for Local Governments.

BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

382. \***Mr. K. C. Neogy** : Is it a fact that there is very little biochemical work on the programme of the Indian Lac Research Institute at present ? If so, do Government propose to consider the abolition of the post of the biochemist, or at least recruiting one on a smaller pay suitable for the needs of the situation ?

**Mr. G. S. Bajpai** : Biochemical work has been temporarily curtailed to some extent in order to enable greater attention to be given to problems of lac manufacture and utilisation. The question is primarily one for the Indian Lac Cess Committee.

BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

383. \***Mr. K. C. Neogy** : (a) Is it a fact that the Biochemist of the Indian Lac Research Institute has not carried out any research work in the laboratory for the last 11 years ? If she has, in which publications have the results been brought out ?

(b) What are the research publications on lac by the Biochemist ?

(c) Is it a fact that the Biochemist was only a bacteriologist at Coimbatore and Kasauli, previous to her appointment in the Indian Lac Research Institute, and, that, she had no previous experience of plant biochemistry or chemistry of lac, which was the qualification required according to the terms of the advertisement ?

**Mr. G. S. Bajpai** : (a) and (b). No. A list of her publications since she joined the Institute, including publications on lac research, will be found in the statement which I lay on the table.

(c) No. Before appointment to the Lac Research Institute she had held three appointments as Biochemist at different times, and had specialised in Biochemical technique at the Lister Institute.

Post.	Academic qualifications at the time of recruitment.	Research experience on lac.	Posts held by them, salaries received and research publications before joining the Institute.	List of their individual publications since joining the Institute.
1	2	3	4	5
Bio-Chemist and Director.	B.Sc. Hons. Chem. M.Sc., A. I. C.	The Director is a qualified research worker in Organic Chemistry which includes natural resins and specialises at the Lister Institute in Biochemical technique and modern methods of research.	<p>1. Biochemist under the John Howard MacJadden Research Fund. Salary, £250 per annum.</p> <p>2. Reader in Biochemistry, Indian Institute of Science. Salary, not ascertainable.</p> <p>3. Research worker in Biochemistry under the Indian Research Fund. Salary, not ascertainable.</p> <p>4. Bacteriologist to the Government of Madras, pay, Rs. 650—50—800. (If confirmed after 3 years she was to be absorbed in the Indian Agricultural Service but she resigned before the 3 years were out.)</p> <p><i>Research publications before joining the Institute.</i></p> <ol style="list-style-type: none"> <li>1. Derivatives of Naphthacene quinone with Ch. Weizmann and R. V. Norris.</li> <li>2. Derivatives of Anthraquinone with Ch. Weizmann and R. V. Norris.</li> <li>3. The Diacetyl Reaction for Proteins with Dr. Harden.</li> <li>4. The Bacterial Production of Acetyl methyl carbinol and</li> </ol>	<p>1. A comprehensive Report covering the activities of the Indian Lac Association for Research from March, 1926 to August, 1931.</p> <p>2. Lac Research in India.</p> <p>3. Lac and Shellac Industry of India.</p> <p>4. An investigation into the plant requirements of Zizyphus Jujuba during growth and under lac cultivation with M. Rangaswami, M. Venugopalan and S. Ranganathan.</p> <p>5. A preliminary note on the use of <i>Acacia Catechu</i> (Khair) as a host alternative with Schlechtensia trijuga (Kusum) for the cultivation of <i>Tachardia Lacca</i> (Lac) with H. T. Bates and M. Rangaswami.</p> <p>6. The Lac Industry in India.</p> <p>7. Shellac.</p> <p>8. The Lac and Shellac Industry of India. } two articles in 'Capital'.</p> <p>9. Report on the State of lac cultivation and general condition of the lac industry in Burma.</p>

10. Notes on the use of Schleiermacher's trijuga (Kastner) in lac cultivation. Pruning and Cropping.
11. The establishment of Aletris Fordii (Tung Oil) in the Ranchi District of Chota Nagpur, with H. T. Bates.
12. Advice on the more profitable use of the Kusum tree as a lac host.

- 2-3 Butylene Glycol from various substances, with Dr. Harden.
5. The Bacterial Production of Acetylmethyl carbinol and 2-3 Butylene glycol from various substances Part II with Dr. Harden.
6. The Relation of Concentration of food Supply to the Generation-time of Bacteria, with Dr. Penfold.
7. A note on the bases of gasworks coal tar which are believed to be the predisposing cause of pitch cancer with special reference to their action on lymphocytes together with a method for their inactivation Part I Anxetic Action.
8. A preliminary Note on the preparation of culture media suitable for organisms used in vaccines.
9. A further note on the preparation of culture media suitable for the growth of organisms used in vaccines.
10. The preparation of culture medium suitable for the growth of organisms used as vaccines.
11. The preparation of a simplified culture medium for field workers.
12. Bacterial infection of cotton bolls with E. Ballard.



Post.	Academic qualifications at the time of recruitment.	Research experience on lac.	Posts held by them, salaries received and research publications before joining the Institute.	List of their individual publications since joining the Institute.
1	2	8	4	5
Entomologist	B.Sc. Honours ..	An honours course in Entomology includes general and special study of the methods of insect research and control, as a whole, and includes work on the group <i>Coccidae</i> into which the lac insect falls.	Demonstrator in the Zoological Department Leeds University, on a salary of £200 per annum.  No publications.	<ol style="list-style-type: none"> <li>1. Shellac by P. M. Glover, Oil and Colour Trades Journal LXXVII No. 1643 and 1652, 1930.</li> <li>2. Paper on Lac Plantations by P. M. Glover, Proceedings of the Bihar and Orissa Forest Conference, Ranchi. Published by Bihar and Orissa Forest Department.</li> <li>3. Entomological Aspects of Lac Research in India by P. M. Glover, Bulletin of Entomological Research volume LXI page 3, 30th October, 1930.</li> <li>4. A Practical Manual of Lac Cultivation by P. M. Glover, June, 1931. Published by Ind. Lac Res. Inst.</li> <li>5. A Report on the state of lac cultivation and general condition of the lac industry in Burma 1931 with two appendices by Mrs. Dorothy Norris, December 1931. Appendix 2, Entomological. Published by Ind. Lac. Res. Inst.</li> </ol>

6. The effects of temperature and Humidity on Oviposition in- cubation and emergence in the Lac Insect. *Laccifer (Tectardia)* Lacca. Kerr, (*Oecidae*) and on the result- ing crop by P. M. Glover, P. S. Negi, M. P. Misra and S. N. Gupta, 1932. Ind. Lac Res. Inst. Bull. 6.
7. Some Simple Methods of Con- trolling the Insect Enemies of Lac, by P. M. Glover, Agri- cultural Department, Bihar and Orissa. Leaflet No. 2, 1932.
8. *Aspidiotus (Furcaspis) orientalis* Newstead. (Co- coidae) its economic import- ance in lac cultivation and its control : Bull. 16. Ind. Lac Res. Inst. 1933.
9. An account of the occurrence of *Chrysomphalus, asaratis* Mask and *Laccifer lacca*, Kerr on Grape Fruit in Ranchi district, Chota Nagpur, with a note on the Chalcidoid parasites of *Aspidiotus orien- talis* Newst. In press Jour. Bombay Nat. Hist. Soc.

Post. 1	Academic qualifications at the time of recruitment. 2	Research experience on lac. 3	Posts held by them, salaries received and research publications before joining the Institute. 4	List of their individual publications since joining the Institute. 5
Physico-Chemist.	B. Sc. (Hons.) A. R. C. Sc.	Two years research on the Physico-Chemical properties of compounds on lines similar to those necessary for research on lac. Several months in the research laboratories of the General Electric Coy. whose research programme includes lac as an insulator.	<p>At the G. E. C. Research Laboratory £200 per annum.</p> <p><i>Research Publications before joining.</i></p> <p>1. Thesis for Ph.D. University of London 1929 'Chemical Fogs'.</p> <p>2. J. C. S. CXXXIX, 1930, P. 1103. 'Production of Fog in the Neutralisation of alkali with hydrogen halide.'</p>	<p>1. Res. Bul. No. 5. 'Humidity and Storage of Button Lac.'</p> <p>2. Res. Bul. No. 7. Orpiment and the Iodine Value of Shellac.</p> <p>3. Res. Bul. No. 8. The Iodine Value of Shellac.</p> <p>4. Res. Note No. 1. A note on the bleaching of shellac.</p> <p>5. Res. Note No. 2. A note on determination of shellac finity.</p> <p>6. Res. Note No. 3. A note on the swelling of shellac.</p> <p>7. Res. Bul. No. 12. Shellac drying oil combinations.</p> <p>8. Res. Bul. No. 13. Orpiment in Shellac.</p> <p>9. Res. Note No. 4. Some effects of baking shellac varnish films.</p> <p>10. Res. Note No. 5. Shellac oes for oil combination.</p>

11. Res. Note No. 6. The use of Lithophone in shellac paints.
12. Res. Note No. 7. Reconditioning shellac.
13. Capital Feb. 1933. Research for Shellac.
14. Res. Bul. No. 14. The Heat Curing of Shellac, Part.
15. Res. Note No. 9. Trioresyl Phosphate and Water Resistance of shellac.
16. Res. Note No. 11. Further notes on reconditioning shellac.
17. Res. Note No. 13. Improvement in the Heat Resistance of shellac mouldings.
18. Res. Note No. 14. Treatment of shellac varnish with theourea and Urea.
19. Res. Note No. 15. Influence of nitrogenous substances on shellac bleaching.
20. Res. Bul. No. 17. The refractive index of shellac.
21. Res. Bul. No. 19. Heat curing of shellac, Part II.
22. Res. Note No. 16. Utilisation of 'Kiri' for Plastic Mouldings.

**Mr. K. C. Neogy :** Will it not be more correct to say that these so-called researches were not based upon any laboratory work undertaken by this lady, but they embodied the results of certain field observations which are quite different from laboratory research work ?

**Mr. G. S. Bajpai :** I have not perused myself these publications of the lady, and I am, therefore, not in a position either to affirm or to contradict what my Honourable friend has said.

**Mr. K. C. Neogy :** May I draw my Honourable friend's attention to the fact that I wanted information with regard to research work in the laboratory for the last 11 years ? Do I take it that the reply to part (b) which the Honourable Member has given refers to work specifically carried out in the laboratory ?

**Mr. G. S. Bajpai :** My Honourable friend's question, part (b), reads "What are the research publications on lac by the Biochemist ?". There is no specific mention here about research work in the laboratory.

**Mr. K. C. Neogy :** I am referring to part (a) in which I want information about research work carried on by this lady in the laboratory for the last 11 years.

**Mr. G. S. Bajpai :** This lady has brought out 12 publications since joining the Institute. I expect that her publications regarding "Notes on the use of *Schleichera trijuga* (Kusum) in lac cultivation, and the establishment of *Aleurites Fordii* (Tung Oil)"—that these involve investigation in the laboratory, but I would not like to express any definite opinion on the subject.

**Mr. K. C. Neogy :** I am glad that my Honourable friend makes a reservation.

**Dr. Ziauddin Ahmad :** My Honourable friend has not studied Biochemistry and so he cannot pronounce any opinion on the subject.

**Mr. G. S. Bajpai :** I did not know that my Honourable friend, apart from having studied astronomy, had acquired first hand knowledge of Biochemistry as well.

**Mr. K. C. Neogy :** Do I take it that this lady had previous experience in plant Biochemistry or Chemistry of lac before she was appointed ?

**Mr. G. S. Bajpai :** As I have already explained to my Honourable friend, she had received training in general Biochemical technique, and I doubt very much whether, at the time when the appointment was made, it would have been possible to secure somebody with first hand knowledge of lac Biochemistry.

**Mr. K. C. Neogy :** That is what I wanted to know.

**Mr. B. Das :** What control does the Department of the Imperial Agricultural Research Council exercise on this so-called Biochemist expert and on the work that she is actually doing on the research side ?

**Mr. G. S. Bajpai :** It is not the function of the Department of the Imperial Agricultural Research Council to exercise supervision over the work of the Director, especially in its technical aspects. The Vice-Chairman of the Imperial Agricultural Research Council is the Chair-

man of the Indian Lac Cess Committee, and I dare say as such he discharges such duties as he considers proper and appropriate.

**Mr. B. Das :** Did not the Honourable Member, in reply to a question of mine, the other day, say that the Indian Lac Cess Committee does not contain any experts, rather they consisted of laymen. If so, how do the Committee exercise any control over the researches of this lady ?

**Mr. G. S. Bajpai :** I did not say in reply to my Honourable friend that the Indian Lac Cess Committee contained no experts. What I told him was that the Indian Lac Cess Committee had a number of experts, but only one Chemist.

**Mr. K. C. Neogy :** Has it struck my Honourable friend that during the last 11 years the total contribution to research made by this lady is represented by two or three papers only and that in other branches there are as many as twenty under each ?

**Mr. G. S. Bajpai :** Looking at the papers which I have before me here, her contribution in the form of written work since she joined the Institute is represented by twelve papers published.

**Mr. K. C. Neogy :** All relating to Biochemistry of lac ?

**Mr. G. S. Bajpai :** Whether they all relate to lac or whether they all relate to Biochemistry, I cannot say.

**Mr. B. Das :** Have those papers received any commendation from the sub-committee of the Lac Research Institute in England or America ?

**Mr. G. S. Bajpai :** If my Honourable friend means to ask me whether she has received the Nobel Prize for these investigations, I should say, no ; I have not noticed that. But what measure of notice her work has received in the transactions of chemical and other societies in England and America, I could not say, because I am not a student of these.

**Mr. S. C. Mitra :** Will the Honourable Member name anybody in the Lac Research Institute who is in a position to judge the work of this lady in the research work of Biochemistry ?

**Mr. G. S. Bajpai :** Well, I should not say that there was anybody on the Committee who was a Biochemist.

**Mr. S. C. Mitra :** Then, who is in a position to judge her work ? There are other experts, and I should like to know if there is anybody on that Committee who is in a position to judge the work of this department in Biochemistry of Lac Research ?

**Mr. G. S. Bajpai :** The experts on the Committee are the Imperial Entomologists, and there is, I think, the Inspector General of Forests, who I presume, has a certain working knowledge of Chemistry, but quite frankly I do not think that anybody on the Committee, as it is constituted at the present moment, is a Biochemist in addition to the Director herself.

**Mr. K. C. Neogy :** Then, how is the Honourable Member going to satisfy himself that a fraud is not being actually carried on in the name of research unless he makes some reference to an independent authority ?

**Mr. G. S. Bajpai :** I think the word " fraud " is perhaps too strong, and, in my opinion, it is language which my Honourable friend cannot justify at all.

**Mr. K. C. Neogy :** I did not characterise her research as fraud. What I meant was that supposing that fraud is committed in the name of research, how is the Honourable Member going to satisfy himself about it ?

**Mr. G. S. Bajpai :** That is a hypothetical question whether, if fraud were being committed, how Government will deal with this matter. But I think there is some substance in the underlying suggestion of my Honourable friend, namely, that there ought to be an expert body which should, from time to time, review the scientific work which is being done at the Institute, and that particular aspect of the matter will undoubtedly receive consideration.

**Mr. S. C. Mitra :** Is it a fact that the First Assistant in this department of Biochemistry has gone to England to specialise in applied Chemistry ?

**Mr. G. S. Bajpai :** I want notice. I cannot say off-hand whether the First Assistant has gone. I know that there Research Officers have been deputed by the Lac Researchers to carry on research work in England.

**Mr. K. C. Neogy :** Is it also a fact that several Assistants, who used to be engaged in Biochemical work, have for some time switched their activities over to other departments, and does not all this show that there is little Biochemical work carried on in the Institute ?

**Mr. G. S. Bajpai :** I think last year I answered a question asked by my Honourable friend in regard to the general activities of the Institute, and then I said that emphasis on the work has changed by reason of the altered requirements of the industry in England. It is quite possible that for that reason those, who were engaged upon Biochemical work before, are doing chemical work proper, which does not mean that their services are no longer required. It must be appreciated that the Biochemist is also the Director of the Institute, in other words, apart from doing Biochemical work she is supervising the research work of the Institute generally.

**Mr. S. C. Mitra :** May I take it that at the time of the renewal of this contract of Biochemist, Government will take into consideration whether some other officer could take over the research in Biochemical works and general supervision as well ?

**Mr. G. S. Bajpai :** I answered that question last year. I said that, at the time of the renewal of the contract, the general question of the desirability of continuing the particular kind of work will be taken into consideration.

**Mr. Gaya Prasad Singh :** Is it a fact that, in the last meeting of the Lac Cess Committee, they actually made a recommendation that the terms of this lady's contract may be extended ?

**Mr. G. S. Bajpai :** That is perfectly true, but my Honourable friend is also aware of the fact that Government have passed no orders on that recommendation.

**Mr. Gaya Prasad Singh :** And that she herself, being a member of that Committee, voted in favour of her service being extended ?

**Mr. G. S. Bajpai :** I agree with my Honourable friend that she is a member of that Committee, but as to the actual voting on that occasion, I am afraid, I have no knowledge.

**Mr. Vidya Sagar Pandya :** Do not Government expect the Members on this side to be more chivalrous to that lady, when she is the only lady in that department ?

**Mr. G. S. Bajpai :** I hope my Honourable friend's appeal to chivalry will not fall on deaf ears.

#### EUROPEAN OFFICERS ON CONTRACT AT THE INDIAN LAC RESEARCH INSTITUTE.

384. **\*Mr. K. C. Neogy :** (a) Will Government please lay on the table a statement giving the following information regarding the European officers on contract at the Indian Lac Research Institute :

- (i) their academic qualifications at the time of recruitment,
- (ii) their research experience on lac,
- (iii) the posts held by them, salaries received, and research publications before joining the Institute, and
- (iv) a list of their individual publications since joining the Institute ?

(b) Is it a fact that their posts were not advertised in India ?

(c) Will Government please place on the table a list of the Indian candidates with their qualifications who applied for these posts ?

(d) Is it a fact that the posts were advertised only in England and the Lac Association was determined to appoint only Europeans ?

(e) Do Government now propose to advertise these posts in India and replace the officers on contract with better qualified Indians, if available, and give these European officers notice of termination of services within the provisions of the contract ?

**Mr. G. S. Bajpai :** (a) Attention of the Honourable Member is invited to the statement which I have laid on the table.

(b) and (d). These appointments were originally made by the Indian Lac Association for research. The post of Biochemist was advertised in India but not that of the Physical Chemist or Entomologist.

(c) I regret that I cannot comply with the Honourable Member's request as it is not the practice of Government to reveal the names of unsuccessful candidates for employment.

(e) Attention is invited to the reply given to the Honourable Member's starred question No. 5 on the 16th of last month.

**Mr. K. C. Neogy :** Has the Honourable Member tried to find out why some of these appointments were not advertised at all in India ?

**Mr. G. S. Bajpai :** The fact of the matter is that, at the time these appointments were made, Government had no control over the activities of this Institute.



**Mr. Gaya Prasad Singh :** Who had the control ?

**Mr. G. S. Bajpai :** The Indian Lac Cess Association as it was called at the time, I think.

**Mr. Gaya Prasad Singh :** Was not this Indian Lac Cess Association created as a result of legislation which was passed by this House ?

**Mr. G. S. Bajpai :** That is perfectly true ; but my Honourable friend ought to draw a distinction between legislation which was passed in 1923 and the legislation which was passed in 1930. It was legislation which was passed in 1930 which gave to the Governor General in Council the authority or the power to give approval to certain appointments carrying salaries of more than Rs. 500 a month which are made by the Committee.

#### CONTRACT SERVICE AT THE INDIAN LAC RESEARCH INSTITUTE.

385. **\*Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the article in the *Searchlight*, Patna, dated the 22nd June, 1934, revealing the conditions of contract service at the Indian Lac Research Institute ?

(b) What is the policy followed by the Lac Cess Committee in the matter of renewal of contracts ? Is the work of the officers subjected to any scrutiny by scientific experts ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) In so far as there can be a general policy in regard to technical appointments of this character, it must be to renew the contract of service of an employee if his services have been satisfactory and his technical skill and experience are needed for a further period. None of the renewed contracts of research workers has yet expired. If the Honourable Member has in mind outside scrutiny, the answer to the second part of the question is in the negative.

#### JUDGING OF WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

386. **\*Mr. K. C. Neogy :** Is there a single non-official Biochemist, Physical Chemist or Applied Chemist on the Lac Cess Committee to judge the value of the research work done by the Institute Biochemist and Physico-chemist or coordinate the work in England and America on the utilisation of lac in industries ?

**Mr. G. S. Bajpai :** The present Committee includes one Applied Chemist, but no unofficial Physical Chemist or Biochemist.

**Mr. K. C. Neogy :** Does it not come to this that it is these expert officers themselves who have to decide whether their contracts should be renewed or not ?

**Mr. G. S. Bajpai :** No, Sir, that is not so. The decision with regard to the renewal of contracts is that of the Committee in which only one of these officers, namely, the Director, is included.

**Mr. K. C. Neogy :** But, so far as the work carried on by these experts is concerned, am I not right in assuming that the judgment passed by

these officers themselves is taken as the basis for the decision of this Committee ?

**Mr. G. S. Bajpai :** I have already, in answer to a supplementary question asked on an earlier question, said that the question whether there should be an expert organisation in order to advise the Committee in regard to the nature of the work that is done by these people is being examined.

**Dr. Ziauddin Ahmad :** Is there any technical expert to whom these technical men like biochemists, etc., are responsible for their work, or do they judge for themselves whether the work done is satisfactory and thus decide their own cases ?

**Mr. G. S. Bajpai :** I have already answered that question, that apart from this one Applied Chemist on the Committee there is no one either on the Committee or associated with the Committee in order to express an opinion upon the work which is being done by these officers.

**Dr. Ziauddin Ahmad :** May I know whether this thing has proved to be a success in this case, that persons are responsible to themselves, and there is no one to judge whether the work done is good or not ?

**Mr. G. S. Bajpai :** That, Sir, is asking for an expression of opinion, but I have already answered the point involved in an earlier question.

#### CONTRACTORS FOR RAISING COAL FROM STATE RAILWAY MINES.

387. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that experienced mining men are ordinarily appointed as contractors for raising coal from State Railway mines ?

(b) Are minors, without mining experience, employed as contractors in the Railway mines and did the Chief Mining Engineer recommend to the Board any minor ? If so, will Government be pleased to state the reasons for such appointment of a minor and the recommendation by the Chief Mining Engineer ?

(c) Is it a fact that three of the big quarries of Kargali Colliery have been given to the lowest tenderer, who is a minor boy named Nagendra Prasad Singh, aged about 12 or 14 years only, and is the son of the late Contractor, Babu Ram Bilash Singh ?

(d) Is it a fact that this minor Contractor has been asked to start work before signing the agreement ? If so, why ?

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

(b) and (c). A tender in the name of Rambilas Nageshwar has been accepted for removing overburden and quarrying at Kargali Colliery. Government understand that this was a joint tender of Rambilas Singh, the existing Contractor, who has plenty of experience and his son.

(d) The Contractor will not start work before signing the agreement.

#### SAVING FROM COLLIERIES ON COAL RAISING.

388. **\*Mr. Amar Nath Dutt :** Will Government be pleased to state the saving that can be made from the collieries on coal raising and overburden clearing, per month and per annum, and whether any arrangements have been made to effect a saving ?

**Mr. P. R. Rau :** I lay a statement on the table showing the old rates and the new rates introduced on the 1st August, 1934.

## State Railway Collieries.

	Jt. Bokharo.		Jt. Swang.		Kargali.	
	Bhurkunda.		Per ton for coal-raising.		Per ton for coal-raising.	
	Per ton of coal raising.	Per 1,000 cft. over-burden.	Per ton for coal-raising.	Per 1,000 cft. over-burden.	Per 1,000 cft. over-burden.	Pits and Incline.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Quarry.
Old rates	1 12 0	15-30	1 2 0	15-30	10-50	1 2 0
New rates	*1 3 0	15	0 10 6	16	29	1 0 0

\* Anticipated when departmental working is introduced.

GIRDIH COLLIERIES, E. I. R.

Jokitia bad.

Remarks.

Deep pit.

Av. total cost per ton.

Rs. a. p.  
1 13 8.

Av. total cost per ton.

Rs. a. p.  
2 0 8.

Under Contractor

1 8 11.

Departmental

Average reduction in rates for coal raising in the two pits at Girdih by introduction of Departmental working Re. 0/3/9 per ton (including the revision of the Departmental rates).

PROTECTION FROM STRIKES AND RIOTS OF CERTAIN COLLIERIES.

389. \***Mr. Amar Nath Dutt** : Have Government adopted any measures to help the new contractors of the Bokharo, Karali, and Swang Collieries to protect them from strikes and riots ? If not, why not ? Are Government aware whether these strikes and riots are being fomented by disappointed contractors ?

**Mr. P. R. Rau** : In consultation with the Local Government, the Government of India have arranged for repatriation, where necessary of labour by grant of free passes by railways. The new contractors have also been assisted in taking over the labour of *ex*-contractors as far as practicable.

As regards the second part of the question, Government have no information. They have, however, forwarded a copy of the question to the local civil and railway authorities for their information.

DEPARTMENTAL MANAGEMENT OF THE GIRIDIH COAL MINE.

390. \***Mr. Amar Nath Dutt** : (a) Do Government propose to work the Giridih Coal Mine departmentally ? If not, why not ?

(b) Are these mines gaseous and dangerous, and is efficient departmental management available near at hand ?

**Mr. P. R. Rau** : (a) The Giridih Coal Mine has recently been organised on a departmental basis.

(b) Government are informed that these mines are non-gaseous, and in the opinion of the experts employed by the Railway Administration, efficient departmental supervision is available.

APPLICATION OF THE NEW SCALES OF PAY AND OF THE NEW LEAVE RULES.

391. \***Mr. S. G. Jog** : Will Government please state whether they have issued orders to the effect that the new scales of pay and the new leave rules shall not be made applicable to Government servants in service, (permanent or otherwise), on or before the 15th July, 1931 and who were not warned at the time of their appointment regarding the same and whose services have been continuous from that date ?

**The Honourable Sir James Grigg** : Under the Revised Rates of Pay Rules and the Revised Leave Rules, 1933, published in the Gazette of India of the 23rd September, 1933, and, 16th December, 1933, respectively, persons who were in Government service on or before the 15th of July, 1931, and, whose services have been continuous from that date, will not be governed by the new scales of pay and the new leave rules. The same applies to persons on probation on the 15th of July, 1931, who were subsequently confirmed in their service or post and who were not specifically warned to the contrary at the time of their appointment on probation.

## COMMISSION FOR EXCHANGE OF COINS IN BOMBAY.

392. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether the merchants in Bombay are required to pay a lot of commission to the private Shroffs and Marwaries to get their small coins exchanged ? Is it a fact that no tenders of less than Rs. 100 of each kind are accepted for exchange by the Bombay Currency Office ?

(b) Has the minimum rate of Rs. 100 been fixed in all the Currency Offices in India ? If not, why is this fixed in Bombay ?

(c) Do Government propose to issue now instructions to the Bombay Currency Officer to change the rate in order to save the merchants from paying high rate of commission to the Marwaries and Shroff ? If not, why not ?

**The Honourable Sir James Grigg :** With your permission, Sir, I shall answer questions Nos. 392, 393, 475 and 476 together :

The necessary information is being collected and will be laid on the table in due course.

## ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

†393. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether it is a fact that no copper coins are issued by the Bombay Currency Office except in multiples of Rs. 50 ?

(b) Have the public to go to the Imperial Bank of India if they require copper coins for less than Rs. 50 ?

(c) Is the above practice followed in all the Currency Offices in India ?

(d) Is it not possible for the Bombay Currency Office to issue copper coins for less than Rs. 50 to avoid the great inconvenience caused to the public ?

394. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state if they are aware of the fact that great nuisance is caused to the third class passengers as most of the carriages, used on the Bombay Suburban Service of the Great Indian Peninsula Railway, leak during the monsoon ?

(b) Do Government propose to issue instructions to the Great Indian Peninsula Railway Administration to arrange to have all their third class carriages on the Suburban Service, painted every year, before the monsoon to avoid the nuisance of leakage during the monsoon ?

**Mr. P. R. Rau :** (a) Government are not aware that the facts are as stated.

(b) A copy of this question and of the reply thereto is being sent to the Agent, Great Indian Peninsula Railway, for such action as may be necessary.

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† For answer to this question, see answer to question No. 392.

**LEAKAGE OF CARRIAGES ON THE BOMBAY SUBURBAN SERVICE.**

†395\*.

**DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.**

396. **\*Bhai Parma Nand :** (a) Is it a fact that post cards, envelopes, packets, etc., addressed in Hindi do not reach the addressees in the Punjab as soon as those addressed in Urdu ? If so, will Government be pleased to state whether postal employees in the Punjab are being required to pass any departmental test in Hindi to remove this grievance of the Hindu minority of the Punjab ?

(b) If the reply to the latter part of (a) be in the affirmative, will Government be pleased to state when the arrangements are expected to be complete in this respect ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be placed on the table of the House in due course.

**LEGISLATION ABOUT THE PURITY OF DRUGS USED BY MEDICAL MEN IN INDIA.**

397. **\*Bhai Parma Nand :** Is it a fact that some time ago, an all-India Committee was appointed to safe-guard the purity of drugs used by medical men in India ? If so, will Government be pleased to state when the findings of this Committee are to be carried into effect by means of suitable legislation on this subject ?

**Mr. G. S. Bajpai :** Yes. The Honourable Member is referred to the reply given to Mr. S. C. Mitra's starred question No. 38, on the 23rd August, 1933. The views of all the Local Governments were not received until February, 1934, since when the nature and scope of the action to be taken on the numerous recommendations of the Committee have been under consideration.

**INDIANS EMPLOYED AS POLITICAL AGENTS OR RESIDENTS OF INDIAN STATES.**

398. **\*Bhai Parma Nand :** Will Government be pleased to state the numbers of Indians employed as political agents or residents of Indian States within their own jurisdictions during the last three years, respectively ?

**Mr. H. A. F. Metcalfe :** None. So far there has been no Indian officer in the Political Department of requisite seniority and experience, except one who has been employed as Administrator of the Nabha State, since 1932.

**INCONVENIENCE FELT BY ILLITERATE INTERMEDIATE CLASS PASSENGERS IN MAIL TRAINS.**

399. **\*Bhai Parma Nand :** (a) Are Government aware that poor illiterate passengers who are used to travelling third class, have sometimes to travel intermediate class by mail trains on account of the exigencies of their business ?

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†This question was withdrawn by the questioner.

(b) Are Government also aware that these passengers find it very difficult to secure even seats in intermediate carriages by mail trains ?

(c) Are Government prepared to issue definite instructions to Railway guards to see at every Junction station that these passengers are not being put to any avoidable inconvenience ?

**Mr. P. R. Rau :** (a) and (b). It is possible that some passengers, who normally travel third class, have sometimes to travel in intermediate class, but Government are not aware that they are subject to any special difficulties when doing so.

(c) Guards have instructions to give their best assistance to all passengers entraining.

#### MIGRATION OF KABULI UNSKILLED LABOURERS TO INDIA.

400. **\*Bhai Parma Nand :** (a) Are Government prepared to enquire from various Local Governments whether it is a fact that there is a seasonal migration of Kabuli unskilled labourers to various parts of India ?

(b) If so, will Government be pleased to state whether it is a fact that this periodical increase of foreign labour affects the wages of indigenous unskilled labourers adversely ?

**Mr. H. A. F. Metcalfe :** (a) It is a fact that a seasonal migration of Ghilzai tribesmen takes place annually into India. This migration is a historical fact, and has become a well-established feature of the economy of Northern India, and Government see no reason to institute enquiries from Local Governments.

(b) Such Afghan tribesmen as engage in labour in India mostly undertake, by long usage, heavy manual work, such as the excavation of channels and the building of mud walls, and Government have no reason to think that their employment affects the wages of indigenous labourers adversely. On the contrary, there is reason to believe, that their assistance is readily welcomed by villagers, who are believed frequently to defer construction of such works until their arrival.

**Mr. Lalchand Navalrai :** May I know if these Kabulis come and create disturbance in India ?

**Mr. H. A. F. Metcalfe :** That does not appear to me to arise out of the question, but so far as I know, they do very good and honest work.

**Mr. Amar Nath Dutt :** Are Government aware that these Kabulis are a menace to the innocent Bengal villagers and that they often terrorise them and demand usurious rates of interest ?

**Mr. H. A. F. Metcalfe :** I think the Honourable Member is making a mistake. The Pathans who lend money to the Bengal villagers are quite distinct from Kabulis who come down to do heavy manual labour.

**INDIANS RECRUITED AS SOLDIERS OR SAILORS.**

401. \***Bhai Parma Nand** : Will Government of India be pleased to state the number of Indians recruited in the various ranks of the Military and Marine Department, as soldiers or sailors, province by province and community by community, *i.e.*, Hindus, Muslims and Sikhs, during the last five years, respectively ?

**Lieut.-Colonel A. F. R. Lumby** : A statement containing the required information as regards soldiers of the Indian Army is laid on the table.

Similar information in respect of sailors of the Royal Indian Marine being collected and will be laid on the table in due course.



*Statement showing numbers of Indian Soldiers enrolled during the five*

Provinces.	1st April 1929 to 31st March 1930.				1st April 1930 to 31st March 1931.			
	Hindus.	Sikhs.	Muslimans.	Total.	Hindus.	Sikhs.	Muslimans.	Total.
N. W. F. P. .. ..	..	..	1,085	1,085	..	..	909	909
Punjab .. ..	2,582	3,385	4,465	10,432	2,853	3,266	4,883	11,002
United Provinces .. ..	1,215	..	122	1,337	1,638	..	96	1,734
Bombay Presidency and Hyderabad (D).	1,078	..	219	1,297	1,214	..	155	1,369
Madras .. ..	481	..	54	535	638	..	41	679
Rajputana and C. I. ..	840	..	123	963	873	..	214	1,087
Nepal .. ..	1,727	..	..	1,727	2,564	..	..	2,564
Afghanistan .. ..	..	..	132	132	..	..	133	133
Total ....	7,923	3,385	6,200	17,508	9,790	3,266	6,431	19,477

years ending 31st March, 1934, by Provinces and by Communities.

1st April, 1931 to 31st March, 1932.				1st April, 1932 to 31st March, 1933.				1st April, 1933 to 31st March, 1934.			
Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.
..	..	738	738	..	..	1,063	1,063	..	..	827	827
2,399	3,104	5,132	10,635	3,027	2,765	5,274	11,066	2,366	2,675	4,467	9,508
1,183	..	150	1,333	1,407	..	112	1,519	1,260	..	150	1,410
947	..	87	1,034	853	..	60	913	686	..	61	747
402	..	79	481	295	..	60	355	315	..	64	379
663	..	131	794	929	..	128	1,057	727	..	140	867
1,947	..	..	1,947	1,863	..	..	1,863	1,485	..	..	1,485
..	..	122	122	..	..	..	..	..	..	..	..
7,541	3,104	6,439	17,084	8,374	2,765	6,717	17,856	6,839	2,675	5,709	15,223

**Mr. S. C. Mitra :** May I take it that the recent service award is strictly followed in the recruitment of soldiers and marine officers also ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I do not quite understand the question.

**Mr. S. C. Mitra :** May I take it that the Honourable Member knows that there has been an award about service for different communities in India and do they apply to the recruitment of soldiers and marine officers also ?

**Lieut.-Colonel A. F. R. Lumby :** That Resolution does not affect the Army at all.

**Mr. S. C. Mitra :** Why not ? Will the Honourable Member please explain if there are any vested interests and other special interests in the recruitment of these officers ?

**Lieut.-Colonel A. F. R. Lumby :** There is nothing communal about the recruitment of officers either for the Army or the Royal Indian Marine. As regards the recruitment of other ranks, there is a certain class composition laid down for the Indian Army and that is followed. As regards recruitment to the Royal Indian Marine at the present time, this is carried out in the areas where the best recruits are obtainable.

**Mr. B. V. Jadhav :** Is it not a fact that all of them are Muslims ?

**Mr. S. C. Mitra :** Is it because in the Army the Government care for efficiency and to keep up standards and not in the civil services ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I cannot answer that question, Sir.

**Bhai Parma Nand :** Is this Army not an all-India service, and does not the Resolution of the Government apply to it ?

**Lieut.-Colonel A. F. R. Lumby :** If I remember rightly, the Resolution definitely says that it does not refer to the military services : but only to the civil.

#### POST OFFICE CASH CERTIFICATES NOT CASHED OR RENEWED AFTER THE EXPIRY OF TWELVE YEARS.

402. **\*Bhai Parma Nand :** (a) Is it a fact that there are several postal cash certificates which have not been cashed even after the expiry of twelve years by their purchasers without any renewal ?

(b) Are Government aware that this is due to the fact that some of these purchasers have died sudden deaths, without letting their heirs know anything about their having bought these postal cash certificates ?

(c) Does the money of these purchasers invested in these postal cash certificates lapse to Government without being claimed by their survivors ?

(d) Is it a fact that this state of affairs can be easily mended if purchasers of postal cash certificates be made to declare, in their printed application forms, the names of their heirs to whom the money is to be paid by the postal authorities in case of their deaths ?

(e) Will Government be pleased to state the number of postal cash certificates lying uncashed in Government Post Offices even after the

expiry of twelve years on the 31st March, 1934, and the amount of money thus unclaimed ?

(f) Will Government be pleased to state whether they propose to issue suitable instructions to postal authorities to have the money of these postal cash certificates handed over to the survivors of the deceased purchasers through Magistrates or Tahsildars ?

**The Honourable Sir James Grigg :** (a), (b) and (e). Post office cash certificates are kept by the purchasers in their own custody and are not kept in post offices. The information desired by the Honourable Member is not therefore available.

(c) No. The money is payable to the heirs of deceased holders at any time, if they can establish their claim.

(d) I would invite the attention of the Honourable Member to the reply given on the 7th of November, 1931, to part (c) of question No. 1252 asked by Lala Hari Raj Swarup.

(f) Government do not consider it necessary to alter the existing procedure.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if any notice is given to persons who hold these certificates before they lapse to Government ?

**The Honourable Sir James Grigg :** If the Honourable Member will read my answer, he will see that they do not lapse to Government. The money is payable to the heirs of the deceased holders at any time, if they can establish their claim.

#### FAILURE OF INDIAN INSURANCE COMPANIES.

403. **\*Bhai Parma Nand :** (a) Will Government be pleased to state the number of Indian insurance companies which failed in India during the last ten years ?

(b) Are Government prepared to enquire from official and non-official experts how far defective legislation has been responsible for the failure of these companies ?

**The Honourable Sir Joseph Bhoré :** (a) Eleven Indian Life Assurance Companies went into liquidation during the period from 1924 to date, and one Indian company, transacting insurance business other than life assurance business, went into liquidation since the passing of the Indian Insurance Companies Act, 1928.

(b) As the Government of India propose taking steps in the near future to consider the desirability of amending the existing insurance law in India, they do not consider it necessary to institute separate enquiries in the matter.

#### GRANT OF CONCESSIONS TO THE STUDENTS OF THE DEPRESSED CLASSES IN THE DELHI UNIVERSITY.

404. **\*Bhai Parma Nand :** Are Government aware that the Nagpur University has extended certain concessions to students of depressed classes on their admission to their various examinations ? If so, will Government

be pleased to state whether the University of Delhi proposes to move in this direction ?

**Mr. G. S. Bajpai :** The answer to both parts of the question is in the affirmative.

**MEMBERS OF DEPRESSED CLASSES EMPLOYED AS PEONS IN THE RAILWAY AND POSTS AND TELEGRAPHS OFFICES.**

**405. \*Bhai Parma Nand :** (a) Will Government be pleased to state the number of members of depressed classes employed as peons (chaprasis) in Railway and Post and Telegraph offices, respectively, in various provinces of India on the 31st March, 1934 ?

(b) If the number of the chaprasis belonging to depressed classes be small in proportion to the numerical strength of the community, will Government of India be pleased to state what steps they intend to take in this matter for the future ?

**Mr. P. B. Rau :** (a) The information is not available and Government consider that its collection will involve an amount of time and labour which is unlikely to be justified by results.

(b) The policy of Government on this question is laid down in the Home Department Resolution of the 4th July, 1934, copies of which are available in the Library.

**USE BY MEMBERS OF THE DEPRESSED CLASSES OF PLATFORMS OF GOVERNMENT-OWNED WELLS.**

**406. \*Bhai Parma Nand :** (a) Will Government be pleased to state whether platforms of Government owned wells situated on such public grounds as those of tehsils, courts, schools, hospitals, police stations, etc., are open, in actual practice, to the use of such depressed classes as Bhangis (sweepers) and Chamars (leather-workers) within the territories administered direct by the Central Government in case when these subjects of the Crown do not happen to be engaged in their professional work of scavenging or flaying dead bodies ?

(b) If the reply to part (a) be in the negative, do Government propose to issue definite instructions in this connection to the officers in charge, and if so, are they prepared to take steps to ensure that their instructions are carried into effect by their subordinates ?

**The Honourable Sir Henry Craik :** (a) and (b). The information asked by the Honourable Member in part (a) has been called for, and a reply to both parts of the question will be laid on the table of the House in due course.

**EVIDENCE BEFORE THE TARIFF BOARD ON THE PROTECTION OF STEEL.**

**407. \*Mr. B. Das :** (a) Will Government be pleased to state if the evidences—both written and oral—before the Tariff Board on Steel Protection will be available before this House takes up the discussion of the Steel Protection Bill ?

(b) If the evidences cannot be published in time, will Government be pleased to place on the table the original copies of evidences for reference of Honourable Members ?

**The Honourable Sir Joseph Bhore :** (a) and (b). Spare copies of the evidence, as far as available, were placed in the Library of the Legislature on the 31st July. A complete set will be available to members of the Select Committee, and all Honourable Members will also have access to that set, when the House takes up the consideration of the Select Committee's Report on the Bill.

# EVIDENCE BEFORE THE TARIFF BOARD.

408. **\*Mr. B. Das :** In view of the unusual delay in the matter of publication of evidences before the Tariff Board, do Government propose to direct the Tariff Board to secure four additional copies of all memoranda and representations for use of the Members of this House ?

**The Honourable Sir Joseph Bhore :** The suggestion made by the Honourable Member will receive consideration in connection with future enquiries undertaken by the Tariff Board.

# PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

409. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following remarks published in the editorial article in the *Times of India*, dated the 20th July, 1931, regarding the proposal for the removal of the Pusa Agricultural Institute :

“ In these days, when it is so difficult to get even the smallest sum for beneficial State activities, it is right and proper, that an estimated outlay of Rs. 36 lakhs for the transfer of the Institute, should be very critically regarded. Estimates of cost, particularly when they are put up by those supporting a scheme, naturally tend to be conservative. It is an open question whether the sum of Rs. 36 lakhs would be the end of expenditure on the transfer suggested ” ?

(b) Has the attention of Government been drawn to the same editorial article, regarding the supposed inaccessibility of Pusa :

“ Those of us who know our India would not regard such disabilities in too serious a light. They may sound rather tragic to people accustomed to the accessibility of all corners of England, but in this country such difficulties of access can be taken almost as a matter of course not only in getting to Pusa, but in getting to many other parts ” ?

(c) In the light of the above remarks, do Government propose to revise their proposal ?

**Mr. G. S. Bajpai :** (a) and (b). Yes.

(c) Government have decided, after reconsideration, to adhere to their proposal.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is not a fact that before the earthquake, students took very little advantage of this Institute and very few students attended at Pusa, because it was not centrally situated ?

**Mr. G. S. Bajpai :** That is what I understand.

**Mr. Gaya Prasad Singh :** Is this Institute open for students to be admitted ? It is only a Research Institute.

**Mr. G. S. Bajpai :** No ; in addition to research work, they undertake post-graduate instruction.

**Maulvi Muhammad Shafee Daoodi :** Has there been any paucity of students at Pusa ?

**Mr. G. S. Bajpai :** I do not quite know what my Honourable friend means by paucity of students : the number of students, as far as I know, has never been zero, but I gather that the Institute has not been quite so popular as it would have been if it had been more centrally situated.

**Maulvi Muhammad Shafee Daoodi :** Does the Honourable Member mean that the required number of students was not available in any of these years ?

**Mr. G. S. Bajpai :** I do not quite know what my Honourable friend means by "required". It is not the case that the Institute requires a fixed number of students to go to the Institute. There are students who apply for admission to the Institute and naturally the number that apply, after consideration of their qualifications, are admitted. The point I was making was that because of the inaccessibility of Pusa, as many students were not applying as would have been the case otherwise : that opinion is based upon what I have been told by Directors in the Provinces.

**Mr. Vidya Sagar Pandya :** Is that also one of the reasons for removing the Institute from Pusa to Delhi ?

**Mr. G. S. Bajpai :** I think the reasons for removing the Institute from Pusa to the vicinity of Delhi have been stated in the memorandum presented to the Standing Finance Committee, a copy of which I laid in the Library in reply to a question asked by my Honourable friend, Mr. Gaya Prasad Singh, some time this Session.

**Sir Abdur Rahim :** Has this question been finally disposed of by the Government of India ?

**Mr. G. S. Bajpai :** I would invite the attention of my Honourable friend to what I said just now—"Government have decided, after reconsideration, to adhere to their proposal".

**Sir Abdur Rahim :** Does it mean that they have made up their mind finally and decided the question ?

**Mr. G. S. Bajpai :** What it means is that, so far as they are concerned, they adhere to their proposal.

**Sir Abdur Rahim :** Who else is concerned in the matter, may I know ?

**Mr. G. S. Bajpai :** There were a series of questions asked sometime ago, I think, on the question as to whether the Assembly would have an opportunity of discussing this matter or not.

**Sir Abdur Rahim :** I want to know whether it will serve any purpose so far as the Government of India are concerned for this matter to be discussed in the Assembly.

**Mr. G. S. Bajpai :** Why not ?

**Sir Abdur Rahim :** That is why I wanted to know if the Government had finally decided the question.

**Mr. G. S. Bajpai :** What I have said in my reply to the question is : "Government have decided, after reconsideration, to adhere to their proposal."

The proposal is to transfer the Institute from Pusa to the neighbourhood of Delhi. That proposal is still before the Standing Finance

Committee. The Standing Finance Committee has not pronounced upon it. What the attitude of Government will be after the Standing Finance Committee and the Legislature have pronounced upon the subject is a question upon which I cannot give any answer just now.

**Sir Abdur Rahim :** Then there is room for reconsideration ?

**Mr. G. S. Bajpai :** There is certainly room for an expression of opinion by the Standing Finance Committee and the Legislature, and I do not think I need tell my Honourable friend that views expressed by the Committee and the Legislature always receive the most careful consideration of the Government.

**Mr. S. C. Mitra :** Will Government please explain, in view of the fact that that question is going to be discussed in the Assembly very soon, why they reconsidered and decided to adhere to their old decision ? Is it not an affront to the Assembly ?

**Mr. G. S. Bajpai :** I did not say that they have decided to adhere to their decision. The stage of decision is reached after the proposal which they have put before the Standing Finance Committee has been pronounced upon by the Standing Finance Committee. All that I said was that, after consideration of the passages in the newspapers, to which my Honourable friends have referred, and other criticisms, Government have decided to adhere to their proposals.

**Mr. S. C. Mitra :** Then, we take it that Government will reconsider their former proposal before coming to a final decision. Then, what is the meaning of saying they will adhere to their proposal ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Government for the present stick to their proposal, but the decision on the subject may be reached after an expression of opinion by the Legislature on the subject.

**Mr. S. C. Mitra :** What was the urgency in revising their decision and adhering to their proposal, knowing full well that the question would be raised in the Assembly in a day or two.

**Mr. G. S. Bajpai :** My friend, Sir, it appears to me, has not appreciated the distinction between a proposal and a decision. I have said that we have decided to adhere to our proposal. (Laughter.)

**Sir Abdur Rahim :** May I know if the approval of the Secretary of State was sought by the Government of India to their decision or to their proposal and that the Secretary of State has given his approval ? If so, does not that settle the matter once for all ?

**Mr. G. S. Bajpai :** Sir, if my friend will look at the telegram, of which a copy was placed on the table of this House some time ago, he will find that the word used in the telegram to the Secretary of State is " proposal ".

**Sir Abdur Rahim :** Proposal by the Secretary of State or by the Government of India ?

**Mr. G. S. Bajpai :** Naturally in the telegram to the Secretary of State the proposal will be the proposal of the Government of India and not of the Secretary of State.



**Sir Abdur Rahim :** And that after it is approved by the Secretary of State, it will not be subject to any revision by the Assembly or by the Government of India which is a subordinate Government ?

**Mr. G. S. Bajpai :** It is not a question of a subordinate Government. I think the constitutional position in regard to the rights of this House was fully gone into by the series of supplementary questions that were asked, I think, on the third day of this Assembly.

**Sir Abdur Rahim :** Sir, there is a motion standing in my name with reference to this particular question. All that I am anxious to know is whether it is worth while either to the House or myself to discuss the matter if the Government have made up their minds already in the matter. That is all I want to know.

**Mr. G. S. Bajpai :** I have already stated, Sir, that the views or intentions of Government are undoubtedly subject to reconsideration in the light of the verdict of this House if this matter is discussed.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether Government will pass the proposition that the Pusa Institute be transferred from Pusa to Delhi ?

**Mr. G. S. Bajpai :** I am afraid I could not follow the question.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether, in taking votes on this question, they will take the help of the official votes as well ?

**Mr. G. S. Bajpai :** That is a question really for the Leader of the House.

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### UNSTARRED QUESTIONS AND ANSWERS.

#### ALLOTMENT OF QUARTERS TO NON-MIGRATORY STAFF IN NEW DELHI.

29. **Seth Liladhar Chaudhury :** (a) Is it a fact that it is the practice to allot Government quarters in Delhi on the basis of the highest revenue to be derived ? If so, why is it that preference is given to the migratory (moving) staff of the Government of India, over the non-migratory staff ? Is it not a fact that the latter normally contribute a higher revenue ?

(b) Is it a fact that those members of the migratory staff who are not provided with quarters in New Delhi during the winter season receive a separation allowance ? Is it also a fact that the staff of certain offices (e.g., Army Headquarters), who do not get quarters in New Delhi, are given quarters in Old Delhi and paid a conveyance allowance to cover distance ? If so, why is it that similar treatment is not accorded to the non-migratory staff ?

(c) Are Government prepared to take steps to ensure equal treatment to the non-migratory staff in the matter of an allowance, or, in the alternative, to provide quarters for the whole season to those who are yearly residents of Delhi ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No. The method of allotment is stated in the rules, a copy of which will be found in the Library. Preference is not given to the migratory over the non-migratory staff

in the matter of allotments. The quarters available are distributed between the two classes on a *pro rata* basis. It is, of course, true that a tenant who pays rent throughout the year pays a larger sum than a tenant who is in occupation for the Delhi Season only.

(b) and (c). Such of the migratory staff of the Secretariat and Attached Offices, as are entitled to free "family" accommodation in Simla or receive house-rent allowance in lieu, and who, for want of accommodation, do not take their families to Delhi, are paid an allowance in order to compensate them for the inconvenience and extra expenditure involved in maintaining two establishments and for transporting their families to places other than Delhi. Those who draw this allowance are not granted any family travelling allowance for the moves to and from Delhi. There is clearly no justification for granting a similar allowance to the non-migratory staff.

As regards the conveyance allowance, for which only the migratory staff are eligible, the Government's policy, as has been stated before in this House, is rigidly to oppose the extension of this concession. The provision of additional Government quarters in New Delhi will, as time goes on, permit Government to do away with the allowance altogether. Government are providing quarters sufficient, with those already existing, to accommodate approximately 87 per cent. of the clerical establishment.

#### EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

30. **Seth Liladhar Chaudhury** : (a) Will Government please state whether an examination for recruitment of lower division clerks was held by the Postmaster, Lahore, about two months ago ?

(b) What was the number of candidates who were allowed to appear at this examination ?

(c) Was the son of the Head Clerk, Staff ' B ' Section, of the office of the Postmaster-General, Lahore, one of the candidates ?

(d) What was the merit of the candidate referred to in part (c) above in the result of the examination ?

(e) Was the examination cancelled ? If so, why ? Was it not done on the suggestion of the Head Clerk referred to in part (c) above ?

**The Honourable Sir Frank Noyce** : The questions Nos. 30, 31, 32 and 33 are dealt with together.

Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier Circle, to whom copies of the questions are being sent, is competent to deal.

#### EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

†31. **Seth Liladhar Chaudhury** : (a) Was the Postmaster, Lahore, directed to hold for the second time an examination for recruitment of lower division clerks, and was he not given clear instructions regarding

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†For answer to this question, see answer to question No. 30.

irregularities, if any, committed by him in the first examination held for the same purpose ?

(b) What was the number of candidates allowed to appear at the second examination ?

(c) Why was a lesser number of candidates allowed to appear at the second examination than at the first ?

(d) Is it a fact that the son of the Head Clerk, Staff 'B' Section, of the office of the Postmaster-General, Lahore, could not appear at this examination due to illness ?

(e) Was this second examination cancelled at the suggestion of the Head Clerk, referred to in part (d) above ? If so, why ?

#### EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

†32. **Seth Liladhar Chaudhury :** (a) Has an examination now been held on the 6th July, 1934, in the Circle Office, Lahore, for recruitment of lower division clerks ?

(b) What was the number of notices issued to candidates for this third examination and of candidates who actually turned up ?

(c) Is it a fact that the notices to the candidates for this examination were issued from the Circle Office under registered covers only on the 3rd July, 1934 ?

(d) What were the reasons for this short notice of one or at the most two days ? Was it not due to the suggestion of the Head Clerk, Staff 'B' Section of the office of the Postmaster General, Lahore ? If so, why ?

(e) Is it a fact that applications from certain officials in the Circle Office, requesting their sons being permitted for this examination, were either not entertained or refused ?

(f) Will Government please state whether successive cancellation and holding of the examination in the Circle Office over the head of the Postmaster, Lahore, in higher grade than the Assistant Postmasters-General who held the examination, has ever been done before ? If not, what were the special circumstances for ignoring the Postmaster, Lahore, and for holding the examination in the Circle Office for filling up vacancies in the Lahore General Post Office ?

(g) Is it a fact that the said Head Clerk unnecessarily entered the examination room a number of times on one plea or the other and had ultimately to be warned by one of the Examiners (Assistant Postmaster-General) to quit the examination hall till the examination was finished ?

(h) Is it a fact that according to the standing orders of the Director General, Posts and Telegraphs, an official personally interested and concerned in a case, in any way, is prohibited from dealing with that case ?

(i) If the reply to part (h) above be in the affirmative, why did the said Head Clerk deal with this case of examinations ?

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†For answer to this question, see answer to question No. 30.

**EXAMINATION FOR RECRUITMENT OF CLERKS IN THE RAILWAY MAIL SERVICE,  
“ L ” DIVISION.**

†33. **Seth Liladhar Chaudhury** : (a) Was a son of the Head Clerk, Staff ‘ B ’ Section of the office of the Postmaster-General, Lahore, specially permitted to sit at the recruitment examination recently held by the Superintendent, Railway Mail Service, ‘ L ’ Division, in preference to the claims of the candidates on the waiting list of the Railway Mail Service of that Division, and is it a fact that he failed there ?

(b) Is it a fact that the undue favouritism referred to in part (a) above was brought to the notice of Government through an article in the *Daily Herald*, dated the 19th June, 1934, and if so, what action was taken in the matter ?

(c) Has this examination held by the Superintendent, Railway Mail Service, ‘ L ’ Division, also been cancelled ?

(d) Is another son of the said Head Clerk already employed in the office of the Postmaster-General, Punjab and North-West Frontier Circle ?

(e) If the reply to part (c) above be in the affirmative, why are favours being extended to the sons of the said Head Clerk, when sons of many deceased employees in dire circumstances and deserving of sympathy, are crying for appointments since a long time ?

(f) Is it a fact that the rights of a number of candidates who passed sufficiently high to secure appointments in the two examinations held by the Postmaster, Lahore, and one by the Superintendent, Railway Mail Service, ‘ L ’ Division, have been unjustly usurped ? If so, how do Government propose to remedy this ?

(g) If the replies to the preceding parts indicate an irregular and unprecedented procedure and favouritism, what action have Government taken, or intend to take, against the officials responsible for it ?

**STOPPAGE OF THE INCREMENT OF A TELEGRAPHIST IN THE PUNJAB POSTAL  
CIRCLE.**

34. **Seth Liladhar Chaudhury** : With reference to starred question No. 234 put by Bhai Parma Nand on the 24th February, 1934, and the reply given by the Honourable Sir Frank Noyce, regarding the stoppage of the increment of a Telegraphist in the Punjab Postal Circle, will Government please state what action, if any, has been taken by the Local authority concerned ?

**The Honourable Sir Frank Noyce** : Government have no information and do not propose to obtain it as the matter is one which it is within the competence of the Head of the Circle concerned to dispose of finally.

**DISPOSAL OF THE STAFF CASES OF THE PUNJAB POSTAL CIRCLE OFFICE AND  
OF THE DEAD LETTER OFFICE, LAHORE.**

35. **Seth Liladhar Chaudhury** : (a) Will Government please state whether it is a fact that according to the Standing Orders of the Director-General, Posts and Telegraphs, in Posts and Telegraphs Circles

†For answer to this question, see answer to question No. 30.

where there are two Deputy Postmasters-General, the staff cases should be dealt with by one Deputy Postmaster-General and Establishment cases by the other, and that the Establishment cases in the Punjab and North-West Frontier Circle are assigned to the Senior Deputy Postmaster-General and Staff cases to the junior ?

(b) If the reply to part (a) above be in the affirmative, will Government please also state why the Staff Cases of the Punjab Circle Office and of the Dead Letter Office, Lahore, are assigned to the Senior Deputy Postmaster-General, when he is in charge of Establishment cases ?

**The Honourable Sir Frank Noyce :** (a) There is no standing order of the Director-General, Posts and Telegraphs, such as that mentioned by the Honourable Member.

(b) Does not arise.

#### PREPONDERANCE OF MUSLIMS IN CERTAIN CADRES IN THE DERAJAT POSTAL DIVISION.

**36. Seth Liladhar Chaudhury :** With reference to the replies to unstarred questions Nos. 85 and 87, put by Bhai Parmanand on the 24th February, 1934, will Government please state what steps they have taken, or propose to take, to remove the preponderance of Muslims in the cadre of staff in the Telegraph Engineering Department and amongst Branch Postmasters, Mail Overseers, Postmen, and Inferior Servants in the Derajat Division ?

**The Honourable Sir Frank Noyce :** Government have not taken, nor do they propose to take, any special action except to ensure that their orders regarding communal recruitment, as in force from time to time, are carefully observed.

#### TOURS OF THE POSTMASTER GENERAL AND THE SENIOR DEPUTY POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

**37. Seth Liladhar Chaudhury :** Will Government please state :

- (a) if the Postmaster-General, Punjab and North-West Frontier Circle, is working at Simla for the last one month ;
- (b) whether the Senior Deputy Postmaster-General, Punjab and North-West Frontier Circle, had also officially visited Simla in July 1934 ;
- (c) whether there are standing orders that when a senior officer is already at a station, no junior officer is to pay an official visit to that station except in exceptional circumstances ;
- (d) the object of the visit of the Senior Deputy Postmaster-General to Simla and the expense involved on account of his travelling allowance ;
- (e) whether the Senior Deputy Postmaster-General also visited Abbottabad lately when the Postmaster-General was also on tour in that place ;
- (f) the object of the visit of the Senior Deputy Postmaster-General to Abbottabad ; and
- (g) whether the official duty performed by the Senior Deputy Postmaster-General at Simla and Abbottabad could not be performed by the Postmaster-General ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be laid on the table in due course.

**GAZETTED OFFICERS DUE TO RETIRE IN THE GOVERNMENT OF INDIA OFFICES.**

**38. Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state how many gazetted officers, Indians and Europeans, in the Government of India Secretariat and its attached and subordinate offices are due to retire during the next eight or nine months ?

(b) Is it a fact that some of them are to be re-employed on special duty ?

(c) If the answer to part (b) above be in the affirmative, will Government please state their names and also give reasons for their re-employment ?

**The Honourable Sir Henry Craik :** The information is being collected and will be furnished to the House in due course.

**PAPERS OF WHICH AN INCOME-TAX ASSESSEE IS NOT ENTITLED TO HAVE A COPY.**

**39. Mr. Sitakanta Mahapatra :** Will Government please lay on the table of this House a list of the papers in an assessment file of which the assessee is not entitled to have a copy ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the answer given in reply to his question No. 317, on the 31st July, 1934.

**INCREASE IN THE IMPORT DUTY ON PROJECTORS, AMPLIFIERS AND LOUD SPEAKERS, ETC.**

**40. Mr. B. V. Jadhav :** Will Government be pleased to place on the table a copy of the order increasing the import duty on projectors, amplifiers, loud-speakers, etc., when imported as one unit for use in cinema theatres for the reproduction of sound films from 10 to 20 per cent. on British machinery and from 10 to 30 per cent. on non-British machinery ?

**The Honourable Sir James Grigg :** No such order has been issued by the Government of India. Enquiries are, however, being made from Collectors of Customs and the result will be laid on the table in due course.

**REVENUE AND EXPENDITURE OF INDIA.**

**41. Sir Hari Singh Gour :** (a) Will Government be pleased to state in a tabular form Revenue and Expenditure, year by year, from 1921 to the latest year, the figures for which are available, showing the additional new taxation levied in each year ?

(b) Will Government be pleased to lay on the table a similar statement relating to the provinces ?

**The Honourable Sir James Grigg :** (a) A statement is attached. The figures in the last column of the statement represent the yield estimated at the time of the imposition of the taxation. It is not possible to calculate the actual yield.

(b) Figures of provincial revenue and expenditure are given in Accounts Nos. 8 and 9 of the Finance and Revenue Accounts of the Government of India, copies of which are available in the Library. Information regarding the yield from additional taxation levied by the provinces is not available.

*Statement showing Revenue and Expenditure of the Central Government from 1921-22 and the Estimated yield from new or increased Taxation imposed during each year.*

(In lakhs of rupees.)

Year.	Revenue.	Expenditure.	Estimated yield of new or increased taxation imposed during the year.
1921-22 ..	1,15,21	1,42,86	12,13
1922-23 ..	1,21,41	1,36,43	12,84
1923-24 ..	1,33,17	1,30,78	4,28
1924-25 ..	1,38,04	1,32,36	—4,50
1925-26 ..	1,33,33	1,30,02	{ —71 in 1925-26. —1,75 in a full year.
1926-27 ..	1,31,70	1,31,70(a)	.....
1927-28 ..	1,27,26(b)	1,27,26	{ —42 in 1927-28. —82 in a full year.
1928-29 ..	1,28,98(c)	1,29,30	
1929-30 ..	1,32,69	1,32,42	83
1930-31 ..	1,24,60	1,36,18	4,96
1931-32 ..	1,21,64	1,33,39	Original Finance Bill 13,27
			Supplementary Finance Bill .. 7,55 for 6 months in 1931-32. 15,01 in one full year.
1932-33 ..	1,26,40	1,24,85	.....
1933-34 .. (Revised).	1,19,31	1,19,31(d)	.....
1934-35 .. (Budget).	1,19,71	1,19,61(e)	2,83

- (a) Includes 2,96 on account of transfer to Revenue Reserve Fund.  
 (b) " 2,22 on account of transfer from Revenue Reserve Fund.  
 (c) " 74 on account of transfer from Revenue Reserve Fund.  
 (d) " 1,29 on account of transfer to Earthquake Fund.  
 (e) " 1,51 on account of transfer of share of jute export duty, etc.

## MESSAGE FROM H. E. THE GOVERNOR GENERAL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have  
12 Noon. got to deliver a Message to the House :

(The Message was received by the Assembly standing.)

“ Gentlemen of the Assembly,

You are naturally anxious to be informed of the course which will be adopted with a view to the constitution of a new Assembly. There appears to be a general impression that it will rest with Lord Willingdon to dissolve the existing Assembly as a preliminary to the constitution of its successor. This impression is erroneous. The power of extension conferred by clause (b) of the proviso to sub-section (1) of section 63D of the Government of India Act having been exercised, the power of dissolution, conferred by clause (a) of that proviso, is not available for the dissolution of the Assembly in the period intervening between the expiration of its normal life and the date to which it has been extended. Consequently, the present Assembly will remain in existence until the 31st December, 1934, but with a view to the constitution of the new Assembly in time to admit of the commencement of its first Session in January next, resort will be had to the power conferred by the proviso to sub-rule (2) of rule 27 of the Legislative Assembly Electoral Rules which enables the Governor General to issue notifications calling upon constituencies to elect Members at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events. In the exercise of this power, the Governor General will issue the notifications in question in respect of the constituencies of each Province on such date early in October as will accord with the electoral programme contemplated in the Province and polls will be taken on dates varying slightly from Province to Province within the first half of November.”

## THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That after clause 2 of the Bill, the following new clause be added :

‘ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted.’ ”

Sir, the procedure laid down in the local Act for the arrest and detention of persons is not only summary but most unsatisfactory. There are two sections in the local Act under which arrest and detention can be made. Under section 2, sub-section (1), the Local Government can arrest and detain a person if in their opinion such an act is essential for the purposes and reasons stated in that section. In the second place, section 4 of that Act also empowers any officer of that Local Government, provided that officer is specially empowered in this respect, to make such arrest. Sir, the provisions of section 4 of that local Act require scrutiny. It is not stated to what grade of officers that power would be delegated by the Local Government. Then, Sir, it is well-known that in these matters it is the police officers who are empowered to make arrests, and such police officers may be even petty and small. Apart from corrupt and malicious motives, there may be overzeal on the part of such officers in making arrests. If by chance such an officer first makes an arrest, then it is but natural for him to adhere to his view and opinion and try to collect more



[Rao Bahadur B. L. Patil.]

evidence against the person. All the safeguards laid down in the section, in my opinion, will not be sufficient to protect the unfortunate victims. We must remember that these persons are arrested and detained merely on suspicion and not anything like judicial evidence. Let me advert to the procedure that the Local Government follows in verifying the reports of such officers. The other day the Honourable the Home Member, who honourably filled the post of Home Member in the Punjab, said in this Assembly that he was always very careful in verifying these reports and he got them confirmed and that he was fully satisfied. But may I ask him whether it is possible for him, or for the matter of that, for any Home Member in any Province, or for the matter of that, any District Magistrate to personally verify and come to a right conclusion and lay his hands upon his breast and say that the facts stated in the report were correct? In my humble opinion, it is impossible. These officers will have to follow the report in many cases blindfold. This is one of the reasons why I submit that the power of the High Court to direct the production of persons detained should be retained and should not be taken away.

Then, Sir, Government have assigned two reasons for taking away this power from the High Court. The first is that, under the circumstances obtaining in Bengal, they want to substitute executive discretion for that of the judicial. The second reason is that in the nature of things the evidence in such cases cannot be disclosed. May I ask whether the executive enquiry that is provided in the local Act is in any sense sufficient or judicial? The enquiry may be made by the executive, but I submit that it must be judicially done. Are there sufficient provisions in the local Act to assure that? If you just turn to section 9 of the local Act, you will find that some sort of, I should say, summary scrutiny is provided. Under that section, the facts collected, and the circumstances noted against the persons will be placed before two officers of the grade of Sessions Judge or Additional Sessions Judge, and also the answers given to the allegations made against them by the Government on those facts and circumstances. Then, the officers will have to consider these materials and submit their report. Here there are two points to be considered. Is the person concerned given any opportunity to meet those allegations in person? The only opportunity he gets is to submit his written answers to the allegations made. With regard to the report submitted by the officers, nobody would know what it would be, and then the Local Government is not bound to follow it. The Government may or may not accept it. This is most unfair. In my opinion, if Government want to safeguard the liberties of these persons, they must at least agree to accept the opinion of the officers whom they have themselves appointed. I need not mention that the whole of this procedure is confidential. This is my second reason why the power of directing the production of these persons should not be taken away.

Let me now come to the provisions of section 491 of the Criminal Procedure Code. Section 491 simply provides that the High Court has power to direct that any person illegally or improperly detained should be produced before it. What is the scope of this section? It merely gives power to the High Court to see whether the arrest and detention are made under law and whether the person is properly imprisoned. What does it mean? The High Court has no other power except to see that

the provisions of the particular law are complied with. That is the only power; but the other day the Honourable the Law Member assured this House that the High Court has power to go into the record and see whether the provisions of the law are complied with or not in spite of the retention of this barring clause. Therefore I submit that section 4 of the Act of 1932 is either superfluous or mischievous. It is superfluous for the reason that the power under section 491 is there whether such a barring clause is there or not. It is mischievous for the reason that if the High Court had already such a power, why should a barring clause like this should be inserted in the Bill? For these reasons I submit that the Government should not sit adamant, but agree to adopt this amendment. A number of Honourable Members have raised this question on this side of the House and Government have replied on all those occasions and stuck to their view. But we on this side of the House are not at all convinced by the reasons given by the Government, and, especially in view of the fact that the provisions of the local Act as well as the provisions of Act VIII of 1932 are now made permanent, I submit that it is most unfair that the power of the High Court to issue a writ of Habeas Corpus should be taken away. May I also submit that, in this country, not only the educated classes, but even the masses have implicit faith in the fountain head of justice as lying in the High Court. Therefore, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That after clause 2 of the Bill, the following new clause be added :

‘ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ’.”

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I do not desire to take up the time of the House—not that there are too many here—by repeating the arguments I have advanced before. I have heard my Honourable friend, Mr. Patil, say that he has not been convinced. If he has not been convinced, I dare say, my paraphrasing the same arguments in a different language will not convince him. I do not want to detain the House by repeating arguments which I have already advanced on a previous occasion when I went into the matter at some length. I shall only point out, with great respect, the amount of confusion in the mind of my Honourable friend, Mr. Patil, in the contentions which he has put forward before this House today, for instance the argument based on the overzeal of the lower police officials. What has that got to do with the matter? If the police has gone wrong and if the Government have come to a wrong opinion, it is possible by reason of the Bengal Act, because the suspect has no chance of having recourse to a Court of law, but we are not concerned with that. This House is not doing something by which the overzeal of the police officer is being confirmed. That is done by the local executive and that is done by virtue of an Act which has been passed by the Bengal Legislature. I do not desire to take up the time of the House further. I took more time on the last occasion than I wanted to. I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That after clause 2 of the Bill, the following new clause be added :

‘ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ’.”

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I move :

“ That the Bill be passed.”

I do not desire at this stage and after the very lengthy debates that have taken place to make a speech on this motion. I was not, of course, in this House during those debates, but I have spent many hours reading, I think I may say, conscientiously, every word that has been uttered in this House during the three days debate on this Bill, and with the best will in the world I cannot find anything new whatever to say about the Bill. Therefore, I content myself with making the motion. Sir, I beg to move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill be passed.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : From this side of the House, we assured the Government that none of us is a terrorist or favours terrorism. We said repeatedly that we would like to strengthen the hands of the Government to eradicate terrorism altogether from the country, but the difference between the Government and the Opposition is that we are willing to have the Bill as a temporary measure in order to remove this terrorism, but we do not want it to remain permanently in the Statute-book of the country. We know that the Indian Criminal Law Act is supposed to be one of the best Acts in the world, and I was told that several countries had tried to adopt this as a specimen. I think it is a stigma, both on the Government and the people of this country, to have this as a permanent measure. It is a stigma on the people, because you assume that terrorism is going to be a permanent feature in the country. We earnestly believe that this is a passing phase, and it will disappear if proper actions are taken. It is a stigma on the Government, because it will be said that, after 175 years of their rule, they could not establish a peaceful Government in the country and they have to resort to a permanent Statute of the kind now before us. We on this side believe that to have this as a permanent measure is a stigma on the people as well as on the Government. If right action had been taken 18 years ago, this situation would not have arisen. Government failed in their duty at the right time. Certain Commissions and Committees recommended proper action, but the Government allowed the thing to pass away. I still believe that if right action is taken, this thing will be eradicated in time and this Bill would not be necessary. We on this side of the House are willing to allow the Government to have this measure for a temporary period so long as it is necessary, but not to have a permanent measure.

It was hinted at by some speakers, and I emphasize the fact, that had the Government adopted a right policy in education when the Calcutta University Commission reported, then the whole position would have been cleared up. Had proper action been taken to revise the educational system of Bengal, it would have made an enormous difference in the condi-

tion of Bengal and in the revolutionary movement. They have got a system of high schools which a number of educationists condemn. They have very low type of teachers. The teachers practically teach nothing in order that they may be employed as tutors to the richer boys. The whole system of aided schools and recognised schools requires a great improvement and it was suggested that if the schools are made State schools and better provision is made for the teaching, then the boys will do some constructive work and they will not turn to revolutionary occupations. I am myself an old *alumnus* of the Calcutta University. I took my M.A. degree from the Calcutta University, and it was an honour to be a graduate of the Calcutta University in those days. The standard of education at that time was high. The people who took the degree scattered all over India and were prominent in every walk of life. They practically captured the whole of the Government of India Secretariat. They would have kept up their educational supremacy even to this day but for the lowering of the standard for which the Government of India are chiefly responsible, and I say that this terrorism has arisen because of the wrong policy of the Government of India in educational matters.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : Why not change the Senate of the University ?

**Dr. Ziauddin Ahmad** : That is a very small issue compared with the bigger problem which I have now laid before the House. I want to change the whole educational system of Bengal, particularly the secondary education ; a change in the personnel of the Senate will not change the educational system of the country. It may be hardly relevant on this Bill to give a whole discourse on the educational policy of Bengal, but I must emphasize this fact that this whole cult of terrorism, whatever it may be called, is the result of a wrong training and wrong policy pursued in the matter of the education which the boys have been receiving in schools and colleges now. Of course, a thing of this kind is nearly an impossibility in any other Province. In all other Provinces they have got a better supervision, and a better system and standard of schools and colleges. Sir, sometime ago, I emphasized that the Government have in every important country taken the responsibility as regards secondary education. Why should we not act similarly so far as Bengal is concerned ? Let the Government directly take the responsibility of secondary education and of providing the people of Bengal with opportunities for good and sound education ; so that they may turn out good college students, and the people of Bengal may again regain the position which they have now lost on account of pursuing a wrong and unsound and inefficient educational policy of recent years.

Then, Sir, coupled with the question of education, there is also the economic problem. Now, the economic problem is no doubt keen in every Province, but it is much keener in Bengal than it is in the other Provinces on account of the large number of persons who have already qualified themselves from the universities there and who find no future for themselves. Now, Sir, if you make only these changes, that is, provide some kind of healthy occupation to the persons who come out of these universities, give them the right kind of education and a good standard, so that they may not fall a prey to mischief-makers and dangerous propaganda, then, I am sure, such people will have absolutely no time to think of mischievous pursuits. To give an apt illustration, those, familiar with the agricultural life of the country, will probably remember that all sorts of

[Dr. Ziauddin Ahmad.]

troubles crop up in the country when the cultivators have got nothing to do, but as soon as the harvest or cultivation time comes round, the moment the tenants and other agriculturists have some kind of occupation, there are no troubles in the rural area. It is only when there is nothing to do that these unhappy troubles arise. Idleness is the mother of mischief. Similarly, if the right policy of education is steadily pursued, if we keep the time of the boys well occupied in healthy pursuits and if, after these boys leave their schools and colleges, we provide some healthy occupation for them and have a proper supervision over them, then the whole troubles which now exist will probably disappear. Therefore, Sir, I take this opportunity to beseech the Government that these terrorists should not be taken to be a permanent feature of the country. You may have certain powers, no doubt you have them, of removing them for the time being, but if you want to have a permanent cure and wish to establish a peaceful Government and not a military Government, then, in that case, it is up to you to find out the right solution : and the right solution is—change your whole educational policy, and provide some kind of living or means of living to all those persons who turn out from these schools and colleges. If you fail in that, and if you simply have recourse to your present methods, then I am afraid this thing will never disappear. You may for the time being divert detenus from one place to another, it may appear to have subsided, but it will not disappear unless you take the right action. Time after time I urged, when I was on the Calcutta University Commission, that that was the right course to follow, but unfortunately the Government of India were too timid to take the right course of action, and they did not want to spend money without which nothing can be achieved. Unless you have both, it is impossible to realise your object. Therefore, I say that this measure that we are now passing is really a stigma to the people of India and to the Government of India, and we should like to repeat from this side of the House that this is not really the permanent cure of the problem which is now before us. Do have no doubt a temporary measure till you solve it, but at the same time do think out some methods by means of which this sort of thing can be permanently and effectively cured. With these words, Sir, I resume my seat.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose this motion entirely. I do not think that there is any utility in the measure or that the grounds advanced are at all sufficient for extending the operation of this measure or for making it a perpetual measure, and I do not think that the Government of Bengal really now requires any power to send these detenus out of the Province of Bengal. Sir, in 1932, when this Act was passed (Act VIII of 1932, I believe), there were certain reasons for the Government of Bengal coming up before this House, the first reason being that there was not sufficient accommodation in the jails of Bengal at that time. That was the time when the Civil Disobedience Movement was in its full swing, and the whole resources of the Provincial Government, so far as regards accommodation in jails, were taken up by these Civil Disobedience prisoners. In this connection, I may read a passage from the Bengal Administration Report for 1932-33 issued by the Government of Bengal. It says at page 22 :

“The heavy influx of civil disobedience prisoners during the first six months of 1932 placed a great strain upon the resources of the Jail Department..... The Hijli

Additional Special Jail, the Dum Dum Special Jail, and the Dum Dum Additional Special Jail remained in commission throughout the year, and when these were found insufficient in accommodation, a second additional special jail was opened at Dum Dum. The old sub-jail buildings at Hijli were treated at first as part of the additional special jail for the reception of female civil disobedience prisoners, but the latter were subsequently removed to a female jail that was opened at Berhampore, and the Hijli sub-jail buildings were then utilized for female detenus."

Sir, all these sub-jails which were opened in 1932 are presumably now lying vacant. The Civil Disobedience prisoners amounted in 1932 to about fourteen thousand. They are now no longer being housed by the Government of Bengal, and, I ask, what is being done with all that accommodation? Is it all lying vacant, or is it being utilized for teaching the boys of Bengal how to behave themselves properly? I take it, that is not done; they are lying vacant, and I do not see why, for the reason of accommodation the Government of Bengal should have come before this House in order to secure special provision. That is the first point. The second point made out by Sir Harry Haig was that these detenus were very dangerous and that they were in communication with outside persons. That was his charge; and, to prevent that being done, these persons were sent to Deoli. The Government of Bengal, however, in the Bengal Council did not say as much. On the 19th March, 1934, the Honourable Mr. Reid, the Home Member of the Government of Bengal, said this (I am reading from the Bengal Council Proceedings, page 304 of Vol. XLIII-No. 5):

"Mr. N. K. Basu dwelt on the question of Deoli. I think the House is well aware of the reason why the Deoli Camp was started in 1932. There was a great congestion in Bengal and we could not accommodate further detenus here, and that is one reason why it was started. The second reason was this: that these men which we have in the Detention Camp are all men who are deep in the terrorist movement. To remove them outside the province does make a difference both to conditions here and also to their own mentality."

There is no suggestion here that they were guilty of communicating with people outside or of hatching conspiracies inside the detention camp and making it available for people outside. No such charge has been made, and I believe Sir Harry Haig, when he said this, was making a mistake or rather misunderstanding what was said about the terrorist prisoners in Bengal and *not* the detenus, for I find this passage in the report of the Administration of Bengal. They say:

"The increase in the number of terrorist convicts was also marked, and these prisoners were exceedingly troublesome and proved a source of great anxiety to Jail Superintendents. They consistently attempt to undermine discipline and to hold unauthorized communications with outside sympathisers, and they frequently threatened the jail staff with violence. Three terrorist prisoners actually succeeded in escaping from Midnapore Central Jail. One was recaptured during the year, and the other two in 1933. It was to free the jails of the province from the disturbing presence of these undesirables that deportation to the Andamans was decided upon by the Government of India, and during the year 58 such terrorist convicts were despatched from Bengal to Port Blair."

I say, therefore, that there is no justification for Sir Harry Haig to make the assertion that these detenus were communicating with outsiders. If that portion of the argument goes out, then what remains of the argument for extending the operation of this Act? I do not find any. So far as the question of congestion is concerned, I do not find any argument. So far as the communication with outsiders is concerned and which the Government wanted to prevent, it was never in existence so far as this

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class of detenues are concerned. Under these circumstances, I oppose this Bill.

Then, Sir, there is another question, namely, to make this Act a permanent one. Why should that be done? The Government of Bengal has thought fit to make the Criminal Law Amendment Act of 1930 a permanent feature of the Statute-book of Bengal, but that does not apply in the present case. The Honourable Sir Harry Haig stated that if you make a Statute terminable with a particular period, the terrorists would await for that period and wage war again. He also said that, that was the lesson the Government had learnt from the history of the terrorist revolution from 1905 downwards. Sir, if one reads the history of the terrorist revolution in Bengal, I do not think he will come to this conclusion. He laid great stress on the fact that the 1925 Act was repealed in the year 1930, and, thereafter, there was a great recrudescence of outrages in Bengal. The history of the terrorist outrages in Bengal is very succinctly stated in the report on the Police Administration in the Bengal Presidency for the year 1931. There it is said :

“ The total number of persons interned under the 1924 Ordinance and the 1925 Bengal Criminal Law Amendment Act was 187.”

And the number of persons who are now under detention is over 2,000. Therefore, it is sought to be proved that by the release of these 187 detenues, there was a recrudescence of the terrorist activities in Bengal. It goes on :

“ All these persons and those made State prisoners under Regulation III of 1818 were released by the end of January, 1929, the majority being released in 1928. In 1929, terrorist outrages increased, four being committed, of which the murder of a police officer in Barisal and a dacoity in the Rajshahi district were the most important.”

This Act was, if I remember aright, agreed to be repealed by the Government of Bengal by a speech made by Sir Stanley Jackson in the Bengal Council in March, 1930. At the same time, he warned the people that if any recrudescence of terrorist activity took place, he would at once get the Government of India's permission to promulgate another Act. Sir, everybody knew at that time that the Act of 1925 was given up at the pressure of the Home Government (the Labour Government) which was in office at that time.

**The Honourable Sir Henry Craik :** What date was this?

**Mr. S. C. Sen :** It was March, 1930. And the police did not wait for a long time before they could make out a case for the re-promulgation of this Statute, for, if I remember aright, by the 15th April, 56 houses in Calcutta were searched by the police and some more houses were searched in the Mufassil including Rajshahi. But the next day was a very fortunate day for the police, because, on the day after that, the Chittagong armoury raid case was found to have been committed.

**The Honourable Sir Nripendra Sircar :** As my Honourable friend is wrong about all his dates and in most particulars, I do not want to interrupt him now.

**Mr. S. C. Sen :** May I know in what respect I am wrong?

**The Honourable Sir Nripendra Sircar :** You said that 56 house searches took place in March and the Chittagong armoury raid took place

the next day. That is not the case. The Chittagong raid took place on the 18th April, 1930.

**Mr. S. C. Sen :** I am simply stating the facts, and the Honourable Member has not understood me. After that day, that is to say, 15 days thereafter, about the 15th of April, house searches were made in Calcutta. I was not wrong about my date, and two days thereafter the Chittagong outrage took place, and the day after that the Ordinance was passed. So, I have no quarrel about that matter. But what I wish to emphasise is that 187 prisoners were released in 1929. That is what I have shown from the Bengal report, that on the 18th or 19th of April, barely a month after, these people should have made up their mind and made all sorts of arrangements about the raiding of the armoury in Chittagong is something novel. If these men are capable of doing that.....

**The Honourable Sir Henry Craik :** I am sorry to interrupt the Honourable Member, but he is really wrong about his facts. The majority of the detenus were released about the end of 1928, more than a year before the Chittagong outrage took place.

**Mr. S. C. Sen :** That is what I am saying.

**The Honourable Sir Henry Craik :** My Honourable friend said distinctly, and this the House was asked to believe, that these detenus, less than a month after their release, had been able to plan the Chittagong outrage.

**Mr. S. C. Sen :** My point is that it is over a year between their release and the Chittagong outrage although the Act of 1925 was not repealed more than a month ago, and, therefore, this point is against the argument adduced by Sir Harry Haig in this House that so long as the Act remained in force, these people could not do anything, but after the Act was over, they took steps. Therefore, the contention that because they were released in 1928, and were hatching this plot from time onward is not relevant. The date of the repeal of the Act is the only point to be considered. That is what I say. If these few men could make arrangement for the raiding of the armoury in Chittagong where there is a great military force, I should think that Government, instead of imprisoning them, should have taken them into the army (Laughter) and given them suitable posts.

**The Honourable Sir Nripendra Sircar :** I wish my Honourable friend knew even some of the facts of the Chittagong case.

**Mr. S. C. Sen :** These are the facts taken from the publications of Government. I need not go any further.

**The Honourable Sir Nripendra Sircar :** I have also got the publications of Government. My friend knows little about the matter.

**Mr. S. C. Sen :** The administration reports are here and the dates are also mentioned, and I am trying to draw my own conclusions from them.

**The Honourable Sir Henry Craik :** They are wrong conclusions.

**Mr. S. C. Sen :** That may be according to you ; but, to my reading, that is the position. Therefore, the mere non-existence of that Act of 1925 did not conduce to the terrorist outrage at Chittagong—that is my



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contention. Moreover, I will tell you one thing. My idea is, and that is confirmed by a very high official in the Government of Bengal, Special Department, and his opinion was that the recruitment of the terrorist outrage was planned, not after the repeal of the Act, but after the rioting which took place in Dacca by the end of 1929. That was the idea of that high official of Bengal, the idea is not mine. He is supposed to know more about the state of Bengal and about terrorists than any other person here.

**An Honourable Member :** Who is that high official ?

**Mr. S. C. Sen :** I shall be excused for not mentioning his name.

**The Honourable Sir Nripendra Sircar :** Possibly some imaginary person.

**Mr. S. C. Sen :** Of course everything that we on this side say is imaginary, and everything that the Government say is gospel truth. We are expected to take them as true facts.

**The Honourable Sir Nripendra Sircar :** We cannot test those statements. If conversation was private, it was not meant for public use.

**Mr. S. C. Sen :** Not only that, how did the Government treat that riot in 1929. It was with the concurrence, that is the contention, of officials in Dacca at that time that this outrage took place. Even the guns from the hands of the local Hindu *bhadraloks* were taken away lest they, by firing, enraged the Muslim mob. That was the suggestion made, not by the officers themselves, but by the Committee of Inquiry which sat there.

**Mr. S. C. Mitra :** Is that the reason for not disclosing the names of the members of the Committee ? The Honourable the Law Member has secret knowledge of these things. Let him be fair.

**Mr. S. C. Sen :** I do not know what he will do, because I am not in his confidence.

Then, not after the Chittagong outrage, but after the murder of Ahsanullah, in Chittagong, there was a great depredation of property by the police officers. A report was made after an inquiry which was held by Mr. Nelson, the Divisional Commissioner, but that report has not seen the light of day. These and other things are the causes for the recrudescence of terrorist outrages in 1930, in Bengal, and this gentleman also told me that some of the Muslim youths were guilty of attempted terrorist outrages, but that was suppressed, because the Government would not allow a Muslim name to be dragged into the controversy, lest they find that the fine which they were inflicting on the Hindu *bhadralok* class should be questioned. Sir, I take this opportunity of expressing my regret for informing the House the other day about the Rowlatt Act. I told the Honourable the Home Member the other day that the Enquiry Officers were a High Court Judge and another gentleman. I now find that that was not so. They are one or more investigating authorities for the purpose and every investigating authority shall be appointed by order in writing and shall consist of three persons, of whom two shall be persons having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India. I made a mistake in telling the Home Member that it was one of

the High Court Judges. I may, however, tell him one thing that although this Act was on the Statute-book for three years, it was not applied.

**The Honourable Sir Henry Craik :** Which Act ? The Rowlatt Act ?

**Mr. S. C. Sen :** Yes. The report on the Police Administration in the Bengal Presidency for 1931 states :

“ In 1923, a fresh series of terrorist outrages began. The Defence of India Act had expired six months after the end of the Great War and although as a result of the Sedition Committee's report, the Rowlatt Bill, after slight modifications, became law as the Revolutionary and Anarchical Crimes Act, 1919, this Act, was never brought into force, and was repealed with other so-called repressing laws in 1921.”

That shows that so long as that Act was in force, and when there was an Enquiry Committee in which the accused was entitled to be present, the Government had not the courage to put forward their cases before such a Committee lest the result should prove the contention of the public that the so-called evidence upon which people are arrested and kept in detention are imaginary and untruthful. The Government feared that the castle which they built in the air upon false evidence should burst. The next Act which was passed in 1925 did not contain these provisions and enquiry officers, and we know why they were not there. Under these circumstances, I oppose the Bill.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, Government in their wisdom have rejected the amendment moved by my Honourable friend, Mr. Patil, not to make this obnoxious Bill a permanent measure on the Statute-book of this country. Now, it is therefore the duty of the Opposition to throw out a measure like this, because I shall presently show that whatever might have been the urgency and necessity of getting the Bill passed into law in Bengal,—the Bengal Criminal Law Amendment Act of 1934—there is no necessity of giving an extension to the rigorous provision of transportation of political suspects to other Provinces. As I was listening to the arguments of the Honourable the Law Member on this subject, I found that he made it clear that many of the speeches were not relevant, and he said :

“ The main point was whether the suspects can be detained in jail outside Bengal. Then the other argument was, for instance the consideration that the detenu loses his liberty, that he loses the company of friends, that in some cases prompt medical attention is not given and similar complaints. I say in all humility that these are irrelevant considerations because they may as well happen in jails inside Bengal as outside it.”

With great respect for the logic and arguments of my Honourable friend, the Law Member, I say that I join issue with him on each of those grounds. It is not a fact that the internment of a detenu in Bengal is the same so far as rigour of life and conditions of his health, his food, his interview and all these various items are concerned, if he is externed outside Bengal. That is the main point on which we differ and on which we argue that this provision for externing the Bengal detenus should not be accepted by the House. Instead of giving facts which the Honourable the Law Member will consider as imaginary, I shall take some of these points and show how they really prove a great hardship on the friends and relatives of the detenus. Just now I should like to read a few letters that I have received in the course of the last 10 or 15 days from the relatives of the detenus as regards interviews. Some of my friends, particularly my friend, Mr. Chatarji, waxed eloquent over the

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comforts of these detenus and said they do not suffer in any way and that they are getting all conveniences in jail. If I have time, I shall deal in detail with the points that he has raised ; but from the graphic description that he gave, it seemed to me as if he is tempted to be inside the jail as a detenu rather than be an official Member of the Legislative Assembly.

**Mr. J. M. Chatarji** (Bengal : Nominated Official) : Sir, I never said  
 1 P. M. that I was tempted to be inside a detention camp  
 instead of being an official.

**Mr. S. C. Mitra** : The description given by him was so tempting,—that they are getting all sorts of food, they are getting books and all other comforts,—that if the nominated Members could have an additional luxury of getting Rs. 20 a day, as they get here, they should perhaps prefer to be inside these jails. I shall be the last man to grudge my Honourable friend, Mr. Chatarji, if, in consideration of his services, he is made permanent as a Magistrate in Bengal, but I shall deal with his points later on. But at present I shall deal with these interviews. I say, it is no concession, it is no favour to these detenus to permit them to have interviews with their relations. I made it clear before the House, and Government also admitted it, that they are only suspects and there are at least some, may be a small percentage of five or ten, who may not be even guilty of any of the charges which are laid at their door. But I should like to know from the new Home Member why these interviews, which are always allowed in the presence of police officials under very strict conditions that these police officials may like to suggest, why even in those conditions the interviews are repeatedly refused. I do not speak on mere imaginary facts. I was myself an applicant to see my own nephew. Not once or twice, but several times I have applied myself, and the father of the boy, my own brother, applied for interviews ; but they have been repeatedly refused without being given any reasons. We said we were ready to abide by any conditions. The interviews are held in the presence of police officials ; they can at any moment stop the interview if they think there is any conversation going on which is objectionable from any standpoint. The detenu is kept a few feet apart and he may be kept behind some iron bars. Yet why did Government take it into their head to interdict these interviews ?

Then, as regards these communications, Sir, the Honourable the Law Member is absent just now, but I think it was he who raised this question that it does not make any difference when a man is sent out of the Province. I say that, as regards these communications, they suffer very much, and it is a standing grievance of all the relations and friends that they never receive regular correspondence about the health of these poor people. With your permission, Sir, I should like to place some of the letters that I have received about these communications. For the last one month and a half, so far as I understand, all communications and letters between these detenus and their friends and relations have been stopped.

**The Honourable Sir Henry Craik** : Where ?

**Mr. S. C. Mitra** : At the Deoli Detention Camp. I will read some of these letters, and I shall be glad if the Honourable the Home Member

is in a position to say whether they are on hunger strike or whether there is a general order interdicting all correspondence with these detenus. Here is one letter :

“ My second son, Narendra Nath Das, is a detenu in Deoli camp. The last letter I received from him is dated 28th May, 1934. Since then I have not received any news about him. I sent various letters and wires to the said detenu for information but got no reply from him. I have also written to the Commandant, Deoli, on 11th June, 1934, and 15th July, 1934, but he did not care to reply to any queries. I have also sent petitions to the Deputy Inspector General of Police, I. B., Calcutta, for information on the 1st July, 1934, and again on 18th July, 1934, for an interview with the said detenu, but I have not been favoured with a reply as yet. Again I applied to the Secretary of the Government of Bengal, Political Department, for asking the Commandant, Deoli, to supply me with information by wire as to the health of this detenu ; but unfortunately I failed to secure any information on the subject. So I pray that you will be pleased to help me with information as to his long silence and of the present state of health of the said detenu concerned by any means you may choose, and thus relieve his poor parents of the anxiety for their unfortunate son.

I have the honour to be, etc.,

Charu Chandra Das, Mukhtear,  
Diamond Harbour Criminal Court,  
District 24-Pergannas.

Dated 21st July, 1934.”

Here is another letter. This is written by a lady, named Probbabati Devi. Her address is 21-1-1 Sreemohan Lane, Kalighat, Calcutta, and the letter is dated 21st July last. I give the substance of it :

“ My younger brother, Rabindra Nath Ray Chaudhury, is a detenu for the last eight or nine months at Deoli. If there is no strike or special disturbance, I get letters from him regularly, but whenever there is a strike correspondence is stopped. I got his last letter on the 18th June last, and after that date we are receiving no letters. Apart from us there are several other detenus whose parents or near relations have got no letters from their relatives. They are anxious and came to us to inquire if we have received any letter from Rabi. They are very much frightened that some of the mothers of these detenus are becoming blind by weeping. Our apprehensions are that due to reduction of the daily allowance of these detenus or for reducing the expenses of letter writing, there must have been some strike. There is no way of getting any information by any means. Many have sent two or three telegrams but have received no reply. Will you kindly move in this matter ? ”

I place these letters for the perusal of the Honourable the Home Member, and I hope he will give some reply as to why all correspondence has been stopped with these detenus for the last one month and a half ; and I can personally say that I have also received no reply or letter from my own nephew for the same period. There must be something going on there, and it is the settled policy of this Government, whenever there is any trouble in the shape of hunger strike or anything else, that they take credit in suppressing all facts and figures in these matters. My Honourable friend, Mr. Chatarji, or the Law Member, sitting here, may think that these detenus are in Paradise and there is nothing to be desired in these detention camps. But I should like to point out even from these simple matters that the relations of these poor detenus cannot get even a letter or even a reply to their pre-paid telegrams simply saying that the detenus are keeping good health. They have paid the requisite money and the only information they want is about their health. And in all these matters, there is so much of miserliness on the part of Government that they will not satisfy the anxieties of these

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relations. If anybody has done anything wrong, it is certainly not the relations of these detenus who are sent away from their homes.

Sir, I have spoken about these interviews. I want some categorical reply from the Home Member as to whether they consider it an act of great grace that the relatives of these detenus should be refused these interviews under police surveillance and under any conditions, without any reasons whatsoever being given. I shall deal with the other little points that will be apparent to the Honourable Members of this House. My friend, Mr. Morgan, may prefer the Deoli climate to Bengal climate. But, as I have said, to a Bengali his own climate is certainly more congenial to his health than the desert climate of Ajmere. If the European Members prefer to be in a dry climate, let them have it; but we like to have a specific answer to the question why, in a vast country like Bengal, they cannot have some segregated place, in a hill station or in some quiet part of the country, where these detenus can be as much segregated as in Deoli. It is no use saying in a round-about way that they do not suffer in any way. The burden lies heavily on Government to show, if their police and jail officials have to keep them out of harm by communicating with the outside public, why cannot they find some place in Bengal itself, which would be as much convenient to them as Deoli, so far as communication with the outside world is concerned. It is all beating about the bush not giving any straight answer to these questions, but simply saying that they do not suffer very much. I appeal to you, Sir, that it requires imagination really to feel the position of these poor fellows. Almost every day we pass these five or six hours in this Chamber: but once a rule is made that no one will be permitted to go out of the Chamber during these six hours, how these Honourable gentlemen will feel it? I say, it may not be necessary at all to go out of the Chamber in these six hours, but if there is a rule or regulation that Members will not be permitted to go out, how will it tell upon the nerves of these Members? It requires imagination, which the bureaucracy proverbially lacks, to feel for these men who suffer—not for days or weeks, but for months and months, and some for years and years, in a distant land, for no offence which can be proved in any way before a competent Court of law. We were talking of tested and untested and fabricated steel, but here it is mostly fabricated evidence that is used in all these cases. (Opposition Laughter.) The Honourable the Home Member was giving this House some idea about the charges that are framed against these detenus. I can speak of these incidents with first hand knowledge. I shall give some details, so that the House may realise what these charges are .....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member take some time?

**Mr. S. C. Mitra** : Yes, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till 2-30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. S. C. Mitra :** Mr. President, when the House rose for Lunch, I was giving my personal experience to the House about some of these affairs about which the Honourable the Home Member also spoke from first hand knowledge. I should like to give the House a definite idea as to how these charges are levelled against these detenus. The Honourable the Home Member made an impression that these prisoners were only deprived of a public trial, but otherwise they got all chances to know what the charges against them were, and that they were also given an opportunity to clear themselves of the charges to the Government. Sir, I will tell the House what were the charges against me in 1924, and I hope the House will judge for itself how a man can meet the so-called charges levelled against him. It is contemplated in the Regulation itself that the detenu must be made acquainted with the nature of the charges. Now, the first charge against me was that I was a member of a revolutionary party. Sir, I ask the House, how can anybody meet that charge? I was not allowed to represent my case before any Tribunal, but I was allowed opportunities to make a statement, and all that I could say was that I was not a member of any revolutionary party. Then, the second charge was that I was an associate of Mr. Subhash Chandra Bose, a man who is loved and respected throughout India, Professor J. C. Ghosh, a very much respected patriot of Bengal, Mr. Anil Baran Roy, who is also held in very great esteem throughout Bengal, and one, two or others who were mentioned on that occasion whose names I don't remember just at the moment,—but I ask the House, how a gentleman could possibly refute a charge like this.

Then, Sir, the third charge against me was that I was a party in the smuggling of arms between two dates, say, 31st January, 1922 and 31st July, 1924, and no details, no date or any description, or where, or how or when exactly the arms were smuggled, were mentioned in the charge. It was a perfectly vague and indefinite charge. I challenge the Honourable the Home Member to say if it is any charge at all, or I appeal also to the Honourable the Law Member to say, with all his vast experience of law, whether these vague things can either be considered as charges according to any jurisprudence in any part of the civilized world. Now, Government come forward and say that the detenus are made acquainted with the charges and they are given every chance to refute those charges. I find there is only one Honourable Member in the European Group whom I expect to take an impartial view....

**An Honourable Member :** No, there are two Members.

**Mr. S. C. Mitra :** Yes, there are two Members,—I stand corrected.—I expect them to judge these matters from the high traditions that the British nation possesses of ideas of liberty and justice. Are these the charges which gentlemen, suspected of political crimes, are expected to meet? I challenge the Honourable the Home Member to say whether what I say is not correct. Let him go through the old records. Sir, I know that subsequently one of the highest officials, the Deputy Inspector General of Police, the late lamented Mr. Lowman, who was a great friend

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of mine, told me that our confinement was merely precautionary and that they knew that we were leaders of thought in Bengal, but the apprehension of the Government was that, after the failure of the non-co-operation movement, there might be a recrudescence of revolutionary crime, and that was why they put us all under restraint ! This was the admission made by one of the highest police officials ; but yet responsible Members get up and speak with such an innocent air as if they resort to these methods only in the case of confirmed terrorists and they are afraid of public trials on the ground that some of the witnesses might be tampered with or there might be risk to their lives, and so forth. Sir, it is well-known that in Bengal, by legislation, they have provided for Special Tribunals, where the witnesses may be examined *in camera*, if necessary. All this procedure has now been arranged, and, in spite of all that, it is still pleaded that there is no way to bring home the charges against all these hundreds of young men who are now under restraint and rot in jails for years and years together.

The Honourable Sir Harry Haig was pleased to give the other day a description of the history of the terrorist legislation in Bengal. He said that it began from the year 1915. It has been rightly pointed out by my friend, Rao Bahadur Patil, that the Defence of India Act was a war measure. It was not peculiar to Bengal or to India, but it was introduced in all the countries that were engaged in the Great War. England was not excluded. There they had the famous Defence of the Realm Act, which was a war measure, but it ceased within six months after the conclusion of the War. Sir, I say, it is not correct to say that these repressive measures were first enacted in the year 1915. When in 1920 the non-co-operation movement was taken up by the people of this country, there was no terrorist or revolutionary crime for a long period, but when it was observed that the non-co-operation movement was failing to achieve its desired object of securing Dominion Status or Self-Government by non-violent means, the police became apprehensive that some of the ardent youths might resort to serious crimes and so some of the police emissaries and spies began to report to the higher authorities that there might be a recrudescence of crime, and, in 1924, all in a hurry Government passed the Ordinance. Sir, I was a victim of that Ordinance, and, later on, of Regulation III. and, still later on, of the Bengal Criminal Law (Amendment) Act. Government are making much of it, and the Honourable the Law Member himself said that the Bengal Council passed this measure by a vast majority in 1932 and so we must follow public opinion. May I ask, Sir, what happened in 1925 when the first repressive legislation was introduced in the Bengal Council ? What was the respect of this great Government for public opinion at that time ? Is it not a fact that the very introduction of such a measure was refused by the Bengal Legislative Council which was then properly represented by the nationalists and Congressmen of Bengal ? You are very respectful of public opinion today and quote that you have 80 votes as against 20 ! I shall give you the names of these Members. But may I ask you, at the very inception of these repressive measures had you public opinion on your side ? That is by the way. Then, for three or four years, several hundreds of young men were clapped into jail and Government had their own way. A few years after, they found that it was all useless and unnecessary. So far as I could see, I know the Chittagong

case is not in a link with other terrorist acts. It is a sporadic action. I think my Honourable friend, Mr. Sen, made a mistake in saying that it was an after-effect of the Dacca communal riot case. That is not correct, but the analysis of the situation as given by him is perfectly all right, because we know from responsible officials, both in the Government and in the police, that soon after the communal riot at Dacca, when Government went out of their way to support one community against another giving the go by to their sense of impartiality....

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : The riot itself was organised under official auspices.

**Mr. S. C. Mitra** : My Honourable friend, Mr. Neogy, who always correctly analyses these affairs and who knows the genesis of the Dacca trouble much more than I do, says correctly that they were initiated under the Government auspices. But these are past affairs. In this very House I challenged the predecessor of the Home Member to publish Mr. Nelson's report, and whether it was not a fact that that Honourable gentleman came to the definite conclusion that there was evidence to show that there were police officials who instigated some of those crimes, and he recommended that Government should, without standing on their false prestige, compensate the poor sufferers. These are the reasons—the conduct of the officials, not only of the lower strata, the mercenaries, but the high officers of Government putting one community against another, that has given rise to these troubles. Of course, it is only one aspect of the thing. I admit there are economic causes. I admit that when young men find no outlet, no prospects in life after their education, and when they find that they cannot keep their body and soul together even after putting themselves to the hardest labour—in that condition it is not unlikely that they really do not know what is in the best interest of their country. I say that legislations like this will not help the Government to cure India and the Indian youths of their patriotism. Even the Honourable the Law Member was repeating several times that the Bengal Council had, by 80 votes against 20, passed the present measure and that we should not bother ourselves with the Supplementary Act at all. Now, turning to the list of Members who voted for and against the measure, I find that the total number who opposed was not 20, but 16, and among the opponents you will find names like those of Babu Jatindra Nath Basu, Mr. Narendra Kumar Basu, Mr. Syama Prasad Mookerjee, Mr. Shanti Shekhareswar Roy, Mr. S. M. Bose, Maulvi Abdus Samad, Maulvi Syed Majid Baksh, Maulvi Abdul Hamid Shah, Dr. Naresh Chandra Sen-Gupta, etc.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : All Liberals and not Congressmen.

**Mr. S. C. Mitra** : These are important men whose names are known to the villagers even in Bengal. In speaking on the measure before the Bengal Council, Mr. Shanti Shekhareswar Roy said :

“ Sir, this position is not to be judged by the voting in this House, because it is well-known that long ago the dominant party in this country, whose position in the estimation of my countrymen is not challenged in any quarter, has left this House.”

The less said about those who voted for the Bill is the better. I remember in this connection a saying of Herr Hitler in his book on “ My Struggle ”. He says :

“ Just as a hundred fools do not make a wise man, a heroic decision is not likely to come from a hundred cowards.”



[Mr. S. C. Mitra.]

It is not always the number that counts. I shall be very glad to be in opposition with a minority in the company of leaders like Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Ramaswami Mudaliar and others rather than be in a majority with gentlemen like Mr. Yamin Khan, Captain Chaudhri Lal Chand and a host of others. (Laughter.) Here I should like to clear one point. It has been said by the Honourable the Home Member in this connection and also in other connections that we make exaggerated and inaccurate statements. Particularly he referred to my speech on the 19th March. I do not like to take the time of the House at this stage to refute those charges. I think I shall get enough opportunity to dilate on this point on other occasions. But there is one question which I should like to refer to, and that is, about a rape committed on a woman. (Mr. K. C. Neogy : "By whom?") I shall read out the whole of the paragraph :

"A few significant cases will give some idea about the serious situation.

During the small hours of the night of the 25th January, 1934, a number of Garhwali soldiers surrounded the house of Sj. Murari Mohan Sasmal of Jukhia in P. S. Bhagwanpur in the Contai sub-division, and one of the soldiers committed rape on the wife of Sj. Bhupan Chandra Sasmal, the elder brother of Murari Babu. Both the brothers were absent from home and the neighbours were prevented by soldiers and policemen from coming to the rescue of the unfortunate woman."

The reply was :

"The case has already been mentioned above. A judicial enquiry was held and the complaint found to be false and a prosecution for false evidence was instituted against Murari Mohan Sasmal."

And the whole House was convinced that it must certainly be a false case ! As a matter of fact, Mr. Burrows, Commissioner, when the whole case was *sub judice*, did not hesitate to make a speech commenting on this very case. Does the House know that there was a case instituted against this Murari Mohan Sasmal for having made a false charge, and what was the result ? He was acquitted.

**The Honourable Sir Henry Craik :** What does that prove ?

**Mr. K. C. Neogy :** It speaks for itself. The Honourable Member's predecessor laid a great deal of stress on that case.

**Mr. S. C. Mitra :** A man was charged for bringing in a false case, and with all the resources of Government, they were unable to book that man under that charge and he was acquitted. What is the result ? Any man having common sense will draw his own inference. There are difficulties for non-officials to prove these cases. In the allegations which I wanted to be enquired into I said there were Magistrates who accompanied some of these parties, and how difficult it was in this unfortunate land where there is no separation of judicial from executive functions for the poor people to bring home their charges against officials. On another occasion, speaking of the British sense of justice in olden days, I was referring to the case in which Lord Curzon, though he found that a Court of law acquitted certain soldiers for some misbehaviour against a woman, yet took up the case and instituted a departmental inquiry and punished the whole battalion. That was the time when really British statesmanship made an impression in this country. Now, Government are more anxious to cripple the powers of the High Court and the only

bulwark of British administration in India. The relief of the people is that the British people may fail in everything, but they will never lose sight of their sense of justice. Now, they are undermining that foundation. You are taking away the foundation of the British Government, and every time you encroach upon the rights of the judiciary, you are responsible for creating the terrorism in this country. I do not like to refer to the speech of my friend, Mr. Chatarji. I know he had not the freedom to speak like an elected Member like myself, but I would like to remind him that, when they give a version, they should not mislead the House. Has he forgotten the case of the police murdering Santosh Kumar Mitra and other Barisal detenus in the Hijli detention camp? The position in these camps is not so comfortable as he thinks to be in his leisure time sitting on those back Benches. What are the reasons for the police shooting these unarmed detenus in detention camps? I pray that the new Home Member will take care himself to go into some of the charges, and, like his predecessor, Sir Harry Haig, who was telling this House that he personally inquired into the minutest detail, may I appeal to him to depute the Honourable the Law Member, who hails from Bengal and who is the pride of my race, and some other officials and non-officials to visit the detenu camps and make a report to the Honourable the Home Member? I know he will not be permitted, however exalted he may be in the estimation of the Government and whatever he may reply to my speeches. I wish the Honourable the Home Member had not alluded to the rule now obtaining in Germany and Austria approvingly last time.

**The Honourable Sir Henry Craik :** Not approvingly.

**Mr. S. C. Mitra :** Every student of politics knows that they may be successful for a short time, but it is bound to have its reactions and they shall have to reckon for the coming day. We appreciate British character. I hope they will not be swept off their feet by these temporary successes in other countries. He was also speaking of Dillinger, Public Enemy No. 1 in America and the conduct of the police there. I think even in the civilised world this sort of thing is never approved. I can say boldly that if they are considered as Public Enemy No. 1, the thoughtlessness and the unstatesmanlike actions of the bureaucracy, instead of putting an end to terrorism, will foster terrorism in India. They will be considered as Public Enemy No. 2 by the future generations. It is to the interest of both Indians and Britishers to see that terrorism is put an end to, but, as I have said, this legislation will not help. Sir, I oppose the passing of this Bill.

**Mr. B. R. Puri (West Punjab : Non-Muhammadan) :** Any adverse comment upon a measure of this nature is liable to be taken amiss as promoting or encouraging the terrorist propaganda. It is hardly necessary for me to say that so far as "terrorism" is concerned, there is no difference of opinion between the two sections of the House that this movement ought to be really stopped. The disagreement occurs only when we come to consider the propriety of remedies recommended by the Government to eradicate the evil.

So far as the merits of the case are concerned, I have got very little to say which has not already been said in one form or another. That I would frankly admit, but none the less I am addressing this Honourable

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House for the sole reason that I want my protest against a measure of this kind to be put on record.

I trust it will be considered a pertinent question if I were to ask with all respect the Honourable the Home Member if the Government have by this time arrived at any final conclusion as to what are really the grounds upon which the operation of this Act is being sought to be extended. I have had an opportunity to go through the reports of the debates from the very beginning, and I have been struck with one feature of the debate, i.e., the statement of the Government made from time to time as to the reasons and the causes which have necessitated this measure. We have been told that the measure is necessary because of the lack of accommodation in the Bengal jails. This was seriously put forward as an argument at one time. At another time, we were told that the lack of control in the jail administration in Bengal was responsible for this. It is urged that the movements of the detenus in Bengal jails cannot be properly controlled and checked and that they resort to devices by which they manage to send out communications and they are constantly in touch with anarchists outside, that things are smuggled in and smuggled out, that communications go on between those who are detained inside and their friends and associates outside. This was at one time seriously put forward as the reason for the Government asking the House to permit these undesirables to be banished from their own Province to be lodged in distant jails scattered all over the country. Sir, there is yet a third reason, the authorship of which, I find, is to be attributed not to the Government, but to a semi-Government agency, I am referring to my Honourable friend, Mr. Sarma, who informed the House that the real reason at the bottom of this proposed legislation is that the Bengali youth is a very sentimental individual, that he always has a great love for his motherland, and that when he is transported from his own Province to distant places, he frets and fumes and his life becomes miserable : and, therefore, said Mr. Sarma, it serves as an additional penalty and that the measure was necessary to achieve that end. Now, may I very respectfully ask, which of these is the true reason which has led the Government to ask this House to extend the operation of this measure from Bengal to other Provinces in the country? Is it the first, is it the second, is it the third, or is it all three? Surely, by now, the Government must have made up their mind on this point. If they were to indicate their mind, we would be in a better position to deal with the case, but we cannot do that if the Government constantly keep changing from one ground to another, and thus confuse the real issue.

Sir, the 1930 Act was not the first Act of its kind : I understand that, that was preceded by another Act, namely, the Act  
 3 P. M. of 1925. I have not had the opportunity of going through the provisions of that Act, but I am told by those who have read it that the provisions of the 1925 Act were substantially the same as the provisions of the later Act of 1930.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Now, if that is correct, it is obvious that it had taken the Bengal Government seven years to discover the necessity and the desirability of having their Act extended to other Provinces. It reminds me, Sir, of

the case of a man who went up to a Magistrate presiding in a Court and with folded hands said : " Sir, I have got a complaint. Such and such a man has called me a ' rhinoceros '. I have been very seriously defamed, my character has been damaged, and I want to lodge this complaint ". The Magistrate turned round and said : " Now, when did that man tell you you were a rhinoceros ". He replied : " He said it four years ago ". " Four years ago ? ", said the Magistrate—" and you come with your complaint today ? " He replied : " Sir, the reason is that I saw a rhinoceros only yesterday." (Laughter.) Now, it seems to me that the Bengal Government should have discovered this the moment they started their repressive programme ; I am advisedly using the word " repressive ", I will presently come to the Honourable the Law Member's speech, I know he has got a strong prejudice against any Honourable Member using this expression (*The Honourable Sir Nripendra Sircar* . " I have none " ), but in the Honourable Member's speech I find it is so recorded ; anyhow, I will come to that. Now, Sir, that being the case, if the grievance of the Bengal Government was genuine, I maintain that we should have had some indication of their difficulties much earlier and much longer, before they actually came and knocked at the door of this House.

I was referring to the speech of the Honourable the Law Member and I must congratulate him on a very able address which he made before this House—at the same time I am afraid I am not quite in agreement with some of his views on certain matters ; I know I am at a disadvantage, as I am opposed by an eminent lawyer of the Law Member's position. Before taking up the law points, however, I wish to deal with a matter raised in the Honourable the Law Member's speech which I find contains a very unfair and gratuitous attack on the Congress, I would invite your attention, Sir, to a passage in his speech at page 568 of the Report of the Legislative Assembly, dated the 24th July, 1934. The Honourable Sir Nripendra Sircar said, in the course of his speech :

" Then, Sir, in considering the present Act, we need not go into the details of what exactly has been done by Bengal Council, what amount of repression is necessary in the situation which has arisen in Bengal."

Then, my friend, Mr. Neogy, interjected " and for all time ". Then, Sir Nripendra Sircar goes on :

" and for what time and in what manner, that has been decided by the Bengal Council by men who are most competent to decide this matter. I daresay, if my Honourable friend, Mr. Neogy, had been in the Bengal Council,"

Mark the irony, mark the sarcasm :

" he would have tried to bring about such a change in their frame of mind that, by an overwhelming majority, the Bill would have been thrown out. But, as it is, the Bill has been passed."

He is giving this bitter pill to Mr. Neogy to swallow :

" When a Statute is said to be permanent, of course it is always subject to its being repealed."

That is nothing new. And mark the next sentence :

" And we have been assured that the time is not very far when some people, who are not in the Assembly yet, will get every repressive law repealed and that their permanency will disappear within a short time if that assurance is carried out."

Now, Sir, this is an attack upon those who are not yet in this House.

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The Honourable the Law Member could certainly afford to ridicule that political organisation, the Congress, which is threatening to come into this House and whose open and avowed programme is to repeal every repressive law. I am quite sure that neither the Honourable the Law Member nor his colleagues are afraid of what the Congress is threatening to do or rather undo. But, Sir, the test of the pudding lies in its eating. My answer to that part of the speech of the Honourable the Law Member is very simple. It must have been noticed by most of the Honourable Members that the Act, which we passed in the year 1932, is due to expire on the 5th April, 1935. That up to the first week of April, 1935, under the old Act of 1932, the Bengal Government have got power to transfer their detenus to any jail they like. May I respectfully ask the Government why are they betraying an indecent hurry in precipitating this measure before the present Assembly? Why could they not wait and face those very gentlemen whom they are trying to ridicule and belittle?

**The Honourable Sir Nripendra Sircar :** May I point out that the question has already been answered, not by my humble self, but by the Honourable the Home Member, as to why they could not wait till the Budget Session or till February for passing this Act. It is because they must make arrangements for the removal of 1,500 men. In any case, if the law is passed now, it can be repealed next year, by those who are coming.

**Mr. K. C. Neogy :** Did we not hear from His Excellency the Viceroy's Message today that the next Assembly is to meet in January? Would there not have been sufficient time between January and April for the passing of such a measure?

**Mr. B. R. Puri :** That is exactly what I was going to say that the new Assembly is to come into being in the very first month of the next year, and there will be no dearth of time and opportunity for the Government to face the new Assembly with a measure of this kind. Evidently, there is some misgiving and fear in the mind of the Government. They know that the present Assembly is a docile body; they know we have been accommodating them in the past in every way; they know that in the present Assembly they can carry any measure,—good, bad or indifferent. Why cannot they wait for another few months? Why cannot they wait and face the new Assembly and then see the fate of their measure?

**The Honourable Sir Nripendra Sircar :** You may not be there.

**Mr. B. R. Puri :** I may not be there, but you may not be there either. Nobody is certain what is going to happen tomorrow. Now, Sir, this brings me to one or two legal propositions which the Honourable the Law Member, in the course of his speech, was pleased to lay down. One was, and lest I might do injustice to the Honourable Member, wherever I will refer to him, I will quote chapter and verse.

**The Honourable Sir Nripendra Sircar :** In my speech there is no rhyme, but only reason.

**Mr. B. R. Puri :** Some people's prose is poetry, and I am quite willing to concede that in the case of the Law Member. His prose is warse. I do not mean w-o-r-s-e.

Now, Sir, the Honourable the Law Member, on page 568, at the bottom of it, is reported to have said :

“ Now, Sir, in considering this Bill I beg of this House to remove from its mind certain considerations which, in my humble submission, are not relevant at all on the sole issue which is being discussed, *viz.*, whether suspects can be detained in jails outside Bengal.”

Sir, you will be pleased to observe that to the Honourable the Law Member the only question that is relevant for purposes of the present debate is the one which he has stated and which I have just now read to the House. Everything else connected with this Bill, according to him, is irrelevant and this he assures us in all humble submission. Sir, any expression of opinion, coming as it does from a high authority like the Honourable the Law Member, is entitled to very great respect. But I venture to think that the view advanced by him is not sound. In the case of a lay Member, perhaps it might be excusable, but when such an expression comes from a Law Member, I think the only ground on which the Law Member's attitude can be explained is that probably the Honourable the Law Member thinks that we are all boobies on this side of the House and that we know no better, otherwise I cannot possibly admit that the absurdity of this contention is not fully known to the Honourable Member. Let me put it in a very crude form. Suppose the Honourable the Law Member received one morning a sealed book with a covering letter saying : “ This book contains the provisions of an Act which we have passed, you are not supposed to open the book. We merely want you to extend the operation of this Act in such and such manner.” Would the obliging nature of the Honourable the Law Member permit him to comply with the demand without looking into the Bill itself ? Would he not like to know the antecedents of these people whom they want to be transported ? Why have they been imprisoned ? What offence they have committed ? On what evidence has their guilt been proved ? What is the procedure that has been followed ? These would be pertinent and legitimate questions which every person or body or Legislature is bound to go into before lending any assistance asked. Before the Bengal Government could ask for our co-operation, we must satisfy our own conscience that they deserve co-operation, and, in determining that question, all these considerations which I have enumerated must be gone into critically, each and every one of them. We are not finding fault as to why the Bengal Council have passed this Act of theirs. They are welcome to do it. They have got the power to pass it and they have done it. We are not finding fault with them in any way. It is they who want our assistance, and, before we do that, are we not entitled to know that it is a case which deserves our assistance. Let me put it in another homely form. Suppose a Government official were to come to you and say : “ Here is a man whom I have awarded 20 stripes. That is the limit of my power, and I cannot exceed it. The man, however, deserves more, and I want you to sanction additional ten stripes ”. Would you not go into the whole question ? Would you not ascertain from him what has this man done ? Under these circumstances, could it be urged that the contention of the Law Member is sound ? I submit it is not. That may be the sole desire or the sole object which the Government are trying to achieve, but that is not the sole issue before us. Before we come to decide that issue finally, we

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have to go into all the questions I have set out above. We would not be discharging our duties properly if we did not do so.

The next point urged by my Honourable friend—I am still referring to the Honourable the Law Member—was that it was a mistake to call a measure, such as the present, a “repressive” measure. He seems to have got a strong prejudice against its being called “repressive”. He quoted the authority of a Judge who said that the use of strong and vituperative epithets does not improve the situation. The Honourable the Law Member, however, did not disclose the name of the learned Judge nor the occasion on which the said observation by the unknown authority was made.

**The Honourable Sir Nripendra Sircar :** That occasion was a question of negligence and gross negligence and Chief Justice Denman said that the situation is not improved by adding the vituperative epithet “gross” to negligence.

**Mr. B. R. Puri :** I must thank the Honourable Member for this information which comes in instalments.

**The Honourable Sir Nripendra Sircar :** But you did not apply for this before.

**Mr. B. R. Puri :** However, I am very grateful for this information. Whatever may be the view of that celebrated authority let us revert to the question before us. According to the Honourable the Law Member, every law is “repressive”. The penal provisions for offences like murder and dacoity are “repressive”. According to him, even the penalties provided under the Motor Act are “repressive”. He says that we do not improve the position by condemning this measure by calling it “repressive”, because he says that this is no more a repressive measure than any other penal provision taken out of the Indian Penal Code or out of any of the minor Acts. This is a proposition, Sir, which I contest. I submit that the exposition of the law by the Law Member relating to Habeas Corpus was very exhaustive, but I wish that he had taken a little trouble for the guidance of this House to lay down the definition of the word “repressive”. He has, however, endeavoured to describe it, and I have given you, Sir, his description of the word “repressive”. Now, Sir, I will risk a counter description leaving the House to choose whichever is sound. I venture to submit that all offences fall in one category or the other, they are divisible into two classes, the one includes the offences which are of normal character and which have been and will be committed in all countries, in all climes, by all classes of people, namely, murders, dacoities and such like offences.

**The Honourable Sir Nripendra Sircar :** This is also murder.

**Mr. B. R. Puri :** I hope the Honourable Member will kindly wait and listen. There is another class of offences which are periodical, which are seasonal and there are special reasons, circumstances and causes which give rise to them. They may be of political character, they may be of non-political character, they come and go like a wave of crime which passes through the country. They are not perennial manifestations, they occasionally come and pass away. There are special causes which cause rise to them and those causes have to be tackled in order to uproot them. Exactly parallel of it is the case of ordinary diseases to which we, as human beings,

are subject, as distinguished from epidemics like cholera and plague, and so on. I submit that "terrorism" which no doubt includes murders as the Honourable the Law Member reminded me....

**Mr. K. C. Neogy :** Is it a crime at all ? We are dealing only with suspects and not actual offenders.

**Mr. B. R. Puri :** Undoubtedly we are dealing only with suspects. I take it that the Honourable the Law Member is alluding to certain murders of a political character which have been committed in Bengal. I submit that terrorism is not a phenomenon of a normal character, it is a passing phase, it all depends how long this crime lasts and that depends upon the methods and the remedies that Government employ to eradicate it. That is a separate matter altogether. But it is not of a permanent character. It is abnormal, it is extraordinary. I am willing to concede that on all abnormal occasions, whether it be with regard to crime or whether it be with regard to disease, exceptional measures are needed. These measures must in their nature be more stringent and more severe and it is such measures that are called "repressive" measures. I would ask the Honourable the Law Member to consider my description of what a repressive measure is, which, I trust, is neither extravagant nor misleading. The Government are providing punishments for acts which are no offences under the ordinary law of the land—suspicion, a mere suspicion, though I know that for the sake of ceremony they have added the word "reasonable" to it and that is just to give it a legal gloss. Otherwise, we know what it practically means. If you are the judge of that reasonableness, then a bare suspicion is good enough from your point of view. Any man, no matter what his position in society may be, could be arrested and put into jail for an indefinite period, with certain ceremonies which have to take place periodically. And I say that if this is not repressive law, then the word had better be removed from the English language. I will ask my Honourable friend, the Law Member, to indicate what other law could more appropriately be put into that category which he is pleased to regard as repressive.

Sir, this brings me to a very interesting conversation which I once heard between two Nominated Members. One Nominated Member belonged to the Bengal Legislative Council and the other happened to be one of our own Honourable colleagues. I do not know why they permitted me to listen to such a conversation. Says the Honourable Member of this House to the other, "We started somewhat shakily, but look at the support we have given to Government throughout our life. We have come to Government's rescue, we have passed every measure irrespective of its nature or merits, and I can boldly assert that we have rendered great service to Government". He was, therefore, hoping that these services would be duly and adequately recognised. In answer to this, the Nominated Member of the Bengal Legislative Council turned round and said : "What are your achievements ? Look at our achievements. We have helped Government by a majority of 80 against 20"—which is the boast of the Treasury Benches,—"we have passed a measure, whereunder people can be put into jail without any trial. Is your achievement greater, or ours ?" The Assembly Member had to admit that, in the present state of modern civilisation, it was no doubt a great achievement. So the Bengal Member said : "Not to speak of the searches and forfeitures of property and the



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indiction of fines which could be recovered from the parents and guardians, these are only bye-products, the main thing is that you can catch hold of any man whom the Government do not like, put him in jail, and he has no redress". The Assembly Member rejoined and said : " Yes, but don't forget we came to your rescue. That beautiful Bill of yours, the operation of which was circumscribed within a very limited area,—look to what extent we have extended it ". I listened to all this, and I did not know whether to congratulate the one or the other. Finally, they turned round to me and asked me what I thought of all that. I said : " Well, if you will permit me, it reminded me of a little anecdote. Two little boys were playing together, and one of them boastfully said to the other : ' Do you know we have bought a hen ? ' The other boy said : ' Oh, really ? What about it ? ' He said, ' It laid five eggs yesterday ! ' ' Well ', said the other, ' that's nothing ; my father laid a foundation stone the day before ! So, is your performance greater, or ours ? ' "

Sir, here is an opportunity for this House of redeeming its past inactivities. We know Government have had very long innings so far as this Assembly is concerned. They have been batting and we have been fielding. We have dropped so many catches that each and every one of the Government bats has proved a Bradman for us. Sir, here is the last opportunity, and I beg my Honourable colleagues here in this House to look into the merits of this Bill. Let them put their hands to their breasts and ask themselves the question, is this a measure which is consonant with the elementary rules of justice ? I am not talking of British justice, but is it based on the universal rules of justice ? Can there be any justification in putting a man in restraint, against whom nothing has been judicially proved, and that for an indefinite period ? The original Bill is bad enough, and let us not, I submit, make it worse by extending its operation.

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : Sir, I am rather in an unfortunate position, because I have risen to speak after two fountains of wisdom have spoken. It is admitted on all hands that terrorism is a curse, that it is very deep-rooted, and that there is no greater enemy to the peace and prosperity of this country than terrorism. My friend, Mr. Puri, has gone further and established quite correctly that it is more like an epidemic than an ordinary disease. Surely, in exceptional circumstances and for such exceptional diseases, very exceptional measures are called for. It is admitted that it is worse than communism, and you find that very drastic kinds of legislation have been passed in different countries to meet communism ; and India needs a very exceptional legislative measure to meet this bigger enemy, namely, terrorism. Having been admitted that it is an epidemic, it must be admitted that prevention is better than cure. It is not wise, it is not advisable, that we should allow the epidemic to flourish and destroy thousands and thousands of lives before we deal with it. It is much more advantageous and in the public interest and for the welfare of our people that we should try preventive measures rather than curative ones. People outside Bengal are only aware of this terrorism from what appears in the papers. But terrorism is in fact much more deep-rooted than we on our side are aware. From the pace at which it is flourishing, from the fact that it has been able to defy the police and the C. I. D. so

long, it is apparent that it has gone very very deep indeed, and ordinary remedies will not provide a sufficient stimulus for the executive to be able to stop it. I had for a long time thought that perhaps terrorism is due to the unemployment among the educated youths, to the very limited openings for the display of their energies and intelligence and the desire for the service of their country, and that if enough means are found to keep them occupied in some business or some occupation or in some profession or service, the time at their leisure, which is now utilised for destructive purposes, may be utilised for more advantageous and progressive purposes in this country. But more and more you know about it and learn about it, you find that that impression which exists in my mind and in the mind of many other people does not stand the scrutiny of facts. We find that very well-to-do and very prosperous people, who are neither hunters for jobs nor in want of employment or occupation, but whose families are well settled down, for some mysterious reason or other take to this kind of terrorism.....

**Mr. B. Das :** Have you got any inner knowledge of it ?

**Sirdar Harbans Singh Brar :** My friend, Mr. B. Das, is perhaps more acquainted with terrorism, and that is why he puts that question to me. We in Northern India are comparatively spared from the misfortunes of terrorism than people nearer Bengal. But, recently, from unofficial sources it came to my knowledge that in colleges and schools even in Northern India people who are found to be nationally minded students in colleges, somehow mysteriously find this terrorist literature lying on their beds or in their rooms unsolicited, and it comes from channels of which they have no knowledge. I was surprised to hear how these things happened. But I was convinced by the experience of somebody who himself was in that college that because he read a few books on literature which tended to preach socialism and democracy.....

**Mr. B. Das :** Socialism is not terrorism.

**Sirdar Harbans Singh Brar :** Just hear me : have some patience. That because his ideas coincided with modern progressive thought of socialism in the west, on some days when he returned from his walks or rounds he found thrown through the window in his room literature on terrorism, and that he could never imagine who threw it or how it came there and how those people came to know that his ideas were moving from conservatism to socialism and thereafter sympathetic to terrorism. Further, I learn that persons from Bengal in different guises living in most aristocratic hotels, dodging the C. I. D. and the police all the way, have been able under disguised forms to come in contact with people who had ideas of socialism. If really these things are a fact and Government are better fitted through their usual agencies to know about them, and then, if the executive is satisfied that these things do happen and that terrorism is so deep as I have described it, surely it is our duty to leave in the hands of the executive to adopt such measures as they consider absolutely necessary for the prevention of this disease rather than for its cure. The interests of India are at stake. We see every day how drastic measures are adopted by different countries for meeting such drastic diseases, and it is idle to deny that we should deal likewise. We saw recently what happened in Germany and what a wonderful testimonial came to the head of the executive from the greatest patriot, Field Marshal Von Hindenburg, the President of the Republic, for

[Sirdar Harbans Singh Brar.]

dealing in such a speedy manner with a disease which threatend Germany and the German nation. We cannot play with the safety of this country and the peoples of India. We must deal, as sound administrators, with problems of this sort and we can quite well leave the administration of these drastic legislative measures in the hands of one who in his own province had always acted in a straightforward and honest manner in the administration. If he had found that the magistracy or police under him was corrupt, he admitted it in the Council and stopped it by taking executive measures and dispensing with the services of those whom he found unfit to discharge their duties. I feel, therefore, that Government should be fully empowered to meet with this terrorism with our co-operation and support.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But how do you associate the detenus with the commission of these crimes ?

**Sirdar Harbans Singh Brar** : My dear friend, Mr. Gaya Prasad Singh, asks how I connect them. The Government agency can be trusted to place such evidence as lies in their power before the executive and the officials of the Government will certainly sift down that evidence. I feel and I recognise that it is very hard to put a person in detention without giving him a chance to prove his innocence before a Court of law, but that is the ordinary way of dealing with ordinary diseases and ordinary troubles. For epidemics sometimes we have to give an injection to a person however unwilling he may be, in order to prevent the epidemic spreading. It gives him pain, it gives him trouble, it is unwelcome to him ; but in the interests of society, in the interests of his people and his country we have to adopt these measures ; and, in the circumstances I support this motion, for to me the interests of India and her people are far greater than the pleasure of supporting an abstract principle.

**Mr. B. Das** : Sir, I understand that my Honourable friend, Sirdar Harbans Singh Brar, is no longer a Member of the Nationalist Party. That is what I heard just now, because if he spoke as a supporter of Government, he ought to have taken his seat.....

**Sirdar Harbans Singh Brar** : I supported as an elected Member.

**Mr. B. Das** : But you did not support the measure as a member of the Nationalist Party, and if my friend wanted to support the measure, he ought to have taken his seat along with those who generally support Government, and that would have shown him in his true colours.

Now, Sir, not being a lawyer, I am not going to deal with my Honourable friend, the Law Member, with whom my friend, Mr. Puri, has dealt so thoroughly and so ably ; and there are also several legal giants who will deal with the Law Member when he will rise to address the House again, but I will refer to the two speeches that were delivered by the two Members of the Government, the outgoing and the incoming Home Members. Sir, I found a change in the speech of Sir Harry Haig, and I also welcome the very sympathetic manner of delivery of the speech of my Honourable friend, Sir Henry Craik. Both utilised the occasions to take the House into their confidence a little, which we have

not been accustomed to during the past 11 years of my association with this House. I am grateful to both these gentlemen for taking us into their confidence, for telling us that they are human beings, that they have got humanising thoughts or they are actuated by similar feelings as we are on this side of the House, and that they take pains before they come to decisions over cases relating to detenus and anarchists. Sir Harry Haig pointed out that the Bengal Government is exploring conditions and that terrorist crimes would cease in Bengal. Sir, three conditions were given, and the first of them was that the Government were rousing "public opinion". I know how public opinion is being roused in Bengal, how fathers and mothers are being punished for the alleged crimes of their sons and daughters !! Then, there is "unemployment", and the Government of India are assisting the Government of Bengal to remove unemployment. The Government of India, Sir, as everybody knows, are bankrupts today, and every Provincial Government is also a bankrupt today.....

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadan Urban) : No, not Madras.

**Mr. B. Das** : I apologise to my friend. Madras excels in everything, and I know that Madras is prosperous. But, Sir, every Finance Member has got his own pet theories. The outgoing Finance Member started the hare and the Provincial Governments are hunting after it, he started the question of economic planning and economic survey. So nothing will come out of it, and the Bengali youth for whom my friend, Mr. Mitra, pleaded so much will not find employment through the Economic Boards and Economic Surveys of the Bengal Government or of the Government of India.

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

Then, Sir, much has been said of "Education". I do not think that my diagnosis of the causes of terrorist crimes and terrorist movements tallies with the diagnosis which the Government have arrived at and which they often give out on the floor of the House. Of course, they know the real causes, but they would not like to tell us here what are those causes. How is it that in 1927-28 and 1928-29 the terrorist crimes were in abeyance? How is it that when Mahatma Gandhi issued his appeal to the youth of Bengal particularly—nobody knows who those terrorist youths are,—but when he issued his appeal not to have recourse to terrorist methods but to keep silent till the national leaders of the country settled with the Government about the future Constitution of India, there was a drop in terrorist activities in Bengal? And everybody knows it, and I am sure the Honourable the Home Member will recognise it, that there was certainly a marked decline in terrorist crime after that appeal of Mahatma Gandhi,—in fact there was no crime at all. But what happened in 1931? Mahatma Gandhi went to England as the sole Deputy of the Congress. He was being fooled by the Sankeys and others in the Round Table Conference. The Government of India at that time went on manufacturing instruments of horror like the Chittagong Ordinances and various other Ordinances. And what happened? When Mahatma Gandhi landed in Bombay within two days he was arrested. At that very moment he telegraphed to the Viceroy requesting for an interview,—I shall not mention the name of the Viceroy,

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but there was no response. The other day, in reply to a question relating to Mr. Sarat Chandra Bose, it was pointed out that both Messrs. Subhash Chandra Bose and Sarat Chandra Bose have some influence over the youths of Bengal. I do not think, Sir, they have any influence over those youths who are actuated with terrorist impulses. But yet the Government of Bengal did incarcerate Mr. Subhash Chandra Bose and Mr. Sarat Chandra Bose. Even that did not accentuate the feelings in Bengal, but when Mahatma Gandhi was incarcerated in January, 1932, these so-called anarchists and youths of Bengal knew that their leaders could not succeed in persuading the Government to accept the constitutional demands made by the country.

I do not know if I should congratulate my Honourable friend, Sirdar Harbans Singh Brar, on the serious charges that he laid against the students of the Punjab and the U. P., that they are all turning socialists and that they read books on Lenin, Carl Max sent by the Third Internationale through secret channels to the Punjab and U. P. students to read,—but so far as the youths of Bengal are concerned, I know they are intellectual, and they are ever with their great ambition to free their nation, and these youths lost all their faith in reconciliation, in negotiations between the national leaders whom they often hate,—they have expressed opinions of hatred to people who come and hobnob with the Treasury Benches and with the Government of India or with the Governors or the Viceroy,—these youths look upon these leaders with contempt and hatred,—they lost all their faith. Therefore, the real cause of the recrudescence of terrorist crime in Bengal is not what Sir Harry Haig depicted or what the Government of India want the country to believe, but the real causes are altogether different. If a few youths have got anarchist tendencies today, they have become desperate, but why have they become desperate? The real cause is that the Government of India, when the country was in a mood to respond, to reconcile to the conditions after the Gandhi-Irwin Pact,—I don't blame my Honourable friend, Sir Henry Craik, who was then in the Punjab Government,—the Government of India went on manufacturing, not only Ordinances, but instruments that will go against the very spirit of Gandhi-Irwin Pact. Thereafter, if the Bengal Government thought that they could stop the people from holding anarchist and terrorist views by the application of the Bengal Ordinance Act, or even if this House gives sanction that there should be a permanent legislation to stop these crimes, then I say Government are entirely mistaken in their diagnosis of the situation. If Government are made of iron, then I can believe that a machine has no soul and that a machine does not appreciate the spirit of the nation and the feeling of the youths. But, after all, the Government Members are human beings I do not think that in their heart of hearts, or when they are outside this Chamber, they believe in the stories that they trot out on the floor of this House.

As I said at the beginning of my speech, I welcome the very sympathetic speech of the Honourable the Home Member in replying on the debate on the repeal of Regulation III which my Honourable friend, Mr. Amar Nath Dutt, moved. That gives me hope. Today, the Congress, which represents the greatest and the biggest political party in India, is willing to make peace with the Government. It has decided to come into the Legislatures. Government should

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follow it up by dropping all those feelings of prejudice that certain Members of Government bore against the Gandhi-Irwin Pact. To continue to bear those feelings of prejudice is not the way to reconcile two great nations, Britain and India. The Congress is willing today to co-operate, and they have told the world that they are coming into the Legislatures to co-operate, but it should be honourable co-operation. But the interpretation by my Honourable friend, an eminent lawyer like Mr. Puri, of the speech of the Honourable the Law Member proves that the Government are afraid that when the Congress comes in they will not get the least chance to pass such repressive measures easily. They feared that the Federal Government will put powers into the hands of the people, but no Government Member will say that today, because they know that the Federation is receding, but they think that power is going to the provinces, to the people, and they try to hoodwink us by saying that when you get your provincial autonomy you will yourself need these powers. Certainly not. We do not need these lawless and drastic powers. But if I rose to speak on this occasion, it was because I wanted to make an appeal to the present Home Member. I want him to start with a new leaf. He must have had talks with the Governor of the Punjab,—the Gandhi-Emerson talks over which the whole of India rejoiced. Sir Herbert Emerson—at the time he was Mr. Emerson,—the Gandhi-Emerson talks were negotiated with good feeling and goodwill on both sides. Have Government the same goodwill today to the people of India? No. They do not have it. Otherwise, they would not have got behind and broken the spirit of the Gandhi-Irwin Pact and incarcerated Mahatma Gandhi at Yerrawada jail in 1932. The leaders of the Congress have assured Government that they are willing to reconcile themselves to the present condition of things. Are the present Government going to irritate them? That reminds me of the speech of Mr. Anklesaria at the second stage of this debate. He had the cheek, he had the insolence to call Mahatma Gandhi an apostle of all subversive movements in India. Who sheltered these Parsis in India twelve hundred years ago when they were driven away for their religion from their homes in Persia? It was the forefathers of Mahatma Gandhi that allowed them to settle down on the shores of Bombay.

**Mr. H. P. Mody :** Why do you condemn all Parsis?

**Mr. B. Das :** I am not condemning all Parsis, Mr. Mody. I hope that Mr. Mody when he returns to Bombay will ask his community of 50,000 Parsis in India to say that Mr. Anklesaria does not represent anybody else but himself in calling Mahatma Gandhi the apostle of all subversive movements. I know what Mr. Anklesaria is angling for. He is angling with the Sanatanists or the Satanists as somebody told me....

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : But may I remind my Honourable friend that Mr. Gandhi is very anxious to call himself a foremost member of that community which my Honourable friend is pleased to describe as Satanist! I think my Honourable friend may have also read in this morning's papers that Mr. Satyamurti is fondly inviting the so-called Satanists to join the Congress Party to which my Honourable friend belongs.

**Mr. B. Das :** I was merely repeating a joke. My Honourable friend must have a sense of humour to take a joke as a joke. Now, Sir, that Parsi gentleman is trying to angle with the Sanatanists of Guzerat and

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get their votes, because the Sanatanists, of whom Pandit Sen is one, as we all just now found out,—the Sanatanists are out for the head of Mahatma Gandhi, and, therefore, Mr. Anklesaria had the audacity to say those things which no man would have the courage to repeat outside the floor of this House.

**Mr. H. P. Mody :** He was also joking.

**Mr. B. Das :** But Mr. Anklesaria was joking too much, as he will find it to his cost. Mr. Anklesaria had the audacity to say not only that, but he said that in some way Mahatmaji is responsible for the recrudescence of terrorist crimes in India. I do not know how he got this. I know in Guzerat there are no terrorist crimes, though there is in Maharashtra—there was, not at present. But to connect up Mahatmaji as the inspirer of terrorist crimes in Bengal is sheer nonsense. And I have said that, if there is a revival of anarchism in Bengal, it is due to the incarceration of Mahatma Gandhi, and that proves that Mr. Anklesaria's arguments are all wrong.

Sir, my Honourable friend, Mr. Mitra, spoke about his talk with the Deputy Inspector General of Police in Bengal, the late Mr. Lowman ; after his own incarceration in 1924 or 1925, I think it was 1925, and he was told that it was because the Government of Bengal were afraid lest the leaders of the non-co-operation movement might incite the masses—for what ?—for the legitimate demand of Swaraj. How am I to know that these 1,500 or 1,600 detenus that the Bengal Government has got, some of them or most of them are not real national leaders ? They think differently from friends like Sir Satya Charan Mukherjee or Mr. A. H. Ghuznavi. I hope that my friend, Mr. Puri, did not have Sir Satya Charan Mukherjee in mind when he was giving that story this afternoon. Government know that there are people who believe in the Civil Disobedience Movement. There are people who believe in the non-violent non-co-operation movement, and there are people who believe in the full dominion status movement, but there are loyalists who would go to any extent. They wait in the ante rooms of the Government officials whether at Simla or at Calcutta or Darjeeling. When they talk to high officials, they say that they are quite satisfied with the present order of things until their life passes away, and thereafter it does not matter what comes to India. This is a very important point that Mr. Mitra raised, and let me assure the Honourable the Home Member that the nationalist leaders all over India, whether they are Congressmen, progressives or nationalists, think that these weapons of repression are all designed to suppress the nationalist movement—the demand for self-government—Dominion Status. It may not be full Dominion Status as some of us are now willing to accept. Sir, I live on the border line of Bengal. I was deeply pained to hear the statement from my Honourable friend, Sirdar Harbans Singh, that the rich men's sons from Bengal travel to the Punjab and get hold of these Sikh youths and teach them anarchist and terrorist crimes. My friend may not have visited Bengal, but I know the Bengali youth and I know the Bengali gentlemen and I am in touch with the Bengali press, and I do not think that Bengal has today that large wealth and that the sons of wealthy men like the Honourable the Law Member, who travel like Rajas and princes, teach the youth of the Punjab terrorist and anarchist crimes.

**The Honourable Sir Nripendra Sircar :** My son very often goes to Lahore.

**Mr. B. R. Puri :** Why don't you visit Lahore once ?

**Mr. B. Das :** When the Law Member's son visits Lahore, it must be some professional work and nobody can believe that the son of the Honourable the Law Member, who has accepted the Law Membership in the present Government, can have any sympathy with the terrorist or anarchist crimes. I want the Government to change their attitude towards the people of this country. The more we try to reconcile ourselves to things, the more they become terrorisers and oppressors. They so embitter feelings that I do not know when we sit on these Benches in the next Assembly there will be any friendly relations between this side and that side of the House. I want to know whether it is the policy of the Government of India to re-echo the die-hard sentiments in England or whether it is their policy to reconcile the feelings of all sections in India and to create a good atmosphere. If that be so, the Home Member ought to withdraw this Bill and ought not to give the Bengal Government that permanent lease, so that the officers in Bengal can go on terrorising the people. I am grateful to my friend, Mr. Mitra, for giving certain personal experiences. I also ask the Honourable the Home Member this question. We are all human beings, whether some are Members of the Government or not. I will ask him to find out from 1921 up to this date how many Bengal civilians and police officers have run away from Bengal and have not returned to Bengal. There was one Mr. Donovan, a very friendly Member of this House, the patron of my friend, Sir Satya Charan Mukherjee. He left Bengal and did not want to come back.

**Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official) :** Mr. Donovan did not fly from Bengal on account of the terrorist movement. He resigned the service on account of certain personal reasons.

**Mr. B. Das :** My friend has repeated the story from the *Whip* of Calcutta. My friend gets his inspiration from the *Englishman* which is now defunct. Mr. Donovan was made a Commissioner, but he did not have the courage to remain. The officials in Bengal leave the country and are not returning, because they are afraid of their own handiwork—the seething discontent they have created. I was told that a Chief Justice of the Bengal High Court did not take the train from Calcutta, but took a motor car and took the train from some station outside Calcutta.

**The Honourable Sir Nripendra Sircar :** That was done by Mahatma Gandhi who got down at Belur. The Chief Justice went from Howrah.

**Mr. B. Das :** Mahatma Gandhi got down at a wayside station, because people on account of the love for him overcrowded the stations. He wanted to avoid over-crowding in stations ; but what happened to that Chief Justice ? I am not giving these instances in any vindictive spirit. I am not in favour of the terrorist movement. But the fact is there that overjealous Government officers have so terrorised the people of Bengal that Bengal has no peace. I want the Government to revise their policy in time. If they do not do that, they will lose India. Whether they lose it today or tomorrow, they will lose India if they continue in their mad orgies and mad policy of continuing to govern India by repressive laws. Sir, I oppose the Bill.



**Diwan Bahadur A. Ramaswami Mudaliar :** I will not take more than a few minutes while I speak on this motion. I do not want to go into the merits of this Bill. I only wish to explain the position I am bound to take at the third reading stage when the motion is put to the vote. My Honourable Leader, Sir Abdur Rahim, has made it clear that he would not oppose this Bill if the Government agreed to limit the period to three years, but in case the Government were not prepared to accept it, we on this side of the House were not prepared to disfigure the Statute-book by a permanent legislation of this kind. The Government have not accepted the period of three years and we have no alternative but to record our protest by going into the lobby against the measure.

**The Honourable Sir Henry Craik :** Sir, as I observed in making my motion this morning, I had not the advantage of hearing the three days' debate which took place on this Bill, but I did devote many hours yesterday to reading those debates with considerable care. I felt, Sir, after reading them, that practically everything that could be said about this Bill, either for or against, had been said already, and that was why I refrained from making any speech on the motion for the third reading. After listening to this afternoon's debate, I confess that, though my memory is impaired as the effects of old age and hard work, I cannot recall or can hardly recall a single thing that has been said this afternoon that has not been said at some stage or other of the earlier debates, possibly in different language or phraseology, but still, in substance, the arguments put forward to have have all, or very nearly all, been put forward at an earlier stage. Therefore, in replying, I hope the House will forgive me if I myself am compelled to use arguments in refutation of those used in speeches made by some of my Honourable friends this afternoon which have themselves been made or used by previous speakers on this side.

Sir, the first point made by my Honourable friend, Dr. Ziauddin Ahmad,—who opened the opposition to the third reading,—was that there was no justification for making this supplementary Act one of a permanent nature. Now, that point was very fully dealt with in the speech of my predecessor, Sir Harry Haig, in dealing with the first of the two amendments, where he made it quite clear that the necessity for permanence was justified by our previous experience of the Acts enforced for short terms, then allowed to lapse and then afterwards revived. He reminded the House that when the Defence of India Act lapsed at the end of the War in 1919 or 1920, it only took a year or two for the terrorist movement to revive. Within a year or two of the lapsing of the Defence of India Act, there was a very serious recrudescence of the movement and that became so serious that a few years later in 1924 it was necessary for the Governor General to promulgate Ordinances re-imposing the powers granted by the Defence of India Act, and these subsequently took the form of legislation by the Bengal Council. Then, again, he explained that practically all the detenus were let out in 1928 and that the special powers were a little later allowed to lapse. They lapsed actually in 1930, I think it was in the beginning of 1930, and within a month or two we had that terrible outrage at Chittagong to which allusion has been made in more than one speech this afternoon. Then, again, after that and after other outrages of the same kind, the special powers had to be taken again. Now they are due to lapse if this Bill is not passed, at any rate

some of them are due to lapse in 1935. As Sir Harry Haig pointed out, all experience shows that it was a mistake to let the special powers lapse; that it encouraged the terrorists, and that it directly contributed to the revival of the terrorist movement after it had once been got fairly well under control. That, Sir, is the justification for making the powers conferred by this Bill of a permanent nature; and, as my Honourable friend, Mr. J. M. Chatarji, the official Member from Bengal, and I may say as several other speakers pointed out, making the powers permanent does not mean that this Act, as it will become I hope, will necessarily remain on the Statute-book for ever. It merely means that so long as the terrorist danger is an immanent one, this very valuable weapon will be available for use. When the movement is finally brought under control, there is no reason why this Act should not be repealed; it is only permanent in the sense that we want it to be continually available so long as the danger, from which it is designed to protect us, is present.

My Honourable friend, Dr. Ziauddin Ahmad, went on to attack the faulty education system in Bengal. On that subject I cannot, of course, follow him—I am aware that he is a very eminent authority on education, especially higher education, which I cannot claim to be—I cannot follow him or refute in detail his attack on the Bengal system, because I have no personal knowledge of it, but I would remind him of a point which was brought out in the debate, that that particular point—the reformation of the system of education, and especially of higher education, in Bengal, with special reference to its effect on the recruitment of young men to the terrorist movement,—is engaging the anxious attention of the Bengal Government. I entirely appreciate my Honourable friend's point and I merely wish to recall now that it has been explained by one of the Government speakers, I think, Sir Harry Haig, himself, that that is a subject to which the Bengal Government are devoting their constant attention. My Honourable friend also alluded to other causes or alleged causes that contributed to bringing in recruits to the terrorist movement—both the economic situation, with its reactions on employment, and so on, and other grievances, real or imaginary, not so much, I think, against Government as against the present organization of society. Now, my Honourable friend's point was that those wider causes were the things which Government had to tackle and that the terrorist movement would never be brought to an end by what he called “repressive” measures alone. Well, there, of course, I am entirely in agreement with him; and I think,—and I thought when I read the debate—that the attitude of Government on that point had been made quite clear by my predecessor, Sir Harry Haig. It is not our attitude that you could by these special laws alone end and finally crush the terrorist movement. I can admit that the causes are deeper than that and that these social phenomena to which my Honourable friend has alluded do require the most careful examination and that it should not be beyond the wit of man to devise, I hope in no very long process of time, some successful solution of those difficulties.

Now, Sir, I pass from my friend, Dr. Ziauddin Ahmad's speech and take up the points made by the next speaker, Mr. S. C. Sen. He cast doubts on the suggestion that the accommodation in the Bengal camps and jails was so congested that it was impossible for the Bengal Government to receive the 500 or so detenus who are now confined at Deoli. I

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should point out that it is not so much a question of congestion in accommodation in Bengal jails or in Bengal detention camps, but of the danger, which has been proved to be no idle chimera, but a real danger, that the more active and leading of these men have, if detained in Bengal, opportunities of communicating with their friends and associates outside and even of actually hatching fresh conspiracies, and that danger is greatly minimised by their detention in a more remote and inaccessible place like Deoli.

**Mr. K. C. Neogy :** That danger was not mentioned in the Bengal Legislative Council by the Home Member. That was Mr. Sen's point.

**The Honourable Sir Nripendra Sircar :** The Bengal Home Member said change of mentality.

**Mr. K. C. Neogy :** Effect on their mentality.

**The Honourable Sir Henry Craik :** Mr. Sen went on to speak, and his accuracy was challenged not by me so much, but by my Honourable colleague, the Law Member, regarding the dates and the sequence of events up to the time of the Chittagong outrage. I am sorry that I am unable to deal with that part of his speech, but he did conclude by a reference to the Rowlatt Act and he asked the House to draw the inference from the fact that Government had never used the procedure of inquiry provided by that Act, that Government were afraid to lay these cases before the kind of tribunal which that Act proposed to set up, namely, I think, two judicial officers and one non-official. Now, that is an entirely misleading inference. My recollection is that there was no such fear that an impartial inquiry by a tribunal of that sort would expose the fallacy of the charges brought against these suspects. It was not that, but it was the general unpopularity excited by the Rowlatt Act as a whole that prevented the Government from ever making use of that Act. In fact, I think, no part of it was ever brought into operation, and it was repealed some three or four years after it was passed. That, however, is ancient history.

Then, Sir, I come to my friend, Mr. S. C. Mitra, the champion of the detenus in this House, and no doubt outside. He put to me several points about the conditions in the Deoli Camp and suggested that interviews were repeatedly refused, that relations of the detenus were not informed of their relatives' health, that their letters remained unanswered, and so forth. He read certain letters, or extracts from one or two letters, which he produced in support of those allegations. I must admit that the extracts he read did not particularly impress me as corroborating all that he said in his speech. In any case, I hardly think that a great deal of weight can be attached to *ex-parte* and interested statements of the kind likely to be contained in the letters of such correspondents.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Government are also following *ex-parte* procedure.

**The Honourable Sir Henry Craik :** Government do, at any rate, try to do their best to ensure that the conditions at these camps are not unduly rigorous and a very elaborate set of rules has been drawn up by the Home Department.

**Mr. S. C. Mitra :** These letters were not sent to me to be read out here. I only made use of them in order to mention specific dates. Government are at liberty to contradict them instead of making the allegation that they are not accurate and are written in an exaggerated form.

**The Honourable Sir Henry Craik :** I did not say that they were inaccurate, but only that, to my mind, they did not carry very much weight. But in dealing with allegations of this sort that in Government institutions—I am not talking of detention camps, but any kind of institution—allegations that abuses exist and that subordinates ill-treat the people committed to their charge, and so on, I am faced with a very familiar difficulty that heads of Departments are frequently faced with. We draw up an elaborate code of rules and we do our best to see that those rules are enforced. Allegations are brought against us that the rules are not, in fact, observed and that the abuses go on. That sort of allegation is obviously extraordinarily difficult to contradict or refute on the spur of the moment. The Honourable Member will admit that I am naturally not in a position to say that these abuses about which he complains do not take place, because the accusation is made across the floor of the House and obviously I cannot telephone to Deoli to ascertain whether they are right or wrong. So, I hope the Honourable Member will appreciate my position which is this that Government do their very best to see that these abuses of which he complains do not take place.

**Mr. S. C. Mitra :** I only asked for an inquiry and the Honourable Member says that he does not attach any importance to the documents I quoted from. There I do not agree with him. Why does he not attach importance to them especially when I have given their dates ?

**The Honourable Sir Henry Craik :** All that I can say is that I will do my best to see that such abuses do not take place (Applause) and that I will make it my very early duty and take the first possible opportunity to follow the example of my predecessor, Sir Harry Haig, and visit the Deoli Camp myself and see that it is being properly conducted. I am not for a moment suggesting that it is not properly conducted, but I do recognise that it is a matter which has excited considerable amount of interest in the Honourable Member and those whom he represents, and I quite agree that it is one of the most important subjects committed to my charge. I propose to make myself acquainted with the conditions prevailing there as soon as I possibly can. At any rate, I only hope that the Honourable Member will wait before making other accusations until I have had an opportunity of looking into the state of affairs there myself. I would only like to remind him that in regard to the statement that interviews are repeatedly refused or rather, I think, he said that no attention is paid to an application for an interview.....

**Mr. S. C. Mitra :** I said that no reasons are given. I personally applied for interviews, and they were not only refused, but no reasons for refusal were given.

**The Honourable Sir Henry Craik :** All I can say is that the rules do quite clearly lay that the detenus are entitled to a certain number of interviews. I think it is once a fortnight. But the interviews are only allowed to people who are authorised to have them. That is to say, it

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is not open to anybody to walk up to the camp and say "I want to interview so and so". He must have a proper authorization which he has to obtain from the Bengal Government and it is possible that some persons who apply for an interview—I am only suggesting that this is a possible explanation of what the Honourable Member complains—do so without getting the correct authorisation.

**Mr. S. C. Mitra :** I regularly applied first to the Commandant, and at his request, I applied to the Government of Bengal in my own case. I agreed to observe any condition that Government wanted to impose on me as regards the interview and yet the interview was not granted and no reasons were given.

**The Honourable Sir Henry Craik :** Then, of course, that explanation does not fit the Honourable Member's case. But I suggest that it will fit certain other cases where delay has occurred in answering applications. The Honourable Member, I think, rather hinted at the possibility of there having been a hunger-strike or some such incident at Deoli and of the detenus being punished. All I can say is that the Home Department has heard nothing whatever of any such happening and I am quite certain that if anything of the kind had occurred, then we would have been immediately informed of it. I think I can safely assure the Honourable Member that that suggestion—I do not think he stated it as a fact, but merely as a surmise—that that surmise is in fact quite incorrect.

**Mr. S. C. Mitra :** Will the Honourable Member kindly enquire if there is any reason for prohibiting correspondence for a month and a half in the case of detenus ?

**The Honourable Sir Henry Craik :** In certain cases where the detenu has misbehaved, the privilege of writing or receiving letters can be withdrawn as a punishment. But I do not believe for a moment that there has been any general withdrawal. Such a punishment may have been inflicted on certain individuals, but I think we should certainly have heard if there had been any general penalty of that kind inflicted.

Sir, I do not want to follow the Honourable Member, Mr. Mitra, into the latter part of his somewhat contentious speech, but I cannot allow to pass without challenge one remark he made which was, I think, supported by interruptions from certain other Honourable Members sitting in his part of the House. The Honourable Member stated as an accepted fact that certain communal riots were deliberately promoted by officers of Government. Now, Sir, that is a statement that I have heard made in other cases of communal riots, and it so happens, that, in the course of my experience in India, which is now perhaps longer than most Members of this House, either European or Indian, I have had a good deal to do with communal differences. I have seen communal rioting on more than one occasion at first hand and I hope I will never see it again. But that sort of charge I have heard made repeatedly, that these communal differences are promoted either by individual officers of Government or by Government themselves as a deliberate policy. I should like to say here as emphatically as I can that a more wicked and malicious charge and one more utterly without foundation could not possibly be made. (Applause.) If there is one thing that British Government in India stands for, it is for

unity between the various communities. (Hear, hear.) If there is one thing in this country that ensures that that unity is not broken more often than it is, it is the hand of the British Officer. That I know from my own personal experience. (Applause.) The House can take it from me that that experience has been a pretty grim one. A fantastic and unfounded charge like that cannot be allowed to go without being contradicted.

**Mr. K. C. Neogy :** Does the Honourable Member expect those people who have witnessed things with their own eyes to believe what the Honourable Member says ?

**The Honourable Sir Henry Craik :** I have witnessed things as bad.

**Mr. K. C. Neogy :** I have witnessed, and thousands of other people also have witnessed with their own eyes what happened in Dacca.

**The Honourable Sir Henry Craik :** I still cannot accept the Honourable Member's statement. I deny that these communal differences are being fomented by Government.

**Mr. Gaya Prasad Singh :** Divide and rule is the policy.

**Mr. K. C. Neogy :** Will the Honourable Member publish the Neison report with reference to Chittagong ? It is a report made by an officer of Government with regard to certain things that happened there and the part that the police took in the riots in Chittagong in the name of carrying out searches. (Applause from certain Non-Official Members.) Let the Honourable Member accept this challenge and publish that report. The Honourable Member dare not do it.

**The Honourable Sir Henry Craik :** How does the Honourable Member know the contents of the report ? Has he seen it ? After all, this discussion is not relevant to the subject under discussion today.

**Mr. K. C. Neogy :** This point was referred to by one of the speakers today.

**The Honourable Sir Henry Craik :** Yes, I have replied to that point, and I do not wish to waste the time of the House or discuss any more that particular incident of the debate which was irrelevant, a regrettable irrelevancy. But I did feel that I could not allow a statement of that kind to pass unchallenged.

Now, Sir, I pass with some relief to the speech of my old friend, Mr. Puri, who comes from my home town of Lahore, and I think the House is indebted to him for the delightful story about the rhinoceros which, I must say, was new to me and which I shall try to remember. I would like, if my Honourable friend will forgive me, to draw his attention to the fact that he announced in his opening words that he intended to be very brief, that he only took part in the debate in order that he might register his disapproval of the Bill and he then took 46 minutes by the clock in doing so ! Perhaps the Honourable Member would forgive me if I in reply tell him a short story. Sir, it is known that Mr. Hoover, the late President of the United States, was a peculiarly laconic man, that he was very terse in his conversation. It was related of him on one occasion that on a Sunday morning when he was President of the United States, he went to the Church by himself and when he came back to the White House and sat down with his family to lunch, they said to him .

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"Well, what sort of service did you have? What was the sermon about?" His reply was: "Sin". His family again said: "Tell us something about it. What line did the preacher take about it?" His reply was "He was against it". Now, Sir, my Honourable friend was "against" the Bill, but what Mr. Hoover said in four words it took him 40 minutes to say.

**An Honourable Member :** It must have been Coolidge.

**The Honourable Sir Henry Craik :** I stand corrected. The Honourable Member challenged the Government to show the justification for banishing these detenus to Deoli. Now, that is a point which I have already dealt with and which was also dealt with by Sir Harry Haig and I need not go into it again. He also raised the point of what was the hurry in passing this Bill. That, again, Sir, was a point that was taken on the opening day of the debate on this Bill when the motion was made that the House should take the Bill into consideration. That very point was raised by my Honourable friend, Mr. Gaya Prasad Singh, by an interruption, and the reasons for taking this Bill this Session were explained to him across the floor of the House by Sir Harry Haig. I do not think I need repeat them as they will be within the recollection of the House. I need only say that it would be most awkward for the Government of Bengal if the Bill were to remain suspended in the air for another four or five months with its fate uncertain. The Government of Bengal would naturally be unable to decide what arrangements they would have to make in the contingency of the Bill being thrown out.

Finally, Sir, I come to the speech of my friend, Mr. Das, opposite, and I should like to acknowledge with grateful appreciation his kindly references to my own maiden speech in this Assembly a few days ago. I am grateful to the Honourable Member for the commendatory words he used about that speech. He assured us that the Congress was coming into the Legislature, I understand, with a view to co-operating with Government. I do not quite know what authority my Honourable friend has for making that statement, but I accept that from him and I hear it with pleasure.

**The Honourable Sir Nripendra Sircar :** He has got a ticket.

**The Honourable Sir Henry Craik :** I understand that he is quite certain of his ground in making that statement, no doubt just as certain as he was in making the assumption that he will be back in this House himself; and I certainly hope that in both assumptions he is correct. The co-operation offered, of course, will not be in the spirit of "Heads I win, tails you lose", but honest co-operation and genuine co-operation.

That, Sir, I think, is the only point in my Honourable friend's speech that I need refer to, because his speech, though interesting and refreshing, had really very little to do with the Bill.

Sir, we have now debated this comparatively simple measure for four days, and I think every possible angle and every possible aspect of the Bill has come under the most scrupulous and careful examination, and I do not think there really is anything more to be said either for or against the Bill. No one certainly can accuse this House of having scamped its task in dealing with this Bill. I hope, Sir, it will now proceed to put the crowning edifice on that task by passing the Bill.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The  
5 P.M. question is :

“ That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be passed.”

The Assembly divided :

AYES—54.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Bagla, Lala Rameshwar Prasad.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Duguid, Mr. A.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Grigg, The Honourable Sir James.  
Harbans Singh Brar, Sirdar.  
Heckenbuhl, Mr. F. W.  
Hudson, Sir Leslie.  
Ibrahim Ali Khan, Lieut. Nawab Muhammad.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lindsay, Sir Darcy.  
Lumby, Lieut.-Colonel A. F. R.

Metcalfe, Mr. H. A. F.  
Morgan, Mr. G.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mujumdar, Sardar G. N.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Rafiuddin Ahmad, Khan Bahadur Maulvi.  
Raisman, Mr. A. J.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Rau, Mr. P. R.  
Richards, Mr. W. J. C.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Scott, Mr. W. L.  
Sher Muhammad Khan Gakhar, Captain.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Pradyumna Prasad.  
Sircar, The Honourable Sir Nripendra.  
Spence, Mr. G. H.  
Studd, Mr. E.  
Talib Mehdi Khan, Nawab Major Malik.  
Trivedi, Mr. C. M.  
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.  
Zyn-ud-din, Khan Bahadur Mir.

NOES—34.

Abdul Matin Chaudhury, Mr.  
Abdur Rahim, Sir.  
Aggarwal, Mr. Jagan Nath.  
Azhar Ali, Mr. Muhammad.  
Badi-uz-Zaman, Maulvi.  
Bhuput Singh, Mr.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gunjal, Mr. N. R.  
Jadhav, Mr. B. V.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liladhar Chaudhury, Seth.  
Maswood Ahmad, Mr. M.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.

Mudaliar, Diwan Bahadur A. Ramaswami.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Neogy, Mr. K. C.  
Pandian, Mr. B. Rajaram.  
Pandya, Mr. Vidya Sagar.  
Parma Nand, Bhai.  
Patil, Rao Bahadur B. L.  
Phookun, Mr. T. R.  
Puri, Mr. B. R.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th August, 1934.