

THE 20th February 1930

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1930

(20th January to 24th February, 1930)

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SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930

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1930

# Legislative Assembly.

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THE HONOURABLE MR V. J. PATEL.

## *Deputy President :*

MAULVI MUHAMMAD YAKUB, M.L.A.

## *Panel of Chairmen :*

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SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

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

## *Assistant of the Secretary :*

RAI SAHIB D. DUTT.

## *Marshal :*

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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# LEGISLATIVE ASSEMBLY.

Thursday, 20th February, 1930.

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

## QUESTIONS AND ANSWERS.

### SENIOR COMMISSIONS IN THE INDIAN TERRITORIAL FORCE.

368. \***The Revd. J. O. Chatterjee:** Will Government be pleased to state when the new scheme for granting senior commissions to officers in the Indian Territorial Force will be put into operation?

**Mr. G. M. Young:** The scheme has been in operation since September 1st, 1928. 44 senior commissions have so far been gazetted. The procedure for these commissions is being accelerated as a result of a recommendation of the Central Advisory Committee, and it is hoped that there will be fewer delays in future.

**The Revd. J. O. Chatterjee:** Have any senior commissions been allotted to the Punjab?

**Mr. G. M. Young:** I must ask for notice of that question.

### MEETINGS OF PROVINCIAL ADVISORY COMMITTEES OF THE INDIAN TERRITORIAL FORCE.

369. \***The Revd. J. O. Chatterjee:** (a) Will Government be pleased to state how many Provincial Advisory Committees for the Indian Territorial Force have been formed and how many meetings have been held by each of these Advisory Committees?

(b) Is it a fact that the Punjab Provincial Advisory Committee of the Territorial Force has not held a single meeting?

(c) Is it intended to summon regular meetings of these Provincial Advisory Committees?

**Mr. G. M. Young:** (a) There are 12 Provincial Advisory Committees. The Government of India have no information of the number of meetings held.

(b) The Government of India have no information.

(c) The answer is in the negative. Under Rule 30(2) of the Indian Territorial Force Rules, the Provincial Advisory Committees are consulted in certain matters, whenever desirable: for instance, applications for the grant of senior grade commissions are always referred to the Provincial Advisory Committee. It is not, however, necessary to summon a meeting for the purpose; the opinion of the members can be obtained by correspondence.

**The Revd. J. C. Chatterjee:** Is the Honourable Member willing to obtain the information that I have desired under (a) and (b), considering the fact that there is a complaint that the Punjab Provincial Advisory Committee has not held any meeting, nor has it been possible to consult its members by correspondence?

**Mr. G. M. Young:** I will certainly inquire into the matter.

**The Revd. J. C. Chatterjee:** Will the Honourable Member lay the information on the table of the House when received?

**Mr. G. M. Young:** I will consider that when I receive the information.

#### INCLUSION IN THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY OF INFORMATION FURNISHED IN REPLY TO QUESTIONS.

370. **\*Mr. Anwar-ul-Aziz:** With reference to my starred questions Nos. 217, 219, 222 and 223, asked on the 4th February, 1930, will the Honourable Member in charge of Railways be pleased to state whether Government have any objection to placing a copy of the replies on the table of the House, so that they may find a place on the record in the Legislative Assembly Debates?

**Mr. A. A. L. Parsons:** I would invite the Honourable Member's attention to the ruling given by your predecessor, Sir, on the 1st of February, 1923, on the subject of printing answers to questions in the volume of debates. In accordance with that ruling Government considered that it would be sufficient to supply the information asked for in these questions to the Honourable Member himself and to put a copy of it in the Library.

**Mr. A. H. Ghuznavi:** Is the Honourable Member afraid of placing that statement before the House because he does not want to show that there is not a single Muslim employed on the Assam Bengal Railway?

**Mr. A. A. L. Parsons:** No, Sir.

**Dr. A. Suhrawardy:** Will the Honourable Member state whether it is on grounds of economy or for some ulterior reason that Government refuse to place the information on the table of the House?

**Mr. A. A. L. Parsons:** It is purely on the ground of economy and is in accordance with the ruling given by Sir Frederick Whyte on 1st February, 1923.

#### SUPPLY OF INFORMATION ASKED FOR IN A PREVIOUS QUESTION.

371. **\*Mr. Anwar-ul-Aziz:** With reference to my starred question No. 218, will Government be pleased to state what is the objection to giving replies to the same after inquiry?

**Mr. A. A. L. Parsons:** In Government's opinion the information could be obtained only by an expenditure of time and labour incommensurate with its practical value.

**Mr. Anwar-ul-Azim:** Will the Honourable Member kindly say what he means by practical value, and whether he does not consider it of sufficient importance to let the House know that there is no representation of Muslims in the Assam Bengal Railway?

**Mr. A. A. L. Parsons:** We do give, in a general form, details of Muslim employees on individual Railways.

#### THE STAFF SELECTION BOARD.

372. **\*Mr. Anwar-ul-Azim:** Will Government be pleased to state when the Staff Selection Board in the Government of India was appointed and when it was abolished? What was the method of recruitment in the Government of India Secretariats before the organisation of this body?

**The Honourable Sir James Orerar:** The Staff Selection Board was created in 1920 and ceased to exist on the 1st October, 1926, on which date its functions were transferred to the Public Service Commission. Until 1910 the method was one of limited competition. From 1910 until the creation of the Staff Selection Board, the Departments recruited by selection from approved lists of candidates.

#### COST OF ELECTIONS FOR THE CENTRAL LEGISLATURE.

373. **\*Mr. Anwar-ul-Azim:** Will Government be pleased to state who bears the cost of elections to the Legislative Assembly and the Council of State, and what was the cost of election for the Assembly that was formed in 1927, and the Council of State in 1926? If borne by the Provinces, what relief do they get for carrying on these elections on behalf of the Central Government?

**The Honourable Sir Brojendra Mitter:** The Honourable Member will observe from Entry 44 in Part II of Schedule I to the Devolution Rules that elections to the Indian Legislature are included in the provincial subject defined in that Entry. The responsibility for financing such elections accordingly rests with Local Governments and no question arises of affording relief to those Governments in consideration of their discharge of that responsibility. The Government of India have no information as to the amount of expenditure incurred by the various Local Governments in connection with the General Elections to the Council of State and Legislative Assembly in 1926 and 1927 respectively.

**Mr. Anwar-ul-Azim:** Will Government kindly inquire and let the House know how much really it has cost Local Governments on account of these elections?

**The Honourable Sir Brojendra Mitter:** I shall consider that.

#### SPECIAL CLASS APPRENTICES APPOINTED BY THE RAILWAY BOARD.

374. **\*Mr. Anwar-ul-Azim:** Will Government be pleased to state how many "special class apprentices" have been taken in by the Railway Board this year? How many of them are Hindus, Muslims, and Indian Christians? What examinations did they pass to qualify themselves for these posts, what initial salary will they get, and how much on confirmation?

**Mr. A. A. L. Parsons:** A statement giving the information asked for by the Honourable Member is laid on the table.

*Statement showing the names, nationality and qualifications of Special Class Apprentices appointed during 1929-30 in the Mechanical Engineering and Transportation (Power) Department of State Railways.*

Name.	Nationality.	Qualifications.
1. Kri-hna Chandra Chopra .	Hindu . . .	B. A.
2. Arthur H. Marley . . .	Anglo-Indian . .	Cambridge School Certificate Examination.
3. John Owen Burns . . .	Ditto . . .	Ditto.
4. Nil-ratan Mitra . . .	Hindu . . .	Intermediate, Science.
5. Firoz Alam Khan . . .	Muslim . . .	Cambridge School Certificate Examination and Intermediate, Science.
6. Gyan Prakash Bhalla . .	Hindu . . .	Intermediate, Science.
7. Kelapandra Muddappa Aiyanna.	Hindu . . .	Intermediate, Arts.
8. Daisy Bap Vacha . . .	Parsi . . .	Cambridge School Certificate Examination.
9. Herbert Oscar Toomey . .	Anglo-Indian . .	Ditto.
10. Iqbal Chand Bahree . . .	Hindu . . .	B. A.
11. D. Venkatarama Reddy . .	Hindu . . .	Intermediate, Arts.
12. A. Rehman Beg . . .	Muslim . . .	Intermediate, Science.

Apprentices get a stipend of Rs. 75 per mensem during the first three years, and Rs. 100 per mensem during the subsequent period of apprenticeship in India. During the period of apprenticeship in the United Kingdom they will be granted a stipend of £250 per annum. The initial pay of qualified apprentices on appointment as officers will be Rs. 375 per mensem and on confirmation Rs. 525 per mensem.

#### ELECTION TO THE LEGISLATURES OF MUSLIMS FROM MIXED AND GENERAL CONSTITUENCIES.

375. \***Mr. Anwar-ul-Aziz:** (a) Will Government be pleased to state how many mixed and general constituencies there are in India for election to the various legislative bodies, and to how many of these a Muslim has been returned?

(b) Has there been any difference in the qualification of Hindu and Muslim voters in these constituencies (i) since the inauguration of the Morley-Minto Reforms, (ii) the Montagu-Chelmsford Reforms? If so, on what basis?

**The Honourable Sir James Orerar:** (a) and (b). I am not entirely clear as to the sense in which the Honourable Member uses the words "mixed and general constituencies". I have, however, taken him to mean constituencies, not being special constituencies, in which Hindus and Muslims vote together. On this assumption I am placing in the Library a statement containing the information desired by the Honourable Member.

**Mr. Anwar-ul-Azim:** Will the Honourable Member kindly place that statement on the table of the House?

**The Honourable Sir James Orerar:** I think the Honourable Member and any other Honourable Member who is interested in the matter can conveniently obtain the information from the copy placed in the Library.

**Dr. A. Subrawardy:** Is the reluctance of the Honourable Member to place it on the table of the House due to the ruling given by Sir Frederick Whyte, as referred to by a previous Member on behalf of Government?

**The Honourable Sir James Orerar:** The statement is somewhat long. If, however, the Honourable Member desires, I shall be prepared to lay it on the table of the House.

—

*Elections in Mixed and General Constituencies.*

1. In the elections to the Morley Minto Councils the only constituencies properly describable as general were the communal Muslim constituencies. The remaining constituencies in which Hindus and Muslims voted together were all in a sense special constituencies, their electorates consisting, e.g., of members of local bodies, of landholders, of Chambers of Commerce, etc. In the circumstances none of the questions put seems to arise with reference to the Morley Minto Councils.

2. A statutory distinction between special and general constituencies was first made in the electoral rules framed after the last Reforms. In the elections to the Central Legislature there are five constituencies within the assumed scope of the question, namely:

- (i) the Central Provinces constituency of the Council of State,
- (ii) the Burma constituency of the Council of State,
- (iii) the Council of State constituency set up by the Berar Electoral Rules for the purpose of electing a Member to be nominated under rule 3 (1) of the Council of State Electoral Rules,
- (iv) the Delhi constituency of the Legislative Assembly,
- (v) the Ajmer-Merwara constituency of the Legislative Assembly.

A Muslim Member was returned to the first Legislative Assembly by the Delhi constituency. On no other occasion has any Muslim Member secured election in any of these five constituencies. Except that the title qualifying a Hindu to vote at an election to the Council of State will be that of Mahamahopadhyaya, while the title qualifying a Muslim will be that of Shamsululema, there is no distinction between the qualifications of Hindu and Muslim electors for these constituencies.

3. In no province except Burma is there any general constituency in which Hindus and Muslims vote together. In Burma there are five (general) Indian urban constituencies returning between them eight Members to the Legislative Council. Within the Indian constituencies there is no distinction between Hindus and Muslims. Indians living outside their communal constituencies, whether Hindus or Muslims, are included in the general rolls. Three Muslims were returned from the following constituencies in the last general election to the Burma Legislative Council:

- |  |     |     |     |   |
|--|-----|-----|-----|---|
| (1) Moulmein General Urban                       | ... | ... | ... | 1 |
| (2) Moulmein Indian community (Indian urban)     | ... | ... | ... | 1 |
| (3) East Rangoon Indian community (Indian urban) | ... | ... | ... | 1 |

Information for the earlier elections to the Burma Legislative Council will be supplied to the Honourable Member if he so desires.

“ MAJORITY ” AND “ MINORITY ” COMMUNITIES.

376. \*Mr. Anwar-ul-Azim: (a) Will Government be pleased to state what they mean when they say in replies to questions that, “Certain people are taken in from the minority communities to do away with the preponderance of one community over the other”?

(b) By what statute or convention have the expressions “minority communities” and “majority communities” been coined? Do the people of Chittagong Hill Tracts, who are all Buddhists, belong to a majority or minority community? Are they not counted with the majority communities for the purpose of census?

**The Honourable Sir James Ozerar:** (a) and (b). I would refer the Honourable Member to the reply I gave in this House to his question No. 64 on the 3rd September last. My information is that the people of the Chittagong Hill Tracts are not all Buddhists. In Table VI, Volume V, Part II of the Census Report, which shows the distribution of the population by religions, Buddhists are shown separately from others. In Table XIII a broad distinction is made between non-Muhammadans and Muhammadans, and Buddhists are grouped with the former. This has nothing to do however with any distinction between majority and minority communities.

DISCUSSION OF THE GENERAL BUDGET.

377. \*Mr. Anwar-ul-Azim: Will Government be pleased to state what objection there is to allowing the discussions of the General Budget as they appear in the Budget proposals of the Government of India *seriatim* without starting with Customs first?

**The Honourable Sir James Ozerar:** Presumably the Honourable Member's question has reference to the discussion of Demands for Grants at the second stage of the discussion on the General Budget. Government have no objection to such Demands being discussed in the order in which they appear in the volume of “Demands for Grants”, but as the Honourable Member will observe from your remarks, Sir, which appear on page 1608 of the Assembly Debates of the 7th March, 1929, that order has in practice been varied by mutual agreement subject, of course, to the consent of the Chair. In fact, so far as Government are concerned, they have always wished to follow the wishes of the non-official parties in this matter. The concluding portion of the Honourable Member's question is not clearly understood, because, if the order in the “Demands for Grants” is to be strictly followed, as seems to be the Honourable Member's intention, the House must start the discussion with the “Customs” Demand.

NUMBER OF JOURNEYS PERMITTED TO MEMBERS OF THE CENTRAL LEGISLATURE.

378. \*Mr. Anwar-ul-Azim: Will Government be pleased to state how many intermediate journeys a Member of the Central Legislature can make, provided the journey is confined to a fortnight, during the course of a Session?

**The Honourable Sir George Schuster:** There is at present no limit.

APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

379. **\*Mr. Anwar-ul-Azim:** Will Government be pleased to state which are the appointments in the Government of India Secretariat, which the executive Members of Government and their Secretaries can directly fill up without the medium of the Public Service Commission (the appointments of menials being excluded)?

**The Honourable Sir James Orerar:** The general rule is that initial recruitment to service in the Government of India Secretariat is made through the Public Service Commission. But promotions or selections for particular posts are made at the discretion of the Head of the Department, save where they require the approval of the Governor General.

APPOINTMENTS IN THE GOVERNMENT PRINTING HOUSE AT NASIK.

380. **\*Mr. Anwar-ul-Azim:** Will Government be pleased to state what is the personnel of the Government Printing House at Nasik? Which of the posts there have been filled up by the Government Member in charge of the Department and which by the Public Service Commission? What is their total strength, excluding the menials, and what is the number of Muslim representation therein?

**The Honourable Sir George Schuster:** The total personnel, excluding gazetted officers, is 124. All appointments are made by the Master, Security Printing, India, who is the Head of the Department. Out of 124 employees, 6 are Muslims.

DISTRICT MEDICAL OFFICERS ON RAILWAYS.

381. **\*Mr. Anwar-ul-Azim:** (a) With reference to my starred question put on the 4th February, 1930, will Government be pleased to state why there is no Muslim District Medical Officer in the East Indian Railway, while there are so many Indians therein? Who is responsible for these recruitments?

(b) Through what agency are the District Medical Officers recruited by the State Railways and the Company-managed Railways?

**Mr. A. A. L. Parsons:** (a) and (b). There was no Muslim District Medical Officer on the East Indian Railway up to recently because there were no Muslim Officers of that rank in service. One Muslim Officer who was recently recruited has been posted to that Railway.

The recruitment of District Medical Officers for State-managed Railways is made by the Government of India on the recommendations of the Public Service Commission. Company-managed Railways recruit such officers direct.

**Mr. A. H. Ghuznavi:** Is the Honourable Member aware that out of 40 district medical officers on State Railways only two are Muhammadans?

**Mr. A. A. L. Parsons:** I must verify the figures before I can accept the Honourable Member's statement, though I do not wish to suggest that it is incorrect.

**Dr. Ziauddin Ahmad:** May I ask if competent Muhammadans are not available for employment?

**Mr. A. A. L. Parsons:** I have no reason to believe that competent Muhammadans are not available for these appointments.

**Dr. Ziauddin Ahmad:** May I then ask the reason for their not being recruited if competent men are available?

**Mr. A. A. L. Parsons:** As my reply shows, they are now being recruited.

#### COST OF AUDITING AND ACCOUNTING FOR THE POSTS AND TELEGRAPHS DEPARTMENT.

382. **\*Mr. Anwar-ul-Azim:** How much does it cost Government for auditing and accounting for the Posts and Telegraphs Department as a whole?

**The Honourable Sir Bhupendra Nath Mitra:** The expenditure incurred in 1928-29, the latest year for which complete actuals are available, on the accounts and audit of the Indian Posts and Telegraphs Department was Rs. 37,48,000 which included Rs. 1,51,600 for Post Office Life Insurance work and Rs. 8,00,000 for Post Office Savings Bank and Cash Certificate work.

#### COST AND EARNINGS OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

383. **\*Mr. Anwar-ul-Azim:** What is the total cost of administration of the Department of Industries and Labour and what proportion does it bear to its total gross earnings?

**The Honourable Sir Bhupendra Nath Mitra:** The estimated cost of administration of the Department of Industries and Labour during the financial year 1929-30 is Rs. 6,03,000. The Honourable Member is perhaps not aware of the fact that the Department of Industries and Labour is not a revenue-earning Department.

#### CLASSIFICATION OF QUARTERS IN NEW DELHI.

384. **\*Mr. Abdul Latif Sahib Farookhi:** Is it a fact that every year, or every second or third year, Government change the limits of pay of the employees of the Government of India for the purpose of allotment of quarters in New Delhi? If so, why?

**The Honourable Sir Bhupendra Nath Mitra:** Presumably the Honourable Member seeks information in regard to clerks' quarters in Delhi. If so, I would mention that between the years 1920 and 1929 the limits of pay for purposes of allotment of these quarters were changed on three occasions, *viz.*, in 1922, 1926 and 1928. The changes were made because (i) the scales of pay were revised and increased subsequent to the fixation of the original limits, and (ii) to equalise, as far as possible, the percentage of quarters in each class.

#### RULES FOR THE GRANT OF HOUSE RENT ALLOWANCE IN SIMLA.

385. **\*Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that for the purpose of granting house rent allowance in Simla, Government have made certain rules?

(b) Is it a fact that those employees who had elected old rules five or six years ago are not given the option of changing their choice? If so, why?



(c) Do Government know that, on account of this, a loss of about fifty rupees every year is being sustained by many employees?

(d) Will Government be pleased to state if it is a fact that they change their rules regarding the allotment of quarters in New Delhi, where the Government charge rent from their employees, and do not change the rules of Simla house rent allowance, where the Government give house rent to their employees? If so, what is the reason?

(e) Are Government prepared to consider the desirability of giving another choice to their employees? If not, why not?

**The Honourable Sir James Orerar:** (a) Yes.

(b) Yes. Two elections were allowed in the matter and it was made clear at the time that the second election would be definitely final.

(c) The men under the new rules get a slightly increased rate of house rent allowance, varying from Rs. 25 to Rs. 50 under certain restrictions from which men under the old rule are free. The difference in the rates cannot be described as a loss to the men under the old rules.

(d) Yes. Because the two matters are entirely distinct.

(e) The matter has been considered and it has been decided that there are not sufficient grounds for making any change in the rules, which are, generally speaking, working satisfactorily.

#### ADVANCES FOR HOUSE BUILDING.

**386. \*Mr. Abdul Latif Sahib Farookhi:** (a) Is it a fact that house building advances are not granted to those employees of the Government of India who want to build houses in old Delhi, even in Paharganj? If so, why?

(b) Are Government prepared to consider the desirability of advancing loans equal to two years' pay for the purpose of house building instead of one year's? If not, why not?

(c) What interest do Government charge on such loans?

(d) Are Government prepared to consider the possibility of reducing such interest?

(e) In how many instalments are such loans recovered?

(f) Are Government prepared to increase the number of such instalments? If not, why not?

**The Honourable Sir George Schuster:** (a) Advances for building houses in old Delhi are not granted to employees of the Government of India whose offices are situated in New Delhi as it is not considered advisable to encourage Government servants to build houses at a distance from the offices in which they work. Paharganj is part of old Delhi.

(b), (e) and (f). Prior to November, 1916, an advance was limited to 6 months' pay and was recoverable in 24 instalments. In November, 1916, the limit was raised to 12 months' pay and the number of instalments to 48. The question of raising the limit for an advance and of increasing the number of instalments of recovery was considered by the Government of India in 1927 and they came to the conclusion that there was no case for changing the rules.

(c) 5 per cent.

(d) No. The rate of interest now charged is less than the rate at which the Government of India are borrowing in the open market.

#### REVISION OF THE PENSION RULES.

387. \***Mr. Abdul Latif Sahib Farookhi:** (a) Is the revision of pension rules under the consideration of Government? If so, since when?

(b) When is the revision likely to take effect?

**The Honourable Sir George Schuster:** (a) I would refer the Honourable Member to my reply to starred question No. 721 by Mr. Siddheswar Prasad Sinha published on page 1193 of the Legislative Assembly Debates for the 23rd September, 1929.

(b) The Honourable Member's attention is invited to the reply given by me on the 21st January, 1930, to starred question No. 94, asked by Mr. Lalchand Navalrai.

#### ORDERS BY HIS EXCELLENCY THE GOVERNOR GENERAL.

##### ALLOTMENT OF DATES FOR THE GENERAL BUDGET.

**Mr. President:** I now propose to read out an Order by His Excellency the Governor General, regarding the allotment of dates for the General Budget.

(The Assembly received the Order standing.)

*"For the purposes of sub-section (1) of section 67A of the Government of India Act, and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:—*

Friday, 28th February		Presentation in the Legislative Assembly.
Tuesday, 4th March	...	} General Discussion in the Legislative Assembly.
Wednesday, 5th March	...	
Friday, 7th March	...	
Saturday, 8th March	...	} Voting on Demands for Grants in the Legislative Assembly.
Monday, 10th March	...	
Tuesday, 11th March	...	
Wednesday, 12th March	...	
	...	

IRWIN,

Viceroy and Governor General."

New Delhi,

The 19th February, 1930.

## DISCUSSION OF CERTAIN HEADS OF EXPENDITURE BY THE LEGISLATIVE ASSEMBLY.

**Mr. President:** There is one more Order regarding the discussion on certain heads of expenditure.

(The Assembly received the Order standing.)

*"In pursuance of the provisions of sub-sections (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration.*

IRWIN,  
Governor General."

The 9th January, 1930.

## MESSAGE FROM HIS EXCELLENCY THE VICEROY.

## ARRANGEMENTS FOR PROTECTION OF THE ASSEMBLY CHAMBER AND ITS PRECINCTS.

**Mr. President:** I have a communication from His Excellency the Viceroy, which it is my duty to read to the House. It is as follows:

*"The Viceroy's House,  
New Delhi, 19th February, 1930.*

Dear Mr. Patel,

*After the discussions I have recently had with yourself, the Leader of the Opposition and Leaders of other parties in the Assembly, I am in a position, on behalf of the Government, to communicate to you their proposals for the solution of the difficulty that has arisen, in the hope that these may prove the basis of a working agreement or convention on the matters lately in dispute.*

*I cannot doubt that you and all non-official Members of the Assembly have only the same purpose in this matter as the Local Government and the Government of India, viz., to be satisfied that adequate protection is secured for the President and Members of the Assembly while in discharge of their duty; and if agreement can be reached upon the practical means to secure this purpose, and the means adopted prove adequate for its attainment, discussion of general principles, upon which agreement might be more difficult, need not arise.*

*I deal first with the question of the securing of protection in what are known as the inner precincts. In regard to this, Government would propose to depute to the service of the Assembly a senior police officer, who would be responsible to the President for regulating all matters relating to the protection of the Assembly within the inner precincts. For the purpose of his Assembly duty, this officer might be designated, "the Watch and Ward Officer of the Assembly".*

In any case in which the special experience of the deputed officer might lead him to think that the precautions approved by the President were inadequate, it should be open to him to consult his superior officer in the Police Department, and if such officer shares his opinion, he should so report to the President, who would forward the report with his observations to the Governor General in Council in order that an opportunity should be afforded to the authorities concerned to confer with, and in the spirit of this convention to advise, the President upon the matter. In an immediate emergency, where such consultation was not possible or when the officer was unable to take the instructions of the President, the officer would be at liberty to take such action in virtue of his powers as a police officer, as his knowledge of the emergency appeared to him to render necessary and in such cases it would be assumed that he does so with the consent of the President.

Government further recognise the general desire among Members of the Assembly that the requisite protection should be secured through an Assembly establishment, and will be ready to co-operate in the early establishment of a staff of suitable quality for this purpose. This staff would be part of the Assembly establishment, subject to the control of the President, exercised through the deputed officer, and could wear such uniform as the President, on behalf of the Assembly, might direct. Until the special staff referred to above can be brought into existence, Government will place at the service of the Assembly and under the orders of the deputed officer, such police as may be required. Such police might, if so desired, be distinguished by the wearing of a special armlet at the discretion of the President.

Should this arrangement be acceptable to the Assembly, Government will arrange to depute a suitable officer, as suggested above, to be at your disposal forthwith for the purpose named, and I understand that you will then without delay take steps, in consultation with the Secretary to the Legislative Assembly and the deputed officer, to recruit the requisite permanent staff.

If, as I trust, these proposals commend themselves to you and the Assembly, I am able to say, on behalf of my Government, that they would view the arrangement embodied in them as an adequate substitute for the system which has hitherto been in force.

As regards the outer precincts of the Assembly, the matter may be examined further, and, in the meanwhile, the Government of India will instruct the Local Government that all orders issued to the police within the outer precincts of the Assembly sector shall be framed with the approval of the President, acting on the advice of the Local Government.

I greatly hope that, with goodwill on both sides, the arrangement that, on behalf of the Government of India, I have here outlined may furnish the means of resolving the unfortunate deadlock which has caused inconvenience to Members of the House, and has been a matter, as I believe, of equal concern to the Government and the Chair.

Yours sincerely,  
IRWIN."

Honourable Members are aware of the difference on this matter, which arose between Government and myself, and I hope that the arrangement outlined in His Excellency's letter will prove to be a satisfactory solution of them. Without entering into a discussion of the legal aspects of the question, Government have now proposed the establishment of a convention, which offers means of resolving the immediate difficulty with which we are concerned, and which, I trust provides a permanent working basis for the future. On behalf of the House, I accept the arrangement in the same spirit as that in which it has been put forward, and as the convention which will now be established provides adequately for the exercise of authority by the Chair, I am glad to say that I shall always welcome and be guided on matters affecting the security of this House by the considered advice, which the authorities concerned may tender to me.

As the main question is now settled, I accordingly hereby direct that the galleries be re-opened on and from Monday, the 24th February, 1930, and passes issued to visitors in the usual manner.

**Mr. Arthur Moore** (Bengal: European): Sir, about a month ago you claimed, and I am using your own language, that your authority was so supreme and your control so complete . . . . .

**Mr. President:** Will the Honourable Member resume his seat? Is there any point of order that the Honourable Member wishes to raise?

**Mr. Arthur Moore:** I wish to be heard on a question which vitally concerns this House, on which it has not been consulted.

**Mr. President:** The Honourable Member might put down a motion.

**Mr. Arthur Moore:** I have put down a motion. If it comes on . . .

*(Cries of "Order, order" from several Honourable Members.)*

**Mr. Arthur Moore:** I have a right to be heard. I appeal to the sense of justice which I know you possess.

**Mr. President:** The Honourable Member can only act according to the rules and regulations of this House.

**Mr. Arthur Moore:** There is no rule which prevents me from saying what I have to say.

**Mr. President:** If the Honourable Member has any point of order to raise . . . . .

*(Mr. Moore remained standing.)*

The Honourable Member must resume his seat when the Chair rises. If the Honourable Member has any point of order on any business before the House, he will be heard. If he has no point of order and if he has anything to represent to the Chair, he must come to his room and talk to him.

**Mr. Arthur Moore:** You have accepted, on behalf of the House, something on which the House has not been consulted. That is the point.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran: Non-Muhammadan): Why are you excited?

**Mr. President:** The Honourable Member need not be excited. If he has a reasonable amount of support in this House, he will always be entitled to put down a motion of "no confidence" in the Chair.

**Mr. Arthur Moore:** I am not at the moment expressing any lack of confidence. I wish to make some observations with regard to what you have just said.

**Mr. President:** The Honourable Member is not entitled to make any observations.

(Mr. Moore continued standing.)

Will the Honourable Member resume his seat? He cannot remain standing while the Chair is standing. The Honourable Member is not entitled to make any observation on the statement I have read.

**Mr. Arthur Moore:** I am entitled to make observations on the statement made. (*Honourable Members:* "Order, order.") A month ago, you said

(*Cries of "Order, order" from non-official Benches.*)

**Mr. President:** Will the Honourable Member resume his seat?

**Mr. Arthur Moore:** Sir, I am speaking on behalf of . . .

**Mr. President:** Will the Honourable Member resume his seat?

**Mr. Arthur Moore:** Sir, I appeal to your sense of justice, which I know you possess.

(*Cries of "Order, order".*)

**An Honourable Member:** We do not want to hear you.

**Mr. Arthur Moore:** Are you afraid to hear what I have got to say?

**Mr. Gaya Prasad Singh:** You are talking wildly.

**Mr. Arthur Moore:** If you keep quiet and listen to what I have got to say, perhaps you will change your mind.

**Mr. President:** I have already ruled that the Honourable Member is not entitled to speak on this.

**Mr. Arthur Moore:** Are you afraid of what I have got to say?

**Mr. President:** Will the Honourable Member resume his seat?

**Mr. Arthur Moore:** I wish to be heard.

**Mr. President:** The Honourable Member, if he does not like the way in which the proceedings of this House are conducted, is entitled to go out.

**Mr. Arthur Moore:** I prefer to stay. I am a Member of this House.

**Mr. President:** The Honourable Member must behave.

**Mr. Arthur Moore:** What rule am I disobeying?

**Mr. President:** You are disobeying every rule of this House.

**Mr. Arthur Moore:** No, Sir. You have stated that you have accepted an arrangement. Are we not entitled to discuss it? The House has heard nothing of this. Let me point out to the House that you claimed . . .

**Mr. President:** Order, order. Sir George Schuster.

**Mr. Arthur Moore:** (loudly) Sir, I wish to be heard and I shall be heard.

**Mr. President:** Sir George Schuster.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member): Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Amendment of sections 14, 25-A, etc.), as reported by the Select Committee, be taken into consideration.

The question of income tax amendment Acts and their frequent appearance has already been referred to by me in dealing with another motion this week. I feel, however, that the Bill under consideration can only be viewed with approval, because it is almost entirely concerned with concessions. I think, I may claim that the Bill is non-contentious. Two clauses, Nos. 6 and 11, of the original Bill were to some extent, I will not say contentious, but productive of considerable differences of opinion in the Select Committee. The former was intended, roughly speaking, to bring the law in certain provinces relating to the attachment of debts for arrears of tax into conformity with the law in other parts of India. The other related to arrangements for bringing what may be called Income-tax Agents under some sort of discipline and control. It was decided in the Select Committee that these two clauses should be dropped for the present and, if necessary, reintroduced at a later date in a separate Bill after further study and re-circulation of revised and simplified proposals on lines which appeared to carry with them the general agreement of the Select Committee. Apart from this reference to the two particular clauses which have now been omitted, I do not think it is necessary for me to enter into any further explanations on the purpose of this Bill. Sir, I move.

The motion was adopted.

Clauses 2 to 10 were added to the Bill.

**Mr. President:** The question is that clause 11 stand part of the Bill.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadani): Sir, I beg to move:

"That for clause 11 the following clause be substituted:

11. (a) In sub-section (2) of section 66 of the said Act, for the words 'within one month of the passing of an order under section 31 or section 32' the words 'within sixty days of the date on which he is served with notice of an order under section 31 or section 32' shall be substituted.
- (b) For the words 'one month', in the second place where they occur, the words 'sixty days' shall be substituted."

Sir, in making this amendment, I am actuated only by a desire to clarify the law, and save unnecessary hardship to the assessee who want to take their cases to the High Court. Section 66 is probably the only provision enabling an assessee to approach the High Court on a question of law. Now, what ordinarily happens in a case is that no dates are fixed for the passing of an order, and the assessee has no opportunity of knowing when the order will be passed and from what time the period of limitation will run. Sometimes orders are passed weeks or even months after the arguments are heard, and behind the back of the assessee, who cannot be expected to dance attendance in the office all the time. There is also no provision in law for informing the assessee as to when the order against him has been passed. Now, you will observe that in section 30, sub-section (2), it is stated, "within 30 days of receipt of the notice"; and in section 66, sub-section (3) it is stated, "within six months from the date on which he

[Mr. Gaya Prasad Singh.]

is served with notice', so that it will be observed with regard to other provisions of the Act a clear definition of the time of notice has been mentioned. Only by some unaccountable flaw nothing has been mentioned in sub-section (2) of section 66. I only wish to make this point clear, and to substitute the following, "within sixty days of the date on which he is served with notice of an order under section 31 or section 32". Further one month is too short, and so I would make it sixty days.

Now, it may be stated that, even when the period of one month has elapsed, the High Court can still be moved, but in the Indian Law Reports, 6 Lahore, page 373, it was held that :

"A delay of over a month in presenting an application to the Commissioner under section 66 (2) of the Indian Income-tax Act, after the order had been passed which gave rise to that application, robs the Commissioner of all jurisdiction, and a reference by him to the High Court under the section is therefore not competent."

I have changed 'one month' to '60 days', for this reason. The assessee must be given more time to formulate the points of law, as the rulings are that no fresh points of law could be raised in the application to the High Court under sub-clause (3).

I spoke on this subject on the Finance Bill on the 28th of March last year, and I do not want to add anything more now. I understand that the Government are willing to accept my amendment, in which case my thanks are due to them.

Sir, I move.

**The Honourable Sir George Schuster:** Sir, I am prepared to say, on behalf of the Government, that we are willing to accept my Honourable friend's amendment.

**Mr. President:** The question is :

"That for clause 11 the following clause be substituted :

- "11. (a) In sub-section (2) of section 66 of the said Act, for the words 'within one month of the passing of an order under section 31 or section 32' the words 'within sixty days of the date on which he is served with notice of an order under section 31 or section 32' shall be substituted.
- (b) For the words 'one month', in the second place where they occur, the words 'sixty days' shall be substituted."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Sir George Schuster:** Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.



## THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

**Mr. G. M. Young** (Army Secretary): Sir, I beg to move:

"That the Bill further to amend the Cantonments (House-Accommodation) Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

No amendments have been proposed, Sir, in this Bill and therefore it is unnecessary for me to make a long speech. But I think it is due to the House that I should endeavour to explain, in as few sentences as possible, why it is necessary to have a special Act of the Legislature to deal with these houses, and the changes that we now propose in that Act. The reason is the peculiar system which Government, from early times, have employed to secure house-accommodation for army officers in cantonments. When they established cantonments, they used to build, as they still do, accommodation in the lines, and barracks, for the Viceroy's Commissioned officers and the non-commissioned officers and men, both of the British and Indian services. But for officers they adopted a different plan. They laid out, in the various portions of the cantonment, sites for bungalows, and then offered these sites gratis to persons who were willing to build upon them houses suitable for the accommodation of military officers. In many cases the original grantees of these sites were the officers themselves; and even at the present day in certain cantonments, where regiments are permanently quartered, the bungalows are owned by the officers or by the regiments. But in other cases the Houses were built by civilians generally residents of the neighbouring city and leased by them to officers. The result was that, in course of time, the houses passed almost entirely, in many cantonments, into the hands of the civilian residents of the locality. Nowadays when battalions are moved to and fro from one cantonment to another (and it occurs now more frequently than in the old days), considerable difficulty arises in the matter of leasing these houses. The officers have to inquire before they come to the cantonment what houses are available. They have, probably, to make their arrangements with the landlord, generally at a distance and by correspondence; and the house-owner himself has no guarantee that his house will be occupied for a reasonable period, because the officer may soon be transferred.

These difficulties led to the first Cantonment House-Accommodation Act, which was passed in 1902. I need not go into the details of that Act. It was succeeded in 1923 by an Act which did remove most of the disabilities from which both the house-owners and the officers suffered. The insecurity of tenure was removed by introducing the principle under which Government, as distinct from the individual officer, became the lessee of the house for a term of years; and the difficulties about settling the rent were removed by expanding the existing Committees of Arbitration so as to give them a more non-official character. The great drawback of this Act was that it was almost impossible in some cantonments to assemble the Committee of Arbitration as composed under the Act of 1923. In introducing the Act, my predecessor, Mr. Burdon, remarked that there was a very grave danger that the elaborate procedure of the Act might place serious difficulties in the way of its operation, which has proved to be the case. For instance, the Chairman of the Committee of Arbitration has to be a person who is neither a Government official, nor interested in any

[Mr. G. M. Young.]

land or holding in the cantonment. Well, it is very difficult, within the limits of the cantonment, to find a person who answers to that description. Let me take an instance of a particular case which occurred in Peshawar. It was found that there was only one person in the cantonment who was eligible for appointment to the Chairmanship of the Committee of Arbitration. It was also found that it was difficult to assemble the Committee at any time. The result was that the Committee took about eight months to reach a decision. Then somebody discovered that there was a flaw in the composition of the Committee. A new Committee had to be formed, and another six months elapsed before it reached its decision. The present Bill attempts to get rid of these difficulties by substituting for a Committee of Arbitration, a simple reference to the ordinary Courts, with an appeal to the High Court. The other measures in it are chiefly directed against an evil which has cropped up recently of bogus occupation of houses.

**Pandit Hirday Nath Kunzru** (Agra Division: Non-Muhammadian Rural): What does the Honourable Member mean by "bogus occupations"?

**Mr. G. M. Young:** Under the Act, when a house is in occupation of an owner it cannot be appropriated. Instances have occurred where owners went into occupation of houses until some other arrangement had been made for the officer for whom a house was desired. Then the owner vacated the house again, and let it to a tenant who was prepared to pay a good rent and to remain in the House for a long time; whereas with the officer, there was no guarantee of his remaining, for he might be transferred at any moment.

These are the two respects in which the Bill purports to amend the existing law. I have only to add that the main measures in this Bill, including the clause which forms the subject of a minute of dissent by my Honourable friends, Dr. Moonje and Pandit Hirday Nath Kunzru, have been approved by a representative deputation of the Indian Cantonments' Association, a body which is very zealous in safeguarding the rights of house-owners in cantonments. That deputation discussed all the provisions of the Bill at great length with the acting Army Secretary last summer, and, as I said, recorded its approval of the main provisions in the Bill.

**Pandit Hirday Nath Kunzru:** Sir, I do not wish to speak at length at this stage because I shall have an opportunity of presenting my views in connection with this Bill when we come to clause 6, but I should like to say straightaway that the description given by the Army Secretary of the objects of the Bill should not lull the House into a false sense of security. He has tried to make out that the Bill is simply intended to remove defects of procedure, to give house-owners a better opportunity of earning a dividend on the capital invested by them in the construction of their houses and to provide military officers with more assured accommodation. I am afraid, Sir, that I regard this Bill as a direct attack on the house-owners. Had the Government been satisfied with minor changes in procedure, nobody would have taken any objection to it. But the main clause of the Bill is clause 6. I do not wish to go into the details of this clause because I have already said that I shall be able to discuss the principle involved in it when you put this clause to the vote. But I should like to deal at once with the point of "bogus occupation" raised by the Army Secretary. He said it was possible, under the present Act, for a house-owner to go

into a house owned by him simply to prevent a military officer from occupying it. No instances of this kind were given in the Select Committee, but I should like to draw the attention of the House to clause 7 of the existing Cantonment House-Accommodation Act, which was passed in 1923. If a Commanding Officer of a cantonment is satisfied that a house is suitable for occupation by a military officer or a military mess, he can not merely require the owner to allow the Government to take possession of it on certain conditions, but can also compel the existing owner to vacate it. It is obvious then, Sir, that even if a house-owner by dilatory tactics on his part prevents the occupation of a house by a military officer, the Cantonment Officer can subsequently compel the vacation of the house in question.

**Mr. G. M. Young:** By the owner?

**Pandit Hirday Nath Kunzru:** Will the Honourable Member wait and listen to me?

**Mr. G. M. Young:** I want to know what the Honourable Member means.

**Pandit Hirday Nath Kunzru:** I am trying to understand what the Honourable Member meant when he spoke of "bogus occupation". The Honourable Member's point seems to be that a house-owner might temporarily move into a house belonging to him with the object of letting it to a non-military man in order to secure a higher rent. I say, Sir, that, under the existing law, even if a house-owner resorts to such tactics, the military officers have a remedy in their hands. They can compel the occupier of the house to vacate it.

**Mr. G. M. Young:** Not if he is the owner.

**Pandit Hirday Nath Kunzru:** If the owner continues to occupy the house, then it is not "bogus occupation"; on the showing of the Honourable Member, himself, it is really *bona fide* occupation and I take it that the Honourable Member is not complaining against that.

**Mr. G. M. Young:** No, Sir, I am not complaining of that. What I said in my speech quite clearly was this, that the owner of a house can, under the Act, as it stands, go into a house for the purpose of defeating an officer for whom a house is required. Then that officer, for whom the house was required, will have to make other arrangements. Probably there is another house in the locality which can be taken. If the officer gets another house, the owner of the house, who temporarily occupied it, will vacate it and then give it to a tenant who is a non-military man.

**Pandit Hirday Nath Kunzru:** The Cantonment authorities can ask the house-owner to execute a lease and then ask the occupier to vacate the house. If however the house-owner continues to occupy the house, it cannot be said that the house-owner moved into the house simply to keep the military officer out. The question must be discussed then on entirely different grounds. We must discuss the reasons for which the house-owner wishes to move from a part of the city in which he is living into a bungalow situated in the cantonment. But I do not wish to deal with the question just now. I shall discuss it in connection with clause 6. But I submit that the speech of the Army Secretary has created a

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misunderstanding with regard to the main objects of the Bill and he certainly did not represent the situation correctly when he dealt with what he called the "bogus occupation" of a house.

**Mr. G. M. Young:** I understand the Honourable Member is not opposing the motion for taking the Bill into consideration. If so, I have nothing to say at present.

**Mr. President:** The question is:

"That the Bill further to amend the Cantonment (House-Accommodation) Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

**Mr. President:** Clause 6, Pandit Hirday Nath Kunzru.

**Mr. G. M. Young:** On a point of order, Sir. Do I understand that the Honourable Member is proposing an amendment to the clause?

**Pandit Hirday Nath Kunzru:** I am not proposing any amendment, but I am within my rights in opposing the whole clause.

**Mr. President:** Yes, go on.

**Pandit Hirday Nath Kunzru:** Sir, in order to understand the significance of clause 6, it is necessary that the House should be aware of some provisions of the existing Cantonments (House-Accommodation) Act. I will not go into the history connected with the amendment of the old Act of 1902. It will suffice for my present purpose to take the Act as it stands. Section 5 of this Act states that every house that is situated in a cantonment is liable to appropriation by Government on a lease in the prescribed manner. Section 6 lays down that where in the opinion of a Commanding Officer of a cantonment a house should be taken possession of by Government, he should serve a notice on the owner of the house, requiring him, after at least three days from the service of the notice, to permit the house to be inspected, measured and surveyed. Section 7 empowers a Commanding Officer, in case he is satisfied, on the report of the inspecting officer, that the house is suitable for occupation by a military officer or a military mess, to serve a notice on the owner, requiring him to execute a lease of the house to the Government for a specified period of not less than five years. It also empowers him to require the existing occupier, if any, to vacate the house.

The House will thus see that, as I have already stated, under section 6 a house can be inspected, measured and surveyed only three days after the service of the notice. The house-owner thus gets an opportunity of moving into the house. Section 10 of the Act lays down certain conditions under which a house shall be exempt from appropriation by Government. One of the conditions under which a house cannot be appropriated by Government is that it should be occupied by the owner.

My Honourable friend the Army Secretary says that section 6, which requires at least three days' previous notice to the house-owner before a house can be inspected, leaves a very undesirable loophole and enables a house-owner to occupy his own house within those three days and prevent

the military authorities, under section 10 of the present Act, from appropriating it. Now, Sir, we have to see why it is that practical difficulties have arisen in connection with the occupation of their own houses by house-owners in cantonments. My Honourable friend, the Army Secretary, contended that it was reasonable for Government to see that military officers were provided with accommodation in the cantonments. That is a sound principle.

**Mr. G. M. Young:** It was not necessary for me to bring out that contention at the time.

**Pandit Hirday Nath Kunzru:** If that was not the contention of my Honourable friend and that is not the principle on which this Bill is based, I think it ought not to receive a moment's consideration at the hands of the House. I thought the entire principle on which the Bill was based was that it was reasonable that military officers should be provided with accommodation in the cantonments.

**Mr. G. M. Young:** The principle is that this accommodation has been provided for occupation by military officers in cantonments.

**Pandit Hirday Nath Kunzru:** I will grant that it is reasonable that military officers should be provided with decent accommodation in cantonments. The first question, however, that arises in this connection is whether there is such an acute shortage of accommodation at the present time as to lead Government to change the present law in the manner which this Bill suggests. Sub-clause (a) of clause 6 of the present Bill requires that, for clause (c) of section 10 of the Act, which exempts a house from occupation in case it is occupied by the owner, the following clause shall be substituted:

"(c) is occupied *bona fide* by the owner as his residence and has been so occupied continuously during the *one month* immediately preceding the issue of the notice under section 6," . . .

If this clause is passed as it stands, it is obvious that every house-owner can be prevented by the military authorities from occupying his house. Before the House accepts this amendment I think it ought to ask the military authorities to satisfy it that there is such a serious shortage of houses that no accommodation can be provided for military officers, unless the house-owners are prevented from moving into their own houses. We went into this question at length in the Select Committee. It was not contended then that in any cantonment, whether it was Peshawar in the north or Poona in the south, such a situation had arisen and that it required to be dealt with immediately. All that we were told was that there was a very small number of houses that remained to be occupied in future by military officers, and that it was therefore desirable that Government should legislate immediately in order to deal with a situation that might arise two or three or four years hence.

Another question which deserves consideration in this connection is whether the present Act has enabled the house-owners to prevent the military authorities from satisfying their reasonable needs, and to take advantage of the so-called loophole left by section 6 to let their houses to non-military men in order to charge them a higher rent. No instances even of that kind were available in the Select Committee. My Honourable friend tried to make out that this Bill was intended to deal only with

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bogus occupation; but as I have already pointed out, in case the house-owner lets his house to a non-military man, the military authorities can compel its evacuation. The only circumstance in which the military authorities are powerless is when the house-owner continues to reside in his house; and, Sir, does continuous residence in a house by the owner not constitute *bona fide* occupation? Great stress was laid in the Committee on the inclusion of the words *bona fide* in clause 6 of the present Bill, but the speech of my Honourable friend, the Army Secretary, shows the sense in which these words are to be interpreted. If even house-owners living continuously in their own houses can be accused of bogus occupation, what are the circumstances that would constitute *bona fide* occupation of a house? It is obvious that Government, while employing a form of words that might satisfy the unwary, really wish to use their powers in such a way as to prevent a single house-owner from continuing to exercise the legal right which he has under the present Act.

There is another important fact which I would place before the House in this connection. When the amendment of the old Act of 1902 was under consideration, the house-owners were afraid lest their right to live in their own houses should be taken away. A deputation of the All-

India Cantonments Association waited on Lord Reading in 12 Noon. March, 1923, and received from him the assurance that Government did not intend to take away from them the right they enjoyed of occupying their own houses. The Army authorities think that, as this undertaking was fulfilled in regard to the Act of 1923, they are absolved from observing it any further. Now, Sir, it is the principle underlying this proceeding that deserves the consideration of this House. Lord Reading assented to the request of the house-owners on the ground that it was a perfectly just demand, that the principle underlying it was a thoroughly reasonable one. If this is accepted, the matter ought to wear a different complexion in the eyes of the House. If Government considered it reasonable in 1923 that house-owners should not be deprived of the right of occupying their houses, there is absolutely no reason why they should now introduce a law with the express object of depriving them of that right.

Sir, the real reason why in many places house-owners wish to occupy houses situated in cantonments is, in the first place, that in some of the towns, for instance, those situated on the frontier, there is a great deal of insecurity of life and property. The Indian quarter of the town is not guarded with one-tenth the care that the cantonments are. Is it not natural in these conditions that those fortunate people who own houses in cantonments should like to take advantage of this fact in order to live in circumstances of greater comfort and security? Sir, I lay stress on this subject because, since I began taking an interest in this question three years ago, I have found that it is the case of Peshawar that has come repeatedly before this House. I dare say that the principle of the Bill will apply to all cantonments, but I feel I am justified in saying that it is the difficulties that have arisen in Peshawar in particular that have led Government to propose a change in the existing law. The other reason why the house-owners wish to move into the houses situated in cantonments is that the cities are already greatly congested and they wish to live now in cleaner and healthier surroundings. Is this desire unreasonable? Can it be contended in these circumstances that a man

who moves into his house is doing so with the deliberate object of preventing the military authorities from securing reasonable accommodation for their officers? There is another reason also, Sir, which induces the house-owners to move into cantonments and that is that in certain places there are no civil stations. If there were these civil stations, to which people desirous of living in healthier and more sanitary conditions could shift, I am sure there would be no desire on the part of the house-owners to refuse to reside in the civil stations and to insist on living in houses situated in cantonments.

Sir, when I asked questions about Peshawar in the House two or three years ago, my Honourable friend, Mr. Young, said that an officer of the Army Department would be deputed to Peshawar to consider the matter referred to by me and to submit a report to the Government. Well, the officer who was deputed happened to be the Deputy Secretary to the Government of India in the Army Department. Shortly afterwards he became the officiating Secretary, and the result was that no report was submitted to the Government. It was thought undesirable for the officer to submit a report to himself when he became the officiating Secretary. We do not know, therefore, what consultation he had with the house-owners there, what were the points they raised, and what were the views he submitted to Government. But as I have been in touch with the house-owners, I am in a position to say that they took up a very reasonable attitude. They laid before Government the considerations that I have now laid before them and offered to build new houses should Government give them sites on reasonable terms. Sir, if the Government take a large view of the matter, it is possible for them to proceed in such a way as to give the relief required by the military authorities, and at the same time to enable the higher section of the Indian population to live in better conditions than prevail at the present time in congested cities and in towns on the frontier. My Honourable friend, the Army Secretary, contended that the extension of the cantonments might provide no real remedy. I understood him to say that the houses that exist already in cantonments were built on the express condition that the military officers would have a prior right to their occupation. He therefore thinks that, if fresh houses were constructed on the same condition, there is no reason to believe that the same difficulties would not arise in future. Now, Sir, if Government have deeds and documents in their possession enabling them to prove that the conditions on which the houses were allowed to be built in cantonments were such as they are represented to be by the Army Secretary, they have a legal remedy in their own hands. But they find themselves in a difficulty precisely in those places where they are unable to prove that the houses which they wish to occupy were built on the conditions alleged by them. They say that while their statement that these houses were built on the condition already referred to is perfectly correct, on account of circumstances over which they had no control, they have lost the deeds which would enable them to establish this. I am not prepared, Sir, to take them at their word in this matter. Their assertion is purely in the circumstances a matter of surmise. The supposition of my Honourable friend, the Army Secretary, may be correct; on the other hand, it may be wholly wrong. We have therefore to take the matter as it stands, and I contend that no instance has been shown proving that, in cases where the Government have the necessary documents, there has been any difficulty in the way of their occupation

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of houses built on the condition that they should be available for occupation by military officers. On these grounds, Sir, I am unable to give my support to sub-clause (a) of clause 6. I hope still, Sir, that the Government will pause before they insist on the passage of this clause. There is not in many cantonments a large number of houses at present occupied by house-owners. It is on their own showing a very small one. If their needs are growing, they surely cannot be satisfied by the passing of this legislation. They will sooner or later have to undertake the construction of new houses. Then why should they not embark on such a course now and, in satisfying their own needs, give satisfaction also to the house-owners in cantonments? They ought to bear in mind that, in some places, difficulties have arisen not merely because of a desire on the part of the house-owners to occupy their houses, but because the strength of the forces resident in those places has been lately increased.

I think, Sir, in these circumstances, it is reasonable on our part to ask that the passage of this legislation should be postponed, and that in the meanwhile the Government should consider the larger grounds on which they find house-owners desirous of moving into their own houses. This is a matter, Sir, which has been brought before the authorities by the house-owners of various cantonments and also by the Muslim Association of Peshawar. The work undertaken by the Muslim Association in this connection deserves the special recognition of this House. The Association has been treated with scant courtesy by the authorities. I understand that at one time the Association was told that no correspondence could be carried on with it as it was not recognised by the authorities. I do not know, Sir, whether the authorities were strictly within their rights in taking their stand on so technical a ground, but considering the question in a large way, I do think that their troubles would have been over much more quickly had they listened to the reasonable requests of the Muslim Association, and that they are themselves responsible for the difficulties in which they find themselves now. Sir, I oppose sub-clause (a) of clause 6 and I request that the two clauses (a) and (b) of clause 6 be put to the vote separately. In case, Sir, you find yourself unable to comply with this request, I shall be compelled to oppose the whole of clause 6.

**\*Maulvi Mohammad Shafee Daoodi** (Tirhut Division: Muhammadan): Sir, I rise to support my Honourable friend, Pandit Hirday Nath Kunzru. He has described in detail, Sir, what the present law is and what the amendment is that is proposed by the Government. I need not dilate upon that. But it is very clear to me that the balance of inconvenience is on the side of the owners. I admit that Government might find difficulties in securing accommodation for its military officers, but the Government have also got to see that the owners of houses in cantonment areas are not put to much inconvenience. If the Honourable Member in charge of the Bill would weigh the inconvenience of the military officers and the inconvenience of the owners of the houses, he would come to one, and one conclusion alone, and it is that the inconvenience is more on the side of the house-owners. It is not difficult for the Government to build for the military officers bungalows in the cantonment area which they require, but it is very



difficult for the house-owners who have purchased or built houses in the cantonment area at fabulous expense to hand them over to the Government under the new conditions. There are already certain conditions under which Government can occupy these bungalows; they should be content with that and not go beyond that. It appears to me, Sir, it will cause great injustice to the owners of the bungalows, and I hope every Member of this House will realise it and will lend his strong support in throwing out that clause which has been opposed by my Honourable friend, Pandit Hirday Nath Kunzru.

**Dr. B. S. Moonje** (Nagpur Division: Non-Muhammadian): Sir, I rise to support my Honourable friend, Pandit Kunzru. I have not been able quite to comprehend the object of my Honourable friend the Army Secretary. If his idea is that there should be suitable accommodation and adequate accommodation for the military officers in cantonments, he has my full sympathy, but I find that it is amply provided for by the law at present in existence. I have heard allegations against Government in this respect, and these allegations are that the Government do not want Indians to go and live in the cantonment areas, and they say that this Bill has been brought forward primarily with the idea of preventing Indians from going and living there. I do not know how far these allegations are true, but of this much I am sure, that the Army Secretary has not been able to make out a case either in the Select Committee or on the floor of this House that there is any need for this amending Bill. His only object must be, I suppose, to provide for finding adequate and suitable accommodation for the military officers, and his idea also must be to prevent bogus occupation by others of the houses available and needed for military officers in cantonments. These two objects are amply provided for by the Act of 1923. If the idea is, however, to prevent the owners of the houses from occupying their own houses so that they may not have the advantage of living in the cantonment, then the allegations of these people seem to be correct; but the Army Secretary has denied that the idea is to prevent the house-owners from going into their houses to avoid Europeans having to live in association with or as neighbours of Indians in the cantonments. If the house-owner goes into his house and is not in *bona fide* occupation of the house and wants to deceive the military authorities, there is ample provision for dealing with such cases in the Act of 1923. If he first resides in the house and then vacates and gives the house to another person on higher rent, then under section 7 (b) of the Act of 1923, the military authorities have the power of requiring the existing occupier, if any, to vacate the house. If the owner himself goes and occupies the house for himself, then there must be some motive, for he does not want to go there simply to deceive the military authorities and suffer a loss to the extent of the rent that he might otherwise get; so that is an idea which is not comprehended, being against human nature.

It has not been proved either in the Select Committee or on the floor of this House that there is really a serious shortage of accommodation for military officers in any of the cantonments. If that is so, instead of coming out with this amending Bill, we would ask the Army Secretary to take a constructive view and come out with a constructive scheme by which he could meet both the wants of the military officers and of the house-owners. You will have to admit that house-owners owning houses in cantonments have a right to go and live in those houses; you will have to admit that

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right, and we in this House will never give support to any measure if the idea is to prevent house-owners from occupying bungalows or building bungalows in cantonments in the interests of their health, in the interests of their security, and in the interests of providing relief to the congestion already existing in certain cantonments. To that extent we shall be opposed in a determined way if the idea be to prevent Indians from going and living in cantonments. The Army Secretary has however my full sympathy and I shall offer him my full co-operation whenever he may come before this House with a constructive proposal to provide for adequate accommodation to the military officers as well as for Indians. But I find that on this occasion he has not been able to make out a case in favour of his Bill under debate because he has never said and he has based his argument in favour of this amending Bill on the supposition that there is a shortage of houses and that the military officers are being inconvenienced for want of accommodation. With these words, Sir, I support my Honourable friend Pandit Hirday Nath Kunzru.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): I wish also to support the motion which has been so ably moved by my Honourable friend, Pandit Hirday Nath Kunzru, that clause (a) of clause 6 of this Bill should be rejected.

**Mr. President:** There is no such motion before the House.

**Maulvi Muhammad Yakub:** He opposed the clause, Sir, and I support him in that. Pandit Hirday Nath Kunzru has, in an elaborate and ably-worded speech, fully shown to the House that the existing law is quite sufficient to afford facilities to the military officers in the matter of accommodation in the cantonments, that if really the houses are required for accommodation of military officers in cantonments, the authorities could eject the non-military occupants of the houses if they are not the owners of the houses. Now, the amendment which has been proposed to be made certainly and clearly would prove a source of great harassment to the house-owners themselves. The words "*bona fide* resident" is certainly such an ambiguous word that it may be used to harass the house owners at any time and in any form. It has been shown and it has also been admitted by the Government that there is not a dearth of houses for military officers in any of the cantonments at present. Therefore it is not clear to me why this amendment is being brought on to the Statute-book. Since this Bill came into this House, we, the Members of the Assembly, have received a large number of representations, applications and communications from house-owners in different cantonments in the country, and there seems to be a great deal of discontent and misunderstanding about this amendment in the minds of house-owners in Indian cantonments. It is not therefore just and proper that a measure which will create such an amount of discontent in the country should be placed on the Statute-book. After the speech of my friend, Pandit Hirday Nath Kunzru, it is not necessary that I should go further into the details of this clause; and with these few words I wish to support his motion.

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Sir, I have just one consideration to urge. The object of this section is presumably to get at the owner who is not a *bona fide* occupier. With that object we all have sympathy; but as the clause is

worded, it makes it absolutely impossible for an owner who wishes to occupy his house *bona fide* to do so; and if that is the position, we can never agree to it. I should like my Honourable friend, Mr. Young, to explain how this clause will protect an owner who genuinely wishes to be in occupation of his house; and unless my Honourable friend is able to satisfy the House that this clause is not unduly restrictive, and does not operate as a sweeping curtailment of the rights of the owner, I for one will vote against it.

**Mr. G. M. Young:** Sir, I think I shall be able to explain what is the precise object of this clause and also that it does not constitute, as my Honourable friend, Pandit Hirdav Nath Kunzru, sought to argue, an invasion of the rights of owners in cantonments. The fact is sometimes overlooked that all the houses with which this Act deals are houses which were built for occupation by military officers on land granted free for that purpose. Now, my Honourable friend has talked a great deal about the rights of the house-owners. The house-owners undoubtedly have rights, and the object of this amending Bill is in many cases to maintain their rights. But, Sir, the military officers in cantonments also have certain rights. These houses were built for occupation by them. There is, broadly speaking, no other accommodation which they can occupy. This was the manner in which Government provided house accommodation for its officers. As I have said already, they built barracks and accommodation in the lines for the sepoys and British soldiers, and the non-commissioned officers and the Viceroy's commissioned officers. These are perfectly secure in the accommodation that Government has built for them. Similarly, in modern cantonments, as in the New Delhi Cantonment, Government did not adopt the old plan, but built bungalows for occupation by officers. So there again there is no trouble or difficulty. It is only under the curious system that the Government adopted in the first instance to house their officers, that these difficulties arose; and undoubtedly the house-owners found themselves at a disadvantage under that system, because as I say, regiments come and go for short periods, and the house-owner, having built the accommodation for a military officer, had no certainty that the house would be regularly occupied and that he would get regular rent. That was the great difficulty; and the two previous Acts and this amending Bill were aimed at remedying it. The main portion of this Bill is the substitution of a simple method of reference to the Courts for a Committee of Arbitration in the matter of rent. But there are one or two other points in which it has been found that the existing Act has been abused; and this is one of them. My Honourable friend, Pandit Hirdav Nath Kunzru, still does not understand what I mean by bogus occupation . . .

**Dr. B. S. Moonje:** How has the Act been abused?

**Mr. G. M. Young:** I shall proceed to explain. My Honourable friend, Mr. Kunzru, still does not understand what I mean by bogus occupation, and perhaps the House will bear with me if I explain it once again. Let me take an ordinary instance. An officer who is occupying a bungalow leaves the cantonment; there is a gap of a month or two before his successor arrives. The owner may find this present system of letting to individual officers very unsatisfactory; he is not secure in his rent, and he never knows when his tenant will be changed. He thinks that it might be a good opportunity to put in a permanent tenant.

**Dr. B. S. Moonje:** A non-military permanent tenant can be ejected; that is provided in section 10 (c) (iii) of the Act of 1928.

**Mr. G. M. Young:** If my Honourable friend will allow me to complete the argument I think he will be satisfied. The owner then proceeds to go into the bungalow himself and he occupies it; and when the next officer, who comes in succession, arrives in the cantonment, there is not at that moment a bungalow available for him. Now, under the terms of the Act, as it stands at present, the Officer Commanding the station, who is responsible for issuing notices under this Act, cannot issue a notice to the owner of that bungalow, because the owner is at that moment in occupation. He may have, and generally does have, a house of his own in the city; but still he has gone and entered into temporary occupation of his house. Very well. What is the Officer Commanding the station to do? Perhaps he is able to find another house for the incoming officer; that house might have to be resumed, or appropriated under the Act; but anyhow, somehow or other he finds the officer another house. The need has disappeared, and the Officer Commanding the station would not be justified in issuing a notice under this Act on the tenant whom the owner subsequently puts in, because at that moment there is not a shortage; there is no officer wanting house; and that has happened actually. . .

**Pandit Hirday Nath Kunzru:** May I interrupt my Honourable friend? Does this not show that other houses are available?

**Mr. G. M. Young:** I would rather complete my argument if I may. That is the object of this clause—to prevent a contingency which has actually happened in one or two cases. It is not a thing that happens universally. My Honourable friend laid great stress on the fact that there has not been a shortage of bungalows in any particular cantonment, and that no such case has been made out. That, broadly speaking, is true—there are enough houses, in cantonments, taken in conjunction with hotel accommodation and so on, to accommodate the existing number of officers in each cantonment. As a matter of fact, even that is not entirely true of all cantonments. There are cantonments where officers cannot get houses. In the cold weather they have to live in tents. As I have already said, these houses were originally built for occupation by officers. That is what they were intended for. Now, if any owner can go into his house, and has the right, as my Honourable friend says, to live in his house, it follows that all owners have the right to live in their houses; and if all owners exercise that right there will be no houses left in cantonments for occupation by military officers. . . .

**Mr. H. P. Mody:** And therefore you make it impossible for any owner to occupy his house?

**Mr. G. M. Young:** All we want to do is to make it possible for every officer in the cantonment to have a house. There is no attempt made to prevent owners from living in their houses except when a change of officers takes place. After all, the house has been built for the officer and not for occupation by the owner. The owners have other houses. The officers have not.

**Mr. Abdul Latif Sahib Farookhi (North Madras: Muhammadan):** Why should not Government build bungalows for military officers?

**Mr. G. M. Young:** When they can afford to do so, Government do build bungalows for officers. But is it reasonable to expect that Government should build new bungalows for occupation by officers in order to allow civilians who are not ordinarily residents of cantonments to come into the cantonments and live in houses which were built for officers? Wherever they can do so without infringing upon the rights of officers, that is to say, whenever the officers are accommodated, there is no objection whatever to a cantonment house-owner living in his house. As a matter of fact a great number of them do. Now, my Honourable friend referred to an undertaking given by Lord Reading in connection with the Bill of 1923, which became law. It is quite true that Lord Reading said in answer to the deputation, that it was not the intention of Government to encroach upon the existing rights of house-owners to live in their houses. That is perfectly clear. Now, Sir, what is the existing right of a house-owner to live in his house?

**Maulvi Muhammad Yakub:** You can always explain away the promises made by the Government.

**Mr. G. M. Young:** What is the existing right? To live in the house into which he has got. There is no doubt about it. As I said, there is no intention whatever of turning any owner out of his house. My Honourable friend referred to Peshawar. He referred to the fact that the Deputy Secretary in the Army Department went there. I went there myself a year later and met a representative deputation of the house-owners. They were rather perturbed, because of a rumour which had gone out that Government intended to turn house-owners out of their houses—those of them who were already in occupation. I made it clear that Government had no such intention, and that house-owners who were living in their own houses in cantonments would be left unmolested. Not only will they not be affected by the provisions of this Act, but we have no intention of applying to them the power of resumption which we have in the case of every one of these houses. I may also add that the deputation at Peshawar were perfectly content to have all the houses which were left in the cantonment taken up under the House-Accommodation Act.

Then my Honourable friend said that it is incumbent upon Government to make other provision. Well, as I have said, we do build, wherever necessary. In Peshawar there is a scheme of the civil authorities for expansion of the civil station, in order to give an opportunity to people who wish to come out of the city to avail themselves of the greater security, which is provided by the cantonment. But we must first accommodate the military officers who are in the station. As I said, the Peshawar landowners have no objection to our appropriating the houses which are still occupied by military officers. I may add that the deputation to which Lord Reading gave that undertaking was a deputation of the All-India Cantonments Association, the very Association which has now approved of this particular clause. So it is quite obvious that in their minds there was no going back upon that undertaking.

Then I would point out that this clause only enables the Officer Commanding the station to appropriate houses *where necessary*. That is to

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say, there must be an officer wanting the house. Besides that, if Honourable Members will look at clause 6 (b), they will see that this right cannot be exercised in respect of any house that has not been occupied by a military officer or military mess, at any time during the three years immediately preceding the issue of the notice under section 6. All that we are trying to do is to secure houses which have regularly been occupied, since the time they were built, by military officers, and that only if there is an officer who actually needs the accommodation. It seems to me a very reasonable provision; and, as I say, it is designed to meet a contingency that has arisen in one or two cases. It is not a general measure intended to meet a general tendency on the part of house-owners to occupy their houses. It is quite incorrect to refer to it in that light. For these reasons, Sir, I think I am entitled to ask the House to pass this clause which is, as I have said, only one of the minor provisions of the Bill, the main object of which is to get rid of Committees of Arbitration, and to substitute a simple and effective method of resort to the ordinary Courts.

**Dr. B. S. Moonje:** On a point of information. Has there been any case where, in a cantonment, military officers have not been able to get adequate accommodation owing to the insistence of the house-owners to live in their own houses or of the house-owners deceiving in order to give the houses to other tenants at a higher rent?

**Maulvi Muhammad Yakub:** Can you quote examples?

**Mr. G. M. Young:** I cannot at this moment cite instances.

**Mr. President:** The question is that clause 6 stand part of the Bill

The Assembly divided:

AYES—39.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Qaiyum, Nawab Sir Sahibzada.  
Alexander, Mr. W.  
Anwar-ul-Azim, Mr.  
Banarji, Mr. Rajnarayan.  
Baum, Mr. E. F.  
Chatterjee, The Revd. J. C.  
Coatman, Mr. J.  
Cocke, Sir Hugh.  
Cosgrave, Mr. W. A.  
Crawford, Colonel J. D.  
Crerar, The Honourable Sir James.  
Crosthwaite, Mr. H. S.  
Ferrers, Mr. V. M.  
French, Mr. J. C.  
Gwynne, Mr. C. W.  
Hamilton, Mr. K. L. B.  
Hayman, Mr. A. M.  
Hira Singh Brar, Sardar Bahadur,  
Honorary Captain.  
Jawahar Singh, Sardar Bahadur  
Sardar.

Lindsay, Sir Darcy.  
Mitra, The Honourable Sir Bhupendra  
Nath.  
Mitter, The Honourable Sir Brojendra.  
Monteath, Mr. J.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Noyce, Sir Frank.  
Pai, Mr. A. Upendra.  
Parsons, Mr. A. A. L.  
Roy, Mr. K. C.  
Sahi, Mr. Ram Prashad Narayan.  
Sams, Mr. H. A.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Singh, Mr. Adit Prasad.  
Slater, Mr. S. H.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Young, Mr. G. M.

## NOES—39.

Abdoola Haroon, Haji.  
 Abdul Matin Chaudhury, Maulvi.  
 Abdulrah Haji Kasim, Khan Bahadur  
 Haji.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. K. V. Rangaswami.  
 Badi-uz-Zaman, Maulvi.  
 Chaman Lall, Diwan.  
 Dakhan, Khan Bahadur W. M. P.  
 Ghulam Kadir Khan.  
 Das, Mr. B.  
 Dutt, Mr. Amar Nath.  
 Farookhi, Mr. Abdul Latif Saheb.  
 Ghuznavi, Mr. A. H.  
 Gudney, Lieut.-Colonel H. A. J.  
 Gulab Singh, Sardar.  
 Hyder, Dr. L. K.  
 Iswar Saran, Munshi.  
 Kidwai, Sheikh Mushir Hussain.  
 Kikabhai Premchand, Mr.  
 Kunzru, Pandit Hirday Nath.

Lal, Mr. Hari Prashad.  
 Malaviya, Pandit Madan Mohan  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Moonje, Dr. B. S.  
 Mukhtar Singh, Mr.  
 Murtuza Saheb Bahadur, Mauvi:  
 Sayyid.  
 Neogy, Mr. K. C.  
 Purshotamdas Thakurdas, Sir.  
 Rahimtulla, Mr. Fazal Ibrahim.  
 Rang Behari Lal, Lala.  
 Rao, Mr. G. Sarvotham.  
 Roy, Mr. B. C.  
 Shafee Daoodi, Maulvi Mohammad.  
 Siddiqi, Mr. Abdul Qadir.  
 Singh, Mr. Gaya Prasad.  
 Suhrawardy, Dr. A.  
 Yakub, Maulvi Muhammad.  
 Ziauddin Ahmad Dr.  
 Zulfiqar Ali Khan, Sir.

**Mr. President:** Order. order. As this is a new provision, I cannot vote for it. I must, therefore, vote against it. (Loud Applause from the non-Official Benches.)

The motion was negatived.

Clauses 7 to 17 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Mr. G. M. Young:** Sir, I beg to move that the Bill, as amended, be passed.

**Mr. President:** I would advise the Honourable Member not to make that motion just now. In view of the fact that clause 6 has gone out, he will have to make consequential amendments. The Honourable Member may take up this motion afterwards.

**Mr. G. M. Young:** Thank you, Sir, I see the point, and I do not wish to move at this stage that the Bill be passed.

## STATEMENT OF BUSINESS.

**The Honourable Sir James Orerar** (Leader of the House): Sir, with your permission, I desire to make a statement of the probable course of Government business in the week beginning Monday, the 24th February. As Honourable Members are already aware, Monday, the 24th and Tuesday, the 25th, have been allotted by the Governor General for the voting on Demands for Railway Grants. Wednesday, the 26th, is a gazetted holiday. On Thursday, the 27th, any business left unfinished today will be continued, and thereafter motions will be made to take into consideration and pass the Income-tax (Amendment) Bill, the Insolvency (Amendment) Bill, and the

[Sir James Crerar.]

Indian Railways (Amendment) Bill, as reported by the Select Committee, and to refer to Select Committee the Indian Companies (Amendment) Bill. Elections will be held for the new Standing Finance Committee for Railways and to elect two Members to sit on the governing body of the Indian Research Fund Association. Motions will be made for the election of three Members to the Public Accounts Committee to fill existing vacancies and to fill an existing vacancy in the Standing Committee for Roads. I understand that the Governor General has appointed Friday, the 28th February, for the presentation of the General Budget, excluding railways.

#### ARRANGEMENTS FOR PROTECTION OF THE ASSEMBLY CHAMBER AND ITS PRECINCTS.

POINT OF ORDER RAISED BY MR. ARTHUR MOORE.

**Mr. Arthur Moore** (Bengal: European): Sir, I wish to rise to a point of order.

**Mr. President:** The Honourable Member from Calcutta, Mr. Arthur Moore, has just passed on a chit to me inquiring whether I would permit him to raise a point of order before I adjourned the House. He does not state in the chit on what subject he wishes to raise a point of order. There is no business before the House on which there could be any point of order. But I infer, that perhaps the Honourable Member wishes to raise some point on the statement that I had read to this House in the beginning of the day. If that is so, it was his duty to raise the point then. The Chair had repeatedly asked him whether he had any point of order, but he continued saying, "No", and that he wanted to speak. He is, therefore, too late now. If there is any other point of order which he wishes to raise, I am afraid there must be some business before the House before I can allow him.

**Mr. Arthur Moore:** I was endeavouring then to raise the point of order.

**Mr. President:** The Chair asked him whether he was raising a point of order and he repeatedly said, "No".

**Mr. Arthur Moore:** It was on a point of order that I wanted to speak then.

**Mr. President:** When he was asked whether he was raising any point of order, he said, "No", but that he wanted to speak.

**Mr. Arthur Moore:** I am not aware that I said, "No". I was all the time endeavouring to raise the point of order.

**Mr. President:** As a special case, I will allow the Honourable Member to raise the point of order now.

**Mr. Arthur Moore:** I am deeply indebted to you, Sir, and with all respect to the Chair, I will endeavour to raise my point of order. I can assure you, Sir, that there is no one more unhappy than myself in the circumstances that I find myself in today . . . .

**Mr. President:** The Honourable Member must confine himself to stating the point of order.



**Mr. Arthur Moore:** I wish merely to say, with the greatest respect to you, Sir, that my point of order is this. Is it in order, Sir, that on a question on which we have been led to believe . . . . .

**Honourable Members:** Speak up.

**Mr. Arthur Moore:** Is it in order, Sir, that on an issue which you have assured us is a matter of vital importance to the House, the arrangement you have come to should be accepted in the name of the House without any Member being given an opportunity of expressing his views on it?

**Mr. President:** On the matter on which I have taken the decision I was not bound to consult any Member. The authority is vested in me alone; yet I have taken the Leaders of parties into consultation from the very start throughout (Hear, hear.) and it is with their full concurrence and knowledge that I have acted in the matter as I have done.

**Mr. Arthur Moore:** Are you aware, Sir, that party leaders have been pledged not to disclose to their followers what was happening?

**Mr. President:** The House stands adjourned till eleven o'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 21st February, 1980.