

7th February 1927

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume I

FIRST SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY, 1927



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LEGISLATIVE ASSEMBLY.

Monday, 7th February, 1927.

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

MEMBERS SWORN:

Sir George Frederick Paddison, K.B.E., C.S.I., M.L.A. (Madras: Nominated Official); and

Sir Darcy Lindsay, Kt., M.L.A. (Bengal: European).

QUESTIONS AND ANSWERS.

NATURALIZATION OF INDIANS IN THE UNITED STATES OF AMERICA.

273. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that Mr. Sakharan Ganesh Pandit of Bombay, now a practising Attorney and Counsellor of the Los Angeles Bar, California, has succeeded in obtaining a decision on or about the 1st November, 1926, from the United States Circuit Court of Appeals at San Francisco, California, upholding his American citizenship, which was granted to him by the Superior Court of San Bernardino, California, on the 7th May, 1914?

(b) Is it a fact that the above decision reverses the Supreme Court decision of 19th February, 1923, which held, in the case of Bhagat Singh Thind, that the Indian people are not admissible as citizens of the United States of America?

Mr. E. B. Howell: (a) Yes.

(b) The decisions appear to be contrary, but whether one can be said to reverse the other Government are unable to say.

Mr. Gaya Prasad Singh: Do Government propose to give any sort of help or facility

Mr. President: Order, order. The Honourable Member knows that the question whether Government was going to give any help to these people was part of the original question put by the Honourable Member and was disallowed by the President, and the Honourable Member is not entitled now to put it in the form of a supplementary question.

SPEECH OF THE MAHARAJA OF BENARES REGARDING THE REFORMS.

274. ***Mr. M. K. Acharya:** Is it a fact that the Maharaja of Benares recently delivered a speech before His Excellency the Viceroy and Governor

General adversely criticising the Reforms introduced in British India in 1919? In what language was the speech of the Maharaja written, and by whom was it delivered?

Mr. E. B. Howell: The facts can be ascertained from the newspapers.

Mr. M. K. Acharya: Is it not a convention that we in British India do not interfere in the affairs of Indian States?

Mr. President: Order, order. The Honburable Member is guilty of the same indiscretion as the last Member. The Honourable Member knows that that question was disallowed and he is now attempting to put it in the form of a supplementary question.

Mr. Ohaman Lall: May I ask the Honourable Member whether he has any objection to giving the gist of the answer to this question on the floor of this House?

Mr. E. B. Howell: It is not a question, Sir, of what I object to, but what is allowed by the rules.

Mr. Ohaman Lall: May I ask the Honourable Member whether he is acting as the President of this Assembly or as a Member of this Assembly?

Mr. E. B. Howell: As a very humble Member, Sir.

Mr. Ohaman Lall: May I ask whether he is going to give us a ruling as to what is allowed or not allowed or whether the ruling is to be given by the Chair.

Mr. President: What is the question?

Mr. Ohaman Lall: A question has been asked by Mr. Acharya and in reply he is referred to the press. I say can the Honourable Member not give us an explanation on the floor of this House. I say further that if the question has been admitted he must answer it on the floor of this House. Has the Honourable Member anything to say?

Mr. E. B. Howell: Nothing whatever, Sir.

Mr. Ohaman Lall: Am I to take it that we are going to be prevented from getting replies to our questions by the Honourable Member merely sitting tight in his Chair and not replying?

DRAFTING OF A NEW RAILWAYS ACT.

275. ***Sir Purshotamdas Thakurdas:** (a) With reference to the recommendation of the Railway Committee Report (Acworth) 1921, about the appointment of a Rates Tribunal, are Government aware that in paragraph 157 the said Committee recommend that the Chairman of the Rates Tribunal "could not be better employed at the outset than in an examination of the Act in the light of modern developments, both of circumstances in India and of legislation in other countries, and preparing for the consideration of the competent authorities the draft of a new Railways Act"?

(b) Will Government be pleased to state what steps they propose to take to have a new Railways Act drafted at an early date?

Mr. A. A. L. Parsons: (a) Yes.

(b) Government are aware that in some directions the Act requires revision, various suggestion as to revision received from time to time from Local Governments and Administrations and others are under consideration and it is also proposed to take the advice of the Rates Advisory Committee on the subject.

Sir Purshotamdas Thakurdas: Do I understand then that the Government reject the recommendation of the Acworth Committee that the President of the Rates Tribunal should be entrusted with that work?

The Honourable Sir Charles Innes: Not at all, Sir. We are proposing to take his advice on the whole subject.

Sir Purshotamdas Thakurdas: But the recommendation was that he should be asked to draft the revised Act, is it not?

The Honourable Sir Charles Innes: Quite so, Sir, but that comes at a later stage. At present we are proposing to consult him about various amendments to be made and the procedure to be followed. The question of redrafting the new Act comes at a later stage.

Sir Purshotamdas Thakurdas: May I know when the drafting of the new Act is to be taken in hand?

The Honourable Sir Charles Innes: That, Sir, depends upon various considerations, including the answer we get from the President.

Sir Purshotamdas Thakurdas: When the Government decide to take up the drafting of the revised Act, will the President of the Rates Tribunal be asked to do that as per recommendation of the Acworth Committee?

The Honourable Sir Charles Innes: As I have said, Sir, that will come on at an entirely later stage.

Mr. R. K. Shanmukham Chetty: Is it a fact that the President of the Rates Tribunal is vegetating without any work to do?

Sir Purshotamdas Thakurdas: And from that same point of view is it not a fact that the Acworth Committee said that, whilst he is waiting for work, he might be employed on this work?

The Honourable Sir Charles Innes: I believe that was so, Sir.

PROTEST AGAINST THE PROPOSED 1s. 6d. RATIO.

276. ***Sir Purshotamdas Thakurdas:** Will Government be pleased to state how many protests they have received till now from various commercial and public bodies in India, against their policy of maintaining the 1s. 6d. ratio? Will Government place on the table a list containing the names of such bodies with dates of their representations to Government?

The Honourable Sir Basil Blackett: The desired information is laid on the table.

Serial No.	Names.	Dates of Communication.
1	Indian Produce Association, Calcutta	12th August, 1926 and 21st January, 1927.
2	Indian Merchants Chamber, Bombay	12th August, 1926. 17th August, 1926 and 5th October, 1926.
3	Burma Indian Chamber of Commerce, Rangoon	14th August, 1926.
4	Bombay Shroffs' Association, Bombay	16th August, 1926 and 28th September, 1926.
5	Gum Merchants Association, Bombay	17th August, 1926.

Serial No.	Names.	Dates of Communication.
6	Indian Chamber of Commerce, Calcutta	18th August, 1926 and 30th November, 1926.
7	Millowners' Association, Ahmedabad	18th August, 1926.
8	Board of Marwari Chamber of Commerce, Bombay	19th August, 1926.
9	Grain Merchants Association, Bombay	20th August, 1926.
10	Indian Chamber of Commerce, Tuticorin	21st August, 1926.
11	The Buyers and Shippers Chamber, Karachi	25th August, 1926.
12	The Millowners Association, Bombay	12th October, 1926.
13	Bombay Cotton Merchants and Mucadums Association, Bombay	26th October, 1926.
14	Bombay Cotton Brokers' Association, Bombay	26th October, 1926.
15	Southern India Skin-Hide Merchants Association, Madras	8th November, 1926.
16	The East India Cotton Association, Limited, Bombay	24th November, 1926.
17	Madura-Ramnad Chamber of Commerce, Madura	5th December, 1926.
18	Indian Currency League, Rangoon	8th December, 1926.
19	Mining Federation, Jharia	10th December, 1926.
20	Bihar and Orissa Chamber of Commerce, Bankipore	14th December, 1926.
21	Gunny Trades Association, Calcutta	20th January, 1927.
22	Calcutta Rice Merchants Association, Calcutta	22nd January, 1927.
23	Yarn Merchants of Calcutta, Calcutta	22nd January, 1927.
24	Jute Dealers Association, Calcutta	28th January, 1927.

Lieut.-Colonel H. A. J. Gidney: Will Government kindly state how many letters they have received favouring the 1s. 6d. ratio?

The Honourable Sir Basil Blackett: The Honourable Member will have to put down a question. I have not counted them.

GRANT OF PERMISSION TO SJ. PRATUL CHANDRA GANGULY, A STATE PRISONER, TO SEE HIS SICK MOTHER.

277. ***Kumar Ganganand Sinha:** Is it a fact that the mother of Sj. Pratul Chandra Ganguly, a State prisoner under Regulation III in the Trichinopoly jail, is in a precarious condition of health? Has any application been received by Government to allow Mr. Ganguly to see his mother? If so, how has it been disposed of and why?

The Honourable Sir Alexander Muddiman: Mr. Pratul Chandra Ganguly's mother is suffering from shock as a result of a motor accident, but has now been pronounced by her medical attendant to be out of danger. Mr. Ganguly applied to the Government of Bengal for leave to see his mother. Enquiries were made into the state of her health, and in view of the report received, which has been communicated to Mr. Ganguly, the grant of leave was refused.

ALLOWANCES OF POLITICAL DETENUS.

278. ***Kumar Ganganand Sinha:** Will the Government be pleased to state:

(a) the names of detenues;

- (b) the amount of money spent on each of them separately and collectively up till now under sub-heads indicating the various classes of expenditure incurred on their account; and
(c) the annual average per head of expenditure incurred for them?

The Honourable Sir Alexander Muddiman: I lay on the table a statement giving such information as is available.

Statement.

The names of persons detained under Regulation III are :

Jadu Gopal Mukharji.
Satish Chandra Bhattacharji, *alias* Pakrashi.
Bhupendra Kumar Dutta.
Jyotish Chandra Ghosh.
Monaranjan Das Gupta.
Bhupati Mazumdar.
Amrita Lal Sarkar.
Rabindra Nath Sen Gupta.
Kali Prasad Banerji.
Jiban Lal Chatterji.
Satish Chandra Chakravarti.
Arun Chandra Gaha.
Kiran Chandra Mukherji.
Purna Chandra Das.
Bepin Behari Ganguli.
Pratul Ganguli.

The following allowances have been sanctioned for all detenus :

Diet Allowances.—From Rs. 1-6-0 to Rs. 8 a day according to the place where the jail is situated.

Allowances for toilet articles, books and newspapers, etc.— $\left\{ \begin{array}{l} \text{In India Rs. 14 per} \\ \text{mensem.} \\ \text{In Burma up to Rs. 15} \\ \text{per mensem.} \end{array} \right.$

Allowances for clothing, bedding, etc.— $\left\{ \begin{array}{l} \text{In India Rs. 190 per annum.} \\ \text{In Burma up to Rs. 225 per annum.} \end{array} \right.$

Expenditure on religious observances or other matters at the detenu's option.—Rs. 30 per annum.

Further allowances have been granted in individual cases by way of provision for their families. These vary with the families' circumstances.

HEALTH OF POLITICAL DETENUS.

279. ***Kumar Ganganand Sinha:** Will Government be pleased to state:

- (a) the names of detenus not in good health;
(b) the malady from which they are suffering;
(c) the treatment they are undergoing; and
(d) the prospects of their recovery?

If the answer is in the negative, why?

The Honourable Sir Alexander Muddiman: With some exceptions the reports indicate that the general health of the persons confined under Regulation III of 1818 is good. Mr. Jiban Lal Chatterji is suffering from tuberculosis. The medical officers recommended his transfer to a drier climate and this has been carried out. Mr. Pratul Ganguli has been suffering from sneezing and headaches. He is under the treatment of the local medical officer and his case is receiving full attention. Mr. Arun Chandra Guha has been suffering from boils. He has been under treatment and is now much better. Mr. Kiran Chandra Mukherji is in indifferent health.

I have no detailed information regarding the health of persons detained under the Bengal Criminal Law Amendment Act, 1925, which is administered by the Government of Bengal.

Mr. A. Rangaswami Iyengar: Will the Honourable Member obtain the information and give the House the benefit of it?

The Honourable Sir Alexander Muddiman: No, Sir. I have explained the constitutional position.

TAKING OF THE OATH OF OFFICE BY BABU SATYENDRA CHANDRA MITRA, M.L.A.

280. ***Kumar Ganganand Sinha:** Will Government be pleased to state whether or not Babu Satyendra Chandra Mitra, M.L.A., has been exempted from the obligation of taking the oath of allegiance to the Crown? If so, by whom and how? Will the Government be pleased to lay on the table the correspondence, if any, that has passed between the Government of India and the Government of Bengal regarding the matter prior or posterior to the letter addressed to the Honourable Member by the Government of Bengal refusing him permission to take the oath? If not, why? Will his seat be declared vacant on that ground? Will his security money be refunded to him?

Mr. L. Graham: The Legislative Assembly Electoral Rules do not permit of the granting of any exemption from the obligation of making the oath or affirmation of allegiance prescribed by rule 24 of those Rules. There has been no correspondence between the Government of India and the Government of Bengal on that subject. The Government of India are not in a position to state what action will be taken by the Governor General under rule 25 of those Rules, and until action is taken under that rule the question of the forfeiture or the return of the deposit money under rule 12 does not arise.

With your permission, Sir, I should like, before concluding my answer to this question, to correct a mis-statement contained in my answer to Mr. Gaya Prasad Singh on the 1st February. I then stated that no application for permission to attend this House had been received by the Government of India from Mr. S. C. Mitra. That statement, which was based on information supplied to me by the Department concerned, was, I regret to say, incorrect. A petition, praying that he may be permitted to attend the inaugural meeting of the newly elected Indian Legislative Assembly and to be present at the Assembly meetings, was forwarded to the Government of India on the 5th November, 1926, by the Government of Burma, and, on the 24th November, 1926, was sent by the Government of India to the Government of Bengal for disposal.

THE 48 UP SAHEBGUNGE LOOPLINE PASSENGER TRAIN.

281. *Kumar Ganganand Sinha: (a) Will Government be pleased to state why the 48 Up Sahebgunge Loopline Passenger train to Dinapore has ceased to run from the 1st January, 1927?

(b) Are Government aware of the inconveniences as to time and changes thereby caused to the travelling public?

RUNNING OF CONVENIENT THROUGH TRAINS BETWEEN THE CAPITAL OF BIHAR AND THE VARIOUS MUFASSIL HEADQUARTERS.

282. *Kumar Ganganand Sinha: Are the railway authorities taking any step to connect the capital of Bihar with convenient through trains from the various mufassil headquarters of the province? If not, why?

Mr. A. A. L. Parsons: I propose, with your permission, Sir, to answer questions Nos. 281 and 282 together.

The Government have no information on the subject, but if alterations in the Time-Table are required, this would appear to be a suitable matter to be brought to the Agent's notice by Members of the Local Advisory Committee.

DEVANAGARI SCRIPT ON SILVER COINS.

283. *Kumar Ganganand Sinha: Is it not a fact that the Devanagari script finds no place in the various silver coins issued by the Indian Currency Department? If so, will the Government be pleased to assign reasons for the same? Is the matter under the consideration of the Government?

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

The present practice of indicating the value of the silver coins in Persian is an inheritance from the Moghul Emperors, and in retaining the Persian script the Government of India merely carry on the continuity of numismatic tradition. The question of indicating the value in the Devanagari script was considered by Government and they decided not to make any change owing to the difficulty of accommodating more inscriptions on the coin.

Mr. Chaman Lal: Do I take it that the Government of India carry on their political traditions as well?

The Honourable Sir Basil Blackett: The answer is in the negative.

PUBLICATION OF INFORMATION RELATING TO CAREERS IN GOVERNMENT SERVICE.

284. *Kumar Ganganand Sinha: Has the attention of Government been drawn to the fact that much ignorance prevails in the country regarding the various Government institutions and openings in life and Government service for Indians? Is there any existing publication which gives the necessary information? If so, will the Government name it? If not, are the Government thinking of bringing out one? If they are not thinking of doing so, will the Government be pleased to state reasons for the same?

The Honourable Sir Alexander Muddiman: Government are not aware that there is any general ignorance regarding conditions of admission to Government service. It appears to them that if there is a real demand for any publication giving this information, it might be left to private enterprise to supply it.

GRIEVANCES OF PASSENGERS TO BAIDYANATHA DHAM.

285. ***Kumar Ganganand Sinha:** (a) Are Government aware of the fact that Baidyanatha Dham besides being a health resort is a famous place of pilgrimage and Hindu pilgrims (sometimes over a lakh) of all ranks throng there every year?

(b) Are Government aware of the fact that all the persons intending to visit the place of pilgrimage have to change trains at Jasidih Junction?

(c) Is it not a fact that the mail trains do not stop at the junction and the number of express and passenger trains stopping there is very small?

(d) Is it not a fact that the passengers to and from Baidyanatha Dham have to suffer greatly for want of convenient trains and the change at Jasidih?

(e) If the answers are in the affirmative will the Government be pleased to state why the grievance is not being remedied?

(f) Have Government seen the articles mentioned below:

(i) The *Amritabasar Patrika*, Sunday, September 20th, 1925, page 6 last column—East Indian Railway. Alterations to Trains, and

(ii) The *Forward*, Thursday, September 30th, 1925, page 9, 2nd column—Obstinacy of East Indian Railway?

If so, when and how did they treat them?

Mr. A. A. L. Parsons: (a) Yes.

(b) Yes.

(c) The mail trains do not stop at Jasidih Junction, but 5 Express and 6 Passenger trains stop there.

(d), (e) and (f). Government have not been able to obtain the cuttings referred to nor are they aware that passengers to and from Baidyanatha Dham suffer greatly for want of convenient connections at Jasidih but they have sent a copy of the question to the Agent, East Indian Railway, with in whose competence it is to take any action that may be desirable and practicable.

RAISING OF THE PLATFORMS AT JASIDIH JUNCTION.

286. ***Kumar Ganganand Sinha:** (a) Are Government aware of the fact that Jasidih Junction has a very low platform and that consequently passengers specially ladies and children are put to great hardships? If so, what steps are being taken to raise it? If no step is being taken, why?

(b) Did Sir Henry Wheeler's Government bring it to the notice of the railway authorities that the passengers were put to great hardships by

reason of the low platforms at Jasidih Junction? If so, when? Will the Government be pleased to lay on the table the correspondence that passed between the two Governments in that connection? What has been up till now done in this matter?

Mr. A. A. L. Parsons: (a) The provision of high level platforms at stations is left to the discretion of Railway Administrations, who provide them generally at places where the requirements of passenger traffic justify them. This is a matter which might suitably be brought to the notice of the Agent, East Indian Railway, through his Local Advisory Committee.

(b) There has been no correspondence between the Government of India and the Government of Bihar and Orissa on the subject.

INCLUSION OF BAIDYANATHA DHAM STATION IN THE MAIN LINE.

287. ***Kumar Ganganand Sinha:** Is it a fact that the East Indian Railway authorities intend to include Baidyanatha Dham station in the main line by constructing a chord line from near Adjai Bridge? If so, when is the scheme likely to fructify and how far has the matter progressed till now?

Mr. A. A. L. Parsons: The Railway Board have received no proposal of the kind from the East Indian Railway Administration.

IMPROVEMENT OF THE STATION AT BAIDYANATHA DHAM.

288. ***Kumar Ganganand Sinha:** Is it a fact that the East Indian Railway authorities informed Mr. Jagannath Jhunjunwala of Calcutta in December, 1925, that they would have a nice station at Baidyanatha Dham with all sorts of arrangements for the convenience of passengers? If so, how far has the matter progressed and why has the station not been improved even after the lapse of a year? When, if at all, will the station be built?

Mr. A. A. L. Parsons: We are not aware what, if any, information was given by the East Indian Railway authorities to the gentleman mentioned.

Plans and estimates are under preparation for the improvement of Baidyanatha Dham station and provision has been made for the work in the East Indian Railway Programme.

ALTERATION OF THE EAST INDIAN RAILWAY TIME-TABLES.

289. ***Kumar Ganganand Sinha:** Has the attention of the Government been drawn to the letter by "Vox Populi" published in the third page of *Forward* of Wednesday, September 8th, 1926, entitled "East Indian Railway Time Table grievances of the Public" and the editorial comment on it published on the same day? If so, are the Government contemplating to alter the time-table to provide convenient train timings to the passengers to Baidyanatha Dham, Simultala, Jajha and other sanatoria beyond Asansol? If not, why?

STOPPAGE OF THE 7 UP EXPRESS AT JASIDIH.

290. *Kumar Ganganand Sinha: (a) Has the attention of Government been drawn to the following letters to the press regarding the non-stoppage of 7 Up Express at Jasidih?

Title and Sender.	Paper.	Date.	Page.
1. "An Egregious Vagary" from Jagannath Jhunjhunwala.	<i>Forward</i> . .	Wednesday, September 1, 1926	11
2. "A Grievance" in local news column.	<i>Ditto</i> . .	Ditto	3
3. "Grievances of Baidyanath Dham passengers," from Kshitindra K. Bose.	<i>Amritabazar Patrika</i>	Saturday, September 4, 1926	7
4. "E. I. Railway Grievances of Passengers" from Panchanan Ghosal.	<i>Forward</i> . .	Sunday, September 5, 1926	11

(b) Will Government be pleased to state why the train is not timed to stop at the station? What steps, if any, are being taken to remove the public discontent on account of the non-stoppage of the express train? If no step has been taken will the Government be pleased to state reasons for the same?

Mr. A. A. L. Parsons: I propose, with your permission, Sir, to answer questions Nos. 289 and 290 together.

Government have seen most of the extracts referred to in these two questions. They are not aware why 7 Up Express is not timed to stop at Jasidih Junction, but they have sent a copy of the questions to the Agent, East Indian Railway.

CONSTRUCTION OF LAVATORIES TO SUIT INDIANS IN THE HIGHER CLASS RAILWAY CARRIAGES.

291. *Kumar Ganganand Sinha: (a) Is it a fact that the lavatories of higher class railway carriages are made in the European style only?

(b) If not, will Government be pleased to state the number of carriages in different railways having their lavatories to suit Indian convenience?

(c) If the answer to (a) is in the affirmative will Government be pleased to state reasons for the same?

Mr. A. A. L. Parsons: (a), (b) and (c). The figures asked for are not readily available but I would explain for the information of the Honourable Member that for some time past experiments have been in progress on several Indian Railways. The lines on which these experiments have proceeded have been to provide a certain number of coaches with:

- (1) two lavatories; or
- (2) with one lavatory having two types of commodes; or
- (3) with one lavatory having one commode adaptable to the customs of Indians and Europeans.

Railways are consulting their Advisory Committees in the matter but so far no really satisfactory solution of the problem has been arrived at.

TRAMWAY BETWEEN THE CITY OF DELHI AND NEW DELHI.

292. ***Mr. Gaya Prasad Singh:** Will Government be pleased to say if they are willing to consider the proposal of running a tramway between the city of Delhi and Raisina?

The Honourable Sir Bhupendra Nath Mitra: No such proposal has been received by Government but it will be given due consideration if made.

Mr. H. G. Cooke: Will Government consider the desirability of running a tramway round the long circular corridor of this Council House? (Laughter.)

RAILWAY LINE FROM CHAKIA TO KARNOWL ON THE BENGAL AND NORTH WESTERN RAILWAY.

293. ***Mr. Gaya Prasad Singh:** Will Government be pleased to state if a preliminary survey for a railway line from Chakia to Karnowl (Bengal and North-Western Railway), in Bihar, has been sanctioned; and if so, by what time the line is likely to be taken in hand?

Mr. A. A. L. Parsons: A preliminary survey has recently been sanctioned. The construction of the line will be considered on receipt of the survey report.

DEFECTS IN THE WORKING OF THE INDIAN WORKMEN'S COMPENSATION ACT.

294. ***Mr. K. O. Neogy:** (a) Has the attention of Government been drawn to a series of cases under the Indian Workmen's Compensation Act, in Calcutta, on the lines of *Aming Khatun vs. A. C. Roy and Company* (Claim Case No. 81 of 1926), decided by Mr. Lethbridge, Commissioner, Workmen's Compensation, Bengal?

(b) Do Government propose to undertake an amendment of the Act, so as to bring within its scope accidents happening to men engaged in loading or unloading ships on to boats?

(c) Has any other defect been brought to light in the course of administration of this Act? If so, of what character, and what action do Government propose to take to remedy the defect?

The Honourable Sir Bhupendra Nath Mitra: (a) I have not seen the particular case cited by the Honourable Member. But, following the decision of the Commissioner for Workmen's Compensation, Bengal, in what was apparently a similar case the attention of Government was drawn to the fact that persons injured by loading and unloading ships in mid-stream are not entitled to compensation under the Workmen's Compensation Act.

(b) Government propose to achieve the same end by using the powers conferred upon them by section 2(3) of the Workmen's Compensation Act, and the preliminary notification for this purpose, which is dated the 18th November last, has been published for criticism and referred to the Local Governments concerned for their opinion. A copy of this notification is being sent to the Honourable Member.

(c) Several suggestions for the improvement of the Act in matters of detail have been received by Government and the question of the advisability of introducing an amending Bill will be considered during the current year.

HINDU REFRESHMENT ROOMS ON STATE-MANAGED RAILWAYS.

295. ***Kumar Ganganand Sinha:** (a) Will Government be pleased to state the total number of Hindu refreshment rooms on State-managed Railway lines indicating their location?

(b) Why has no provision been made for them at every principal railway station?

Mr. A. A. L. Parsons: (a) The information required by the Honourable Member can be obtained from the published Time Tables of the railways.

(b) It is the policy of railway administrations to provide such refreshment rooms where sufficient use is likely to be made of them; and the Honourable Member will find in paragraph 98 of the Railway Board's Report for 1925-26 detailed information of what has been done in the matter during that year on different Railways. He is probably aware that the subject receives constant attention at Local Advisory Committee meetings.

PROVISION OF HINDU RESTAURANT CARS ON MAIL AND OTHER IMPORTANT TRAINS.

296. ***Kumar Ganganand Sinha:** (a) Will Government be pleased to state why no provision has been made to have orthodox Hindu restaurant cars attached to the mail and other important trains with short halts for the use of those who have religious and social objection to taking European dishes?

(b) Are not Government aware of the fact that the number of Hindu passengers of the class mentioned above is very large and that they suffer great inconvenience for want of such a dining arrangement?

Mr. A. A. L. Parsons: (a) and (b). Several railways have experimented with the provision of special restaurant cars for Indian passengers who are not accustomed to food cooked in European fashion, but the results of the experiments so far do not suggest any widespread demand. For example, during 1925-26 the Indian dining car running on the Mehsana-Wadhwan section of the Bombay, Baroda and Central India Railway had to be discontinued as it was not well patronised.

THE DEOGHAR-DUMKA RAILWAY.

297. ***Kumar Ganganand Sinha:** Will Government be pleased to state when the Deoghar-Dumka extension is to materialise and in what stage the matter is at present?

Mr. A. A. L. Parsons: At the end of last month we received a communication from the East Indian Railway Administration showing that they had selected among others a line from Sainthia to Bausi passing through Naya-Dumka with a line to Baidyanatha Dham for survey during 1927-28. That is all we know about the project at the moment.

RENTS OF QUARTERS AND BUNGALOWS IN NEW DELHI.

298. ***Kumar Ganganand Sinha:** Will Government be pleased to state the principle and procedure followed in the fixing of rent of the various quarters and bungalows in New Delhi?

The Honourable Sir Bhupendra Nath Mitra: The rents in New Delhi are fixed as follows:

1. In the case of residences occupied by Government servants at the rate of 6 per cent. of the capital outlay, subject to a limit of 10 per cent. of emoluments, in accordance with the Lee Commission's recommendations.
2. In the case of residences occupied by non-Government servants at economic rates. Members of the Legislature who reserve quarters for the whole Session are, however, given the concession of having their rents calculated under the provision of Fundamental Rule 45 (b) (ii).

COMPLETION OF THE CONSTRUCTION OF THE SECRETARIAT AND THE COUNCIL HOUSE IN NEW DELHI.

299. ***Kumar Ganganand Sinha:** Will Government be pleased to state when the construction of the Secretariat including compound buildings as well as that of the Council House is expected to be completed? Why was it not completed before the opening ceremony took place?

The Honourable Sir Bhupendra Nath Mitra: So far as essential accommodation is concerned the Secretariat was completed before the offices moved in last October and the Council House was ready in time for the opening ceremony.

In the former case the completion of the architectural design will probably take another year. The Council House building will be complete in 6 months as far as the original project envisaged its being carried.

Lieut.-Colonel H. A. J. Gidney: Will the Honourable Member consider the advisability of supplying maps of New Delhi for the Members of this House?

The Honourable Sir Bhupendra Nath Mitra: That question does not arise out of the main question, Sir.

Mr. A. Rangaswami Iyengar: Is it for the Honourable Member to say that it does not arise?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is at perfect liberty to give a separate notice of that question, but I submit that it cannot be treated as supplementary to the main question.

ELECTRIC BULBS IN QUARTERS AND BUNGALOWS IN NEW DELHI.

300. ***Kumar Ganganand Sinha:** (a) Will Government be pleased to explain what the Legislative Department means by "replacement of lamps" occurring in footnote (b) of enclosure No. 1 of its Circular No. LXIII, dated the 2nd December, 1926?

(b) Do the rents for bungalows and quarters mentioned in the enclosure include electric bulbs also or are they to be purchased by and remain the private property of tenants?

The Honourable Sir Bhupendra Nath Mitra: The quarters in question are fitted with electric bulbs and should any bulbs require replacement the replacement will be effected without any extra charge to the tenants.

DRAFT BERAR LAND REVENUE LAW.

301. ***Mr. M. S. Aney:** (1) Will Government be pleased to state when the draft Berar Land Revenue Law, as amended by the Berar Legislative Committee on the 1st of December, 1925, was submitted by the Local Government of the Central Provinces to the Governor General in Council for sanction?

(2) (a) Will Government be pleased to state whether the Local Government of the Central Provinces submitted any note along with the aforesaid draft Law?

(b) If so, will Government be pleased to publish the same and place on the table the correspondence between the Government of India and the Local Government that may have taken place in regard to this law after 1st December, 1925?

(3) Will Government be pleased to explain why the aforesaid draft Law has not been sanctioned and passed into an Act by the Governor General in Council so long?

Mr. E. B. Howell: (1) On the 16th December, 1925.

(2) (a) The Honourable Member's reference to a note is not understood. Under rule 9 (1) clause 1 of the Berar Legislation Rules, the Government of the Central Provinces sent to the Government of India, along with other relevant papers, the draft of the proposed Law as passed by the Berar Legislative Committee, and a letter reviewing the proposals.

(b) The Government of India regret their inability to comply with the Honourable Member's request.

(3) The Bill requires careful consideration but every endeavour will be made to expedite a decision.

PAY OF THE CLERICAL STAFF IN THE DIFFERENT CIRCLES UNDER THE
POSTMASTER GENERAL, PUNJAB.

302. ***Sardar Gulab Singh:** (a) What are the grades of pay of the clerical staff of the Postal Department in the different Circles under the Postmaster General, Punjab?

(b) In case of there being different grades in different circles, will Government be pleased to state the reasons for such differences?

(c) Are Government aware that the above differences cause great discontentment among the members of the clerical staff?

(d) Do Government propose to make the grades of the clerical staff in all the Punjab Circles similar?

The Honourable Sir Bhupendra Nath Mitra: (a) The existing scales of pay sanctioned for the postal clerical staff in the Punjab and North West Frontier Postal Circle are as follows:

- | | |
|---|-----------------------------|
| (1) Delhi, Lahore, Rawalpindi and Peshawar head post office
(including their town sub-post offices) | Rs. 45-5-145 |
| (2) All other 1st class head post office and the 2nd class head
post office at Abbottabad (including their town sub-post
offices) | Rs. 40-40-45-3-
54-4-130 |
| (3) Other 2nd class head post offices, their town sub-post offices
and sub-post offices not covered by (1) and (2) | Rs. 35-35-40-3-
64-4-120 |

(b) The differences are mainly due to differences in the cost of living prevailing in the various localities.

(c)*No.

(d) No.

FENCING OF RAILWAY LINES.

303. ***Sardar Gulab Singh:** (a) Will Government be pleased to state the reason for generally discontinuing the fencing along the railway lines?

(b) Have Government considered the question as to whether this will not increase the number of accidents on such lines?

Mr. A. A. L. Parsons: (a) and (b). The practice is to provide fencing round station yards and near level crossings and on sections of line running through densely populated districts at the discretion of a Railway Administration, and there is no intention of discontinuing this practice.

PROVISION OF PLATFORMS AT THE PRINCIPAL STATIONS ON THE SHAHDARA SANGLA LINE OF THE NORTH WESTERN RAILWAY.

304. ***Sardar Gulab Singh:** (a) Are Government aware that the want of platforms at railway stations causes great inconveniences to the travelling public?

(b) Do Government propose to provide platforms at the principal stations such as Qilla Sheikhpura, etc., on the Shahdara Sangla line of the North Western Railway?

Mr. A. A. L. Parsons: (a) and (b). Platforms are provided on all railway stations, including those on the Shahdara-Sangla line of the North Western Railway.

PROPOSED NEW RAILWAY LINES BETWEEN LYALLPUR, JARANWALA AND JHUMRA CHENIOT.

305. ***Sardar Gulab Singh:** Have the plans of the proposed new railway lines between Lyallpur, Jaranwala, and Jhumra Cheniot finally been completed, and if so, are the copies available for inspection?

Mr. A. A. L. Parsons: The plans showing the proposed alignments of the two railways mentioned by the Honourable Member have been completed, and are available for inspection in the office of the Chief Engineer in charge of Construction, North Western Railway.

ADMISSION OF CANDIDATES TO THE ROYAL MILITARY COLLEGE, SANDHURST.

306. ***Mr. E. F. Sykes:** Do the regulations for admission of Indian candidates to the Royal Military College, Sandhurst, permit of the candidature of persons who would not be eligible for enlistment in the regular forces of the Indian Army?

Mr. G. M. Young: Yes, Sir; while the general rule is that candidates for the King's Commission are selected from the classes that furnish recruits to the Army, individuals not belonging to those classes, and, in particular, members of the educated middle classes, are also eligible for admission to Sandhurst.

ALIGNMENT OF THE KASHIPUR-KALAGARH RAILWAY.

807. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the new survey line of the Kashipur-Kalagarh branch, recently conducted by the Rohilkund and Kumaon Railway passes through a different route from that which was surveyed by the same Railway a few years ago?

(b) Is it also a fact that the area which has been recently surveyed also contains several rich and valuable gardens and that the owners of the gardens in particular and the people of the neighbourhood in general will suffer heavily if these gardens are uprooted?

(c) Is it also a fact that in case the former route is adopted the railway station at Jaspur will be located to the north of the town where stands the big market which is the trade centre of the locality and that on the other hand if the new route is adopted the station will have to be constructed to the south of the town at a distance from the market?

(d) Are Government aware that there is a great deal of dissatisfaction amongst the people of the locality on account of the new route having been selected for the railway line?

(e) Are Government prepared to meet the wishes of the people of the locality and so divert the proposed line so as to connect the new survey line from Thakardawarah with the line of the old project near the village Narainpur?

(f) Are Government also prepared to accede to the wishes of the people of Jaspur and construct the railway station, in any case to the north of the town?

Mr. A. A. L. Parsons: (a) The reply is in the affirmative. The original project contemplated a railway to run in a fairly straight line from Kashipur past Jaspur towards Afzalgarh. The inhabitants of Thakurdwara represented, however, that the railway should be constructed to tap that town and the Committee convened by the Local Government which met at Agra, on 30th January, 1926, to consider the Kashipur-Kalagarh project also recommended that the Thakurdwara route should be adopted.

(b) It is not known that the new alignment passes through more valuable gardens. On the contrary in the vicinity of Kashipur the original alignment which ran to the north passed through valuable gardens whereas the new line passing to the south of Kashipur avoids them.

(c) The original site of Jaspur station was on the north of the town; the site on the new alignment is immediately to the south thereof, a more suitable location as it best serves the larger cultivated area and numerous villages to the southward.

(d), (e) and (f). The alignment has been laid out to be of the greatest advantage to transport in the locality and allow of the most economical construction.

SIKH CANDIDATES AT THE LAST EXAMINATION OF THE STAFF
SELECTION BOARD.

808. ***Sardar Gulab Singh:** (a) How many Sikhs from outside applied to appear at the Staff Selection Board's examination and how many of them were permitted to sit therein for each grade?

(b) To make up the deficiency in almost all grades in all the offices, are Government prepared to take as many Sikhs as will give them their full share in the Secretariat service from amongst the competitors?

The Honourable Sir Alexander Muddiman: (a) The number of Sikhs other than Departmental candidates, who applied to sit for the examination was 61. Of these two, who did not comply with the regulations, were not permitted to appear. Four absented themselves and one application was withdrawn. 23 sat for the Upper Division, 24 for the Lower Division and 29 for the Third Division. It will be seen that some candidates must have appeared for more than one Division.

(b) The results of the recent examination are not yet published, but when vacancies come to be filled, the orders which prescribe that the various minority communities should be adequately represented, if candidates are available and adequately qualified, will be observed.

CONSTRUCTION OF A RAILWAY FROM BATALA VIA BUTARI AND PATTI TO LAHORE.

309. ***Sardar Gulab Singh:** (a) With reference to the answer to question No. 163, dated the 1st September, 1926, will the Government kindly state how far that survey has progressed and when it is likely to be finished?

(b) Is it a fact that the people of that area represented to the Agent, North-Western Railway, and the Railway Board for the construction of a railway line immediately?

(c) In view of the fact that a survey has been sanctioned are Government prepared to have the matter expedited?

Mr. A. A. L. Parsons: (a) The Gurdaspur-Butari project is being investigated and it is hoped that the results of those investigations will be known by the end of May next. The Butari-Patti-Lahore project will be surveyed in March or April and the results will be known about July next.

(b) Representations have been received on the subject.

(c) The construction of the lines will be considered as soon as the survey reports are received.

EMPLOYMENT OF SIKH CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

310. ***Sardar Gulab Singh:** Is it a fact that no Sikh is working in the office of the Accountant General, Railways, as a clerk? If so, are Government prepared to order the recruitment of Sikhs in all future vacancies?

The Honourable Sir Basil Blackett: The information has been called for and will be supplied to the Honourable Member in due course.

EMPLOYMENT OF SIKHS IN THE ARCHÆOLOGICAL DEPARTMENT.

311. ***Sardar Gulab Singh:** (a) What is the total strength of the Imperial as well as Provincial service of the Archæological Department, and how many of the appointments are held by Muhammadans, Hindus and Sikhs?

(b) How many vacancies (temporary and permanent) fell vacant in each grade during the last 5 years and how many of them have gone to Sikhs?

The Honourable Mr. J. W. Bhore: (a) There is no Provincial Service in the Archæological Department. The total sanctioned permanent strength of the Central Service is 28. Of the 21 appointments at present filled three appointments are held by Muhammadans and eleven by Hindus. There are no Sikhs.

(b) Eleven vacancies (temporary and permanent) have occurred. No Sikhs were appointed to any of the seven vacancies already filled up. Proposals for filling up four appointments are now under consideration.

EMPLOYMENT OF SIKHS IN THE METEOROLOGICAL DEPARTMENT.

312. ***Sardar Gulab Singh:** (a) Is it a fact that there is no Sikh employed in the local as well as in the Imperial Service of the Meteorological Department?

(b) On what grounds have this community's rights been ignored in this service so far and when are Government likely to appoint Sikhs in this Department in each grade?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member is presumably referring to the Imperial Meteorological Service and the Subordinate Service of Assistant Meteorologists. The answer to the first part of the question is in the affirmative.

(b) The Government of India consider that for such a small and highly technical department, it is absolutely essential in the public interest that men with the best technical qualifications available should be recruited irrespective of the community to which they belong. They have however decided that where there are two or more applicants, whose qualifications taken all round are on a par, the claims of the candidate representing a minority community will prevail.

PROPORTION OF THE APPOINTMENTS OF DEPUTY POSTMASTERS GENERAL AND PERSONAL ASSISTANTS TO POSTMASTERS GENERAL TO POSTAL DIVISIONS IN THE DIFFERENT POSTAL CIRCLES.

313. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state what is the proportion of the appointments of Deputy Postmasters General and Personal Assistants to Postmasters General to Postal Divisions in the different Postal Circles in India; and whether there is any standard to regulate the number of such appointments? In case the proportion is not the same in all the circles for want of a proper standard, do Government propose to take steps to ensure equal treatment for all the postal circles in the matter of such appointments?

The Honourable Sir Bhupendra Nath Mitra: A statement furnishing the desired information is laid on the table. There is no standard in the sense of a fixed formula. The proportion referred to by the Honourable Member does not constitute the sole criterion. The staff of officers required in a Circle Office is determined by circumstances which are not equal in every Circle. The differences between the percentages shown in

the statement are not such as, in the view of Government, necessitate action.

Postmaster-General's Circle.	Number of		Total.	Number of Postal Divisions.	Percentage of figure in column 4 on that in column 5.	Remarks.
	Deputy Postmasters-General, Post Office.	Personal Assistants.				
1	2	3	4	5	6	7
Bengal and Assam	3	4	7	26	26.92	Controls the Foreign Post arrangements with Europe, America, etc.
Bihar and Orissa	...	3	3	9	33.33	
Bombay	2	4	6	17	35.29	
Burma		2	2	10	20	The question is under consideration of appointing a Deputy Postmaster-General Post Office in which case the percentage in column 6 would be 30.
Central		3	3	10	30	
Madras	2	3	5	18	27.77	
Punjab and North West Frontier.	2	3	5	13	27.77	
United Provinces	1	3	4	15	26.66	
Total	10	25	35	123	28.45	

DUTY ALLOWANCE OF PERSONAL ASSISTANTS TO POSTMASTERS GENERAL.

814. **Mr. Jamnadas M. Mehta:** Is it a fact that the present duty allowance of Rs. 100 per mensem for each Personal Assistant to Postmasters General was sanctioned long ago when the scale of pay for such officers was Rs. 200—500 only and that although the scale of pay has been raised to Rs. 800—750 on economic grounds, the duty allowance has remained the same? If so, do Government propose to grant a corresponding increase in the duty allowance by raising it to Rs. 150 per mensem at least?

The Honourable Sir Bhupendra Nath Mitra: The allowance to which the Honourable Member refers was sanctioned in 1904 simultaneously with a revision of the graded pay of the officers in question which established a range of pay for them of Rs. 200—600; and has remained unaffected by subsequent revisions of pay which now is fixed at Rs. 800—750 on a time-scale.

The reply to the second part of the question is in the negative.

I may add for the Honourable Member's information that it is not the usual policy of Government to enhance allowances of the kind in question in proportion to enhancements of pay.

ANNUAL INCREMENTS OF SUPERINTENDENTS OF POST OFFICES.

315. ***Mr. Jamnadas M. Mehta:** Is it a fact that the rate of annual increments for Superintendents of Post offices and 1st class Postmasters have always been the same and that while the rate of increment for 1st class Postmasters has recently been raised to Rs. 30 the Superintendents still continue to draw an increment of Rs. 20 for the first 15 years and Rs. 25 for the remaining six years? If so, do Government propose to raise the rate of annual increments for Superintendents also to Rs. 30 so as to bring them into a line with 1st class Postmasters?

The Honourable Sir Bhupendra Nath Mitra: The facts are not as stated in the first part of the question. The answer to the second part is in the affirmative. The answer to the third part is in the negative.

Mr. Jamnadas M. Mehta: What are the facts so far as the rate of increments is concerned? If they are not as I have stated, what then are they?

The Honourable Sir Bhupendra Nath Mitra: The facts are that the rates have been different at various times.

CREATION OF A SELECTION GRADE FOR SUPERINTENDENTS OF POST OFFICES.

316. ***Mr. Jamnadas M. Mehta:** Are Government aware that the chances of promotion of Superintendents of Post Offices to the appointments of Deputy Postmasters General and Postmaster General are no longer the same as they were until a few years ago and that the majority of men who entered service as Superintendents will now have to retire as Superintendents? If so, do Government propose to consider the desirability of creating a selection grade of Rs. 800—40—1,000 for Superintendents so as to give those officers who begin service as Superintendents and retire as Superintendents for no fault of theirs, a chance to get the maximum pension on retirement?

The Honourable Sir Bhupendra Nath Mitra: I do not know what the Honourable Member precisely means by "until a few years ago". But the proportion of appointments of Deputy Postmasters-General and Postmasters-General open to Superintendents of Post offices to appointments of the last named category is now actually somewhat higher than it was ten years ago. Nor is it correct to say that the majority of men who entered as Superintendents will now have to retire as Superintendents.

The answer to the second part is in the negative.

UNSTARRED QUESTIONS AND ANSWERS.

CONSTRUCTION OF A METRE GAUGE RAILWAY BETWEEN BILASPUR AND MANDLA IN THE CENTRAL PROVINCES.

71. **Seth Jamnadas:** (a) Will Government be pleased to state the year in which the project of connecting Bilaspur and Mandla in the Central Provinces by constructing a metre gauge railway line was first undertaken by the Government?

(b) Is it a fact that since the undertaking of the above project, earth-work in connection with the same was completed from Bilaspur up to Mungeli, a distance of about 31 miles, and sites acquired for intervening stations between the two places after giving compensation to owners of the land in question?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state the reasons which led them not to complete the construction of the said railway line so far and whether it is now intended to undertake completion of the same at an early date?

(d) If the answer to (b) be in the negative, will the Government be pleased to state whether it is proposed to undertake the project afresh?

Mr. A. A. L. Parsons: (a) and (b). The work was taken up as a famine relief work in 1900 and some earthwork was done, and compensation was paid to the owners of land, which was required.

(c) and (d). The construction of the line was held in abeyance owing to financial considerations. A reinvestigation of the Bilaspur-Kawarda section has been sanctioned recently, and the question of its construction will be taken up on receipt of the results.

CRIME IN NEW DELHI.

72. **Dr. B. S. Moonje:** (a) Has the attention of Government been drawn to a piece of news appearing in the *Hindustan Times*, Delhi, of Friday, the 21st January, 1927, late Dak Edition, on its front page under the heading of "Life in Raisina; Between Devil and Deep Sea; Centre of Criminal Gang"?

(b) If so, is it a fact that dacoities and murders have been very frequently happening?

(c) If so, what do Government propose to do to eradicate the evil?

The Honourable Sir Alexander Muddiman: (a) Government have seen the article.

(b) No.

FILLING UP OF DITCHES NEAR RAILWAY EMBANKMENTS.

73. **Dr. B. S. Moonje:** (a) Are Government aware that ditches arising on both sides of railway lines out of pieces of earth being dug up for making embankments for railway lines, remain filled with stagnating putrefying water throughout the greater period of the year as can be particularly noted in Bengal and thus become dangerous breeding places of malaria spreading throughout the surrounding country?

(b) If so, are Government prepared to draw the attention of the Railway Board to this fact so that the Board may arrange to get these ditches filled up or properly drained as may be found feasible?

Mr. A. A. L. Parsons: The digging of earth from borrow-pits for the construction and maintenance of railway embankments is a necessity and there is no other method by which embankments can be economically made. In most parts of India these borrow-pits are dry for a much longer period than they are wet, but in the water-logged districts of Bengal it has to be admitted that they frequently remain full of water for the best part of the year. There is no reason to believe however that they form

a more favourable breeding ground for mosquitoes than the numerous pits and excavations which are invariably found in cultivated and populated areas in Bengal.

The subject of malaria prevention is receiving special attention in the badly affected areas along the Eastern Bengal Railway by the Medical Department of that Railway in collaboration with the special anti-malarial work of the Local Government.

CONSTRUCTION OF A METRE GAUGE RAILWAY BETWEEN BILASPUK AND MANDLA IN THE CENTRAL PROVINCES.

74. **Dr. B. S. Moonje:** (1) Will Government be pleased to lay on the table information in connection with a railway project of a metre gauge line from Bilaspur to Mandla via Mungeli in the Central Provinces?

(2) Will the Government be pleased to state:

- (a) if the project has been given up or whether it is still in contemplation;
- (b) if it be still in contemplation, why it is allowed to languish; and
- (c) if it is likely that it will be seriously taken in hand in the near future and, if so, when?

Mr. A. A. L. Parsons: (1) and (2). The Honourable Member is referred to the reply given to Seth Jamnadas's unstarred question No. 71 on the same subject.

FIRST AND SECOND CLASS WAITING ROOM AT RAFIGUNJ STATION ON THE EAST INDIAN RAILWAY.

75. **Mr. Siddheswar Sinha:** Is there a first and second class waiting room at Rafigunj station on the M. G. section of the East Indian Railway? If so, will the Government be pleased to state the number of 1st and 2nd class passengers booked to and from that station in the year 1926?

CONSTRUCTION OF SHELTER FOR PASSENGERS AT STATIONS ON THE M. G. SECTION OF THE EAST INDIAN RAILWAY.

76. **Mr. Siddheswar Sinha:** (a) Will Government be pleased to state the names of stations on the M. G. section of the East Indian Railway that have no waiting shed for any class of passengers together with the number of passengers booked to and from these stations in the year 1926?

(b) Do Government realise the necessity and propose to instruct the East Indian Railway Board to construct some kind of shelter for the passengers at these stations?

Mr. A. A. L. Parsons: I propose to answer questions Nos. 75 and 76 together. The Government have continually pressed on Railway Administrations, including the East Indian Railway, in recent years the desirability of increasing amenities for third class passengers and if the Honourable Member will refer to the Administration Reports for the last 3 years he will find much information on the progress made by the different Railways in this respect. But Government cannot undertake to decide on the relative urgency of such improvements as may be required. They must leave that to the Agent.

ISSUE OF THIRD CLASS RETURN TICKETS TO GAYA.

77. **Mr. Siddheswar Sinha:** (a) Are Government aware that Gaya is one of the most important places of pilgrimage of Hindus?

(b) Are Government aware of the troubles of third class passengers at Gaya, during the *Pitripaksh* mela on account of shortness of third class waiting room?

(c) Do Government propose to instruct the Railway Board to issue 45 days' return tickets to Gaya?

Mr. A. A. L. Parsons: (a) Yes.

(b) No.

(c) Ordinary first, second and intermediate class return tickets are now issued at 1½ fares to and from Gaya, and in fact all other stations on the East Indian Railway. Government do not propose to introduce third class return tickets at reduced fares.

RECRUITMENT OF SIKHS IN CERTAIN OFFICES.

78. **Sardar Gulab Singh:** (a) With reference to the reply to question No. 165, dated the 1st September last, will Government be pleased to let this House know how many temporary and permanent vacancies of clerks and typists fell vacant in the following offices and how many of them have gone to Sikhs in each grade since that time?

- (1) the office of the Auditor General,
- (2) the office of the Audit Officer, Indian Stores Department,
- (3) the office of the Accountant General, Posts and Telegraphs,
- (4) the office of the Director General, Posts and Telegraphs.

(b) Will Government also be pleased to give the nationality, qualifications and the province to which the candidate who was appointed in each vacancy, belonged?

(c) Do Government intend to order the recruitment of Sikhs in these offices in all future vacancies in each grade until their required number is attained?

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

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

RAILWAY BUDGET.

Mr. President: I have received the following Message from His Excellency the Viceroy and Governor General:

(The Message was received by the Assembly standing.)

"For the purpose of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Edward Frederick Lindley, Baron Irwin, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of

[Mr. President.]

Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:

Friday, February 18th	...	...	Presentation in both Chambers.
Monday, February 21st	..	...	General discussion in the Council of State.
Tuesday, February 22nd		...	General discussion in the Legislative Assembly.
Wednesday, February 23rd	...	...	} Voting of demands for grants in the Legislative Assembly.
Thursday, February 24th	...	...
Friday, February 25th	...	...
Saturday, February 26th	...	...

(Sd.) IRWIN,
Viceroy and Governor General."

APPOINTMENT OF MR. K. C. NEOGY TO THE PANEL OF CHAIRMEN.

Mr. President: I have to inform Honourable Members that I have appointed Mr. K. C. Neogy on the Panel of Chairmen in place of Mr. S. Srinivasa Iyengar who has resigned.

EXTENSION OF THE TIME FOR RECEIVING NOMINATIONS TO THE PANEL FOR THE STANDING COMMITTEE ON EMIGRATION.

Mr. President: I have also to inform the Honourable Members that up to 12 Noon on Friday, the 4th February, only 8 nominations have been received for election to the panel for the Standing Committee on Emigration. As 16 Members are required for the panel in question, I extend the time for receiving further nominations up to 12 Noon to-morrow, the 8th February, 1927. The election, as already announced, will take place on the 9th of February.

ELECTION OF MEMBERS FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: The Assembly will now proceed to elect eight Members for the Central Advisory Council for Railways. I may inform the Assembly that 17 nominations were received originally, but three candidates, namely, Mr. Abdul Latif Sahib Farookhi, Mr. Siddheswar Sinha and Mr. Rafi Ahmed Kidwai have since withdrawn their names and these names have been cut out from the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

STATEMENT REGARDING THE CURRENCY BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, with your permission, I desire to make a statement on a matter which I know is of great interest to the House.

The Government have given very careful consideration to the question of further procedure on the Currency Bill and have taken fully into account the views expressed by various speakers in the course of the debate on January the 25th. In order that their position in this matter may be clear to the House, the Government desire to explain shortly the reasons for the conclusion they have reached.

As many Honourable Members are aware, the main features of the Budget have to be settled by the Government by the middle of January each year and it is only under considerable pressure that the preparation of the detailed estimates and Demands for Grants can be completed in time for the introduction of the Budget on February the 28th. The decision of the Assembly to postpone consideration of the Currency Bill last August, therefore, made it impossible for the Budget of 1927-28 to be prepared on the basis of any ratio other than 1s. 6d. The effect on the Budget of a reduction of the ratio to 1s. 4d. would, of course, be very considerable, but it does not, in any way, depend on the question whether the final decision regarding the ratio is taken before or after the introduction of the Budget. Clearly the effect must be the same in either case and, as stated by the Currency Commission in paragraph 207 of their Report, the effect, though it is not decisive, cannot be ignored in considering what the ratio should be. If the House is called upon to come to a decision on the ratio before the Budget is introduced, the decision will take place in the absence of facts and figures which are known to the Government and are very material to the discussion and should obviously be weighed by the House in coming to their conclusion but cannot be disclosed without a premature disclosure of the contents of the Budget. If, on the other hand, the Budget is opened before the discussion takes place, the House will have full knowledge of the bearing upon the finances of the country of the decision they are called on to take and will be able to come to their conclusions both on the Budget and on the ratio with a full understanding of all the relevant facts. No more and no less difficulty would be involved in re-adjusting the Budget figures and proposals to a 1s. 4d. ratio if a decision in favour of that ratio were taken after February the 28th than if it were taken earlier.

In view of these considerations, the Government have decided to put down the motion that the Currency Bill be taken into consideration on Monday, March the 7th.

THE INDIAN SECURITIES (AMENDMENT) BILL.

Mr. M. S. Aney (Berar Representative): Sir, I move that the Select Committee to which the Bill to amend the Indian Securities Act, 1920, for certain purposes, was referred, do consist of the following persons, namely, Sir Victor Sassoon, Sir Walter Willson, Sir Purshotamdas Thakurdas, Mr. Vidya Sagar Pandya, Mr. K. C. Neogy, Mr. Jamnadas M. Mehta, Mr. S. Srinivasa Iyengar, Mr. T. Prakasam, Kumar Ganganand Sinha, Mr. Ghanshyam Das Birla, Seth Jamnadass, Dr. B. S. Moonje, and the Mover, with instructions to report not later than 1st March, 1927; and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be seven. I have not included the names of the Honourable the Law Member and the Member in charge of the Bill because they will be present and it is not necessary to include their names.

The Honourable Sir Basil Blackett (Finance Member): Sir, I desire to move that the following be added to the names of the Members of the Committee, Mr. Graham, Mr. Aravamudha Ayyangar, Dr. Hyder and Sir Abdul Qaiyum.

Mr. President: The question is:

"That the following be added to the names of the members of the Select Committee just proposed: Mr. Graham, Mr. Aravamudha Ayyangar, Dr. Hyder and Sir Abdul Qaiyum."

The motion was adopted.

Mr. President: The question is:

"That the Select Committee to which the Bill to amend the Indian Securities Act, 1920, for certain purposes, was referred, do consist of the following persons, namely:— Sir Victor Sassoon, Sir Walter Willson, Sir Purshotamdas Thakurdas, Mr. Vidya Sagar Pandya, Mr. K. C. Neogy, Mr. Jamnadas M. Mehta, Mr. S. Srinivasa Iyengar, Mr. T. Prakasam, Kumar Ganganand Sinha, Mr. Ghanshyam Das Birla, Seth Jamnadas, Dr. B. S. Moonje, Mr. L. Graham, Mr. V. K. A. Aravamudha Ayyangar, Dr. L. K. Hyder, Sir Abdul Qaiyum and the Mover, with instructions to report not later than 1st March 1927; and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The motion was adopted.

THE INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce a Bill further to amend the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, for certain purposes.

The House may perhaps be reassured on this occasion when I tell them that this is not a bye-product of the Civil Justice Committee. The main proposal in this Bill was taken up at the instance of the Bombay High Court. They addressed the Government of Bombay and the Government of Bombay addressed us. The Honourable Judges suggested that the existing law of the Presidency Towns Insolvency Act, 1909, should be amended so as to provide that the insolvent should not present a second or further application for adjudication after the annulment of the insolvency without the leave of the court. The Honourable Judges of the Bombay High Court have assigned as their reason for their proposal that it was necessary in order to check the increase in the number of such applications which had been brought to their notice in recent years. When the Government of India received that communication from the Bombay High Court through the Local Government, they consulted all other Local Governments and High Courts and in the result there was a very large bulk of opinion in favour of the proposed amendment. In the course of circulation we had one or two minor suggestions, one of which Honourable Members will find in clause 4 of the Bill. That was suggested to us by the Calcutta High Court who suggested that we should make it clear that the previous proceedings might be proceedings under Act III of 1909 or under Act V of 1920. The only other provisions of the Bill are certain provisions which assimilate the Provincial Insolvency Act with certain amendments that have recently been made. Sir, I move.

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I introduce the Bill.

THE INDIAN LIMITATION (AMENDMENT) BILL.

(AMENDMENT OF ARTICLE 182 OF SCHEDULE I.).

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move that the Bill further to amend the Indian Limitation Act, 1908, by amending Article 182 of Schedule I to that Act, be taken into consideration. I do not propose to detain the House with a speech at this stage. I have fully explained the object of the Bill when I moved for leave to introduce. Sir, I move.

Mr. O. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, this morning I made a fair and honest attempt to negotiate with the Honourable the Home Member for consenting to a Select Committee being appointed in order to consider the full effect of Article 182 of the Indian Limitation Act. Having failed in that attempt I am constrained to oppose the further consideration of this Bill, and that, Sir, for very good reasons

Mr. President: The Honourable Member is even now entitled to move for a reference to Select Committee.

Mr. O. Duraiswamy Aiyangar: Sir, I am opposing the consideration of the Bill. In introducing a twopenny-halfpenny measure like this before this House the Honourable the Home Member is not doing justice either to this House or to the Civil Justice Committee. The Civil Justice Committee, better and more accurately known as the Laws Delays Committee, was the pet child of His Excellency Lord Reading. That Committee travelled all over India, examined many important witnesses, very eminent Judges, very experienced practitioners and representatives of all classes of interests, and that inquiry includes the Honourable the Law Member of this very Government. Having made that elaborate inquiry the Committee has made this report. The report, Sir, I hold in my hand; the price of this book is Rs. 2,88,000; and yet, Sir, when a serious recommendation is made by the Civil Justice Committee on this very Article 182 in this precious book, a very precious book for the taxpayer, some officer in the Home Department, some blessed officer who is deviling for the Home Member in these matters, overrides all this recommendation, sits in judgment over the Civil Justice Committee and makes a mockworship of that Committee by taking the tail end of their recommendation and shaping a head out of the tail.

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member what the House did with the last recommendation of the Civil Justice Committee?

Mr. O. Duraiswamy Aiyangar: Mr. Cocke recommended recirculation and we have recirculated it. Sir, among the law's delays, the lion's share is taken by the execution of decrees; and in 1872 Sir James Colville, delivering the judgment of the Privy Council in the Maharaja of Darbhanga's case, said that the difficulties of the litigant in India began when he had obtained a decree. What he said in 1872 is a thousand times truer to-day than it was 55 years ago. And yet, Sir, when the Civil Justice Committee has taken that as a text and made a recommendation here, the Honourable the Home Member does not want to respect it. Sir, at page 377 of that Report the Civil Justice Committee says:

"Many execution petitions are filed merely to satisfy the requirements of the law of limitation according to which a decree has to be kept alive by application every three years. In such cases the decree-holder does not proceed with the application and never intended to do so."

[Mr. C. Duraiswamy Aiyangar.]

And at page 402 of that Report the Civil Justice Committee makes a specific recommendation with reference to Article 182 which is the subject of our consideration at present. At page 402 the Committee says:

"Section 48 has to be read with Article 182 of the Limitation Act. This would ordinarily mean that the decree-holder can execute his decree at any time within those 12 years; but under Article 182 he has to apply every three years to keep the decree alive; otherwise though section 48 allows 12 years his decree will become barred by limitation. This provision has led to an enormous number of frivolous applications and the statistics to which we referred in the beginning of Chapter 29 are swollen by reason of this requirement. Opinion is almost unanimous that the rule requiring applications to be filed inside the three years' limitation should be deleted and we recommend this with a view to save the time of the court and of the parties. It has, however, been suggested that if this is done there will be some room for fraud in regard to *ex parte* decrees. We think that though this is a possible danger, it is not for that purpose necessary to retain the provision in question. Other remedies can be provided."

Sir, after making this distinct recommendation the Civil Justice Committee considered some subsidiary points and at the tail end of it they unfortunately introduce the fatal sentence which has been taken advantage of by the Honourable the Home Member. In the last sentence they say:

"If, however the Article is to continue"

On this expression "if, however," the whole of this Bill has been built up

The Honourable Sir Alexander Muddiman: Will the Honourable Member read the rest of the sentence?

Mr. C. Duraiswamy Aiyangar: I will read it:

"If, however, the Article is to continue as it is and intermediate petitions are still to be required, we think that the period of three years should begin, not from the date of the last application but from the date of the last order on such previous application."

Opinion is at present practically unanimous on that latter point. Opinion was unanimous on the deletion of Article 182 and still if the Honourable the Home Member, or the officer in the Home Department, or some solicitor or attorney drafting a Bill should prefer this over and above the main decision of the Committee, they make this subsidiary recommendation. My Honourable friend the Home Member wants me to read it

12 Noon. fully although he has printed only that portion of it in the

Statement of Objects and Reasons. In the Statement of Objects and Reasons the Honourable the Home Member commences with the latter part of the recommendation and omits the main recommendation of the Civil Justice Committee. Sir, we are asked to give consent to a twopenny-halfpenny measure like this. Sir, the Laws Delays Committee has been organized at a great cost in order to bring down delays in the execution of applications, and the Honourable the Home Member is increasing the delay in the execution applications; he is increasing frivolous applications by compelling a decree-holder, who may be an honest respectable gentleman, to be a court-bird, to be always in the court looking at these and other interlocutory applications. Is that the purpose here, Sir? As a practising lawyer, Sir, the more the merrier for me, but, Sir, I feel that as a speck in this august assemblage of legislators I should do my duty in order to lessen the troubles of a decree-holder.

Now, section 48 of the Civil Procedure Code gives a period of 12 years within which he can come at any time when there is a favourable opportunity for him to realise the fruits of his decree and execute it; but, Sir, Article 182 recommended by the Honourable the Home Member for rejuvenation asks the decree-holder day after day to remain in court, put in application after application for the execution of the decree, and incur further costs over and above what he may be able to realise as the ultimate fruits of his decree. Sir, are we to lend our support to a measure like this? I submit, Sir, that we ought not to do it.

Sir, it may be asked if by the rejection of this Bill altogether whether we shall not be taking away the little benefit which the Honourable the Home Member may confer upon the decree-holder by altering the time from which the limitation should run for a further application for the execution of the decree. Sir, what he offers to the decree-holder is practically nothing; it is really nothing. If the Honourable the Home Member will peruse the whole of article 182, he will himself find that he confers absolutely no benefit at all. He uses the expression which says:

"If, however, it is decided to retain Article 182 in its present form, the Committee recommend that it should be amended so as to provide that the period of three years should begin not from the date of the last application for execution, but from the date of the last order on such a previous application."

Now, Sir, what does it matter to us whether he puts in his execution petition after the final order is passed or as Article 182 stands, from the date of any order when he takes a step in aid of execution. Sir, no decree-holder will be so foolish as to file an execution application in court and after sleeping for 3 years come in again for a fresh execution. He must be an absconder from a lunatic asylum if he does so. No court will permit him to do so. The court will press him either to withdraw the application, or reject it. What benefit does the amendment confer on such a decree-holder who is necessarily bound to take some step in aid of the execution of the decree now and then when he once files an execution application? Therefore, Sir, by dropping this Bill altogether we do not lose anything. If, on the other hand, the Honourable the Home Member makes up his mind to lessen the number of execution applications, to lessen the number of times that an applicant will have to come to court, to diminish the costs of execution which are ever increasing, and finally to limit and lessen all these difficulties of the decree-holder, then, Sir, he will be conferring a real benefit, otherwise there is absolutely no good of entertaining a measure like this.

Sir, two years after the Civil Justice Committee laid its Report on the table of the Honourable the Home Member, we have got this small modicum of measure. When are we going to see the end of the recommendations of the Civil Justice Committee? His Excellency Lord Reading gave us the Laws Delays Committee, and it is time for His Excellency Lord Irwin to think of a Legislation Delays Committee? Sir, I trust that the Honourable the Home Member will not allow me to pursue my opposition to this measure, but will on the other hand consent to a Select Committee being formed so as to put right this one . . .

Mr. President: There is no motion before the House for a Select Committee.

Mr. C. Dadaswami Aiyangar: I am only recommending . . .

Mr. President: You should have moved for a reference to Select Committee.

Mr. C. Duraiswamy Aiyangar: I have finished my speech, Sir.

Mr. J. M. Dunnett (Home Department: Nominated Official): Sir, I must begin by congratulating the Honourable and learned Member from the ceded districts of Madras on the course which he has taken. He has abandoned, I understand, his motion for a Select Committee, and I also understand that he has abandoned, because he has anticipated in this motion, his later motion for the deletion of the whole of Article 182, and he has taken the simple and straight-forward course of opposing this Bill from the outset. Sir, it seems to me he does it on two grounds. First he says that the deletion of Article 182 was the recommendation of the Civil Justice Committee. Now, Sir, I think any one who has dealt with this subject has scanned with some interest and with some care what the Civil Justice Committee did say on this subject, and although the Honourable Member did read to the House those parts of the Civil Justice Committee's Report which seemed to be in his favour, I submit, Sir, that he did not give their final recommendations to the House nor did he give the gist of their recommendations. I do not wish to read all that they said, but I think the House will be satisfied with two references. The Committee actually do say:

"Our recommendation is that ordinarily the execution of a simple money decree shall be barred after six years, but that the decree holder shall be entitled to apply to the Court which has passed the decree."

And so on. That is to say, they reduced the period of limitation running under section 48 in the case of money decrees only and in all other decrees they left the law as it stands. They did not propose to delete the provisions of the law which impose a limitation on applications for execution. They go on to say that if you do not do that, then do what we now propose to do in the Bill

Mr. C. Duraiswamy Aiyangar: May I know, Sir, whether that suggestion about the money decrees for six years is not by way of amendment to section 48 of the Civil Procedure Code and not to Article 182 of the Limitation Act?

Mr. J. M. Dunnett: The point that I am trying to make first is that the Civil Justice Committee did not propose the deletion of Article 182, that is to say, they did not take the ground on which my Honourable friend and learned Member opposes this motion. The short answer is this. The Civil Justice Committee with great care made an exhaustive table at the end of the Report containing their recommendations, and nowhere do they mention in their table the deletion of Article 182. The table is at page 618, and their proposal is the amendment of section 48 with a corresponding alteration in Article 182, and not the deletion of Article 182 to bar execution decrees after 6 years. The Civil Justice Committee, Sir, did not propose, in fact nowhere did they propose to delete Article 182.

The second ground, Sir, on which he proposes to delete Article 182 and says that this House should not consider this mild Bill, is that Article 182 and the whole procedure of requiring the decrees to be kept alive by application for execution is bad. Well, Sir, it is a part of the law which, as far as I can find, has been a part of every law of limitation for the last 75 years at least and looking at the form of the law, it is, I imagine,

designed, in the first place, to keep judgment debtors aware of decrees and of the position in which they stand. I think the House will not agree to allow a judgment debtor, as my Honourable friend by deleting Article 182 would do, to sleep on his decree for say 11 years. To expect the Court, on an application 11 years after the decree, to adjudicate not between the original parties to the decree but their representatives who may have no notice and to settle the questions which may have arisen in the meantime concerning, for instance, satisfaction out of court, is to ask the court, after a long period, to deal with matters which are so obscured by the lapse of time that a fair and just decision is a matter of extremely high difficulty. I think the House, Sir, will perhaps agree that the deletion of Article 182, whereby we would turn our backs on a provision of law which for many years, perhaps a century, has been regarded as essential, is a very serious step to take and *prima facie* it would lead to great difficulties in doing justice between judgment creditors and judgment debtors.

Finally, Sir, my Honourable friend says that the Bill gives us nothing. Well, Sir, he praised the Civil Justice Committee in high terms where it suited him, but, when it comes to this recommendation, which also has the support of the Civil Justice Committee, he is silent. (Mr. C. Duraiswamy Aiyangar: "How far is their recommendation?") Sir, it is a recommendation of the Committee. When the Civil Justice Committee supports and in fact originates this proposal, he is silent as regards the great authority which that recommendation carries.

For these reasons, Sir, I should like the House to proceed at once to the consideration of this small and useful—not to a first degree useful, but certainly useful—measure and to take it into consideration.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, to me this small Bill does not seem to be a very contentious one. I admit that it does not confer any great advantage upon the decree holder, but then I am not prepared to agree with my Honourable friend over there that it may do any harm to the decree holder. In any case, it will extend the time by a few months. However, I am not prepared to agree with him that the consideration of the Bill should be rejected at this stage. But, in order to come to a compromise or settlement, I move that the Bill be referred to a Select Committee, and I hope that the Honourable the Home Member will also agree to the proposal. It will not take a very long time, it is a very small Bill and in one or two days' sittings, after the meetings of the House are over, we could go through the Bill and I think it would be better if the Bill comes to this House with the unanimous report of the Select Committee and be unanimously carried through.

The Honourable Sir Alexander Muddiman: Sir, I should be very willing, as I always am, to meet the House in this matter of a Select Committee, but really the Bill is so perfectly clear and, if you accept the principle of the Bill, there is nothing to refer to a Select Committee, beyond this question of drafting. If the Honourable Member does not like the drafting, he could bring it up at the consideration stage. I ask the House to take the motion into consideration.

Mr. President: The original question was:

"That the Bill further to amend the Indian Limitation Act, 1908, for a certain purpose (Amendment of Article 182 of Schedule I), be taken into consideration."

[Mr. President.]

Since which the following amendment has been moved:

"That the Bill be referred to a Select Committee."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: The question is:

"That the Bill further to amend the Indian Limitation Act, 1908, for a certain purpose, be taken into consideration."

The motion was adopted.

Mr. President: The question is:

"That clause 2 do stand part of the Bill."

Mr. C. Duraiswamy Aiyangar: I move, Sir,

"That for the words 'final orders' the words 'last order' be substituted."

"Orders" will have a very dubious meaning, and of course it will be a difficulty to find out from how many orders the limitation commenced. The plural must therefore be singular. As to the word "final" being changed to "last", I have taken the phrase from the Statement of Objects and Reasons and from the Civil Justice Committee's Report. But, if the Government persists in having "final" as a question of prestige, I have no objection. Anyhow, if the Honourable the Home Member finds no objection, he may change it into "last order".

The Honourable Mr. S. R. Das (Law Member): Sir, the Government considered this matter and, as a matter of fact, although the Statement of Objects and Reasons speaks of "last order", the final order really gives a definite order from which time can run. Now, take a case where application has been made for circulation; circulation orders have been made and then it has not been proceeded with. Which is the last order? On the other hand, final order gives you a definite last order from which time may run, and to avoid future confusion, the Government thought it better to use the words "final order" instead of "last order". I think "final order" is better.

Maulvi Muhammad Yakub: May I know, Sir, what is the use of having the plural? Why do you use the word "orders"?

The Honourable Sir Alexander Muddiman: I am quite prepared to take the word "order" for the word "orders". If the Honourable Member will move that for the word "final orders" the word "final order" be substituted I will accept that amendment on behalf of Government.

Mr. C. Duraiswamy Aiyangar: I will allow that to be moved by you, Sir.

Maulvi Muhammad Yakub: Then, I move that amendment, Sir.

Mr. President: Amendment moved:

"That in clause 2 of the Bill, for the words 'final orders' the words 'final order' be substituted."

The motion was adopted.

Mr. C. Duraiswamy Aiyangar: Sir, my next amendment is a very important one:

"That to clause 5 of the said Article the following words shall be added, namely:— 'or the date of any final decree passed in a suit directing a refund of any amount realised by the decree-holder in execution of a decree.'"

Sir, I will mention to the House one practical illustration which will show the necessity for this addition to clause 5 of Article 182. Supposing, Sir, a decree holder executes his decree (Sir, I want the Honourable the Home Member and the Honourable the Law Member to attend to what I say) supposing, Sir, a decree holder executes a decree and, in the course of the execution of the decree, he receives by way of rateable distribution under section 63 certain amounts to satisfy the decree. The decree is satisfied and the execution application is dismissed. Supposing, Sir, in the group of decree holders who have applied for rateable distribution under section 73 one of the decree holders is declared not entitled to rateable distribution by the court and the person who is denied the rateable distribution files a suit against those decree holders who have received rateable distribution without paying anything to him, asking them to refund a proportion of the amount they have received on the ground that he was also entitled to rateable distribution but was wrongly disallowed by the court which distributed the money; then, Sir, you will find that the suit will go on for three or four years and then finally, if the court decides that the plaintiff decree holder who was disallowed distribution by the distributing court was really entitled to it, and therefore the other decree holders who received the amount must refund a proportionate portion of the amount which they have received, the decree becomes unsatisfied *pro tanto*, and then if he comes to the Court asking for a further execution of his decree, by that time his execution would have been barred under Article 182 and he is left without a remedy. This is a case which actually occurred in our Court, which was taken up to the Madras High Court and my Honourable friend Mr. Srinivasa Iyengar and I had to deal with it at various stages. This difficulty would be obviated if to clause 5 you add also the expression which I have used in the amendment "or the date of any final decree passed in a suit directing a refund of any amount realised by the decree holder in execution of a decree". In that case, the moment he is asked to disgorge a portion of the amount which he has received in execution of the decree passed in a regular suit he will get a cause of action to revive his execution application and ask for execution of his own decree to the extent to which it became unsatisfied. In other respects, if such a suit was not brought, then his decree would have become satisfied completely by the rateable distribution. I think you will be able to realise the real difficulty which the decree holders may experience and consent to this small addition to clause 5 of Article 182 and I think I have practically convinced Mr. Tonkinson already outside the House. (*An Honourable Member:* "The House must be convinced.")

The Honourable Mr. S. R. Das: Sir, I may say at once that we accept the principle referred to by the Honourable Member. I think that is a case that should be provided for. But we have not had sufficient time to consider the wording of the amendment. If the Honourable Member will be satisfied with this, we undertake to introduce an amendment in the Council of State embodying this principle, on the understanding that the Honourable Member withdraws this amendment.

Mr. C. Duraiswamy Aiyangar: I withdraw the amendment.

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

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

The motion was adopted.

THE STEEL INDUSTRY (PROTECTION) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I beg to present the Report of the Select Committee to which the Bill to provide for the continuance of the protection of the steel industry in British India was referred.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th February, 1927.