

LEGISLATIVE ASSEMBLY DEBATES

WEDNESDAY, 6th MARCH, 1929

Vol. I—No. 24

OFFICIAL REPORT



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DELHI
GOVERNMENT OF INDIA PRESS
1929

Price Five Annas.

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LEGISLATIVE ASSEMBLY.

Wednesday, 6th March, 1929.

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

QUESTIONS AND ANSWERS.

REMOVAL OF PRIVATE WATER MILL IN THE NORTH WEST FRONTIER PROVINCE.

921. *Mr. Muhammad Ismail Khan: (a) Will Government please place on the table a statement showing:

- (i) the number of private water mills ordered by the Local Government of the North West Frontier Province to be removed, showing the dates on which they had been built, and
- (ii) the number of water mills on the district canals belonging to the Government?

(b) Will Government be pleased to state the special reasons which necessitated the deprivation of the owners of the income of their private mills, which they owned from time immemorial?

(c) Will Government be pleased to state if:—

- (i) compensation has been awarded to the owners, and, if so, whether the assessment of compensation was determined by arbitration or by Government officers, and
- (ii) in the latter case, why not by arbitrators appointed by Government and millowners?

(d) Is it a fact that, by the removal of all private water mills in the Peshawar District, the revenue realized on the water mills owned by the Government will considerably be increased?

(e) Will Government be pleased to state the number of appeals preferred by the owners of the water mills to the Revenue Commissioner, North West Frontier Province, and the number accepted?

Mr. G. S. Bajpai: The information asked for is being collected and will be supplied to the Honourable Member.

INQUIRY INTO THE CIRCUMSTANCES OF LALA LAJPAT RAI'S DEATH.

922. *Mr. Gaya Prasad Singh: What steps have Government taken, or propose to take, with regard to the Resolution passed by this House on the 15th February, 1929, regarding the inquiry into the circumstances resulting in the death of Lala Lajpat Rai?

The Honourable Mr. J. Orerar: The Governor General in Council has been unable to accept the recommendation contained in the Resolution.

Mr. M. S. Aney: Will Government give any reasons for not accepting the Resolution of this House?

The Honourable Mr. J. Orerar: The reasons were stated on behalf of Government in the course of the debate on the subject.

Mr. Gaya Prasad Singh: Have Government communicated with the Secretary of State regarding this Resolution since the passing of it by the House?

The Honourable Mr. J. Orerar: The Resolution will reach the Secretary of State along with the proceedings of the House.

Mr. Gaya Prasad Singh: Have they received any reply to any communication they made?

An Honourable Member: There has been no communication.

Mr. Gaya Prasad Singh: Sir, my question was whether you have cabled to the Secretary of State the substance of the Resolution which was passed by the House.

The Honourable Mr. J. Orerar: No, Sir.

Dr. B. S. Moonje: Was there any communication between this Government and the Secretary of State on this point?

The Honourable Mr. J. Orerar: As regards this Resolution?

Dr. B. S. Moonje: Yes.

The Honourable Mr. J. Orerar: No, Sir.

CONSTRUCTION OF THE CHAKIA-SIDHWALIA RAILWAY.

923. ***Mr. Gaya Prasad Singh:** Is it proposed to survey the possibility of constructing the Chakia-Sidhwalia line (Bengal and North-Western Railway) in the near future? If so, when?

Mr. P. R. Rau: The project report of the line in question has been received and is under consideration.

CONSTRUCTION OF THE RUTLAM-BANSWARA-GALIAKOT RAILWAY.

924. ***Mr. Gaya Prasad Singh:** (a) Will Government be pleased to state if the survey of the Rutlam-Banswara-Galiakot Railway (Bombay, Baroda and Central India Railway) in Central India, has been completed, and when the construction of the line is likely to be taken in hand?

(b) Do Government propose to take this line *via* Sailana which is an important and growing centre, both from the point of view of goods and passenger traffic?

Mr. P. R. Rau: (a) The survey has not yet been completed. Until the survey report has been received and examined, Government are unable to say whether its prospects are sufficiently good to justify its construction.

(b) One of the routes at present under survey passes through Sailana.

BONUS GRANTED TO NON-STRIKER EMPLOYEES OF THE EAST INDIAN RAILWAY AT HOWRAH, LILLOOAH, ETC.

925. ***Mr. V. V. Jogish:** (a) Will Government be pleased to state what amount of bonus has been given to the non-striker employees, both European and Indian, including the clerks, supervising staff, subordinate, and lower subordinate staff of Howrah, Lillooah, Bally, Belur, Ondal, and Asansol?

(b) Will Government be pleased to state by whom that bonus has been sanctioned? Has it been sanctioned by the Agent of the East Indian Railway or by the Railway Board?

(c) If any kind of bonus has been paid, why have the strikers been deprived of that favour?

Mr. P. B. Rau: (a) I lay on the table a copy of the Agent's circular on the subject of rewards to loyal staff.

(b) The Agent's proposal had the approval of the Government of India.

(c) The bonus was intended for the staff who remained loyal and assisted the Administration during the difficult periods of the strike.

CIRCULAR No. 481-A. E. 1393.

EAST INDIAN RAILWAY.

Agent's Office.

Calcutta, 1st August, 1928.

Rewards to Loyal Staff.

In acknowledgment of the good work done by certain of the staff during the recent strike at Lillooah, Howrah, Ondal, Asansol and Sitarampur, I am pleased to announce the following rewards, together with the conditions under which they will be given:—

- (1) To all permanent employees, other than officers of the superior establishment, whose head quarters were located either permanently or temporarily in the strike areas notified below and who worked in them loyally during the strike, will be given a bonus calculated at the rate of one-fourth of the pay already drawn for the period of the strike.
- (2) In addition to the above, any loyal staff who did exceptionally good work under conditions of great discomfort or intimidation, or who for prolonged periods worked extra hours without extra remuneration, will, on the recommendation of the Divisional Superintendent be given an additional bonus of $\frac{1}{4}$ th pay for such period.
- (3) No deduction will be made in respect of the cost of feeding.
- (4) Over 10 days absence without leave during the period of the strike in the Howrah Division, Stores and Block Signal workshops and 5 days in the Asansol Division, will disqualify for reward.

The following are the strike areas to which these orders apply, and the periods of the strike are shown in each case:

- (1) Howrah (including Howrah station, Goods Shed and Yard, Shalimar, Ramkristopur, Sulkea and the Punjab Lines) and the Railway limits up to and including Bally, but excluding the Lillooah Shops—Period 6th March to 8th July, 1928, both inclusive.
- (2) The Howrah General Stores and Block Signal workshop—Period 6th March to 8th July, 1928, both inclusive.

- (3) Sitarampur station, Shed and Yard—Period 14th June to 21st June, both inclusive.
- (4) Ondal station, Shed and Yard including Power House and Carriage and Wagon Shops—Period 23rd June to 4th July, both inclusive.
- (5) Asansol station, Shed and Yard, including Shops and Power House—Period 2nd June to 11th July, both inclusive.

I authorise the above rewards being disbursed at as early a date as possible.

G. L. COLVIN,
Agent.

HOUSE ACCOMMODATION FOR THE EAST INDIAN RAILWAY STAFF AT HOWRAH AND LILLOOAH.

926. *Mr. V. V. Jogiah: (a) Are Government aware of the notification made by the Agent of the East Indian Railway in the *Statesman*, *Englishman*, *Forward* and other leading newspapers, on the 7th August, 1928, regarding the housing accommodation of the Howrah and Lillooah staff?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action has been taken on that notification?

Mr. P. B. Rau: (a) Yes.

(b) The only outstanding matter on which action has yet to be taken is that relating to the housing conditions of the workshop staff at Lillooah. The Agent has received reports from certain officers who were instructed to investigate the question, and these reports are now under his and the Railway Board's consideration.

LOCATION IN NEW DELHI OF THE PROPOSED NEW PRESS BUILDING.

927. *Mr. E. F. Sykes: (a) Will Government be pleased to state why, when they considered that a new Press building, with quarters for the staff, should be constructed near the Secretariat in New Delhi (Proceedings of Standing Finance Committee VII. 2, 69), the Press is actually to be constructed in the area to the North East of the Lodi Tombs, and far removed from the Secretariat?

(b) Are Government aware that this site is in the centre of a residential and park area?

(c) Are Government aware that the properties erected by private persons on land for which large premiums have been paid will thereby suffer depreciation in value?

(d) Are Government aware that an area to the South has been allotted for industrial purposes, and will Government say why the Press has not been located there?

(e) Will Government be pleased to state the distance:

(i) from the centre of the Secretariat to the centre of the proposed Press site?

(ii) from the centre of the Secretariat to the industrial area?

(f) Will Government be pleased to state the value of the area of land required for the Press and quarters:

(i) on the site selected?

(ii) in the industrial area?

(g) Are Government prepared to consider the question of locating the Press in the industrial area, or in some site other than that at present selected?

The Honourable Sir Bhupendra Nath Mitra: (a) The site already selected for the Press is the nearest available site to the Secretariat on which both Press and quarters for the staff could be accommodated and which would not involve excessive expenditure on the architectural features of the buildings.

(b) The site selected is on the outskirts of the residential area.

(c) No.

(d) The industrial area is far away from the Secretariat and not therefore a convenient site for the Press.

(e) (i) 1.71 miles.

(ii) 3.94 miles.

Both distances are measured by road.

(f) (i) and (ii). The value of the site selected for the Press and quarters for the staff is estimated at about Rs. 1,194 per acre. It is not possible to give the market value of the site in the industrial area as no part of it has yet been auctioned.

(g) The answer is in the negative.

Mr. E. F. Sykes: Will Government consider the possibility of consulting the residents of the New City before they undertake any further developments?

The Honourable Sir Bhupendra Nath Mitra: No, Sir. As I have already said, Government have not received any representation against that idea.

Mr. Gaya Prasad Singh: May I ask, Sir, how far the selected site is from the Secretariat?

The Honourable Sir Bhupendra Nath Mitra: I think, Sir, I have already answered that question. It is 1.71 miles from the Secretariat.

SUPERVISION OF OFFICE ESTABLISHMENT IN THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

928. ***Mr. Siddheswar Prasad Sinha:** With reference to the reply to my unstarred question No. 468, dated the 21st September, 1928, will Government be pleased to state in which departments of the Government of India the office establishment is divided into gazetted and non-gazetted for purposes of supervision? If in none, do those departments propose to follow the example of the Army Department in this matter, and if not, for what special reasons?

Mr. G. M. Young: With your permission, Sir, I will answer this question and question No. 933 together.

There is no division of the kind suggested by the question either in the Army Department, or, so far as I am aware, in other departments of the Government of India. The Personal Assistant to the Army Secretary took over some of the duties of Registrar when that appointment was abolished. Those included a general supervision over the non-gazetted portion of the establishment; but this supervision is subject to the control of the Establishment Officer.

POWERS GRANTED TO THE PERSONAL ASSISTANT TO THE ARMY SECRETARY TO DISPOSE OF CASES.

929. **Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to lay on the table a copy of the Army Secretary's order placing his Personal Assistant in charge of the establishment?

(b) Will Government be pleased to state whether the Personal Assistant is vested with discretionary powers to dispose of as many cases as he pleases without reference to higher authorities?

Mr. G. M. Young: (a) There is no order placing the Personal Assistant in charge of the establishment. There is an order to the effect that the Personal Assistant will deal with certain matters connected with the ministerial establishment under the control of the Establishment Officer. This is a domestic and very minor affair, and I do not suppose that the House will wish me to lay the order on the table. But I am quite willing to send a copy to the Honourable Member if he so desires.

(b) The reply is in the negative.

UNDESIRABILITY OF PLACING MINISTERIAL OFFICERS IN CHARGE OF "CONTINGENCIES."

990. **Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that the Personal Assistant to the Army Secretary is a ministerial officer, as defined in Civil Service Regulations?

(b) Is the Personal Assistant in charge of "contingencies"?

(c) If the answer to the above questions are in the affirmative, will Government be pleased to state in what departments of the Government of India ministerial officers are in charge of "contingencies"?

(d) Are Government aware that a ministerial officer of the Finance Department of the Government of India was recently convicted of misappropriation of public money and that the Finance Department have now given up the practice of placing ministerial officers in charge of "contingencies"?

(e) Is it not a fact that the aforesaid misappropriation of public money came to the notice of Government only when the officer had proceeded on leave preparatory to retirement?

Mr. G. M. Young: (a) Yes.

(b) The answer is in the negative.

Control over contingent expenditure is exercised by the Establishment Officer, and the responsibility lies with him. As a matter of administrative convenience, the duty of signing pay and other bills is performed by the Personal Assistant.

(c) Does not arise.

(d) The first part of this question and the whole of part (e) appear to refer to a case which is still *sub-judice*. As regards the second part of (d), I am informed that the charge of contingencies in the Finance Department is held by an Assistant Secretary consequent upon the abolition of the post of Chief Superintendent, by whom it was formerly held; and that the decision to abolish the post of Chief Superintendent was taken independently, before the discovery of the facts which led to the trial.

ABSENCE IN SIMLA OF THE OFFICER IN CHARGE OF THE ARMY LIST SECTION OF THE ARMY DEPARTMENT.

931. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that the Army List Section of the Army Department is now in Delhi while the Officer in charge of it is in Simla?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state if a similar practice is followed in other Departments of the Government of India? If not, what are the reasons for the Army Department acting in this way?

Mr. G. M. Young: (a) Yes.

(b) The Army List Section comes down to Delhi in order to be in close touch with the Military Secretary, Army Headquarters, with whose office most of its work lies. The Establishment Officer remains in Simla because the bulk of his work and the clerks who deal with it are there. I do not suppose that there is any parallel case in the civil departments of the Government of India.

POSTS OF COMPILERS OF THE ARMY LIST FILLED BY PERSONS WHO HAVE NOT PASSED THE PUBLIC SERVICE COMMISSION TEST.

932. ***Mr. Siddheswar Prasad Sinha:** (a) With reference to the reply to my unstarred question No. 464, dated the 21st September, 1928, will Government be pleased to state if the attention of the President of the Public Service Commission has been drawn to the fact that the posts of Compilers of the Army List are filled up by persons who have not passed the Public Service Commission test?

(b) If not, do Government propose to draw his attention to it now?

Mr. G. M. Young: (a) and (b). No, Sir. For the reasons given in reply to the question to which the Honourable Member refers.

ESTABLISHMENT CASES IN THE ARMY DEPARTMENT DEALT WITH BY PERSONAL ASSISTANT TO ARMY SECRETARY.

†933. ***Mr. Siddheswar Prasad Sinha:** Is it a fact that establishment cases in the Army Department are dealt with by the Personal Assistant to the Army Secretary, and not by the Establishment Officers? If so, what is the reason?

PROVINCES FROM WHICH ASSISTANTS AND CLERKS IN THE ARMY DEPARTMENT HAVE BEEN RECRUITED.

934. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state the provinces from which Assistants or clerks for appointment in the Army Department had been recruited during the last six years?

† For answer to this question, see answer to question No. 928.

(b) Have Government decided to exclude any provinces for the purposes of such recruitment? If so, what provinces?

Mr. G. M. Young: (a) Punjab, North-West Frontier Province, United Provinces, Bengal, Rajputana and Delhi.

(b) The answer is in the negative.

PUBLIC SERVICE COMMISSION TEST FOR CLERKS IN THE MEDAL SECTION OF THE ARMY DEPARTMENT.

935. ***Mr. Siddheswar Prasad Sinha:** (a) How many unconfirmed clerks, temporary or permanent, are there in the Medal Section?

(b) How many of them have passed the Public Service Commission Examination, and how many have not?

(c) Is it a fact that some of the clerks were given to understand that they would not be required to pass the Public Service Commission test for confirmation?

Mr. G. M. Young: (a) 10.

(b) None.

(c) The answer is in the negative. The reason why these clerks have not hitherto passed the Public Service examination is that the Medal Section was, until recently, located in Calcutta, and the clerks were unable to attend the examination. Since they have been brought to Delhi, the clerks have been given special opportunities of taking the examination, though they are over the normal age.

REMOVAL OF THE POST OFFICE AT CHATRA FROM THE CENTRE OF THE TOWN.

936. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state why the post office of Chatra (in the Hazaribagh District) has been removed from the centre of the town to an extreme end of it?

(b) Do Government propose to sanction the opening of a branch post office in the town?

Mr. H. A. Sams: I am making inquiries and will inform the Honourable Member in due course.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF MEN FROM PROVINCES OTHER THAN BENGAL TO THE TRAFFIC DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

271. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration has lately recruited a large number of men from outside Bengal in the Traffic Department in the subordinate service?

(b) If so, will Government be pleased to state whether equal facilities were given to candidates belonging to the province for their recruitment? If so, in what way?

(c) Will Government be pleased to state if it is a fact that men of other provinces are holding higher subordinate ranks out of all proportion to men of the province?

(d) If the reply to part (c) is in the negative, will Government be pleased to place on the table a statement showing therein the total number of men from the other provinces engaged and the total strength of the following cadres:

1. Traffic Inspector;
2. Transportation Inspector,
3. Claims Inspector,
4. Permanent-Way Inspector,
5. Assistant Permanent-Way Inspector,
6. Block Signal Inspector,
7. Assistant Block Signal Inspector,
8. Inspector of Works,
9. Sub-Inspector of Works,
10. Crew Inspectors.

Mr. P. R. Rau: (a) and (b). I understand that recruitment to the Subordinate Service in the Traffic Department of the Eastern Bengal Railway is conducted by a Staff Selection Board which sits periodically in Calcutta to interview and select candidates. There is therefore no reason to believe that candidates from outside the province have better facilities for recruitment.

(c) and (d). The statistics ordinarily maintained by railways do not show the localities from which individual members of the staff come. I shall try to get the information for the Honourable Member if it can be done without imposing undue extra labour on the railway administration.

PROMOTION OF MR. ANAWAR HOSSAIN AS ASSISTANT CREW OFFICER.

272. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state if it is a fact that Mr. Anawar Hossain, who was employed in the East Indian Railway as Inspector of Crews, has been promoted as Assistant Crew Officer, ignoring the claims of other deserving men who were in charge of Travelling Ticket Inspectors, and doing the same nature of work?

(b) If not, will Government be pleased to state under what circumstances Mr. Anawar Hossain was appointed as Assistant Crew Officer?

Mr. P. R. Rau: (a) and (b). Government have no information, but are making inquiries from the Agent.

PUBLICATION OF MINUTES OF MEETINGS HELD BY AGENTS OF VARIOUS RAILWAYS TO DISCUSS LABOUR PROBLEMS.

273. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state if it is a fact that the Agents of the East Indian, Eastern Bengal, Bengal Nagpur, North Western and Assam Bengal Railways are holding meetings on the question of labour problems?

(b) If so, will Government be pleased to state if the minutes of such meetings will be published for the information of the public, or whether they will be private?

Mr. P. E. Rau: (a) A suggestion to that effect is made in a Resolution of the Indian Railway Conference Association, which is at present under the consideration of the Railway Board.

(b) The discussions in such meetings will presumably be informal.

RE-EMPLOYMENT OF RETIRED RAILWAY SUBORDINATES.

274. **Mr. Amar Nath Dutt:** With reference to the answer to my unstarred question number 238 (b) and (c) of September last, regarding the re-employment of retired railway subordinates, will Government be pleased to state what objections they have to grant an extension of service to this class of men up to 60 years?

Mr. P. E. Rau: As pointed out by Mr. Parsons in his answer to the Honourable Member's earlier question, the ordinary rule is that such a Government servant retires at the age of 55 years, but extensions may be granted for special reasons, on public grounds, with the sanction of the Agent.

CIRCULAR BY THE DISTRICT TRAFFIC SUPERINTENDENT OF LALMONIRHAT REGARDING THE WORKING OF TRAINS BY SICK GUARDS.

275. **Mr. Amar Nath Dutt:** With reference to the answer to my unstarred question number 239 of September last, regarding the issue of a circular by the District Traffic Superintendent of Lalmonirhat regarding the working of trains by sick guards, are Government prepared to inquire from the Agent, Eastern Bengal Railway, and place a copy of the circular on the table?

Mr. P. E. Rau: Government are addressing the Agent, Eastern Bengal Railway in the matter.

CLOSING OF CERTAIN DISTRICT OFFICES.

276. **Mr. Amar Nath Dutt:** With reference to the answers to parts (c) and (d) of my unstarred question number 240 of September last, will Government be pleased to state how the train service will be stopped by closing the district offices when the station offices are kept opened?

Mr. P. E. Rau: For the maintenance of services generally, station offices require directions from district offices.

CHECK OF MILEAGE ALLOWANCE BILLS OF TRAVELLING TICKET INSPECTORS.

277. **Mr. Amar Nath Dutt:** (a) With reference to the answers to parts (d) and (f) of my unstarred question number 246, will Government be pleased to state how they propose to reconcile the answers to both the questions, in which they said travelling inspectors are not treated as the running staff in all respects, while they admitted that the Chief Auditor, finding it impossible to exercise a reliable check on the mileage allowance bills tendered for payment, introduced a consolidated mileage allowance?

(b) Will Government be pleased to state if it is a fact that the running staff are only entitled to mileage allowance?

(c) Will Government be pleased to state why the Chief Auditor cannot exercise a reliable check over the mileage allowance bills of the travelling ticket inspectors when he can do so for the running staff?

Mr. P. R. Rau: (a) Government do not consider that the replies are in any way contradictory.

(b) Running staff on railways are entitled to mileage and overtime in accordance with the rules of each railway.

(c) Chiefly because the running staff are booked for duty by particular trains while the Travelling Ticket Inspectors are expected to pay surprise visits to trains. In the absence of continual supervisory control over the work of Travelling Ticket Inspectors which would be unduly costly the Chief Auditor cannot be expected to obtain evidence that all claims that particular trains were checked by particular Travelling Ticket Inspectors are correct.

GRANT OF RS. 750 TOWARDS PART COST OF A SWIMMING BATH FOR THE SAIDPUR EUROPEAN INSTITUTE, EASTERN BENGAL RAILWAY.

278. Mr. Amar Nath Dutt: With reference to the reply to my unstarred question number 248 of the 4th September, 1928, will Government be pleased to state if it is a fact that Rs. 750 has been shewn in August, 1927, as grant to the Saidpur European Institute, to meet part cost of the swimming bath, in the Eastern Bengal Railway Administration Report? If so, will Government be pleased to state how the swimming bath was built from the Institute funds?

Mr. P. R. Rau: I am making inquiries from the Agent of the Eastern Bengal Railway and will let the Honourable Member know the result.

COMPLAINTS BY GUARDS ON THE EASTERN BENGAL RAILWAY ABOUT THE NEW PATTERN BRAKE VANS.

279. Mr. Amar Nath Dutt: (a) Will Government be pleased to state if it is a fact that the guards of the Eastern Bengal Railway have submitted memorials to the authorities complaining about their difficulties in working goods trains with new pattern brake vans?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state if they have received any complaint from guards of receiving injuries while working with that type of brake vans?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state what action has been taken by the authorities? If not, why not?

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

(b) One complaint of a slight injury to the fingers has been received.

(c) On receipt of the complaints, the brake vans were sent to the shops for remedial alterations which are now nearly completed.

UNHEALTHY QUARTERS AT ISWARDI FOR GUARDS ON THE EASTERN BENGAL RAILWAY.

280. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state why the question of doing earth work around guards' quarters, built at Iswardi, on the Eastern Bengal Railway, was not provided in the estimate? Is it a fact that the site remains under water during the rainy season, which makes the quarters unhealthy?

(b) Will Government be pleased to state, if they are prepared to remove the defects, and if not, why not?

Mr. P. B. Rau: (a) and (b). Government have no information but are making inquiries.

REVISION OF LOWER DIVISION TIME-SCALE IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

281. **Mr. Amar Nath Dutt:** (a) Will Government please state when the present time-scale of pay was introduced in the Office of the Accountant General, Posts and Telegraphs?

(b) Will Government please state how many times the lower division men in that Office have submitted memorials since the introduction of the present scale, and what were the steps taken by the Government?

(c) Is it a fact that a time-scale of pay of Rs. 50 to Rs. 100 has been sanctioned for the men holding senior posts?

(d) If the answer to part (c) be in the affirmative, do Government propose to revise the lower division scale in the near future? If not, why?

(e) Is it a fact that an uniform scale of Rs. 40 to Rs. 80 has been sanctioned for all the lower division men in the Office of the Accountant General, Posts and Telegraphs?

(f) Is it a fact that no such uniformity has been maintained in the upper division scale under the same official?

(g) If the answer to part (f) be in the affirmative, do Government propose to revise the lower division scale on that basis? If not, why?

The Honourable Sir George Schuster: I would refer the Honourable Member to the replies given on the 17th September, 1928, to his unstarred questions Nos. 364, 365 and 366.

MEMORIAL FROM CLERKS IN THE LOWER DIVISION OF THE POST AND TELEGRAPH ACCOUNTS DEPARTMENT.

282. **Mr. Amar Nath Dutt:** Is it a fact that the lower division clerks in the Post and Telegraphs Accounts Department have submitted a memorial to the address of His Majesty's Secretary of State for India, for a revision of their pay as Rs. 60—7—130—5—200 and for a suitable house rent? If so, will Government be pleased to state, what action, if any, has been taken in the matter?

The Honourable Sir George Schuster: Yes. It is under the consideration of the Auditor General.

PROVISION OF RECREATION CLUBS FOR THE POSTAL EMPLOYEES AT DACCA AND ELSEWHERE.

283. Mr. Amar Nath Dutt: (a) Is it a fact that certain recreation clubs for postal employees have been granted a small donation during the year 1927-1928?

(b) Is it a fact that equipped halls are provided by Government for such clubs of the telegraphists free of charge?

(c) Is it a fact that certain clubs of the postal employees located at Dacca and other places applied for the construction of a house, at the expense of the club, on a plot of land attached to the post office?

(d) Do Government propose to continue the donation to the postal clubs and lease out land for construction of club houses at the expense of the clubs, as applied for by the Dacca Postal Recreation Club?

Mr. H. A. Sams: The information asked for will be collected and furnished to the Honourable Member.

SAFE CUSTODY OF VALUABLE ARTICLES IN THE POST OFFICE.

284. Mr. Amar Nath Dutt: (a) Has the attention of Government been drawn to letter No. PR-14 (5), dated the 10th October, 1928, from the Secretary, District Postal and Railway Mail Service Union, Dacca Branch, to the Postmaster General, Bengal and Assam Circle published in the *Samittee*, an organ of that Union, in its issue of October, 1928?

(b) Is it a fact that the Extra Departmental Agents are held responsible for all valuables, including value payable and insured articles, and required to make good the loss caused by theft, fire or such other accidents?

(c) Are Government aware that a sum of Rs. 13-6-6 only (Rs. 7-5-0 in postage stamps and Rs. 6-1-6 in quinine and cash) was stolen by breaking open the wooden chest from the Balara Post Office in the District of Dacca on the night of the 12th December, 1927, and that the Extra Departmental Agent of that office was compelled to make good the loss?

(d) Are Government aware that it is not possible for the Extra Departmental Agents to carry parcel mail articles, quinine and postage stamps daily, more than once, from the office to their home, and that, under existing arrangements, there is no provision for the safe custody of those valuables?

(e) Are Government prepared to amend rule 210 of the Post Office Manual, Volume II, permitting the Extra Departmental Agents to keep postage stamps, parcel mail articles and quinine in the office chest, and exempting them from making good the loss due to accidents over which they have no control?

Mr. H. A. Sams: (a) Government have not had their attention called to the letter referred to, which was apparently addressed to the Postmaster General.

(b) Extra Departmental Agents are responsible for all valuables committed to their charge. They are required to make good losses in the circumstances described by the Honourable Member only when it is established that their own negligence or disregard of rules has led to the occurrence of such losses.

(c) Government have no information but will inquire.

(d) The policy of the Department is to supply safes to branch offices ordinarily when it is necessary to keep in the office a comparatively large balance, or when the building is insecure. Safes are not supplied when (1) it is not practicable to keep them at a police station, or (2) when the branch postmaster does not live in the office. When a safe is not supplied, Extra Departmental Agents must make their own arrangements on their own responsibility for the custody of the Government money, postage stamps and valuables in their hands. They are at liberty to keep them wherever they like.

Government do not understand that any serious difficulty is experienced by Extra Departmental Agents as the result of this policy.

(e) Government do not propose to authorise any departure from the policy and practice outlined above. In view of the reply given to part (b) relating to the responsibility of Extra Departmental Agents, the latter part of the question does not arise.

ALLEGED RACIAL DISCRIMINATION IN THE PUNISHMENT OF OFFENCES ON THE EASTERN BENGAL RAILWAY.

285. **Mr. Amar Nath Dutt:** (a) Is it a fact that one, Mr. MacGuire, an Anglo-Indian Signal Inspector on the Eastern Bengal Railway, with about five years' service, was, since the commencement of his service till recently, when, on account of the raising of his pay, he was granted a second class pass, actually eligible for and given an intermediate class pass for journeys in connection with his duties on that Railway?

(b) Is it a fact that Mr. MacGuire, though entitled to travel intermediate class, had throughout been travelling second class?

(c) Is it a fact that Mr. MacGuire, on being granted a second class pass recently, on account of his pay having been raised, gave his former pass to Mr. Lathwood, an Anglo-Indian probationary Way Inspector, on the same Railway who is also eligible for an intermediate class pass?

(d) Is it a fact that Mr. Lathwood has been using the pass bearing the name of Mr. MacGuire?

(e) Is it a fact that, when it was detected, the Traffic Manager recommended that both the men should be prosecuted?

(f) Is it a fact that the Agent ignored the recommendation of the Traffic Manager and closed the case by simply imposing a paltry fine on each of the men?

(g) Is it a fact that, some time ago, the Indian Chief Clerk of the Office of the Chief Medical Officer, Eastern Bengal Railway, with more than twenty years' service, was found guilty of having allowed a duty pass issued in favour of a clerk of that office to be used by a relative of his?

(h) Is it a fact that, on this case having been brought to the notice of the Agent, the Chief Clerk was not only summarily dismissed, but that, in addition, a sum of about Rs. 3,000 which he had earned as bonus on his provident fund was confiscated?

(i) If the answers to parts (g) and (h) are in the affirmative, will Government please state the special reasons for letting off Messrs. MacGuire and Lathwood so lightly?

(j) Do Government propose to take any action in the matter?

Mr. P. E. Rau: Government have no information; but are making inquiries.

DISPARITY IN THE PERCENTAGE OF SELECTION GRADE APPOINTMENTS IN THE BOMBAY AND BENGAL AND ASSAM POSTAL CIRCLES.

286. Mr. Amar Nath Dutt: (a) Has the attention of Government been drawn to the article "Disparity of selection grade appointments" published in the June, 1928, issue of the *Labour*?

(b) What is the basis on which selection grade appointments are sanctioned?

(c) Why is there a difference in the percentage of selection grade appointments in the Bombay and Bengal and Assam Circles?

(d) Do Government propose to review the whole question and remove the anomaly of the Bengal and Assam Circle having a lower percentage of selection grade appointments?

(e) What is the reason for the number of selection grade appointments in the Calcutta Dead Letter Office, being much less than that in the Bombay Dead Letter Office?

(f) Did the Postmaster General, Bengal and Assam Circle, receive any representation from the local postal union in this matter? If so, what action was taken by him?

(g) Do Government propose to remove this anomaly?

Mr. H. A. Sams: (a) Yes.

(b) and (c). The number of selection grade appointments is determined solely with reference to the number of charges sufficiently important to carry pay above the time-scale.

(d) and (g). Government do not admit the anomaly, nor accept the percentage basis, nor do they propose to review the question.

(e) The case of each Dead Letter Office is decided on its merits.

(f) Government have no information but will inquire.

DISPARITY IN THE PERCENTAGE OF SELECTION GRADE APPOINTMENTS IN THE POSTAL SERVICE IN CALCUTTA AND BOMBAY.

287. Mr. Amar Nath Dutt: (a) Has the attention of Government been drawn to the article "Selection grade posts in Calcutta and Bombay" published in the July issue of *Labour*?

(b) Is it a fact that the percentage of selection grade posts in Bombay City is 9 per cent. while in Calcutta the percentage is 6?

(c) If the reply to part (b) be in the affirmative, will Government please state what is the reason for this difference?

(d) Is it a fact that proposals connected with the selection grade posts in Calcutta have been under consideration with the Director General for some time? If so, what action has been taken by the Director General in this matter?

Mr. H. A. Sams: (a) Yes.

(b) The percentage is 8.8 in Bombay and 7 in Calcutta.

(c) The number of selection-grade appointments is determined, not by any theoretical proportion between supervisory and time-scale appointments, but solely with reference to the number of charges of sufficient importance to justify a pay above the time-scale.

(d) The question of reviewing the appointments suitable for the selection-grade posts generally is under consideration.

**INSTRUCTIONS BY THE POSTMASTER GENERAL, BENGAL AND ASSAM CIRCLE,
AGAINST INCREASE OF STAFF.**

288. Mr. Amar Nath Dutt: With reference to starred question No. 788 of the 20th September, 1928, will Government be pleased to supply the information they promised to collect?

Mr. H. A. Sams: The information was supplied to Rai Bahadur Tarit Bhusan Roy in my demi-official letter No. 322-Est. B/28, dated 17th October, 1928, and a copy has been placed in the Library of the House.

COMPLAINT AGAINST THE STAFF OF THE SHAMBAZAR TOWN SUB-OFFICE.

289. Mr. Amar Nath Dutt: With reference to starred question No. 774, dated the 20th September, 1928, will Government be pleased to place on the table the report submitted by the Postmaster General, Bengal and Assam?

Mr. H. A. Sams: Government have communicated the substance of the Postmaster General's report to the Honourable Member in whose name the starred question No. 744 (not 774) of the 20th September, 1928 stood. A copy of the letter addressed to him has been placed in the Library. Government do not propose therefore to lay the Postmaster General's report on the table.

**RAISING THE PAY OF THE POSTMASTERS OF THE BOW BAZAR, DHARAMTALA
AND PARK STREET TOWN SUB-OFFICES.**

290. Mr. Amar Nath Dutt: With reference to starred questions Nos. 739 and 742, dated the 20th September, 1928, will Government please state what decision has been arrived at by the Director General, Posts and Telegraphs, in the matter and furnish the information as asked for?

Mr. H. A. Sams: The attention of the Honourable Member is invited to paragraph 10 of the proceedings of the meeting of the Standing Finance Committee, dated the 24th January, 1929. The question of laying down standards in respect of non-gazetted selection grade appointments generally is still under my consideration.

The information promised in the latter part of the reply, dated the 20th September, 1928, was supplied to Rai Bahadur Tarit Bhusan Roy in the Director General's demi-official letter No. 325-Est.-B/28, dated the 25th January, 1929, of which a copy has been placed in the Library of the House.

There is no justification for raising the pay of the Bow Bazar, Dharamtala and Park Street town sub-offices, having regard to the standard accepted by the Standing Finance Committee.

The question of revising the pay of the Deputy Sub-Postmaster, Hatkhola, is still under consideration.

WORKING HOURS OF THE OFFICIALS OF THE SAVINGS BANK DEPARTMENT OF THE GENERAL POST OFFICE, CALCUTTA.

291. Mr. Amar Nath Dutt: With reference to starred question No. 740, dated the 20th September, 1928, will Government please intimate the result of the inquiry?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given to the unstarred question No. 96, put by Khan Bahadur Sarfaraz Hussain Khan on the 28th January, 1929, and starred question No. 416 put by Mr. Vidya Sagar Pandya on the 6th February, 1929.

Government understand that the inquiry will be completed very shortly.

DISMISSAL OF BABU WOOMESH CHANDRA SARKAR, A CLERK IN THE CALCUTTA GENERAL POST OFFICE.

292 Mr. Amar Nath Dutt: (a) Is it a fact that both departmental and police investigations had been made in all the five loss cases in connection with which Babu Woomesh Chandra Sarkar, a postal clerk in the Calcutta General Post Office, was dismissed, and that in not a single case was he even cautioned?

(b) Is it a fact that the memorandum of charges was drawn up by the Presidency Postmaster, Calcutta, on 3rd April 1928 against Babu Woomesh Chandra Sarkar in connection with the said five loss cases, three of which were merely two years old, one, a year old, and one dating four months back?

(c) Will Government please state the reasons inducing the Presidency Postmaster, Calcutta, to rake up old and closed cases to dismiss Babu Woomesh Chandra Sarkar?

(d) Do the rules require that the accused official should be told of the evidence and arguments in support of the charge before he is required to defend himself?

(e) Is it a fact that the Presidency Postmaster, Calcutta, did not comply with the procedure prescribed for drawing up the memorandum of charges?

(f) Will Government please lay on the table a copy of the memorandum of charges?

The Honourable Sir Bhupendra Nath Mitra: Questions Nos. 292 to 294 are answered together as they relate to the same case. The services of Mr. Woomesh Chandra Sarkar were dispensed with by the Presidency Postmaster, Calcutta, in 1923, for gross carelessness and neglect of duty. Since then, his case has been examined on appeal by the Postmaster General, Bengal and Assam, and by three different Directors General of Posts and Telegraphs and by three different Members in charge of the Department of Industries and Labour on numerous occasions.

The Government are satisfied that the clerk's removal from service was thoroughly justified. They do not see their way to considering the case further, nor do they think that any useful purpose would be served by undertaking the labour involved in collecting materials for detailed answers to the Honourable Member's numerous inquiries.

In the circumstances, Government are not prepared to take any further action.

DISMISSAL OF BABU WOOMESH CHANDRA SARKAR, A CLERK IN THE GENERAL POST OFFICE, CALCUTTA.

†293. **Mr. Amar Nath Dutt:** (a) Is it a fact that the Presidency Postmaster, Calcutta, removed Babu Woomesh Chandra Sarkar from service before he received his defence?

(b) Are Government aware that the memorandum of charges was drawn up when Babu Woomesh Chandra Sarkar was on leave and that it was sent to him to his native place in the district of Barisal by post and that he received it on the 18th April, 1928?

(c) Is it a fact that Babu Woomesh Chandra Sarkar came down to Calcutta and applied to the Presidency Postmaster, Calcutta on the 18th April, 1928, in accordance with Rule 589 of the Post Office Manual for an inspection of records and the Presidency Postmaster in reply asked him to come to the Post Office at 11 A.M. on the 20th April, 1928?

(d) Is it a fact that Babu Woomesh Chandra Sarkar went to the Post Office and waited there for five hours up to 4 P.M., but the records were not shewn to him, and that he therefore again made a formal written application to the Presidency Postmaster before he left the office?

(e) Is it a fact that he sent a reminder to the Presidency Postmaster on the 24th April, 1928?

(f) Is it a fact that the Presidency Postmaster in his Order No. R.-24, dated the 26th April, 1928, removed him from service without giving him an opportunity for inspection of records and consequently for defence?

DISMISSAL OF BABU WOOMESH CHANDRA SARKAR.

†294. **Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to a copy of the communication No. A.-I.-2, dated 20th January, 1926, from the Honorary General Secretary, All-India Postal and Railway Mail Service Union to the address of the Honourable Member, Department of Industries and Labour, published on page 70 of general letter of the All-India Union for January 1926 under the caption "Illegal dismissal"?

(b) Did Government make inquiries about the allegation contained in the said letter? If so, with what result?

(c) Do Government propose to reconsider the case of Babu Woomesh Chandra Sarkar?

† For answer to this question, see answer to question No. 292.

RECRUITMENT FROM ENGLAND OF A SENIOR SIGNAL INSPECTOR ON THE EASTERN
BENGAL RAILWAY.

295. **Mr. Amar Nath Dutt:** (a) Will Government be pleased to state whether it is a fact that the Signal Engineer, Eastern Bengal Railway, has recently addressed the Chief Engineer of that Railway to move the Agent for recruitment of one senior Signal Inspector from England to fill up an existing vacancy in the cadre of Senior Signal Inspectors on the Eastern Bengal Railway, on the ground that it is almost impossible to obtain a man of requisite qualifications in India?

(b) Is it a fact that, on receipt of the above request, the Chief Engineer referred the matter to other State Railways, viz., the Great Indian Peninsula, the East Indian and North Western Railways, inquiring whether senior posts of Signal Inspectors on those Railways are filled up by men recruited in England?

(c) Is it a fact that the three State Railways referred to in part (b), replied that the senior posts are filled up in those Railways by promoting junior capable Inspectors and that recruitment for such posts is not made from England?

(d) Is it a fact that in spite of this the Chief Engineer, Eastern Bengal Railway has accepted the suggestion of his Signal Engineer to recruit a man from England?

(e) If the replies to parts (a) and (d) are in the affirmative, will Government be pleased to state why the Eastern Bengal Railway alone proposes to recruit a man from England when other State Railways do not? If the replies be in the negative are Government prepared to inquire into the matter?

Mr. P. R. Rau: Government have no information, but I am making inquiries from the Agent, and will communicate with the Honourable Member on receipt of his reply.

ELECTION OF THE PANEL FOR THE CENTRAL ADVISORY
COUNCIL FOR RAILWAYS.

Mr. President: I have to inform the Assembly that originally nine nominations were received for the Central Advisory Council for Railways, out of which one candidate, namely Mr. W. M. P. Ghulam Kadir Khan Dakhan has since withdrawn his candidature. As the number of remaining candidates is equal to the number required for the panel, no election is necessary I therefore declare the following persons to be duly elected:

Khan Bahadur Nawabzada Sayid Ashrafuddin Ahmad,
Khan Bahadur Haji Abdullah Haji Kasim,
The Revd. J. C. Chatterjee,
Rai Sahib Harbilas Sarda,
Sir Purshotamdas Thakurdas,
Pandit Thakurdas Bhargava,
Mian Mohammad Shah Nawaz, and
Haji Abdoola Haroon.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President: The House has now to elect eleven members to the Standing Finance Committee for Railways. There are eighteen candidates, whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

Mr. V. V. Joglah (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I beg to withdraw my name.

Mr. President: The Honourable Member should have given notice earlier.

(The ballot was then taken.)

Mr. President: Any Honourable Member who has been left out can come and take the voting paper from the clerk at the table.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894, for certain purposes. This Bill, Sir, which I desire to introduce is a very simple one. It gives effect to two recommendations of the Tariff Board, namely that rubber insulated electric cables, which are at present free of duty, should be subject to a duty of 5 per cent. *ad valorem*, and in the second place, that a specific duty of one anna per pound should be imposed on printing type, which is at present subject to 2½ per cent. *ad valorem* duty. The reasons why these proposals are made are clearly stated in the Statement of Objects and Reasons, and I do not think, at the introduction stage, I need elaborate the matter further. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy: Sir, I introduce the Bill.

Sir, I move:

“That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes be taken into consideration.”

I should like to make it plain, at the outset, that there is no question of protection involved in this Bill. The principle underlying it is something simpler and has received the name of tariff equality. Very briefly, that means that the duties should be so adjusted that no manufacturer in India will be worse off than he would be if there were no duties at all; that is to say; the duty on the finished product, on the articles of the kind which he manufactures, should not be lower than the amount of duty he has to pay on the materials he uses in their manufacture. The Tariff Board considered two applications which were placed before them, one by the manufacturers of electric cables, that is the Indian Cable Company at Jamshedpur, and one by the manufacturers of printing types, and they have, after considering the facts placed before them by the manufacturers and any other evidence that was brought to their notice, made certain recommendations to bring about what I have described as tariff equality. I will deal first with the duty on electric cables,

which is rather the more important perhaps of the two proposals. Honourable Members have had the Report of the Tariff Board in their hands for the last five or six days, and they will remember that the Tariff Board made two proposals. One was that the duty on black rod, that is electrolytic copper rod known as black rod, should be removed altogether. I should like very briefly to explain why this proposal does not find a place in the Bill. It is not that the Government of India differ from the Tariff Board about the action which is desirable, but certain practical reasons rendered it impossible to give effect to the recommendation in the precise form in which it was made. At present there is only one firm manufacturing electric cables in India, and that is the Indian Cable Company at Jamshedpur, and so far as we know, they are probably the only importers of black rod. At any rate, if there are any other importers, they import on a very small scale. Now, since 1923, this particular Company has enjoyed a concession, given under orders issued by the Government of India in that year, by which it is allowed to import, duty-free, the quantity of black rod which it requires for its own manufacture. There are suitable safeguards provided and precautions taken to ensure that the concession does not extend to any black rod used for other purposes. The Tariff Board argued that, as the Company are already allowed to import black rod free of duty, the duty might as well be removed from the Tariff Schedule. The practical difficulties that prevented us from giving effect to the recommendation of the Tariff Board are these. In the first place, it is difficult to distinguish between electrolytic black rod and other copper even by analysis, and in the second place, if the duty were removed, a danger would at once arise that users of better class of copper might find it in actual practice cheaper to import black rod instead of the kind of copper they would otherwise import if both kinds of copper were subject to duty. Practically it makes very little difference, because the concession will be continued, and the Indian Cable Company will be in exactly the same position as if we had removed the duty.

The second proposal made by the Tariff Board was that a duty of 5 per cent. *ad valorem* should be imposed on rubber insulated cables. If that is done, they calculated that the duty on the imported cables would be practically equivalent to the duty which the Company has to pay on the materials it imports. Rubber insulated cables have hitherto been free from duty, or rather they have been free from duty since 1927, but before that there was a small duty of 2½ per cent., the ordinary rate applicable to machinery. These cables are important for industrial purposes and for that reason it was considered undesirable that they should be subject to duty. The Tariff Board considered whether there was any means of producing the tariff equality which the Company desired other than the imposition of a duty. They came to the conclusion that we could not proceed by way of remission of the duties on the materials which the company used, because there are no less than 92 separate articles on which it would be necessary to remit the duty, and the amount of complication and work involved would be out of all proportion to the benefit. They also considered whether the assistance could be given in the form of a bounty. That idea, however, did not commend itself to them, because on going into the facts as placed before them they were satisfied that the imposition of a 5 per cent. duty would not be a heavy burden on electric

[Sir George Rainy.]

installations or add appreciably to their cost. They gave a particular example of the figures they had obtained in the case of one big electrical installation, and the effect of the duty in that case would be that, although the whole installation would cost 10 lakhs, the duty payable on the rubber insulated cables would only amount to Rs. 2,500, which is only one-fourth of one per cent. of the cost. The Government of India thought that the Tariff Board had given good reasons for their proposal, that it was desirable that the manufacture of cables in India should not be under any handicap and that the imposition of the 5 per cent. duty would not be a serious burden on industry or on electric installations.

Then, as regards the second proposal, the Tariff Board have pointed out that, in considering what duty would suffice to give equality of tariff treatment to the manufacture of printing type in India, you have to consider both those manufacturers who import type metal (which is an alloy) and make type out of the imported metal, and those manufacturers who buy the various metals required for making the type metal as for example lead and antimony, and manufacture their type metal themselves. They found that a somewhat larger duty would be necessary to produce tariff equality in the case of those who imported type metal. The rate of duty they have actually proposed is one anna per pound, that is, on 100 pounds, it would be Rs. 6-4-0. That gives a very little more than actual tariff equality. If you were to try to produce absolute equality, neither more nor less, then the duty ought to be Rs. 4-8-0 per 100 pounds in the case of those who make their own type metal and Rs. 5-8-0 per 100 pounds in the case of those who import their type metal. I think the Tariff Board quite rightly thought it desirable to make it an all round rate leaving a small margin, because in these cases it is rather difficult to calculate exactly to the last pie. The new duty will rectify matters for the Indian manufacturer who manufactures at present only the inferior kinds of type, for really high class type is not made in India at present. The duty will be substantially higher than $2\frac{1}{2}$ per cent. on the inferior type which is mainly imported from Germany. On the superior kind of type, the price of which is about Rs. 2-0-0 a pound or higher, the duty of one anna per pound will amount to $3\frac{1}{2}$ per cent. or less; that is to say, it makes very little difference as regards the superior kind of type, but in the case of the inferior kind of type, the Indian manufacturer will no longer be subject to any handicap.

Those, Sir, are the reasons which have led the Government to bring forward this Bill, in order that the manufacturers of electric cables and the manufacturers of printing type in India should no longer be subject to any handicap as a result of the tariff duties. Sir, I move.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Paraganas: Non-Muhammadan): Sir, I intervene in this debate only to ask for further elucidation of certain points in connection with this Bill. The Honourable the Commerce Member has explained at length why he did not give effect to one of the two recommendations of the Tariff Board, namely, that with regard to the removal of duty on black rod. What I want to know is, if he has not given effect to that part of the proposal, how will the inequality, with regard to which this inquiry was made, be removed? The Honourable Member has further said that there is no

question of protection involved in the present Bill. The question of protection, of course, as indicated by the Tariff Board, will have to be examined by the Board, but they have said that a *prima facie* case has been made out in regard to the question and that it is a fit case for being referred to the Tariff Board. What I want to know from the Honourable the Commerce Member is whether the matter of protection will be referred to the Tariff Board or not. Then, lastly, there is one other point about which I want information. It is with regard to the sales of cable wires to the Telegraphs Department. In the evidence it has been stated that the cable wires are taken by the Telegraphs Department, irrespective of the import duty, that is to say, when the prices are computed, the import duty is not taken into account. Whether any communication with the Telegraphs Department is going on about this matter or not, I want to know. That is all.

Mr. M. S. Sessa Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural): In speaking on this motion I wish to bring prominently before the House one or two points. I see that the reference was made to the Tariff Board by the Government as early as 1925 and it has taken four long years for them to make this recommendation. I am aware that as many as 92 articles had to be examined in this connection, but even then, there ought to be a time limit within which the recommendation has to be made. Once an industrial undertaking applies for help and protection to the Government, it means that it has already suffered under the tariff system; and because of the inconveniences that they have felt already they seek the protection of Government. And if a period of four years expires before any recommendations are made, the concerns concerned will practically reach the very end of their existence, and it may not be possible for all concerns to stand this long waiting and waste of time.

Another point which I want to emphasise is this. I see from the evidence of Mr. Leake, who spoke on behalf of the Indian Cable Company, that, though, originally, the whole concern was started on a rupee capital basis and there were many Indian shareholders, yet, as time went on, the Indian shareholders began to give up their shares. The reason assigned by him was that the Indians had ceased to have confidence in the industries. Then, again, about Rs. 3 lakhs worth of preference shares were offered and only to the extent of about Rs. 80,000, Indians purchased such shares. There also the reason given was that the Indians had lost all confidence in the industries. I would ask the Honourable the Commerce Member to explain to the House whether this want or loss of confidence in the industries on the part of the Indians was due to the inactivity of the authorities concerned in giving them relief, or to other causes whatever they might be. I wish very much to be assured that it was not due to inaction on the part of the Government.

In a case like this, in the matter of laying down a policy for a reasonable customs tariff, the primary consideration must be the relief that the Government is able to give to the industries concerned; and if the public begin by taking up shares, and then, in the course of the progress of the industry, cease to have confidence in the industries which they wanted to promote and back out by giving up the shares, that discloses a state of things which requires some explanation. One other point is this. I find that today less than half of the entire share capital is owned

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by Indians. It is perfectly true that the whole concern was started on a rupee capital basis; but it would be more desirable if the Indians owned a larger number of shares also. I would ask the Honourable the Commerce Member to enlighten the House on all these three points.

Mr. M. S. Aney (Berar Representative): In connection with this measure, the House will really thank the Honourable the Commerce Member for having brought in the Bill immediately after the recommendations of the Tariff Board had been made, but there are one or two points which strike me as of some importance. Their Report brings to light prominently one of the glaring defects of the policy on which our customs tariff is based. We find here that the Government knew fully well that this industry required a certain amount of protection immediately after it came into existence, and twice, during the course of these four years, Government had also made certain concessions. But we find that, in the year 1927, when the customs tariff was again revised, certain alterations were made, without taking into consideration the effect which those alterations might have upon this infant industry which was started in this country. The Report has got a very telling sentence. It says:

"While the Company thus secured substantial advantages in compensation for the reduction of duty from 15 to 2½ per cent. on imported wires and cables of larger sizes, the entire removal of the duty since October, 1927, has subjected the Company to further inequality in tariff treatment in respect of the bulk of its manufactured products."

This result was not contemplated when the alteration was made in the customs tariff. That only indicates that, in fixing our scale of customs tariff, more attention is paid to the question of revenue than its effect upon the indigenous industries of this country. That is one point. Secondly, I find that, although the Tariff Board has suggested certain immediate remedies as urgently required, some of which the Honourable Member has taken notice of in the present Bill, it is not satisfied that they will be sufficient to give the protection that the industry needs, and it has itself suggested that there is a need for giving further protection. This is what it says:

"While we believe that this assistance will remove the tariff inequality to which the Company is subject, it will, by no means, be sufficient to enable the Company to establish itself on a reasonably satisfactory basis. We are precluded, under our terms of reference, from considering whether, and if so, to what extent, the Company is entitled to assistance in the way of protection, and indeed the time at our disposal is insufficient for an inquiry into the case for protection."

I hope the Government will see its way to widen the terms of reference and refer this matter again for further consideration of the extended protection that is needed. As regards the purchase of cables by the Telegraphs Department, my Honourable friend Kumar Ganganand Sinha has already referred to it, but I shall read out a small passage from the Report, from which the point which he desires to emphasise will be very clear:

"It has been represented to us that, in fixing prices, no allowance was apparently made for the customs duty leviable on this class of wire. We have been told by the representative of the Company that the practice of fixing prices, irrespective of the customs duty has been in vogue since the Company submitted its first tender to the Telegraphs Department four years ago. We consider that, in view of the declared policy of Government on this subject, the question should receive early attention."

I believe that point will also be taken up by the Commerce Department, and lastly there is one suggestion of the Tariff Board which is of a general nature. They find that they make certain suggestions but some time is required for Government to come before the Legislature to give the necessary relief on the lines of their recommendations. In the meantime much loss is inflicted upon those industries which stand in need of relief. Having that difficulty in view, the Tariff Board has made a suggestion which I commend to the attention of the Honourable the Commerce Member. They say:

"We would suggest, in view of their urgency, that Government should endeavour to secure the acceptance by the Legislature of the principle that relief should be granted wherever tariff inequality is found to exist, with power to take action on the recommendations of the Tariff Board in anticipation of the formal sanction of the Legislature."

Those are the four points to which I want to draw the attention of the Commerce Member prominently.

Mr. W. S. Lamb (Burma: European): I should like to offer a few remarks upon the motion before the House. Although I am not opposing this measure, I have the same objection to the proposed duty on wire as I had to the duty on belting a year ago because it is a tax on machinery. I have listened carefully to my Honourable friend Mr. Aney. He referred to the losses which this industry had suffered and claimed that Government had not considered the condition of the Company when they took off a certain duty. It appears to me that this particular business, as at present constituted, is not deserving of protection. As in the case of belting a year ago, the products employed in the manufacture of this wire come mainly from abroad, even rubber which could be obtained from Burma. Therefore it does not seem that, at the present moment, they are entitled to any special consideration in the shape of protection. Concerning the remarks made by my Honourable friend the Commerce Member, I would draw the attention of the House to this quotation from the Report on printing type. On page 8 of the Report, the Tariff Board say:

"But we think that some allowance should be made for the possibility of a further immediate decline in the prices of German type. During the last 18 months the prices of German type imported into India have declined by two or three annas per pound and it is likely that the limit in this direction has not yet been reached. On this ground we recommend that a specific duty of one anna per pound should be levied on printing type."

In the Report of the Tariff Board on Electric wires and cables, we have this:

"A general rate of 5 per cent. on all classes of rubber insulated cables . . . will probably be more convenient for administrative purposes. At the same time it will provide some margin against the drop in prices due to cheap continental imports and the recent cuts in prices on the part of large British firms interested in the Indian market. For the same reason we make no reduction in the duty proposed on the ground that cables of smaller sizes which form a quarter of the Company's output bear a duty of 15 per cent."

I put it to the Honourable Commerce Member that the Tariff Board have already gone beyond their terms of reference in this matter. As a matter of fact I think it would be a very excellent thing if we had a further inquiry, because that would give us full particulars of the standing of all firms engaged in such business and we should know whether, and to what extent, we should have equalisation of duty, and to what extent we shall

[Mr. W. S. Lamb.]

be merely putting additional dividends into the pockets of people who quite possibly may have entered a business which could never be done profitably in India. I should like to hear what the Honourable the Commerce Member has to say in this connection.

The Honourable Sir George Rainy: I will try to deal briefly, Mr. President, with the points taken by the various Honourable Members who have spoken. In the first place, I may notice the point raised by two speakers regarding the information received by the Tariff Board that, in comparing prices, the Telegraphs Department did not take account of the import duty. I had hoped that my Honourable colleague, Sir Bhupendra Nath Mitra, would have been here to answer the inquiries made, but I can give the House some information. When we got the Report of the Tariff Board we referred that particular question to the Department of Industries and Labour, who at once called for a report from the Telegraphs Department. It is quite clear, of course, that, under the ordinary procedure and rules, it is necessary, in fact obligatory, that account should be taken of the import duty when you compare the price of imported material with the price of materials made in India, and knowing as I do the interest my Honourable colleague, Sir Bhupendra Nath Mitra, takes in that question, I have no doubt he has already taken appropriate action in respect of the Telegraphs Department. It is not a matter which falls directly within my own sphere.

Then the question was raised, I think by more than one speaker, as regards the opinion of the Tariff Board that, in references of this kind, it should be open to them to investigate, not only into the question of tariff equality, but also into the question of protection. The view which the Government of India have taken from the first has been that the question whether the Tariff Board should report about protection for a particular industry, is a matter which must be decided by the Government of India itself. They did not consider that it was a matter which could be left to the Tariff Board to decide on its own initiative. The two inquiries which the Board have made about electric cables and printing type were both of them limited to the question of tariff equality. In the first case, if my recollection is right, a representation was received by the Government of India about cables, complaining that the duties the Company had to pay on their imported materials were higher than the duty on imported cables. The Government of India referred this application to the Tariff Board. My recollection is that the question of protection was not specifically raised by the Company itself. At the same time that this reference about cables was made to the Tariff Board, a number of other similar references were made, and simultaneously the Tariff Board was empowered to investigate, on its own motion, any applications that it might receive from manufacturers, making similar complaints and asking for tariff equality. The second inquiry was initiated in that way. The Tariff Board took it up because it had been authorised to do so in general terms.

I will consider what Honourable Members have said today as to the desirability of allowing the Tariff Board to investigate the protection of particular industries of their own motion, but I do not expect that I shall find it possible to modify the view which Government have hitherto taken. If our decision is adverse to the proposal, it may be desirable to call the attention of manufacturers to the fact that, if they want the question of protection examined, they must specifically ask the Government of

India to order an inquiry. Possibly there is some misconception in regard to the procedure, and a clear statement would go a long way to set the matter right.

My Honourable friend, Mr. Sessa Ayyangar, referred to the long delay which had occurred in dealing with this reference. I imagine that probably the Tariff Board postponed the application of the Cable Company until they had dealt with more urgent matters which required attention first. The Cable Company had in 1923 received definite concessions from the Government of India, both with regard to the duty on black rod and also the duty on raw rubber, and for that reason probably the view of the Tariff Board was that more urgent matters should be disposed of before they could deal with this matter.

Then he put a further question to me as to the reason for the lack of confidence which Indians had displayed in the fortunes of Cable Company, and he wanted to know from me what I thought the reasons were. He has the advantage over me in this respect, because I have no information at all as to how the shares of that Company are held. The Honourable Member says.

Mr. M. S. Sessa Ayyangar: Mr. Leake says so in his evidence before the Tariff Board.

The Honourable Sir George Rainy: I fully accept the Honourable Member's statement on that point. I am quite sure he would verify any statement he made before making it.

As to the reasons which brought about that result, I don't think I am in a better position than any Member of the House to express an opinion. I imagine that, in all probability, the investors thought the prospects of the Company were not particularly brilliant, and if that was so, they would naturally not invest their money in it. This is a purely general observation and I have no special information on the subject.

My Honourable friend, Mr. Aney, mentioned another point, namely the suggestion of the Tariff Board that a convention should be established by which, when they recommended a change in the duties so as to equalise matters for the Indian manufacturer, Government should take action at once and subsequently submit their proposals for the approval of the Legislature. When the Tariff Board proposes to bring about tariff equality by the reduction or remission of duty, then the Government of India have powers, under section 23 of the Sea Powers Act, to remit or reduce the duty, and I think we have in certain cases taken action under that section when we thought it appropriate. But it seems to me a totally different matter when the Tariff Board makes a proposal that we should increase duties or impose a duty when it does not exist, because that is a matter which is peculiarly within the province of the Legislature, and I should hesitate very long before I asked the Legislature to confer upon the Executive Government a power of that kind. It is true that, under the Provisional Collection of Taxes Act, there is a similar procedure as regards proposals included in the budget, but personally I don't think the two cases are analogous, because the budget proposals of the Government are immediately brought under the examination of this House, and the House has full opportunity of at once objecting to the action of the Government or of accepting it, whereas if powers of the kind contemplated by the Tariff Board were taken, it might mean that an interval of three months

[Sir George Rainy.]

might elapse before the action of the Government could come before the Legislature. I am afraid that the proposal is open to pretty strong objections.

My Honourable friend, Mr. Lamb said that he objects on principle to duties on any kind of machinery. I quite recognise the objections to any duty which tends to increase the cost of industries. At the same time, I think the position of the Government in this matter is perfectly clear, and I dealt fully with it in September, 1927, when the Bill for the remission of duties on machinery was under consideration. I made it plain then that, if it was subsequently found that, in order to secure equality of tariff treatment, or in a suitable case if it was necessary to give protection, Government would not hesitate to propose the imposition of duties on particular kinds of machinery.

Then he raised the question that the Tariff Board had, in their proposals, included something more than pure tariff equality, something of the nature of protection, and he read to the House passages from the Report which bore out this view. The view Government take about that is just this. Read strictly, I think the criticism of the Tariff Board proposal is probably justified, but at the same time, after the experience I have had of Tariff Board work, and knowing as I do the difficulties of calculating exactly in a matter of that kind, I think my own feeling would always be, that it is better to leave a small margin; if you are removing the handicap under which the Indian manufacturer has hitherto laboured, then it is desirable that you should have a margin and make certain that you do remove the handicap. It is a very small matter. The margin allowed by the Board would not mean, I suppose, a difference of more than Rs. 2,000 or Rs. 3,000 a year in the total payments of duty all over India. It is a very small matter, indeed, and a small margin of that kind does not seem to be open to any particular objection.

I have just received, I am glad to say, Mr. President, from my Honourable colleague, Sir Bhupendra Nath Mitra, information as regards the point that I referred to at the beginning of my speech. The position is this. The Telegraphs Department have made it clear, that in fact they do take the import duty into account when they are comparing prices. Therefore it is evident that the information given to the Tariff Board by the Indian Cable Company on that particular point was erroneous. No doubt it was given in perfect good faith, but the actual position is that the Telegraphs Department, like any other department, is bound by the stores rules, and under the stores rules, they must include the customs duty in comparing prices. I think that covers all the points I need notice.

Mr. President: The question is :

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I move that the Bill be passed.

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I move for leave to introduce a Bill further to amend the Transfer of Property Act, 1882, for certain purposes.

Sir, in explaining the aim and scope of the Bill, I have to crave the indulgence of the House to bear with me for a short time because it is a highly technical measure. There is nothing spectacular about the Bill, nothing stimulating, nothing provocative, nothing emotional. It is a pure lawyers' Bill, appealing to cold reason and possibly conducive to sleep for the non-lawyer. I shall however endeavour to explain the measure in simple and popular language, so that my non-lawyer friends here may cast their votes with an appreciation of the nature of the measure. Sir, the Transfer of Property Act was enacted in 1882, that is, forty-seven years ago. It was the product of the labours of a number of eminent and erudite lawyers and jurists, and is perhaps one of the most carefully drawn, concise and scientific pieces of legislation in this country. As all practising lawyers know, it is also perhaps one of the most difficult Acts on the Indian Statute-book to construe and to apply. The Act is mainly based upon the decisions of the Courts of Equity in England prior to the year 1881, the principles of which had already been largely followed in the Presidency Towns and less frequently in the districts. During the last half century new principles of equity have been recognised and new application of old principles has been made according to increasing complications of progressive society. The passage of time has also revealed obscure patches in the Act, some gaps and defects, and the need for changes. There has been much conflict of decisions in the different High Courts in India, and English decisions have been followed with different degrees of alacrity in the different provinces. Sir, the purpose of this Bill is to set such conflict at rest and fill the gaps, remove the obscurities in the light of experience, and give statutory recognition to principles suitable to the conditions of this country. Since 1882, the Transfer of Property Act has been amended from time to time, according to exigencies, about a dozen times, but there has never been a general revision of the Act. This Bill is an endeavour at such revision. Sir, I may mention that the corresponding Act in England, known as the Conveyancing Act, was passed in 1881. There also, the Conveyancing Act was revised from time to time, but there was a general revision and consolidation of the law of Property in England in the year 1925, in the light of the experience of the previous 44 years. We have availed ourselves largely of the guidance which the English Property Act of 1925 affords.

Sir, having shown the need of amendments, I propose to explain the nature of the Transfer of Property Act and the nature of the proposed amendments without going into details. The Transfer of Property Act, as the name indicates, deals with the transfer of property. Honourable Members know what property is. I may be permitted to explain for the information of non-lawyers here that property has been variously classified in law. It has, for instance, been classified into tangible and intangible property.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What is tangible property?

The Honourable Sir Brojendra Mitter: I can explain it by giving an illustration. The bottle that the Honourable Member has in front of him is tangible property, while his franchise is his intangible property. Another classification is corporeal and incorporeal; another classification is real and personal and a further classification is movable property. These classifications, Sir, are not exhaustive, and they overlap. In the Transfer of Property Act, the classification of property into movable and immovable has been adopted. That Act deals therefore with the transfer of immovable property. Movable property is the subject matter of the Indian Contract Act. Now, Sir, I wish to say a word about the word "transfer". Transfer may be voluntary or it may be involuntary. It may be effected during the life time of the transferor or it may be made by will.

Mr. K. Ahmed: But how can property be transferred involuntarily?

The Honourable Sir Brojendra Mitter: Well, Sir, again if I may give an illustration. If by a stroke of bad luck, my learned friend is adjudicated a bankrupt, his property is involuntarily transferred to the Official Assignee. (Laughter.) Transfer, as I said, may be effected during the life time of a person, or it may be effected by will. The Transfer of Property Act deals with voluntary transfers only, during the life time, of the transferor. There may be various forms of such transfer, but the Transfer of Property Act deals only with five kinds of transfer. They are: sale, mortgage, lease, exchange and gift. That, Sir, is the scope of the Transfer of Property Act.

I shall now briefly relate the stages through which the amendments embodied in the Bill have emerged. It was so far back as 1908 that Mr. Justice Rampini of the Calcutta High Court first suggested revision of the Act and prepared some valuable notes. Nothing was done for six years. In 1909, Mr. Justice Rampini's notes were circulated to Local Governments for opinion. The matter again rested for a further period of six years. In 1915, Sir William Vincent prepared a draft amending Bill which was taken up in earnest, again six years later, by Sir Tej Bahadur Sapru, the then Law Member. He got Mr. Lal Gopal Mukherjee, now a Judge of the Allahabad High Court to examine the Bill in detail, and himself made elaborate comments. There was again a hiatus of five years, till, in 1926, my predecessor, the late Mr. S. R. Das, caused a fresh Bill to be prepared, and also a supplementary Bill, containing consequential amendments of certain other Acts. Opinions of Local Governments were again sought, and on receipt of them, a Committee was appointed in 1927 to examine all the three Bills, *i.e.*, Sir William Vincent's Bill and the two Bills prepared under the guidance of Mr. Das,—to examine all these three Bills in detail. This Committee was composed of Mr. Das as President, Mr. Mulla, the learned commentator and the present officiating Advocate-General of Bombay, Dr. Sen, now a Judge of the Allahabad High Court and myself as members. We went into this matter thoroughly, and the House will, I trust, believe me when I say that we examined every single reported case bearing upon the different clauses of the Bills (Hear, hear), and all the relevant English cases as well. The result of our labours is embodied in the Report and in the Notes on Clauses which have been circulated to Honourable Members. We produced two Bills, one for the amendment of the Transfer of Property Act and the other a Supplementary

Bill embodying consequential amendments of certain other cognate Acts, viz., the Married Women's Property Act of 1874, the Specific Relief Act of 1877, the Code of Civil Procedure of 1908, Order 34, that is, the order dealing with mortgages; the Indian Registration Act of 1908, the Indian Succession Act of 1925, the Hindu Transfers and Bequests Act of 1914 and 1921 of Madras and the Hindu Disposition of Property Act of 1916. These two Bills were introduced in this House on the 14th of September, 1927 and again circulated for opinion. No motion however was made for two complete Sessions

Mr. President: Order, order. Perhaps the Honourable Member is not aware of the ten-minutes rule at this stage. All that he now says can very well be said on the next motion, for which there is no time-limit.

The Honourable Sir Brojendra Mitter: Sir, I reserve my observations for the next stage. It is purely due to my ignorance that I was going into the matter fully. I now move, Sir.

Mr. President: The Honourable Member may as well know another rule, that there is a convention established in this House that the motion for leave is not to be opposed and therefore the House does not divide on it.

The question is:

"That leave be given to introduce a Bill further to amend the Transfer of Property Act, 1882, for certain purposes."

The motion was adopted.

The Honourable Sir Brojendra Mitter: Sir, I introduce the Bill.

Sir, I move:

"That the Bill just introduced be referred to a Select Committee consisting of the following persons:"

(Sir, before I read out the names, I ought to mention to the House that there has been a slight change from the agenda, with the leave of the President.)

"Maulvi Muhammad Yakub,
Mr. M. A. Jinnah,
Mr. N. C. Chunder,
Mr. M. S. Sessa Ayyangar,
Mian Muhammad Shah Nawaz, and
the Mover,

and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

Sir, I was telling the House that in 1927, two similar Bills were introduced in this House. They were circulated for opinion. No motion however was made for two complete sessions and the Bills lapsed under Standing Order 4. That is the necessity for introducing these Bills again. In December last, when I took over charge of my present office, I again revised the Bills in the light of the opinions received and the cases reported since 1927, and what I asked the House for leave to introduce today—and for which leave has been given—are the Bills so revised.

[Sir Brojendra Mitter.]

From this long statement, the House will, I hope, appreciate that the Bills have not been brought in in undue haste or carelessly. They are important measures, and they have received a full measure of scrutiny and consideration. Sir, the policy which has been followed in framing the amendments is set out in paragraph 10 of our report. With your leave, I shall read a portion of that paragraph:

"In the Bills submitted to us the policy which appears to have been followed was that no amendment should be attempted which would merely effect an improvement in wording, but that new principles of importance which had been judicially recognised since the passing of the Act should be incorporated. In our opinion, it is a sound course to follow, particularly in an Act which has been in force for forty-five years and to whose phraseology the general public and the legal profession have become accustomed. Again, it is not safe to alter any wording which has received judicial interpretation, when the interpretation has not led to any inconvenience in practice or miscarriage of justice. We also agree that the Act must be amended to embody new principles. In the amendments which we propose we have also endeavoured to remedy any defect which has led to inconvenience or anomalous results. We have also acted on the principle that it is undesirable to attempt to provide in detail for every possible contingency. No elaboration can be exhaustive, and the only result of over-elaboration would be to cramp the action of the courts and to encourage technicalities. Where there has been a conflict of decisions we have endeavoured to set it at rest."

That, Sir, is the policy we have followed in suggesting the amendments. The important amendments suggested are set out in paragraph 11 of the Report. They are these:

"The omission of the words 'Hindus and Buddhists' in section 2 whereby the provisions of Chapter II will apply to all cases except those governed by a special rule of Muhammadan Law."

I may mention that that amendment was made because the Transfer of Property Act, as amended, would not be in conflict with any principle of Hindu or Buddhist Law, but Muhammadan Law has been left untouched. The next is:

"The provision making registration amount to notice of a registered document;"
and

"the provision making constructive notice to an agent notice to the principal."

This principle has been accepted in England. Then—

"the validity of transfers in favour of a class, when some members of that class are unable to take."

Sir, our amendment is nothing more than the decision of the Privy Council on this class of cases which gave rise to much conflict of decisions in this country. The next is:

"the validity of a direction as to accumulation for a certain period and for certain purposes."

Here again we have followed the principle laid down in certain decisions of the Privy Council where a lot of uncertainty existed before. Then the next amendment deals with:

"the statutory recognition of the doctrine of part performance."

Here again the principle has been accepted in numerous cases in India. Then:

"the compulsory registration of sales and mortgages relating to immovable property of whatever value, and of all leases except those from month to month or for any term not exceeding one month."

Next:

"The abolition of the remedy of foreclosure in the case of all mortgages except a mortgage by conditional sale or an anomalous mortgage providing expressly for foreclosure."

Next:

"the provision compelling a mortgagee to exhaust his remedies against the mortgaged property before enforcing his personal remedy."

This amendment was necessitated by the experience of lawyers in practically every province that very often a creditor puts his debtor into jail before exhausting the remedies against the property mortgaged to him for the satisfaction of his debt.

The next amendment we propose is provision regarding sales without the intervention of the Court. The next is the extension of the principle of "subrogation"; then the modification of the law of "merger"; and lastly provision requiring leases to be executed by both parties. This last amendment, Sir, was suggested by the necessity to avoid useless litigation.

Now, Sir, my weary tale has come to an end. It is a matter of keen regret to me that my predecessor did not live to complete the work which he had taken up earnestly and with enthusiasm. But for his active interest in the matter, this long overdue necessary piece of legislation would probably still be continuing in the stage of incubation. Sir, I move.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I beg to move that the name of Mr. M. S. Aney be added to the Select Committee.

Mr. President: The question is:

"That the name of Mr. M. S. Aney be added to the Select Committee."

The motion was adopted.

Mr. O. Duraiswamy Ayyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I move that the names of Mr. V. V. Jogiah and Mr. Amar Nath Dutt be added to the Select Committee.

Mr. President: Has the Law Member got anything to say?

The Honourable Sir Brojendra Mitter: No, Sir.

The Honourable Mr. J. Orerar (Home Member): May I be permitted to move, Sir, that the name of Mr. Anwar-ul-Azim be added to the Select Committee?

Mr. President: The question is:

"That the names of Mr. Amar Nath Dutt, Mr. V. V. Jogiah and Mr. Anwar-ul-Azim be added to the Select Committee."

The motion was adopted.

Mr. President: The question is:

"That the Bill further to amend the Transfer of Property Act, 1882, for certain purposes be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. M. A. Jinnah, Mr. N. C. Chunder, Mr. M. S. Sessa Ayyangar, Mian Muhammad Shah Nawaz, Mr. M. S. Aney, Mr. Amar Nath Dutt, Mr. V. V. Jogiah, Mr. Anwar-ul-Azim and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I move for leave to introduce a Bill to supplement the Transfer of Property Amendment Act (1929). As I have already explained, the amendment of the Transfer of Property Act will necessitate the amendment of certain other Acts in respect of cognate matters and those Acts are the Married Women's Property Act, 1874, the Specific Relief Act, 1877, the Code of Civil Procedure, 1908, the Indian Registration Act, 1908, the Indian Succession Act, 1925, the Hindu Transfers and Bequests Act, 1914 and 1921 of Madras, and the Hindu Disposition of Property Act, 1916.

The motion was adopted.

The Honourable Sir Brojendra Mitter: Sir, I introduce the Bill.

Sir, I move:

"That the Bill to supplement the Transfer of Property (Amendment) Act, 1929, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. M. A. Jinnah, Mr. N. C. Chunder, Mr. Sessa Ayyangar, Mian Muhammad Shah Nawaz, Mr. Amar Nath Dutt, Mr. V. V. Jogiah, Mr. Anwar-ul-Azim and the Mover; and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be three."

The motion was adopted.

Mr. President: Sir Bhupendra Nath Mitra.

As the Honourable Member was not in his place to move his motion* the Assembly adjourned till Eleven of the Clock on Thursday, the 7th March, 1929.

*"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."