

21 March, 1921

THE  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

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FIRST SESSION  
OF THE  
LEGISLATIVE ASSEMBLY, 1921



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# LEGISLATIVE ASSEMBLY.

Monday, 21st March, 1921.

The Assembly met in the Assembly Chamber at Eleven of the Clock.  
The Honourable the President was in the Chair.

## QUESTIONS AND ANSWERS.

### EXPULSION OF PERSONS FROM CANTONMENTS.

497. **Haji Wajihuddin**: Will the Government be pleased to lay on the table a list of persons who have been ordered during the last 2 years to leave Cantonments (within 24 hours from receipt of notice) under sections 215 and 216, Cantonment Code, with reasons of their expulsion?

**Sir Godfrey Fell**: It is regretted that Government are not in possession of the information asked for by the Honourable Member, as expulsion orders under sections 215 and 216 of the Cantonment Code are not communicated to the Government of India.

If the Honourable Member desires to press the matter, the information will be collected from the local military authorities and, when ready, will be laid on the table.

### PRESIDENT OF THE ASSAM COUNCIL.

498. **Srijut Debi Charan Barua**: (a) Has the attention of the Government of India been drawn to adverse comments in the Press upon the appointment by the Governor of Assam of his father-in-law as the President of the Assam Provincial Legislative Council?

(b) Were the Government of India consulted in the matter of the appointment, and if so, did they approve of it?

**Mr. S. P. O'Donnell**: I would refer the Honourable Member to the reply given to a similar question asked by Rai Bahadur Girish Chandra Nag on March 5th, 1921.

### INTERESTS OF THE JAIN COMMUNITY.

499. **Mr. Pyari Lal**: (a) Is the Government of India aware that though the Jains numerically form a small community in the country, yet proportionately they contribute to the Indian Exchequer more revenue in the shapes of income-tax, land taxes, etc., than other communities and that their share in the recent war loans was not inconsiderable?

(b) Has the Government made any provision to protect their minority interests in the matter of Reforms, Education or appointments in the Public Services?

(c) Have the Local Governments ever exercised their power of direct appointment to Provincial Executive Services in favour of eligible young men of the Jain Community as they do in case of others?

(1401)

(d) If the answer is in the negative will the Government be pleased to issue necessary instructions in the matter?

**Mr. S. P. O'Donnell:** (a) The Government of India have no information.

(b) The protection of minorities is one of the duties specially imposed on the Governor by His Instrument of Instructions.

As regards the public services the aim of the Government has always been to secure adequate representation for the various communities. Education is now a transferred subject and is therefore a matter which is controlled by the Local Government and the local Legislative Council.

(c) The Government have no information.

(d) The answer is in the negative.

Appointments to the Provincial Executive Services rest exclusively with the Local Government.

#### RAILWAY APPOINTMENTS.

500. **Mr. Jamnadas Dwarkadas:** (a) Will the Government be pleased to state separately the number of employees—Indians and Europeans—on a monthly salary of Rs. 400 and above, in the following Railways under different Departments:

*Railways.*—North-Western, Oudh and Rohilkhand, Eastern Bengal, Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta, and East Indian.

*Departments.*—Management or Agency, Audit or Examiner of Accounts, Traffic, Locomotive and Carriage, Engineering.

(b) How many men from Roorkee College have been appointed in the superior service by different Railways in their Engineering Departments during the past five years and how many men have been sent by the Accountant General to hold the posts of Assistant Examiners or Assistant Auditors of Railways, during the same period?

(c) What facilities are there for preparing recruits for superior service in the Traffic and Locomotive Departments.

**Colonel W. D. Waghorn:** (a) and (b). Statements are placed on the table giving the information desired.

(c) Since 1908 the Railway Board have appointed some 27 young Indians of good education to the Superior Traffic Establishment.

These recruits were taken on as probationary Assistant Traffic Superintendents and required to undergo a two years' course of training in Traffic-working. On passing the prescribed examinations they were confirmed.

The more important of the company-worked railways have also recruited Indians in a similar way.

In view of the progress made in the development of railway working and the advantages which a college training give, it is in contemplation in the future to recruit in India mainly from the passed students of Engineering Colleges.

As regards the employment of Indians in the higher grades of the Locomotive and Carriage and Wagon Departments of Railways, the progress has been slow, so far. This has been due chiefly hitherto to the distaste of educated Indians to undertake manual labour, and to qualify as mechanical engineers. As apprentices are now forthcoming suitable young Indians are encouraged to take up this profession. The Secretary of State has approved a scheme drawn up between the Railway Board and the East Indian Railway regarding the training in India and England of Indians with a view to their appointment to the Superior Locomotive and Carriage and Wagon Departments. As supervising officers must have an up to date knowledge of the latest English machinery and shop practice to be in a position to control their subordinates they require to receive a very thorough training. The scheme provides for Indian graduates to receive training for a year in the workshops in India and thereafter a three years' training in Great Britain. The training of Indians in Great Britain is undoubtedly difficult and to provide mechanical training in India, railways are being induced to work in connection with the Local Governments and to start technical schools along side their workshops and to build hostels for the apprentices. A scheme of this kind is being introduced at Kanchnara on the Eastern Bengal Railway while the East Indian Railway is also formulating plans for an advanced technical school at Jamalpur for both Europeans and Indians.

(a) *Statement showing the number of employees—Indians and Europeans—on Rs. 400 per mensem and above on the following Railways under different departments.*

Railway.	Management or Agency.		Audit or Account.		Traffic.		Locomotive and Carriage.		Engineering.	
	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.	Indians.	Europeans.
North Western . . .	1	8	8	12	12	87	...	145	80	77
Oudh and Rohilkhand . .	...	3	4	4	7	19	...	35	7	27
Eastern Bengal . . .	...	5	6	5	8	51	1	72	17	49
Great Indian Peninsula .	1	11	4	26	4	72	45	385	8	107
Bombay, Baroda and Central India.	...	6	8	17	6	60	4	147	10	53
Madras and Southern Mahratta.	2	5	3	11	4	30	1	74	4	47
East Indian . . .	2	8	4	13	5	109	2	182	11	90
Total .	6	46	37	88	46	428	53	990	87	430

(b) *Statement of men appointed from Roorkee to the superior service in the Engineering Departments of the following railways during the past five years.*

Railways.	Engineering.
North Western . . . . .	9
Oudh and Rohilkhand . . . . .	None
Eastern Bengal . . . . .	1
Great Indian Peninsula . . . . .	4
Bombay, Baroda and Central India . . . . .	3
Madras and Southern Mahratta . . . . .	None
East Indian . . . . .	1
<b>TOTAL</b>	<b>18</b>

The Accountant General has sent no men from Roorkee to hold the posts of Assistant Examiners or Assistant Auditors of Railways during the same period. The Accounts officers of State Railways belong to the Indian Audit Department and are appointed by the Government of India in the Finance Department. The Companies recruit their own accounts officers. The inquiry seems to have been made under some misapprehension.

#### ACCUMULATION OF STERLING IN ENGLAND.

501. **Mr. Jamnadas Dwarkadas:** (a) Is it a fact that very large accumulations of sterling in England prior to 1st January 1920, in the Paper Currency Reserve and the Treasury balances were due to payments by the British Government by sterling credits instead of gold?

(b) What was the total amount of credits received from the British Government from the 1st April 1917 to the 31st December 1920 on account of war operations and war supplies?

(c) What was the actual rupee expenditure in respect of which the above sterling amounts were credited?

(d) At what rate of exchange were these amounts credited from time to time?

(e) Have the Government been able to recover the full rupee amount so spent; if not, do they propose to ask the British Government to make up the deficit so that this country may get the correct amount in rupees that it had spent on behalf of the British Government? If not, why not?

**The Honourable Mr. W. M. Hailey:** (a) The answer is in the affirmative.

(b) The total advances received from the British Government from the 1st April 1917 to the 31st December 1920 on account of expenditure on war operations and war supplies brought to account in India amounted approximately to £258·7 million. It is not possible to give final figures yet as the accounts after 31st March 1920 have not yet been fully adjusted.

(c) The rupee expenditure during the same period in respect of war operations and war supplies, including outlay in England of £21·8 million converted at the appropriate rates of exchange, amounted to Rs. 297 crores.

(d) The accounts of war expenditure recoverable from the British Government in respect of which monthly sterling advances are received by the Secretary of State for India in England, are compiled in India on a sterling basis. The rupee expenditure has been converted into sterling for this purpose at the rate of 1 Re. = 1s. 4d. up to 30th September 1917, at quarterly rates from 1st October 1917 to 31st March 1920 and at monthly rates thereafter. A statement giving these rates is placed on the table which it is hoped will give the Honourable Member the information he requires.

(e) The full rupee amount expended on behalf of the British Government up to the 31st December 1920 has been recovered from that Government on the basis of actual expenditure brought to account up to 31st March 1920 and of estimates of expenditure after that date.

*Statement showing the rates of conversion for adjustment of war expenditure recoverable from the British Government.*

	s.	d.	
1st April to 30th June 1917 . . . . .	1	4	per rupee.
1st July to 30th September 1917 . . . . .	1	4	"
1st October to 31st December 1917 . . . . .	1	5	"
1st January to 31st March 1918 . . . . .	1	5	"
1st April to 30th June 1918 . . . . .	1	5	"
1st July to 30th September 1918 . . . . .	1	6	"
1st October to 31st December 1918 . . . . .	1	6	"
1st January to 31st March 1919 . . . . .	1	6	"
1st April to 30th June 1919 . . . . .	1	6	"
1st July to 30th September 1919 . . . . .	1	8	"
1st October to 31st December 1919 . . . . .	2	0	"
1st January to 31st March 1920 . . . . .	2	7½	"
April 1920 . . . . .	2	8	"
May 1920 . . . . .	2	4	"
June 1920 . . . . .	2	2½	"
July 1920 . . . . .	2	0	"
August 1920 . . . . .	1	11	"
September 1920 . . . . .	1	11	"
October 1920 . . . . .	1	10½	"
November 1920 . . . . .	1	8½	"
December 1920 . . . . .	1	8½	"

These rates did not apply to expenditure on account of 'pay' for which the rate was 1s. 4d. per rupee.

MEMORIAL FROM THE STAFF OF THE DEPUTY COMMISSIONER, DELHI.

502. **Mr. M. K. Reddiyar** : Will the Government be pleased to state if any memorial has been received from the staff of the Deputy Commissioner of Delhi? If so, what action has been taken?

**Mr. S. P. O'Donnell** : A memorial regarding their pay was received by the Chief Commissioner of Delhi from the staff of the Deputy Commissioner's office in January 1920. As the scale of pay in the local offices in Delhi is assimilated to the scale obtaining in similar offices in the Punjab, the orders

of the Government of India on the Punjab Government's proposals for increasing the pay of their clerical establishments had to be awaited before proposals could be framed for the Delhi offices. In the meantime temporary allowances to alleviate the effect of the general rise in prices have been granted to the Deputy Commissioners as well as to all other local establishments.

#### MEDICAL RESEARCH INSTITUTIONS.

503. **Mr. A. D. Pickford:** (a) What schools of Medical Research or institutions of a kindred nature exist, or are in contemplation in India?

(b) In particular, are any such schools or institutions in existence, or in contemplation in Delhi, Bombay or Bengal, and what are the objects or proposed objects of research in such schools or institutions?

(c) What establishments have been sanctioned by the Government of India and the Provincial Governments for each of the schools or institutions referred to in (b)?

**Mr. H. Sharp:** (a) A beginning has been made with Schools of Tropical Medicine and Hygiene at Calcutta and Bombay. The Secretary of State has sanctioned the complete scheme for the latter; the complete scheme for the former is under consideration. There are also certain research institutions, such as the Central Research Institute, Kasauli, and the King Institute, Guindy. The School of Tropical Medicine and Hygiene at Bombay will be organised as an expansion of the Parel Laboratory. It is also under contemplation to develop the Central Research Institute, Kasauli, into an Institute of pure research situated in a position where clinical material will be available.

(b) The schools and institutions in existence or in contemplation are those mentioned above. The Schools of Tropical Medicine and Hygiene are primarily intended for post graduate teaching, but medical research will also be prosecuted in them. But any form of medical research which can conveniently be prosecuted in the locality will be carried on in those schools and also in the proposed All-India Research Institute.

(c) The information asked for as regards the Schools of Tropical Medicine and Hygiene in Bengal and Bombay is laid on the table. No establishment has as yet been sanctioned for such an Institute at Delhi. The information as regards the Central Research Institute, Kasauli, is also laid on the table.

*Statement showing the staff of the Central Research Institute, Kasauli, and the Schools of Tropical Medicine and Hygiene, Bombay and Calcutta. (Details of the subordinate and clerical staff are not given.)*

(i) *Central Research Institute, Kasauli.*

Director—

Lieutenant-Colonel W. F. Harvey, D.P.H., I.M.S.

Assistant Directors—

(1) Major S. R. Christophers, C.I.E., O.B.E., I.M.S.

(2) Major F. W. Cragg, M.D., I.M.S.

(3) Captain K. R. K. Iyengar, D.P.H., I.M.S.

Attached Officer—

- (1) Dr. V. T. Korke, M.R.C.P., D.T.M., *plus* subordinate establishment.

(ii) *School of Tropical Medicine and Hygiene, Bombay.*

Establishment sanctioned by the Secretary of State on the 3rd February 1921 :

- (1) Principal of the School.
- (2) Professor of Clinical Medicine and Therapy.
- (3) " " Protozoology.
- (4) " " Bio-Chemistry.
- (5) " " Entomology.
- (6) " " Helminthology.
- (7) " " Pathology.
- (8) " " Bacteriology.
- (9) " " Hygiene.
- (10) Assistant Professor of Clinical Medicine.
- (11) " " " Protozoology.
- (12) " " " Bio-Chemistry.
- (13) " " " Entomology.
- (14) " " " Helminthology.
- (15) " " " Pathology.
- (16) " " " Bacteriology.
- (17) " " " Hygiene.

*plus* subordinate establishment.

(iii) *School of Tropical Medicine and Hygiene, Calcutta.*

Establishment sanctioned by the Secretary of State on the 5th May 1916 :

- (1) Professor of Tropical Medicine and Director of the School.
- (2) " " Pathology, Bacteriology and Helminthology.
- (3) " " Protozoology and Entomology.
- (4) " " Pharmacology.
- (5) " " Bio-Chemistry and Serology.
- (6) Five Demonstrators.

*plus* subordinate staff.

The position as regards further staff for this school is indicated in the reply to Question No. 504, given to-day.

SCHOOL OF TROPICAL MEDICINE AND HYGIENE, BENGAL.

504. Mr. A. D. Pickford: (a) Has the scheme formulated by the Government of Bengal for the establishment of a school of Tropical Medicine been sanctioned in full?



(b) If only sanctioned in part, what modifications have been made?

(c) What salaries, allowances and other conditions have been sanctioned for (i) the Director, (ii) each Professor; and how do the initial emoluments contrast with what the officers selected could be expected to earn in their ordinary appointments?

**Mr. S. P. O'Donnell:** It is understood that the Honourable Member refers to the proposals for the staff of the School of Tropical Medicine in Calcutta which were made by the Government of Bengal in June 1920. This scheme has not yet been sanctioned as the Government of India considered it desirable that the Minister who will be responsible for carrying out the scheme should have an opportunity of fully considering it. Government have accordingly requested that this scheme should be referred to the Minister for his examination and that any recommendation for modification which the Minister may desire should be reported.

Meanwhile, pending the result of this examination the Government of India have telegraphed to the Secretary of State for sanction to a scheme which will provide a staff for the school sufficient to carry on research work and to prepare the way for beginning post-graduate training as early as possible. The orders of the Secretary of State regarding the salaries, allowances and conditions of service of the Director of the School and each Professor are awaited.

#### CENTRAL RESEARCH INSTITUTE.

505. **Mr. A. D. Pickford:** With reference to what the Honourable Major-General Edwards said in a speech delivered in the Council of State on the 16th February 1921, will Government be pleased to say:

- (a) What work a Central Research Institute would carry out, which could not be conducted at either the Bombay or Calcutta Schools of Tropical Medicine?
- (b) What funds, if any, have been allotted for the project in Delhi in each of the financial years 1915-16 to 1920-21, inclusive, and what amounts have been spent during each of these years?
- (c) What unspent balance, if any, remains at the disposal of the Government of India in connection with that project?

**Mr. H. Sharp:** (a) It is impossible to demarcate with accuracy the spheres of work to be undertaken by different Institutes of Research. The advantage of clinical material at hand is fully realised and the scheme which has been formulated for the All-India Research Institute, should it be situated at Delhi, will make ample provision for clinical material, which will not necessarily be drawn solely from the city in which the Institute is situated. The idea of instituting an All-India Research Institute was unanimously agreed upon by a Conference of specialists summoned by Sir Sankaran Nair in 1918 and this opinion was re-affirmed by another Conference of experts in 1919. Both these Conferences included research specialists from different provinces. The first conference included Sir Leonard Rogers and Dr. Bentley from Calcutta and Lieutenant-Colonel Glen Liston and Dr. Turkhud from Bombay. The second included Dr. M. N. Banerjea and Dr. Bentley from Calcutta and Lieutenant-Colonel Row from Bombay. Acting on this strong recommendation, the Government of India requested the services of a first-class specialist

to examine the question. They were fortunate enough to secure the services of Professor E. H. Starling, C.M.G., F.R.S., Jodrell Professor of Physiology in University College, London, who came to India in the first part of 1920 and made an extensive tour through India. As the result of his investigations, he considered that the Schools of Tropical Medicine at Calcutta and Bombay were required for the local needs of the provinces, their prime object being the training of men in the methods of research. He considered it inadvisable to withdraw either of these Institutes from its local attachments and interests so as to make it an All-India Research Institute and he definitely and strongly recommended the establishment of an All-India Research Institute at Delhi in close co-operation with the existing Institute at Kasauli. The main object of such an All-India Research Institute would be original research apart altogether from post-graduate training or training in hygiene.

(b) The funds which have been allotted and have been voted for the Central Research Institute at Kasauli are shown in the Demands for Grants under Public Health. It may, however, be stated that the cost of the Research Institute at Kasauli is more than covered by the sale proceeds of vaccines. No Government funds, as such, have been allotted for the development of this scheme at Delhi in the years mentioned in the question. But certain savings from the annual grants from Imperial revenues, which were not expended during the war, have been placed in a central fund and invested for an endowment or for capital expenditure upon these institutions. The promise has also been obtained of a large private endowment for this Institute.

(c) The only funds which are at disposal in connection with this project are the savings alluded to in the answer to (b) above, which have been made over to the Indian Research Fund Association and are held by that Association as an excluded or central fund and have been invested. The amount is approximately 23½ lakhs. This balance is held quite apart from the general revenues of the Government of India.

**The Honourable the President:** When a question requires a long answer, I think it will be to the convenience of everybody concerned if a very brief resume of the answer is read aloud to the Assembly and the rest put in for publication in the official report.

#### SCHOOLS FOR MEDICAL RESEARCH.

506. **Mr. A. D. Pickford:** (a) Has the Government of India considered the desirability of concentrating its efforts and resources and those of the Provincial Governments on schools or institutions for Medical Research already in existence or about to commence work, before initiating fresh projects?

(b) Is any alteration contemplated in the work, staff or buildings of any existing Research Institution?

**Mr. H. Sharp:** (a) The Government of India are initiating no new project. The scheme under contemplation for an All-India Research Institute is the logical development of the first intention involved in the creation of the Central Research Institute at Kasauli. The Central Institute at Kasauli was founded over 15 years ago as an Institute of Research. During the war it turned its attention mainly to the production of vaccines and sera. This fact involves no permanent departure from its original intention. Kasauli however

is unfortunately situated as regards the provision of clinical material and for that reason the further extension of the work is contemplated at Delhi or some such centre. The Schools of Tropical Medicine at Calcutta and Bombay are of later growth. The expert opinion of Professor Starling was to the effect that an All-India Research Institute at Delhi would still be necessary notwithstanding the existence of the schools at Calcutta and Bombay. The Government of India are glad to find that his opinion coincides with the policy of encouragement which they have extended towards these schools by way of substantial grants, etc.

(b) As indicated in the previous replies, it is intended to develop the Parel laboratory into the Bombay School of Tropical Medicine and Hygiene and the Secretary of State has sanctioned that scheme in its entirety. It is hoped to carry out a scheme for a School of Tropical Medicine and Hygiene in Calcutta, and the Government of India have strongly supported to the newly organised Government of Bengal the proposal which had already been submitted to them. It is also hoped to extend the work previously undertaken in the Central Research Institute at Kasauli by the establishment in connection with that Institute of an All-India Medical Research Institute in a more favourable location. It is not the intention of the Government of India that this last proposal should in any way interfere with the development of the schools in Calcutta and Bombay. But the Government of India cannot feel themselves bound by the development of these schools radically to alter the intentions underlying the original establishment of the Central Research Institute, Kasauli.

#### CONDUCT OF THE DELHI ELECTIONS.

507. **Mr. Muhammad Faiyaz Khan:** (a) With reference to my last Question No. 97, will the Government be pleased to state if the attention of the Government has been drawn to the statement of Mr. Asaf Ali, published in the *Independent* (Allahabad), dated 26th February 1921, page 9, column 3, headed 'Bureaucratic Veracity unmasked' and the article *Kya Council main galat jawab deay jatay hain* published in the *Fateh* (Delhi), dated 6th March 1921, page 2, column 3, in which it is stated that the Provincial Congress Committee is in possession of a photograph of the actual order issued to the ignorant rural voters ostensibly by the authority of the Revenue Officers of Delhi as a warning that legal liability rested on them if they did not vote at the last election?

(b) If this statement is true, will the Government be pleased to state if it contemplates taking any action against the Revenue Officer of Delhi for this act; if not, why?

**Mr. S. P. O'Donnell:** The Government of India have seen the statement referred to and take this opportunity of stating the facts. A patwari whose charge consisted of two villages containing 3 voters, received on the 5th December a copy of the general notice to registered voters informing them that the election took place on the 6th. The patwari took endorsements on the notice from the two of the three voters who lived in his own village, but as time was short sent a separate notice to the third voter. This notice informed the voter that he should appear to vote on the 6th at Delhi Sadar Bazar and added the caution customary in revenue notices that he should not be careless as otherwise legal steps would be taken. The Revenue Assistant had nothing

to do with the matter, and the explanation of the incident is the patwari's anxiety to carry out the order to inform all electors in his village of the date and place of the election. This is the only instance so far as is known of the kind, and Government propose to take no action.

**MEDICAL ARRANGEMENTS AT RAISINA.**

508. **Sir Frank Carter:** (a) Are Government aware that there are no medical facilities for residents at Raisina?

(b) Will the Government state what steps they are taking to remedy this?

**Mr. S. P. O'Donnell:** There are one Military Assistant Surgeon and two Sub-Assistant Surgeons living at Raisina. Government will consider whether any further facilities are required.

**INCONVENIENCES ON THE GREAT INDIAN PENINSULA RAILWAY.**

509. **Mr. Abdul Qadir:** (a) Are not the Government aware that no Intermediate class carriages or compartments are provided in the passenger trains on Great Indian Peninsula Railway lines?

(b) Are the Government aware that the absence of such accommodation in passenger trains is causing great inconvenience to middle class people?

(c) Are the Government aware of the fact of the absence of water closets in third class carriages of the passenger trains on Great Indian Peninsula Railway lines and of the consequent inconvenience to the passengers?

(d) Do Government propose to take the necessary action to remove these inconveniences as early as possible?

**Colonel W. D. Waghorn:** (a) and (b). Intermediate class accommodation is provided on all Great Indian Peninsula Railway Mail and Express trains except the Punjab Mail. Until additional stock can be obtained intermediate class accommodation could only be provided on other trains by reducing the third class accommodation which is already taxed to its utmost capacity, and it is not considered desirable to do this.

(c) Lavatories are provided in all bogie third class carriages on main line passenger trains and in a proportion of the four-wheeled stock on branch line services. Fitting of the remainder of the latter is progressing as quickly as funds and opportunity of withdrawal from the train service permit.

(d) As will be seen from the replies to (a), (b) and (c), action which is possible at present is being taken.

**MEMORIAL TO THE GOVERNMENT OF INDIA.**

510. **Mr. M. K. Reddiyar:** (a) What is the practice about dealing with the advance copies of memorials submitted to the Government of India in cases where the memorial itself is submitted through the local authority?

(b) What is the remedy prescribed by rules in cases where a memorial submitted by any person to the Right Honourable the Secretary of State for India or the Government of India is withheld by the local authority arbitrarily, or not transmitted without any proper reason as provided in the rules?

(c) Do the Government propose to make clear rules on the subject, if they are not sufficiently clear and definite?

**Mr. S. P. O'Donnell:** (a) No action is ordinarily taken on advance copies of memorials received by the Government of India?

(b) Under the rules, Local Governments are required to forward quarterly to the Government of India lists of memorials withheld by them, specifying the reasons for their action. These lists, when received, are scrutinized to see whether the action of the Local Governments in withholding a memorial is in accordance with the discretionary power vested in them under the rules. Similarly, lists of memorials addressed to the Secretary of State and withheld by any Government in India are also forwarded to the India Office by the Government of India.

(c) The Government of India consider that the present rules on the subject are sufficiently clear and definite.

#### RATES OF PAY FOR THE I. M. D.

511. **Lieutenant-Colonel H. A. J. Gidney:** (a) Is it a fact that the increased rates of pay for the I. M. D. date only from April 1st, 1920, whereas almost all other similar departments have had their increases dated from a much earlier date?

(b) Can the Government assign any valid reason for this distinction and treatment of a most deserving body of men?

(c) Has the Government taken any steps to remedy this grievance, and, if so, what steps have they taken?

(d) Can the Government give any definite information as to the new rates of furlough pay and pensions of the I. M. D.?

**Sir Godfrey Fell:** (a) The answer is in the affirmative.

(b) The rates of pay in certain other military departments were revised in consequence of the revision of the rates of pay of the British Army, from which members of those Departments are drawn, and the date of the latter revision had therefore to be adopted. As the I. M. D. is locally recruited, the same considerations do not apply.

(c) No.

(d) The orders regarding furlough pay were published in Army Instruction (India) 998 of 1920, a copy of which will be sent to the Honourable Member.

The pension rates are still under consideration.

#### I. M. D. AND FREE QUARTERS.

512. **Lieutenant-Colonel H. A. J. Gidney:** Do the Government propose to consider the advisability of reconsidering the orders by which large numbers of the I. M. D. have been deprived of free quarters, or even any allowance or facilities for quarters, whereas all other warrant ranks have quarters given or allotted to them? If not, why not?

**Sir Godfrey Fell:** Government do not propose to reconsider the orders referred to. Free quarters are still admissible to those Assistant Surgeons whose duties require them to live in particular quarters in order to be near their work. Warrant ranks of all other departments pay rent for any accommodation allotted to them.

APPLICATIONS FOR STUDY LEAVE FROM THE I. M. D.

513. **Lieutenant-Colonel H. A. J. Gidney**: Will the Government give the total number of applications from the I. M. D. for study leave during the past five years, and also state the number of such applicants that have been granted this leave?

**Sir Godfrey Fell**: On the civil side the figures are as follows:

Number of Applications received, 6.

Number of applicants granted study leave, 3.

With regard to the Assistant Surgeons in Military employ, the number of applications received since September 1919 is 30, out of which 6 were sanctioned.

Study leave was in abeyance from August 1914 to September 1919.

DISCONTENT IN THE I. M. D.

514. **Lieutenant-Colonel H. A. J. Gidney**: (a) Is the Government aware of the widespread discontent and resentment felt by all ranks of the I. M. D. regarding the manner in which they are employed in British Hospitals, *viz.*, the senior men are, for all practical purposes, looked upon and employed as Head Clerks of the Hospital Offices, the junior men as glorified compounders and dressers?

(b) What steps does the Government intend to take to remedy this treatment of a body of qualified men?

**Sir Godfrey Fell**: (a) Government are not aware of the discontent and resentment referred to by the Honourable Member. It is not the case that members of the I. M. D. are regarded or employed as Head Clerks or glorified compounders in British Hospitals.

(b) This part of the question does not arise.

PAY OF THE I. M. D. MEN IN CIVIL EMPLOYMENT.

515. **Lieutenant-Colonel H. A. J. Gidney**: (a) Is the Government aware of the fact that in some provinces the pay of I. M. D. men holding civil employments and posts has not been increased at all since about the year 1870?

(b) Is the Government aware that in other provinces the pay of such appointments has not been raised since 1914?

(c) If such a state of affairs exists what steps, if any, does the Government propose to take to remedy it?

**Mr. S. P. O'Donnell**: The emoluments of Military Assistant Surgeons in civil employ are generally fixed at the pay of their rank in military employ, plus the allowances attached to the post which they hold. Orders have already been issued sanctioning the application of the new military rates of pay to Military Assistant Surgeons in civil employ with effect from the 1st April 1920. There remain the cases of Military Assistant Surgeons in independent medical charge of civil stations. The pay of these officers is given in Article 143 of the Civil Service Regulations. The rates there specified were first fixed in 1867 and there have been few changes in them since that date.

A substantial concession was however granted in 1916 when officiating service was allowed to count for purposes of the quinquennial increments shown in the scale in that article on the same basis as substantive service. It is expected that orders revising the pay of Military Assistant Surgeons in independent medical charge of civil stations will issue shortly.

#### I. M. D. OFFICERS IN MILITARY HOSPITALS.

516. **Lieutenant-Colonel H. A. J. Gidney:** Is the Government prepared to give an assurance that in future, in military hospitals I. M. D. officers will not be called upon to serve as subordinate to R. A. M. C. or I. M. S. officers of junior rank?

**Sir Godfrey Fell:** Under existing regulations, command cannot be given to a R. A. M. C. or I. M. S. officer over an officer of the I. M. D., whose commission confers no military command, if the latter is of superior rank.

On the rare occasions when, owing to the exigencies of the service, I. M. D. officers may be called on to serve in military hospitals with officers of the R. A. M. C. and Indian Medical Service who are junior to them in rank, an officer of the I. M. D., who is not a registered practitioner under the Medical Act, must, as regards all technical matters, be subordinate to the commissioned medical officers of the R. A. M. C. or I. M. S., on whom the responsibility for the medical care of the patients in hospital rests.

#### INCLUSION OF THE I. M. D. IN THE TERM 'MEDICAL OFFICER.'

517. **Lieutenant-Colonel H. A. J. Gidney:** Do the Government propose to order that in future Government communications, orders and circulars of any description whatsoever, the term 'Medical Officer' will include commissioned officers of the I. M. D. and not only officers of the I. M. S. and R. A. M. C. If not, why not?

**Sir Godfrey Fell:** Government regret that it is not possible to adopt the suggestion. The Royal Warrant for the I. M. D. specifically lays down that members of that Department exercise their authority 'under medical officers', from which it is clear that the designation 'Medical Officer' does not include members of the I. M. D.

#### INITIAL PAY IN THE I. M. D.

518. **Lieutenant-Colonel H. A. J. Gidney:** (a) Does the Government realise that the initial pay of an I. M. D. man holding the warrant rank of sub-conductor is less than that of a sergeant in the Ordnance or Supply and Transport, and is Government prepared to remedy this state of affairs without reducing the initial warrant rank of the I. M. D. man?

(b) Will the Government state how the initial pay of an I. M. D. man compares with the pay, allowances, clothes, food and other emoluments of a private in a British regiment, and will the Government say definitely in whose favour such a comparison results and to what extent?

**Sir Godfrey Fell:** (a) It is not true that the initial pay of an Assistant Surgeon of the I. M. D. is less than that of a sergeant of the Indian

Ordnance Department or Supply and Transport Corps, but if the concessions in kind admissible to the latter are taken into account, then it is true that the emoluments of the I. M. D. man are less than those of the departmental sergeant.

I would, however, point out that the Assistant Surgeon is young—about 21 or 22 - and inexperienced when he joins, while the departmental sergeant has usually some 8 to 12 years' regimental service before joining a department; he is therefore considerably older.

(b) The initial pay drawn by a member of the I. M. D. compares very favourably with the pay, allowances, etc., received by a private in a British regiment, as the following figures show :

The initial pay of an Indian Medical Department man is Rs. 200 per mensem, whereas the total emoluments of a private in a British regiment, on enlistment, amount to Rs. 115-12-0 a month.

**Lieutenant-Colonel H. A. J. Gidney:** May I ask a supplementary question, Sir? The Honourable Member just compared a private's pay with that of an I. M. D. man. May I ask if the private's pay includes rations?

**Sir Godfrey Fell:** The figure of Rs. 115-12-0 which I have just given includes pay, and the cash value of rations, clothing, quarters, and so on.

**Rao Bahadur T. Rangachariar:** What is the reason for maintaining the Indian Medical Department separate from the Provincial Medical Service?

**The Honourable the President:** That hardly arises out of the question. The question is one which even Sir Godfrey Fell would require some time to consider.

#### APPOINTMENT OF OFFICERS OF THE I. M. D. IN THE I. M. S. AND R. A. M. C.

519. **Lieutenant-Colonel H. A. J. Gidney:** (a) How many men in the I. M. D. are in possession of British registrable medical qualifications?

(b) Were any commissions, temporary or permanent, in the I. M. S. and R. A. M. C. given to any such qualified men in the I. M. D. during or after the war?

(c) If no such commissions were offered even after the war, will the Government be pleased to state why the claims of such men belonging to a most deserving class, were overlooked, whilst many Civil Assistant Surgeons of inferior professional qualifications and experience have been and are so employed?

(d) Is the Government prepared to consider the advisability of annually recruiting at least 10 per cent. of vacancies in the I. M. S. and R. A. M. C. from selected men in the I. M. D. as has lately been resolved upon in this Legislative Assembly regarding the Provincial Civil Service and the I. C. S.?

**Sir Godfrey Fell:** (a) Eleven.

(b) Five of these were granted temporary commissions in the I. M. S. No permanent commissions have been granted to members of the I. M. D. No commissions, permanent or temporary, in the R. A. M. C. have been granted to members of the I. M. D.



(c) This question does not arise.

(d) The Government of India are not concerned with recruitment for the R. A. M. C., which is a purely British Service. As regards the I. M. S., Government are not prepared to reserve a percentage of appointments for members of the I. M. D. Applications for commissions in the I. M. S. from such members of the I. M. D. as possess medical qualifications registrable in the United Kingdom and are otherwise suitable, will, however, be considered.

#### PENSIONS FOR WIDOWS AND CHILDREN OF I. M. D. MEN.

520. **Lieutenant-Colonel H. A. J. Gidney:** (a) What are the present pension rates given to widows and children of the I. M. D.?

(b) Is the Government aware of the great hardships and privations, amounting almost to starvation, endured by the widows and children of I. M. D. men of all ranks on account of the mere pittance of pensions they are now in receipt of?

(c) Will the Government be pleased to state if they intend to take any steps to remedy this state of affairs by increasing the pensions of these widows and children?

**Sir Godfrey Fell:** (a) I will furnish the Honourable Member with a statement giving the existing rates of pension for the widows and children of members of the I. M. D.

(b) Government have received a few applications from individuals for higher pensions, on the score that the rates are insufficient having regard to their circumstances and to the present cost of living, but they have no reason to believe that these pensions, which are the same as those admissible to the widows and children of departmental and Warrant officers of the other Departmental Services, such as the Supply and Transport, the India Unattached List, etc., are generally regarded as inadequate.

(c) The rates of pension for widows and children of commissioned ranks have only recently been revised and Government are not prepared to increase them. The ordinary rates of pension for widows and children of Warrant officers of departments of the Indian Services, including the I. M. D. have recently been sanctioned and orders will be published shortly.

#### DISCONTENTMENT IN THE I. M. D.

521. **Lieutenant-Colonel H. A. J. Gidney:** (a) Is the Government aware that all ranks of the I. M. D. are very discontented on account of various causes well known to the Government and what steps do Government intend to take to remedy the condition of a body of men who belong to a community who have for over a century rendered loyal and yeoman service to the Government?

(b) Is the Government prepared to appoint a small committee of inquiry into this state of affairs?

**Sir Godfrey Fell:** (a) Government are not aware that all ranks of the I. M. D. are very discontented. They have, however, received memorials from members of the I. M. D. praying for certain concessions, and these memorials are under consideration. The Honourable Member is no doubt aware that very considerable improvements have been made in the pay of Military Assistant Surgeons with effect from the 1st April 1920. In 1915, their rates of pay ranged from Rs. 100 a month to Rs. 450 a month. They now range from Rs. 200 a month up to Rs. 700 a month.

(b) Government see no necessity to appoint a committee of inquiry as suggested by the Honourable Member.

**Lieutenant-Colonel H. A. J. Gidney:** The Honourable the Military Member told us that the memorials are under consideration. May I ask him how long they have been under consideration?

**Sir Godfrey Fell:** I am afraid I cannot answer that question definitely. The matter will be dealt with as soon as possible.

#### RESOLUTION RE MARTIAL LAW ADMINISTRATION.

522. **Rao Bahadur T. Rangachariar:** (a) Will the Government be pleased to state whether they have taken any action to give effect to the various clauses of the Resolution passed in the Legislative Assembly on the 15th February last, *re* Martial Law Administration in the Punjab, and, if so, state what action they have taken?

(b) If no action has been taken, will the Government be pleased to state whether they propose taking any action, and, if so, when?

(c) Do the Government propose to give wide publicity to the action they have taken or propose to take on the said Resolution?

**Mr. S. P. O'Donnell:** Copies of the report of the debate have been sent to all Provincial Publicity officers and arrangements are being made for the circulation broadcast of abstracts of the speeches made during the course of the debate. The Punjab Government have been addressed regarding the grant of monetary relief on the lines indicated in the speech of the Honourable Home Member.

#### SALT IN INDIA.

523. **Mr. Manmohandas Ramji:** (a) Will Government be pleased to state what quantity of salt was imported into India from foreign countries annually during last ten years?

(b) Are there no further facilities to produce more salt in this country than at present?

(c) Is Government in a position to state why foreign salt can compete with locally produced salt even after paying heavy freight charges?

**The Honourable Sir Thomas Holland:** (a) The Honourable Member's attention is invited to the statement laid on the table in answer to a similar question asked by the Honourable Mr. Braja Sundar Das on the 5th March 1921.

(b) I would refer the Honourable Member to the same answer in which the steps taken by Government to increase the output of salt in Madras, Bombay, Bengal and Burma were indicated. In Northern India various projects for the improvement of the brine supply at the Rajputana sources and of excavation of rock salt at the Mayo Salt Mines at Khewra and for the introduction of mechanical devices for the haulage, transport and storage of salt at these sources have already been sanctioned or are under consideration. The total cost of these schemes is estimated at 33 lakhs, and when the proposed improvements are carried out it is expected that the outturn will considerably increase. The average annual production of salt in Northern India in the last quinquennium shows an increase of 20,49,000 maunds or 19 per cent. over the previous quinquennium, the corresponding figures for the rest of India being 30,34,000 maunds or 12 per cent. increase, and it will thus be seen that necessary steps for the encouragement of the salt industry are already being taken by Government, and such further steps as may be possible to increase the output of salt will be taken as funds become available.

(c) Foreign salt does not pay heavy freight charges. It is imported as ballast or at nominal rates and to the ports of Calcutta and Rangoon which are situated at a considerable distance from the Indian salt sources. The Honourable Member will find this question fully discussed in the proceedings of the debate that took place in the Indian Legislative Council on the 10th March 1920 on a Resolution moved by the Honourable Mr. Sarma.

#### PAY OF THE STAFF ON THE EASTERN BENGAL RAILWAY.

524. **Rai J. N. Majumdar Bahadur:** (a) What were the scales of pay in force in the year 1914 for each of the following classes of staff on the Eastern Bengal Railway:

Station Masters, Assistant Station Masters, Guards, Booking Clerks, Goods Clerks, Signallers, Ticket Collectors, and Trains and Transportation Clerks?

(b) What are the scales of pay at present in force for each of these classes?

(c) What is the average percentage of increase in each case?

(d) Are not the duties of Station Masters and Assistant Station Masters more 'technical' and responsible in their nature than those of the other classes referred to in (a)?

● **Colonel W. D. Waghorn:** (a), (b) and (c). Statements marked 'A' and 'B' giving the information asked for are placed on the table.

(d) It is difficult to compare the degree of responsibility of the different classes of staff. Each class has its own particular responsibilities and these vary with the volume and nature of traffic to be dealt with, the nature of the work to be performed, whether the work is continuous or intermittent, etc., etc. The sanctioned rates of pay are fixed with reference to these various considerations.

EASTERN BENGAL RAILWAY.

STATEMENT 'A.'

Designation.	Pay in 1914.		
	Rs.		
Station Masters (European) . . . . .	250	300	35
Assistant Station Masters (European) . . . . .	200	225	
Station Masters (Indian) . . . . .	35-38-41-45	50-55-60-65	80-86-93-100
Assistant Station Masters (Indian) . . . . .	30-32	35-36-41-45	50-55-60-65
	80-86-93-100		
Signallers . . . . .	20-22-26	30-33-36-40	50-55-60-65
Station Transhipment and Goods Shed Clerks and Ticket Collectors.	15-17-20	25-27-30	35-37-40-45-50-55
	60-65-70-80-85-90	100-110-120	
Guards . . . . .	20-25-29-33-37-41-45	50-55-60-65-70-75	85-95-105-115-125
	180-140-150		

## EASTERN BENGAL RAILWAY.

## STATEMENT 'B.'

Designation.	Pay in 1920.	Percentage increase.
(1) Station Masters . . . . .	Rs. 200-10-250	In 1914 there was no fixed progressive scale of pay as at present and records of 1914 are not available. The percentage of increase cannot accordingly be given.
(Important Stations) . . . . .	{ 300-10-400 420-20-500	
(2) Assistant Station Masters (Important Station) . . . . .	280-10-330	
(3) Station Masters . . . . .	{ 52-4-80 85-5-120 Special :— 180-10-170	60 per cent. 39 " New scale.
(4) Assistant Station Masters . . . . .	{ 40-4-70 80-5-95 100-5-120	61 per cent. 62 " 23 "
(5) Signallers . . . . .	{ 30-4-70 75-5-115 120-10-170	72 " 60 " New scale.
(6) Station Transhipment and Goods Shed Clerks.	{ 20-1-28 30-2-40 30-4-70 75-5-110 115-10-145	41 per cent. 29 " 16 " 27 " 18 "
(7) Guards . . . . .	{ 40-5-100 100-10-210	52 " 31 "
(8) Ticket Collectors . . . . .	{ 32-4-60 65-5-90 95-5-120 130-10-160 160-10-250	29 " 20 " 23 " 20 " 96 "

**INCREASE OF PAY IN THE EASTERN BENGAL RAILWAY.**

525. **Rai J. N. Majumdar Bahadur:** Will the Government be pleased to state whether:

(i) the Station Masters and Assistant Station Masters on the Eastern Bengal Railway are allowed the same percentage of increase in pay as is given to Signallers, Ticket Collectors, etc.?

(ii) and, if not, whether it is proposed to increase the scales of pay of Station Masters and Assistant Station Masters so as to place these classes on an appreciably better footing than the Guards, Booking Clerks, Goods Clerks, etc.?

**Colonel W. D. Waghorn:** (i) and (ii). The percentages of increase are given in statement 'B' which has already been placed on the table in reply to information called for in the previous questions.

The scales introduced with effect from 1st April 1920 are in all cases a considerable improvement on the scales previously obtaining and there is no present intention of further increasing the scale of pay of Station Masters and Assistant Station Masters.

**PAY, NATIONALITY AND NUMBER OF THE STAFF IN THE EASTERN BENGAL RAILWAY.**

526. **Rai J. N. Majumdar Bahadur:** (a) What is the total number of Station Superintendents, Station Masters, Assistant Station Masters, Yard Masters and Assistant Yard Masters drawing salaries of above Rs. 150 per mensem, at present in the service of the Eastern Bengal Railway?

(b) How many of these are Indians?

(c) What is the total number of Station Masters and Assistant Station Masters drawing salaries not exceeding Rs. 150 per mensem, at present in the service of the Eastern Bengal Railway?

(d) How many of these are Europeans and Anglo-Indians?

(e) How many out of the total number referred to in (c) are in receipt of salaries exceeding Rs. 100 per mensem?

**Colonel W. D. Waghorn:** (a) 51; (b) 3; (c) 1,001; (d) none;

(e) There are 74 in grades the maximum pay of which is above Rs. 100.

**INDIAN STATION MASTERS ON THE EASTERN BENGAL RAILWAY.**

527. **Rai J. N. Majumdar Bahadur:** (a) Are the Government aware that the important transshipment junctions of Khulna and Serajganj Ghat on the Eastern Bengal Railway are in charge of Indian Station Masters and that their management of these stations has been thoroughly efficient and satisfactory?

(b) If so, will Government be pleased to state whether it will issue orders for the appointment of a larger proportion of Indians to the higher grades of Station Masters and Assistant Station Masters?

**Colonel W. D. Waghorn:** (a) The transshipment stations of Khulna and Serajganj are in charge of Indian Station Masters who are giving satisfaction in the discharge of their duties.

(b) There is nothing to prevent a larger number of Indians being appointed to the higher grades of Station Masters if and when there are men considered suitable for advancement.

**PAY OF INDIAN STATION MASTERS ON THE EASTERN BENGAL RAILWAY.**

528. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that on the Eastern Bengal Railway separate scales of pay are laid down for European and Anglo-Indian Station Masters and Assistant Station Masters, and that the minima fixed for European and Anglo-Indian Station Masters and Assistant Station Masters are approximately five times as much as those prescribed for Indian Station Masters and Assistant Station Masters ?

(b) Will Government be pleased to state the scales of pay in force on the Eastern Bengal Railway for European and Anglo-Indian Station Masters and Assistant Station Masters, and Indian Station Masters and Assistant Station Masters, respectively.

(c) If there is any distinction in the scales of pay of European and Indian Station Masters and Assistant Station Masters, will Government be pleased to state whether it will issue orders that these distinctions be removed ?

(d) Is it a fact that European and Anglo-Indian Station Masters and Assistant Station Masters on the Eastern Bengal Railway are not required to pass an examination in telegraphy, whereas with Indian Station Masters and Assistant Station Masters, the passing of such examination is compulsory ?

(e) If so, will Government be pleased to state whether it will issue orders making it compulsory for all Station Masters and Assistant Station Masters to pass the required examination in telegraphy before being appointed to either of these capacities ?

**Colonel W. D. Waghorn :** (a) (b) and (c). All Station Masters and Assistant Station Masters whether Indian or European are paid in accordance with the class of station at which they are employed and the class of work performed. The scales of pay at present in force on the Eastern Bengal Railway for Station Masters and Assistant Station Masters are given in the Statement 'B,' which I have placed on the table.

(d) The reply is in the affirmative. At small stations a Station Master or Assistant Station Master is often his own signaller.

(e) The reply is in the negative. Such an order is not considered necessary as Europeans are only employed at large Stations which have the services of telegraph staff.

**STAFF ON THE EASTERN BENGAL RAILWAY.**

529. **Rai J. N. Majumdar Bahadur :** (a) What is the total number of each of the following classes of staff at present in the service of the Eastern Bengal Railway :

Transportation Inspectors, Traffic Inspectors, Assistant Traffic Inspectors, Train Controllers, Assistant Train Controllers, Transhipment Inspectors, Ghat Inspectors, Platform Inspectors, Luggage Inspectors, Travelling Ticket Inspectors, Goods Supervisors, Claims Inspectors and Assistant Claims Inspectors ?

(b) What are the existing scales of pay for each class ?

(c) What is the total number of Indians employed in each class ?

(d) Is it a fact that in appointing men to the classes of posts referred to in (a), outsiders with little or no railway experience are often selected, while claims of qualified Indians who have put in long service in the Department, are ignored ?

(e) Is it a fact that junior European and Anglo-Indian guards with little or no experience in station duties are put on to officiate in the higher appointments, e.g., Traffic Inspector, Train Controller, etc., in preference to qualified and senior Indian Station Masters?

(f) Is it a fact that during the years 1919 and 1920, the Eastern Bengal Railway Administration appointed two outsiders as Traffic Inspectors on an initial salary of Rs. 300 each thereby completely overlooking the claims of senior and qualified men working in the Department?

(g) Will the Government be pleased to state whether it is going to take such steps as will put a stop to the importation of outsiders to fill vacancies in the classes of posts referred to in (a)?

**Colonel W. D. Waghorn:** (a), (b) and (c). A statement giving the information asked for is placed on the table.

(d) The answer is in the negative. A few outsiders have been appointed from time to time but they have usually been men of experience gained on other railways.

(e) and (f). The answer is in the negative. Two outsiders—a European and an Indian—were however appointed as Traffic Inspectors on Rs. 250 and £00 respectively in 1919. The European was a man of experience gained on other railways.

(g) Outsiders have only occasionally been appointed in the past and there is no intention of bringing in men from outside save for good and special reasons.

*Statement showing the total number of each of the following classes at present in the service of the Eastern Bengal Railway and the existing scales of pay for each class.*

Designation.	Number.	Scale of pay.	Total number of Indians employed.
Transportation Inspectors . . . . .	5	Rs. 300—20—500	Nil
Traffic Inspectors . . . . .	16	Nil	2
Assistant Traffic Inspectors . . . . .	...		Nil
Train Controllers . . . . .	3	300—10—350	1
Assistant Train Controllers . . . . .	...	Nil	Nil
Transshipment and Ghat Inspectors . . . . .	9	{ A. 150—10—200 B. 220—10—300 Spl. 320—10—350	1
Platform Inspectors . . . . .	2	200—10—300	Nil
Luggage Inspectors . . . . .	2	{ 160—10—250 100—10—150	2
		{ 65—5—80 80—7—150	
Travelling Ticket Inspectors . . . . .	38	{ 160—10—210 450 (Sub-Officer in charge.)	7
Goods Supervisors . . . . .	8	{ A. 150—10—200 B. 300—10—400 C. 420—20—500	5
Claims Inspectors and Assistant Claims Inspectors.	16	{ A. 150—10—180 B. 200—10—250 C. 300—20—400	7



## CONTRIBUTION TO SCHOOLS BY THE EASTERN BENGAL RAILWAY.

590. **Rai J. N. Majumdar Bahadur** : (a) Is it a fact that the Eastern Bengal Railway Administration pays a monthly subscription towards the up-keep of schools in the Plains at the rate of Rs. 2 per child, in the case of schools attended by children of European and Anglo-Indian employees, and 8 annas only per child in the case of schools attended by children of Indian employees ?

(b) If so, will Government be pleased to state the reasons for treating the Indian Schools differentially ?

(c) Is it a fact that the Eastern Bengal Railway Administration grants regular monthly assistance to European and Anglo-Indian employees for the education of their children in Hill schools ?

(d) What is the amount of assistance given by the Railway for each child receiving education in a Hill school and what are the rules and conditions under which such assistance is given ?

(e) Is it a fact that the assistance referred to in (c) and (d) which was hitherto only restricted to Hill schools has since been extended to schools in the Plains in the case of European and Anglo-Indian employees only ?

(f) What was the number of European and Anglo-Indian employees at the end of the year 1920 who received the assistance referred to in (c) and (d), but whose children received education in schools in the Plains ?

(g) What expenditure was incurred out of the revenues of the Eastern Bengal Railway on account respectively of (i) contributions granted to Indian schools, (ii) contributions granted to European schools, and (iii) school assistance granted to European and Anglo-Indian employees during each of the years 1915-16, 1916-17, 1917-18, 1918-19 and 1919-20 ?

**Colonel W. D. Waghorn** : (a) and (c). The reply to both questions is in the affirmative.

(b) The difference in the rate is due to the difference in the cost of education.

(d) The amount varies according to the rate of pay drawn by the employee. A copy of the rules is placed on the table.

(e) Yes, to boarding schools in the Plains in special cases.

(f) 28.

(g) A statement giving the information asked for is placed on the table.

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*Copy of Notification No. 1351 of Eastern Bengal Railway Weekly Gazette, No. 47 of 1919.*

REVISED RULES FOR THE GRANT OF ASSISTANCE TO SUBORDINATES FOR EDUCATION AT HILL SCHOOLS.

No. 1351.—In supersession of Notification No. 372 of *Weekly Gazette* No. 16 of 1918, it is hereby notified that, for the future, the Hill Schools

mentioned in the following lists will be recognised for the purpose of assisted education :

*Darjeeling.*

St. Paul's . . . . .	Protestant	Boys	..
Diocesan High School . . . . .	Do.	..	Girls
St. Joseph's North Point . . . . .	Roman Catholic	Boys	...
Loreto Convent . . . . .	Do.	...	Girls.

*Kurseong.*

Victoria High School . . . . .	Protestant	Boys	...
Dow Hill . . . . .	Do.	...	Girls.
Goethal's Memorial . . . . .	Roman Catholic	Boys	...
St. Helen's Convent . . . . .	Do.	...	Girls.

*Shillong.*

Pine Mount . . . . .	Protestant	...	Girls.
St. Edmund's . . . . .	Roman Catholic	Boys	...
Loreto Convent . . . . .	Do.	...	Girls.

1. The Agent will be prepared to consider individual cases of other Hill Schools on a representation being made by the parents, together with full details.

2. The fees at Hill Schools vary from about Rs. 30 to 60 per month, and the share of fees to be borne by parents is required to vary accordingly, being less for the cheaper schools and more for the more expensive schools.

3. The following items are assistable :

- Board and tuition.
- Use of books—stationery.
- Games—library—use of gymnasium.
- Medical attendance and medicines.
- Washing.

All other items, such as repairs to boots and clothes and special subjects like dancing and music, are not assistable, and the fees for these must be borne entirely by the parents.

4. The parents' share of the fees for assistable items shall be the actual fees subject to the following limits.

*Board and Tuition Fees.*

	Class A Rs. 39 and below.	Class B Rs. 40 to Rs. 49.	Class C Rs. 50 and over.
		Rs.	Rs.
One child . . . . .	7½ per cent. of salary.	7½ per cent plus . . . . .	7½ per cent. plus . . . . .
Two children . . . . .	12½ per cent. of salary.	12½ per cent plus . . . . .	12½ per cent. plus . . . . .
Three children or more . . . . .	15 per cent. of salary.	15 per cent plus . . . . .	15 per cent. plus . . . . .
		5	10
		9	18
		12	24

NOTE.—Salary for the purposes of this ruling does not include 'allowances' of any description.

So far as is known to this office, the above-mentioned schools belong to the various classes as follows :

*Class A.*—Victoria, Dow Hill, Goethal's Memorial, St. Helen's Convent, Pine Mount.

*Class B.*—Diocesan High School, St. Joseph's, St. Edmund's, Loreto Convents, Shillong and Darjeeling.

*Class C.*—St. Paul's.

5. In the case of parents having children at several Hill Schools :

(i) The percentage of salary will be based solely on the total number of children at school and will be independent of the number of schools attended.

(ii) the amount of surcharge will depend on the number of children at each class of school, independent of the number of schools attended, the more expensive schools being taken first. The following examples will make this clear :

(a) One boy and one girl at separate B. Class schools. Total surcharge Rs. 9.

(b) One boy at C. Class and one girl at B. Class school. Surcharge for first is Rs. 10 and for second is Rs. 4 (Rs. 9 minus Rs. 5). Total Rs. 14.

(c) Two boys at C. Class and two girls at B. Class schools. Surcharge for two boys is Re. 1 and for two girls is Rs. 3 (Rs. 12 minus Rs. 9). Total Rs. 21.

6. As has been the procedure formerly, bills in full will be prepared by the school authorities and will be submitted to the Chief Auditor, who will pay them and will make the necessary recoveries from the salaries of the parents. The parents should advise the school authorities concerned to submit the bills accordingly.

7. These revised rules take effect from 1st January 1920. The scheme is only applicable to subordinates.

CALCUTTA :  
The 22nd November 1919. }

E. S. CHRISTIE,  
for Agent.

*Copy of Notification No. 54 of Weekly Gazette No. 3 of 1920.*

No. 54.—In continuation of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November 1919, the staff are informed that assistance will be afforded in the case of other Hill Schools only when accommodation in the approved Hill Schools is not available, or under special circumstances. In such cases separate applications must be submitted through District Officers and Heads of Departments to the Agent with full reasons as to the necessity for sending children to other Hill Schools.

No assistance will be given for education in European Schools in the Plains except in cases where it is shewn there is no accommodation available in Hill Schools or when there are medical reasons or exceptional circumstances preventing the applicant from sending a child to the Hills. In these cases

applications for assistance with full particulars must be submitted through District Officers and Heads of Departments to the Agent. Assistance will be given in very special cases and only when children are sent as Boarders away from the stations at which their parents are employed.

For purposes of this Rule, the staff at Chitpore, Narculdanga and Sealdah will be considered as being employed in Calcutta.

Employees who wish to send their children to the Schools listed in Notification No. 1351, above referred to may do so without any further sanction from the Agent. They must, however, advise the Chief Auditor through their District Officers at the beginning of each year of the names and relationship of such children. The Chief Auditor will prepare bills in accordance with paragraph 6 of Notification No. 1351 of *Weekly Gazette* No. 47 of 23rd November 1919.

In the case of other schools, application for sanction must be made to the Agent through District Officers and Heads of Departments annually at the beginning of each year.

An advance of one month's pay recoverable in ten equal monthly instalments will also be made by the Chief Auditor on application to him at the beginning of each year towards the purchasing of outfit for children attending the schools listed in Notification No. 1351. In all other cases application must be made to the Agent through the District Officers and Heads of Departments.

CALCUTTA :  
The 13th January 1920. }

J. H. WHITE,  
Agent, Eastern Bengal Railway.

*Statement showing the expenditure from the revenues of the Eastern Bengal Railway for the following years under the following heads.*

Year.	Contribution to Indian Schools.	Contribution to European Schools.	School assistance granted to European and Anglo-Indian employees.
	Rs.	Rs.	Rs.
1915-16 . . . . .	2,585	5,780	2,756
1916-17 . . . . .	3,143	7,354	4,038
1917-18 . . . . .	3,704	10,334	4,788
1918-19 . . . . .	3,993	10,373	22,510
1919-20 . . . . .	4,774	11,088	38,885

INDIAN TEACHERS IN THE EASTERN BENGAL RAILWAY AIDED SCHOOLS.

531. **Rai J. N. Majumdar Bahadur :** (a) Is it a fact that while teachers of European aided schools are granted free passes for themselves and their families and are permitted to subscribe to the Provident Fund, teachers of Indian aided schools are not granted anything beyond one set of Privilege

**Ticket Orders for themselves only (and not families) in a year and are not allowed to subscribe to the State Railway Provident Fund ?**

(b) Will the Government be pleased to state whether it is prepared to issue orders that the teachers of the Indian schools should be given the same privileges in the matter of free passes, as the teachers of the European schools and be allowed to subscribe to the Provident Fund ?

**Colonel W. D. Waghorn:** (a) Teachers of certain European aided schools are allowed two sets of passes annually for themselves only and not for their families. They are not allowed to subscribe to the State Railway Provident Fund. Teachers of Indian aided schools are allowed one set of Privilege Ticket Orders annually for themselves only, and they are not allowed to subscribe to the State Railway Provident Fund.

(b) Government is prepared to consider the question of allowing the same privileges to teachers in both classes of schools but they cannot allow teachers in aided schools to subscribe to the State Railway Provident Fund. This is only allowed in the case of teachers of schools in Railway Colonies which are maintained exclusively for the children of Railway employees.

#### RATES FOR HANDLING MERCHANTS GOODS IN THE EASTERN BENGAL RAILWAY.

**532. Rai J. N. Majumdar Bahadur:** (a) Is it a fact that the rates paid by the Eastern Bengal Railway to Messrs. Bird and Company (who are the labour contractors to the Eastern Bengal Railway for certain important stations) for handling merchants goods are considerably higher than those paid to Station Masters (who do the work at the other stations) for doing the same kind of work ?

(b) Is it a fact that recently the rates allowed to Messrs. Bird and Company have been enhanced by 25 per cent. all round on account of the increase in the cost of labour ?

(c) Is it a fact that Station Masters have been refused any increases in the rates paid to them, in spite of repeated representations ?

(d) Is it a fact that the appeals of the Station Masters were rejected by the Traffic Manager and the Agent ?

(e) Will Government be pleased to state whether it is going to instruct the Eastern Bengal Railway authorities to grant the Station Masters the same increase in the rates as given to Messrs. Bird and Company ?

**Colonel W. D. Waghorn:** (a) The rates paid to Messrs. Bird and Company for handling goods traffic at the Calcutta Terminals and certain important transshipment stations outside Calcutta are usually higher than those paid to Station Masters who have the contracts at other smaller stations, as Messrs. Bird and Company have to import labour for the large stations and employ skilled supervisors. The rates paid to Station Masters at the other stations vary with the conditions obtaining at these stations and in some cases even they are higher than those paid to Messrs. Bird and Company.

(b), (c) and (d). Messrs. Bird and Company's rates have been enhanced by 25 per cent. and the same percentage of increase has been granted to Station Masters at those stations at which it was considered the previous rates were inadequate. These stations comprise 85 per cent of the total number at which Station Masters are the handling contractors.

(e) In view of the replies given to (a), (b), (c) and (d) of the question, Government does not see any need to instruct the Eastern Bengal Railway authorities as suggested.

SUPERIOR TRAFFIC SERVICE IN RAILWAYS.

533. **Rai J. N. Majumdar Bahadur :** (a) Will Government be pleased to state the number of (i) European and Anglo-Indian subordinates and (ii) Indian subordinates respectively promoted to the Superior Traffic Service on each of the following trunk lines since the year 1905 up to date :

- (i) North Western, (ii) Oudh and Rohilkhand, (iii) Eastern Bengal, (iv) East Indian, (v) Bengal Nagpur, (vi) Great Indian Peninsula, (vii) Bombay, Baroda and Central India, (viii) Madras and Southern Mahratta, and (ix) South Indian Railways ?

(b) Will the Government be pleased to state whether it intends to appoint a larger number of qualified Indians to the Superior Traffic Establishment on all State Railways and specially on the Eastern Bengal Railway ?

**Colonel W. D. Waghorn :** (a) A statement giving the information asked for is placed on the table.

(b) It is the intention to increase the number of Indians in the Superior Traffic Department of State Railways but the rate of such increase is dependent on the number of vacancies in the sanctioned scale and the number of qualified candidates offering themselves for appointment. At the present time, of the 33 gazetted officers of the permanent Traffic Establishment, Eastern Bengal Railway, 9 are Indians.

*Statement showing the number of (i) European and Anglo-Indian, and (ii) Indian Subordinates promoted to the Superior Traffic Service on the following Railways from 1905 to date.*

Railway.	European and Anglo-Indian.	Indian.
North Western . . . . .	13	2
Oudh and Rohilkhand . . . . .	1	1
Eastern Bengal . . . . .	7	Nil.
East Indian . . . . .	30	1
Bengal Nagpur . . . . .	6	6
Great Indian Peninsula . . . . .	15	1
Bombay, Baroda and Central India . . . . .	8	7
Madras and Southern Mahratta . . . . .	7	4
South Indian . . . . .	6	1
Total . . . . .	93	23

NOTE.—Since 1909 twenty seven Indians have been appointed in addition as probationary Assistant Traffic Superintendents, State Railways, and subsequently confirmed in the Superior Traffic Service. The Company-worked railways are also recruiting Indian Traffic officers in the same way.

## REST-HOUSES AT KURSEONG.

534. **Rai J. N. Majumdar Bahadur** : (a) Is it a fact that the Government recently sanctioned the purchase of two rest-houses at Kurseong for the use of convalescent officers and subordinate employees of the Eastern Bengal Railway ?

(b) What was the cost of purchasing these rest-houses ?

(c) Is it a fact that when sanctioning the purchase of these rest-houses, the Railway Board distinctly told the Agent of the Eastern Bengal Railway that one was for the use of gazetted officers and the other for the use of subordinate employees ?

(d) Is it a fact that the Agent of the Eastern Bengal Railway has recently, in reply to an application from an Indian subordinate, said that the subordinates' rest-house is not intended for Indians ?

(e) Did the Agent issue these orders on his own responsibility or with the concurrence of the Government of India ?

(f) If the latter, will the Government be pleased to state the reasons for according such approval ?

(g) If the former, will the Government be pleased to state whether they are going to instruct the Agent to rescind his orders ?

**Colonel W. D. Waghorn** : (a) The answer is in the affirmative.

(b) The cost of purchasing the houses and rendering them habitable was Rs. 46,970.

(c) The proposal submitted to the Railway Board contemplated one rest house for officers and one for subordinates, and this proposal was sanctioned.

(d) In June last an application was received by the Agent from the Chief Auditor, Eastern Bengal Railway, for the accommodation of three Indian Clerks, who were on duty, in Subordinates' rest house. This was refused because the rest house was built for purposes of rest and convalescence and not as lodgings for men on ordinary duty.

(e) and (f). The Agent issued these orders on his own responsibility.

(g) Government do not propose to ask the Agent to rescind his orders as these rest houses, which are meant for the recruitment of health of the staff who need it, would not be serving their legitimate purpose if men on duty were allowed to occupy them as ordinary quarters.

## FINANCIAL POSITION OF BERAR.

535. **Mr. B. H. Jatkar** : (a) Have any safeguards been imposed for the performance of the conditions laid down in rule 14 (2) of the Devolution Rules regarding the due administration of Berar by the Central Provinces Government ?

(b) Will any instructions be laid down for the guidance of the Central Provinces Government for the allotment of the revenues of Berar for the immediate needs of Berar ?

(c) Do the Government of India propose to consider the question of taking action under (a) and (b) with a view to ensure financial independence for Berar ?

**Mr. S. P. O'Donnell :** The rule to which the Honourable Member refers gives the Government of India ample powers of intervention and no further safeguards appear to be necessary. The Government of the Central Provinces recently proposed that a committee should be appointed to inquire into the revenue and expenditure of Berar and the Central Provinces with the object of determining the sums that may fairly be allocated to each province and the Government of India concurred in this proposal. Since then a Resolution for the appointment of a committee has been carried in the local Legislative Council and has been accepted by the Local Government.

ANOMALOUS STATUS OF BERAR.

536. **Mr. B. H. Jatkari :** (a) Will the Government be pleased to lay on the table all the representations made to the Government of India and the Secretary of State by the various Associations and people of Berar during the last 20 years, complaining about the anomalous status of Berar (not being British India) and its consequent disadvantages ?

(b) Has the Government taken any steps on these representations, and, if so, what ?

(c) Will the Government be pleased to lay on the table the whole correspondence between the Government of India, the Secretary of State and the Central Provinces Government on this subject ?

**Mr. S. P. O'Donnell :** (a) The representations received during the last 10 years will be collected, and copies supplied to the Honourable Member as soon as practicable.

(b) The answer to this will be given when the representations have been collected.

(c) The answer is in the negative. It would be contrary to the standing practice to lay such correspondence on the table.

SYSTEM OF BEGAR AND RASAD.

537. **Mr. B. H. Jatkari :** (a) Has the attention of the Government been drawn to the letter of Mr. C. F. Andrews in the *Independent* of 18th February 1921, headed 'Swaraj and Begar inconsistent' reproduced in the newspaper *Mahratta* of Poona of 27th February 1921 ?

(b) Is the Government aware that this evil system of Rasad and Begar is still prevalent in many parts of India and is one of the principal causes of discontent amongst the ryots and the masses ?

(c) Do the Government propose to instruct the various Local Governments to take immediate steps to abolish the system of Begar (forced labour) and Rasad and thus do away with this form of servitude ?

(d) Do Government propose to consider the question of making adequate arrangements for supply of labour and provisions to officers and Government servants on tour through paid contractors, or other independent agencies ?

**Mr. J. Hullah :** (a) The Government of India have seen the letter.

(b) The Honourable Member is referred to the answer which I gave to Mr. Joshi in reply to Question No. 431 on the 10th March.



(c) and (d) Beyond the undertaking there given the Government of India do not propose to take any action or issue any instructions on the subject, as the matter is essentially one for the Local Governments to settle.

#### SYSTEM OF BEGAR.

538. **Mr. B. H. Jatkari :** (a) Has the attention of the Government been drawn to the debate in the Central Provinces Legislative Council in August 1920, wherein the Government Member tried to justify the system of Begar on the strength of custom ?

(b) Is the Government aware that some misunderstanding about the intentions of the Government has been created by the attitude of this officer ? Do the Government propose to take any steps to remove such misunderstanding ?

**Mr. J. Hullah :** (a) The Government of India have seen the report of the debate.

(b) The Honourable Member is referred to the answer which I have just given to him in reply to the preceding question.

#### RAILWAY LINE BETWEEN DHAMANGAON AND YEOTMAL.

539. **Mr. B. H. Jatkari :** (a) Has the Railway Board sanctioned the survey of a railway line between Dhamangaon and Yeotmal ?

(b) If so, when is it likely to be taken in hand ?

(c) Is the Government aware of the great inconvenience and loss to the traders of Yeotmal caused by the present system of transhipment at Murtazapur ?

(d) Have Government considered the necessity of having a broad gauge line ?

**Colonel W. D. Waghorn :** (a) The reply is in the negative.

(b) In view of the many pressing demands for railway surveys and the difficulty of finding funds Government are unable to give any undertaking as to when it will be possible to take this survey in hand.

(c) Government are aware that the Local Government received memorials for the construction of the railway in question for the convenience of the local people.

(d) This point will be given full consideration when it becomes possible to consider the question of the survey of this line with a view to its construction.

#### POSTAL SERVICE TO YEOTMAL.

540. **Mr. B. H. Jatkari :** Till the construction of the Dhamangaon-Yeotmal line, do the Government propose to consider the question of entrusting the postal service to Yeotmal to a motor company ? Is Government aware that the present arrangement by the C. P. Railway causes unusual delay ?

**Mr. C. A. Innes :** Formerly mails for Yeotmal were conveyed by tonga from Dhamangaon station on the Great Indian Peninsula Railway, a distance of 29 miles. When the Railway was constructed from Murtazapur to

Yeotmal the mails were, in accordance with the regular policy of the Department, diverted by that route. Yeotmal is a small place, and its only claim to importance lies in its being the district headquarters. The daily average weight of mail matter carried is less than two maunds and if a motor service is introduced from Dhamangaon they will arrive only four hours earlier. The amount paid to the Railway as haulage charges is Rs. 200 a month, while a motor service between Dhamangaon and Yeotmal would cost at least Rs. 600 a month. Under the circumstances the additional expense involved in a motor service is not considered to be justified.

#### WATER SUPPLY AT RAILWAY STATIONS.

541. **Mr. B. H. Jatkari** : Do the Government propose to direct the Railway Companies to make proper arrangements for water supply on all the stations of the Great Indian Peninsula Railway and the C. P. Railway during the hot weather ?

**Colonel W. D. Waghorn** : The necessity for the provision of an ample supply of drinking water for passengers is fully realised by Railways and Government has no information to the effect that the existing arrangements on the Great Indian Peninsula and C. P. Railways are inadequate. The matter will, however, be brought to the notice of the railways.

#### PREPAYMENT OF RAILWAY FREIGHT.

542. **Mr. B. H. Jatkari** : (a) Is the prepayment of railway freight required before wagons are supplied to Bengal collieries ?

(b) Do Government propose to discontinue this system ?

(c) Do they also propose to make free supply of empty wagons to the collieries without giving preference to any consumer or dealer ?

**Colonel W. D. Waghorn** : (a) The prepayment of freight on coal is required before the wagons are despatched.

(b) Government is not prepared at present to advise the Railways to discontinue the system.

(c) The Honourable Member's attention is invited to the reply to parts (d), (e) and (f) of Question No. 331 asked by Rai Jadu Nath Majumdar Bahadur at the meeting of this Assembly on the 17th *ultimo*. The Report of the Informal Committee, referred to therein, is receiving the careful consideration of the Government of India.

#### COURT-MARTIAL OF SUBADAR SHAMSING.

543. **Mr. B. H. Jatkari** : Will the Government of India be pleased to state :

(a) If one Subedar Shamsing of 2-32nd Sikh Pioneers was tried by court-martial for sending a letter to the General Officer Commanding, bringing to his notice some acts of his superior officers which created grave misunderstanding among the sepoys ?

(b) Whether in the finding of the court-martial and in the order of confirmation of His Excellency the Commander-in-Chief it was held, two of the charges made in his letter were true and that he was acting in good faith ?

- (c) Whether his case will be reconsidered and he will be allowed to go on pension?

**Sir Godfrey Fell:** (a) Ex-Subadar Shamsing, of the 2-32nd Sikh Pioneers, was tried by General Court-Martial on the 20th and 21st July 1920, for making a series of accusations against his Commanding Officer and the Subadar-Major of his Depot, in a letter addressed to the General Officer Commanding, Sialkot Cavalry Brigade.

(b) The accused made four accusations jointly against his Commanding Officer and Subadar-Major, and three further distinct and separate accusations against the latter, making seven accusations in all against the two officers.

The Court expressed the opinion, which was supported by His Excellency the late Commander-in-Chief when confirming the finding of 'Guilty' and sentence of dismissal, that in respect of the two least serious accusations against his Commanding Officer and Subadar-Major, viz., the forcible entry by the former into the men's married quarters (in this connection I would invite the attention of the Honourable Member to the answer given to Mr. Muhammad Faiyaz Khan's Question No. 130, dated the 17th February 1921) and the mismanagement of the tea shop by the Subadar-Major, the accused had some grounds for believing his statements, and that, in so far as these two statements were concerned, he was acting in good faith.

The Court, however, were of opinion that the remaining five accusations, which included the more serious, were entirely without foundation in fact, and consequently found the accused guilty in respect of these five accusations and sentenced him to be dismissed from the service.

The finding and sentence were confirmed by His Excellency the late Commander-in-Chief.

- (c) The answer is in the negative.

#### REPRESENTATION OF MR. SHEOSHANKAR.

544. **Mr. B. H. Jatkar:** Would the Government of India be pleased to state:

- (a) If any representation has been made to the Viceroy and Governor General of India by Mr. Sheoshankar, a Sub-Judge in the Central Provinces Judicial Service, through the Local Government of the Central Provinces?
- (b) Whether the said representation has been withheld by the Local Government without assigning any reasons?
- (c) Whether the said officer being a permanent Sub-Judge is stopped at the highest grade of a Munsiff in the time-scale recently introduced when he was entitled to the pay of a Sub-Judge according to the period of his long service as such?
- (d) Whether in the case of the said officer, the Government of India's instructions contained in Circular letter No. 2623-1—1918-19 reproduced in Chief Commissioner's Book Circular No. 1—8 have been totally ignored, thus depriving him of an opportunity to know the adverse remarks against him and to meet them?
- (e) Whether the representation of the said officer will be sent for, with all connected papers and considered by the Government of India?

**Mr. S. P. O'Donnell:** The statement of memorials withheld by the Central Provinces Government for the quarter ending the 31st December 1920 received by the Government of India, shows that a memorial from Mr. Sheoshankar praying that his initial pay in the time-scale may be fixed at Rs. 850 was withheld by the Local Government under rule 11 (9) and (12) of the rules for the submission of memorials to the Government of India. The Government of India have no further information but are calling for a report from the Local Government.

**REVISION OF PAY IN THE I. M. S.**

545. **Mr. K. G. Bagde:** Will the Government be pleased to state :

- (a) What annual increase in expenditure will result from the recently revised scales of pay and allowances of officers of the Indian Medical Service in civil employment ?
- (b) What would be the amount required to be paid from 1st January 1920 up to 31st March 1921 under these revised scales with retrospective effect ?

**Mr. S. P. O'Donnell:** The information is being collected and will be laid on the table.

**SALE OF NEWSPAPERS AT THE MYMENSINGH RAILWAY STATION.**

546. **Mr. Muhammad Faiyaz Khan:** Has the attention of the Government been drawn to the statement, headed '*Aik Afsosnak tufrik*' published in the *Fateh* (Delhi), dated 10th March 1921, page 2, column 4, and will the Government be pleased to state if the following statement as contained in the news referred to is correct : that the Agent of the *Statesman* of Calcutta is allowed to sell the copies of *Statesman* on the Mymensingh Railway Station, but when the Agent of the *Amrita Bazar Patrika* applied for the permission he was told that such permission could not be granted ?

(b) If so, will Government state the reason of this differential treatment by the Railway authorities ?

**Colonel W. D. Waghorn:** The attention of Government has not previously been drawn to the article referred to, but it has been ascertained that permission was asked to sell the *Amrita Bazar Patrika*, among certain other papers, on the station platform at Mymensingh. This permission could not be granted as arrangements had been made with Messrs. Wheeler and Company, who are the contractors for the sale of papers and literature at stations on the Eastern Bengal Railway, to open a bookstall at that station. Permission has not been granted for the sale of the *Statesman*. The alleged sale of this paper is unauthorised and inquiries are being made with a view to stopping the practice if the paper is being sold on the platform.

**CLERKS OF THE BOMBAY SECRETARIAT AND CITY POST OFFICE.**

547. **Mr. Jamnadas Dwarkadas:** Is it a fact that clerks of the Bombay Secretariat and attached offices are started on a pay of Rs. 60 per mensem ; if so, will Government please state as to why the same principle has not been applied to the Post Office in that City and whether they propose immediately to abolish this difference ?

**Mr. C. A. Innes :** The Honourable Member is referred to paragraph 9 of Chapter II of the Report of the Postal Committee. It will be seen that the Postal Committee would have proposed Rs. 60 as the minimum pay for a clerk in Bombay had the probationer grades been retained. The proposed Rs. 50 and Rs. 55 as pay for the two years during which a new entrant may be regarded as in training. The Government have accepted this recommendation, the reasons for which are fully explained in the above report.

**Rao Bahadur T. Bangachariar :** When a question of this nature is raised, regarding revision of pay, do Government take it as the opinion of the Member or of the Assembly?

**The Honourable the President :** A question is not supposed to be an expression of opinion.

#### POSTAL CLERKS IN THE BOMBAY PRESIDENCY.

548. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state if they have received any memorials from the Postal clerks in the Bombay Presidency about the sanction and subsequent withdrawals of the war allowance at scales granted by the Local Government and subsequent recoveries from the staff of seven of the head offices where the amounts were actually disbursed?

**Mr. C. A. Innes :** Government have received some memorials on the subject. The allowances in question were paid to some of the staff without authority under a misconception. The amounts wrongly drawn had, therefore, to be recovered, but to prevent hardship the recoveries were made in several instalments.

#### WAR ALLOWANCES AND THE BOMBAY POSTAL DEPARTMENT.

549. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state as to why war and other allowances sanctioned from time to time by the Bombay Government Departments under its control have not been granted on the same scale to the Postal Department in that Presidency, and whether they would consider the desirability of according immediate sanction to all such allowances similar to that granted to the servants of the Local Government?

**Mr. C. A. Innes :** The Postal Department, being an Imperial Department, was given a general scale of war and other allowances, which was applicable to other parts of India besides the Bombay Presidency. But in places like Bombay City, where conditions were peculiar, the scale sanctioned by the Local Government for its servants was extended also to postal officials.

The rates of pay recommended by the Postal Committee were intended to absorb war and other allowances, and the Government have no intention of revising them.

#### DEPARTMENTAL COMMITTEE.

550. **Mr. Jamnadas Dwarkadas :** (a) Will Government be pleased to state as to why the Departmental Committee recommended to be appointed by the Postal Inquiry Committee to go into the technical questions connected with and the working of the Post Office has not yet been appointed and whether they intend appointing it at once?

(b) In appointing the Committee do the Government propose to see that they appoint a majority of clerical representatives in view of the unsatisfactory nature of the report of the Postal Committee by officials?

**Mr. C. A. Innes:** (a) Presumably the Honourable Member refers to the recommendation made in paragraph 5 of Chapter VIII of the Postal Committee's report. The Committee did not suggest the formation of any Departmental Committee but recommended that the departmental time test should be examined by experts. This has been done and it is found that except in respect of one or two items of work no change is required.

(b) The question does not arise.

GOVERNMENT GAZETTED HOLIDAYS AND POST OFFICES.

551. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware that:

(i) the Post Office is not privileged to enjoy all Government gazetted holidays, and

(ii) that no extra allowance is paid to the officials for their service on those days?

(b) Are the Government prepared to consider the desirability of either closing Post Offices on gazetted holidays or paying reasonable extra allowances for services rendered on those days?

**Mr. C. A. Innes:** The Honourable Member is referred to paragraph 3 of Chapter VIII of the Postal Committee's report. The Government agree with the Committee's conclusions.

OUTSIDERS IN THE HIGHER BRANCH OF THE POST OFFICES.

552. **Mr. Jamnadas Dwarkadas:** (a) Have Government noticed the serious unrest culminating in several appeals to the authorities concerned prevailing among the officials of the Post Office on the vexed questions of direct appointment of inexperienced outsiders to the higher branch of the service, and has their attention been drawn to complaints as to the way in which favourite officials are selected both for higher appointments and the examinations which such officials are to pass for those appointments, irrespective of seniority or other questions of merit?

(b) Do the Government intend to order the immediate abolition of all such distinctions and institute a system of regular examination for all officials desiring to attend and better their prospects, such examination alone to be the medium leading to higher appointments?

**Mr. C. A. Innes:** It is presumed that the Honourable Member refers to the appointment of probationary Postmasters, which is discussed in paragraph 2 of Chapter VIII of the Postal Committee's report. As there stated, there are now eleven probationers on the rolls. Government have issued orders that there is to be no further appointment of probationers until these eleven have been absorbed. The question of the total abolition of this method of recruitment will then be considered.

EFFICIENCY BARS IN POST OFFICES.

553. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware of the introduction of efficiency bars at two stages in the newly sanctioned scales of

pay for the Post Office and will they please state their reasons as to the necessity of any such bars.

(b) Do the Government propose to abolish with immediate effect all these bars ?

**Mr. C. A. Innes :** (a) Yes. The reasons for these efficiency bars are given in Chapter II of the Postal Committee's report, to which the Honourable Member is referred.

(b) No.

#### HARDSHIPS ON SENIOR MEN OF THE POST OFFICE.

554. **Mr. Jamnadas Dwarkadas :** (a) Is Government aware that the limitation of 50 per cent. increase only in certain cases of the Post Office establishment according to the revised scales of pay causes great hardship on senior men of the Department ?

(b) Do Government propose to consider the question of doing away with this limitation ?

**Mr. C. A. Innes :** The Postal Committee in paragraph 16 of Chapter II of their report, dealing with clerical grades up to Rs. 100, recommended that the immediate increase in pay given to any individual should be limited to a maximum of 50 per cent. on his existing pay plus war allowance. The Government accepted their recommendation and they are unable to agree that a rule limiting *per saltum* increases of pay to 50 per cent. is a great hardship on senior men of the Department.

#### REVISED SCALE OF PAY IN THE POST OFFICE.

555. **Mr. Jamnadas Dwarkadas :** Are Government aware that the revised scale of pay as recommended by the Postal Committee is insufficient to meet the increased cost of foodstuffs ; if so, will they please say how they propose to compensate the clerical cadre, and whether any proposals for the grant of local allowances for places like Bombay, etc., are under consideration ?

**Mr. C. A. Innes :** The revised scales of pay recommended by the Postal Committee took into consideration the increased cost of living. Government are not aware that there has been any further increase in the cost of living since the Committee reported. No proposals for the grant of local allowances for places like Bombay are under consideration.

#### SCALES OF PAY IN THE DIFFERENT POSTAL LOCALITIES.

556. **Mr. Jamnadas Dwarkadas :** Will Government be pleased to state if their attention has been drawn to the anomalies existing in the scales of pay of the Postal Service sanctioned for the different localities for instance, Poona has been placed in scale 'C' while Kirkee, a suburb of Poona and a military centre, is placed in scale 'D.' Do Government propose to examine all these anomalous scales and eliminate all such discrepancies ?

**Mr. C. A. Innes :** The matter is already under the consideration of the Government.

BOMBAY PRESIDENCY POST MASTER'S CIRCULAR.

557. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware of a circular letter issued by the Presidency Postmaster, Bombay, proposing to lease out to such of the clerks desiring it a building constructed by the Bombay City Improvement Trust at a nominal rent of Rs. 33 per set of rooms?

(b) Will Government be pleased to say whether the rent demanded is the nominal rent in Bombay for a couple of rooms, and, if so, whether they will please consider the question of granting a suitable house-rent for the clerical cadre in Bombay City?

**Mr. C. A. Innes:** (a) Yes.

(b) The rent named by the Honourable Member is the rent fixed by the Bombay Improvement Trust. The Postmaster-General is now submitting proposals for the purchase of one or more of these tenements by Government for the housing of their employees.

RECOVERY OF EXCESS AMOUNT FROM A POSTAL CLERK.

558. **Mr. Jamnadas Dwarkadas:** (a) Are Government aware of a Circular issued by the Director-General of Posts and Telegraphs directing recovery of any excess amount due to Government after deduction of the arrears of pay due to a clerk from the one month's advance of pay granted before the introduction of the revised scales of pay and are they aware that this order, if carried out, would cause great hardship?

(b) Do Government propose to consider the advisability of waiving all dues?

**Mr. C. A. Innes:** The Director-General of Posts and Telegraphs has already represented the matter to the Government, and it has been decided that the recovery of any excess amount due to Government should be waived.

RAILWAY MAIL SERVICE SORTERS.

559. **Mr. Jamnadas Dwarkadas:** Are Government aware of the serious hardship caused to the Railway Mail Service sorters of the 'B' Division who have to stay in Bombay in the interest of service and do Government propose to consider the grant of the same scale of pay for them as is allowed in the Foreign Mail Service?

**Mr. C. A. Innes:** The question of raising the pay of the men of 'B' Division, Railway Mail Service, whose headquarters are fixed at Bombay, is under consideration. It should be noted, however, that the conditions of service are not the same as in the Foreign Mail Division.

RECOMMENDATIONS OF THE POSTAL INQUIRY COMMITTEE.

560. **Mr. Jamnadas Dwarkadas:** (a) Is it a fact that the recommendations of the Postal Committee of Inquiry were returned to that Committee for reconsideration as being too extravagant? If so, will Government lay on the table their original report?

(b) Has any correspondence passed between the Government and the Committee ever since the hearings began? If so, will Government be pleased to lay it on the table?



**Mr. C. A. Innes :** The answer to both parts of the Honourable Member's question is in the negative.

INCONVENIENCE FELT BY THE PEOPLE OF AURANGABAD.

561. **Rai Sahib Lakshmi Narayan Lal :** (a) Is the Government aware that a good deal of inconvenience is felt by the people by there being no railway line up to Aurangabad (District Gaya, Province of Bihar and Orissa), the sub-divisional headquarter for about 9 miles from Palmerganj station (Grand Chord line, East Indian Railway) ?

(b) Is the Government aware that the existing line *via* Palmerganj being north of the junction of Batana and Pompur rivers, breaches are often caused in the railway line on account of the accumulated force of the water of the two rivers after the junction during floods causing a good deal of inconvenience and damage to the public as well as to the Railway Company ?

(c) Do Government propose to sanction a line through Aurangabad ?

**Colonel W. D. Waghorn :** (a) The reply is in the negative. Government have so far received no representation regarding the inconvenience.

(b) and (c). Breaches caused by floods, on the Mughalsarai-Gya Section generally, have been brought to the notice of Government and the case has since been met by certain protective works, such as the raising of the line and the provision of additional openings. In the circumstances, the alignment suggested by the Honourable Member is not considered necessary at present.

CONTINUOUS TRAIN VIA GRAND CHORD TO DELHI.

562. **Rai Sahib Lakshmi Narayan Lal :** (a) Is the Government aware that a good deal of inconvenience is felt by the people by there being no continuous train *via* Grand Chord line to Delhi ?

(b) Is the Government aware that a good deal of inconvenience is felt by the people on account of there being no fast running train between Gaya and Patna ?

(c) Is the Government aware that a good deal of inconvenience is felt by the people on account of none of the Express trains running *via* Grand Chord line as it used to do before ?

(d) Is the Government aware that a good deal of inconvenience is felt by the people on account of the Bombay Mail not stopping at Palmerganj which is the station for Aurangabad ?

(e) Is the Government contemplating the removal of any of the aforesaid inconveniences of the people in the near future ?

**Colonel W. D. Waghorn :** (a) No. Government are not aware of the inconvenience referred to. There are convenient connecting trains from Mughalsarai onward.

(b) The speed over this Branch has to be restricted to 25 miles per hour and no improvement can be made at present.

(c) It is not possible at present to augment the passenger train service over the Grand Chord and if an express train were put on instead of one of the existing trains it would result in the service at intermediate stations being reduced.

(d) The Up Bombay Mail stops at the larger stations only on the Grand Chord and stoppage at Palmerganj cannot be arranged.

(e) The Honourable Member is referred to replies to (a), (b), (c) and (d).

COMMISSIONS IN THE ROYAL AIR FORCE.

563. **Munshi Iswar Saran:** (a) Will Government be pleased to state the total number of officers holding His Majesty's Commission in the Royal Air Force and the Auxiliary Force?

(b) Will Government be further pleased to state the approximate number of officers holding His Majesty's Commission belonging to the British and Indian services that is expected to be reached by the end of the present year?

(c) How many Indians are expected to hold His Majesty's Commission by the end of the year 1921?

**Sir Godfrey Fell:** (a) There are 3,019 officers holding His Majesty's Commission in the Royal Air Force. The Honourable Member's question presumably refers to the whole Royal Air Force, and not to those units only which are serving in India. As regards the Indian Auxiliary Force, the number at present is 265.

(b) The estimated number is approximately as follows:

British Services	.	.	.	.	.	.	.	.	.	4,300
Indian Services	.	.	.	.	.	.	.	.	.	6,400

(c) Sixty-three.

SYSTEM OF FORCED LABOUR.

564. **Munshi Iswar Saran:** (a) Has the attention of Government been drawn to the articles of Mr. C. F. Andrews on the evils of the system of forced labour as it prevails in various parts of British India that have appeared in the public press?

(b) Are Government prepared to issue orders for its immediate and complete abolition?

**Mr. J. Hullah:** (a) The Government of India have seen certain articles by Mr. Andrews on the subject.

(b) The Honourable Member is referred to the answer which I have to-day given to Mr. Bhimrao Hanumant Rao Jatkari in reply to Question No. 537.

OFFICERS IN THE FOREIGN AND POLITICAL SERVICES.

565. **Munshi Iswar Saran:** Will Government be pleased separately to state the number of officers, British and Indian, in the Foreign and Political Services and whether it is prepared to introduce, in large numbers, at an early date, Indians into such services?

**The Honourable Dr. T. B. Sapru** (on behalf of the Honourable Sir John Wood): The answer to the first part of the question is to be found by reference to 'The Quarterly List of the Foreign and Political Department,' a copy of which is placed on the table. As regards the second part of the question, the Honourable Member is referred to my speech of the

15th instant in reply to his motion for reduction of the demand under Head 48—North-West Frontier Province.

566. **Munshi Iswar Saran** : Sir, I do not wish to put Question No. 566.

#### PUBLICATION OF RULES RE HIS MAJESTY'S COMMISSIONS.

567. **Munshi Iswar Saran** : Do Government propose to consider the question of publishing in the important newspapers, English as well as vernacular, of British India by the end of June 1921 all the rules regarding the grant to Indians of His Majesty's Commissions ?

**Sir Godfrey Fell** : Government will publish the conditions for admission of Indians to the Royal Military College, Sandhurst, by the date mentioned.

#### RAILWAY FREIGHT.

568. **Munshi Iswar Saran** : Will Government be pleased to state the railway freight per maund (1) from Allahabad to Karachi, (2) from Calcutta via Allahabad to Karachi, (3) from Allahabad to Bombay, and (4) from Cawnpore to Bombay ? If in any of these cases the freight for a shorter distance be greater than that for a longer distance, will Government be pleased to state the reason thereof ?

**Colonel W. D. Waghorn** : I presume the Honourable Member's question relates to goods traffic, and if he will say for what particular article or commodity he wishes to know the rates, the information will be supplied.

I might, however, explain that this information could have been obtained by reference to the Railway authorities concerned.

#### PROBLEM OF LANDLORD AND TENANT.

569. **Munshi Iswar Saran** : Will Government be pleased to state if it will appoint a commission to investigate the whole problem of landlord and tenant in India, to suggest practical steps by legislation or otherwise (1) to secure fixity of tenure to the tenants, (2) to place the law relating to enhancements of rent on a satisfactory basis and (3) to bring about generally an improvement in the economic condition of the ryot ?

**Mr. J. Hullah** : The Government of India do not propose to take any action of the kind suggested. Land Revenue Administration is a provincial subject and the initiative can best be left to the provincial Governments with reference to local conditions.

#### RECRUITMENT OF INDIAN CANDIDATES FOR THE INDIAN CIVIL SERVICE.

570. **Munshi Iswar Saran** : (a) Will Government be pleased to state if it is a fact that it is proposed to hold an examination in India for the recruitment of Indian candidates for the Indian Civil Service ? If so, will Government be pleased to state when the first examination will be held ?

(b) Have any rules on the subject been framed ?

(c) Will the curricula for the said examination be the same as for the examination held in London ?

(d) Will the Government be pleased to state if it intends to provide any special facility to students who may desire to sit for the same examination held in India?

**Mr. S. P. O'Donnell :** As announced in the Home Department Resolution, dated the 1st December 1920 (copies of which have already been laid on the table), one of the methods to be adopted in future for recruitment for the Indian Civil Service will be by separate competitive examination in India. It has been suggested that to hold the first examination of this kind should be held at centres in India in March 1922, but the details are still under consideration, and some time must elapse before they can be finally settled.

#### JUDICIAL COMMISSIONER'S COURT IN THE UNITED PROVINCES.

571. **Munshi Iswar Saran :** (a) Will Government be pleased to state if it has received any communication from the Government of the United Provinces regarding the raising of the status of the Judicial Commissioner's Court to that of a Chief Court?

(b) What will be the additional financial outlay for the establishment of a Chief Court in Oudh?

(c) Will Government be pleased to state if it has arrived at any decision on the point, and, if so, to what effect?

**Mr. S. P. O'Donnell :** (a) The answer is in the affirmative.

(b) The details of the scheme have not yet been worked out, so that it is not possible to state what would be the financial effect of the proposal.

(c) The matter is under consideration, and the Government of India are not in a position to make a statement at present. In any event, however, the scheme will not be carried into effect unless it secures the support of the Legislative Council of the United Provinces.

#### RE-UNION OF SYLHET WITH BENGAL.

572. **Rai G. C. Nag Bahadur :** (a) Are the Government of India aware that the people of Sylhet desire that their district should be united with Bengal and that they have been carrying on a persistent agitation for many years with a view to gaining this object?

(b) Do the Government intend taking steps to authoritatively ascertain the wishes of the inhabitants of the district in the matter of this union (preferably through their elected representatives on the Imperial and Provincial Councils) and to give effect to the wishes of the people, when ascertained?

**Mr. S. P. O'Donnell :** (a) and (b). The Honourable Member is referred to paragraph 13 of the Government of India's despatch to the Secretary of State of the 5th June. Memorials have been received in the past from a certain section of the inhabitants of Sylhet asking for the re-union of their district with Bengal, but Government are not aware of any general desire for a transfer to Bengal.

(c) and (d). The matter is one which primarily concerns the Local Government and the local Legislative Council, which contains elected representatives of the people of Sylhet. On the materials at present before them, the Government of India do not propose to take any action.

## EXPORT DUTY ON HIDES AND SKINS.

573. **Mr. M. K. Reddiyar**: Will the Government be pleased to state:

(a) what is the total amount of export duty realised on the Indian hides and skins, from the date of the introduction of the duty, up to date?

(b) whether it was not declared that the whole of this income is to be utilised for the development of the *tanning* industry of India?

(c) whether the whole or any part of this income has been spent towards this object?

(d) if not, whether any attempts have been made towards the development of this industry?

**The Honourable Sir Thomas Holland**: (a) The gross income derived from the export duty on raw hides and skins from the date of the imposition of the duty from 11th September 1919 to the end of February last was Rs. 1,49,06,000.

(b) and (c). No such declaration was made. My Honourable Colleague, Sir George Barnes, gave a promise in the Legislative Council on the 11th September 1919 that a suggestion made by the Honourable Mr. Crum (now Sir W. E. Crum) that a portion of the duty to be imposed should be set aside for schools of tannery and for propaganda work would be carefully considered. This promise was fulfilled. After careful consideration the objections to earmarking any particular item of revenue for expenditure on a particular object were found to be too strong to admit of the adoption of Sir Erskine Crum's proposal in the form in which it was made. At the same time, however, the Government of India recognised an obligation to consider favourably any scheme which might be put forward for the furtherance of the objects which Sir Erskine Crum had in view. The Government of India now have under preparation a large scheme for the assistance of the tanning industry, and it is only due to the exigencies of the present financial situation that they have not placed before the Assembly a demand for a grant on account of the scheme for the next financial year. It is their intention to propose such a grant at the earliest possible opportunity.

(d) Considerable stimulus was given to the tanning industry during the war by the late Indian Munitions Board, particularly in the direction of improving the quality of raw hides and skins, investigating the tanstuff resources of the country and encouraging the establishment of new tanneries. Generally speaking, the development of industries is now a provincial transferred subject, and it is therefore for the Ministers in the provinces to decide what assistance should be given to develop the tanning industry. In view, however, of the special importance of this industry the Central Government, as I have already informed the Honourable Member, have under preparation a scheme for the establishment of an all-India tanning institute, which they propose to locate in Calcutta and in which it is proposed to combine a tanning research institute, a tanning school, a demonstration tannery and a demonstration boot and shoe factory.

## SEPARATE ACCOUNT OF INCOME ON HIDES AND SKINS.

574. **Mr. M. K. Reddiyar**: Will the Government be pleased to state what steps they propose to take to keep a separate account of the income

realised from the duties on hides and skins and its appropriation for the purposes of the tanning industry?

**The Honourable Sir Thomas Holland :** A separate account is, of course, maintained of the income realised from the export duty on hides and skins. The Government also keep a separate account of any money spent on the development of any particular industry.

**WORKS ASSISTANTS IN NEW DELHI.**

575. **Mr. Piyari Lal Misra :** Will the Government be pleased to lay on the table a statement showing :

(i) the number of Works Assistants engaged in the works in New Delhi?

(ii) their nationality?

(iii) educational and professional qualifications.

(iv) length of service in each case?

(v) salary paid to each?

**Colonel Sir Sydney Crookshank :** (i) Seven at present.

(ii) British.

(iii) Nothing is known regarding their educational qualifications. Six of them were recruited in England by the Secretary of State at the request of the Government of India. The seventh was recruited in India. As regards their professional qualifications, every precaution was taken to obtain the best men possible. Each man is an acknowledged expert in his particular trade.

\*

(iv) and (v). The length of service and rate of pay of each are given below :

Name.	Length of service.		Rate of pay.
	Years.	Months.	Rs.
W. B. Cairns	6	10	650—50—850
F. G. Bowden	2	0	550—25—700
W. R. Grant	1	6	550—25—700
B. W. Mantle	1	4	550—25—700
H. F. Wilson	1	2	550—25—700
J. Munro	0	7	550—25—700
R. Baker	0	4	550—25—700

\*In accordance with the ruling which the Chair has just given, the replies to items (iv) and (v) of this Question are placed on the table.

## CO-OPERATIVE SOCIETIES ACT.

576. **Mr. Piyari Lal Misra**: Do Government propose to amend the Co-operative Societies Act, II of 1912? If so, when?

**Mr. J. Hullah**: The question of amending the Co-operative Societies Act, II of 1912, in the Central Legislature, in so far as territories other than the Governors' provinces are concerned, is at present under the consideration of the Government of India. In respect of Governors' provinces since Co-operative Societies are a provincial and transferred subject, the Government of India have decided to leave it to the provincial legislatures to effect such changes in the law as may be considered necessary.

## ELECTRIC LIGHTS IN AKBAR ROAD (RAISINA).

577. **Mr. Piyari Lal Misra**: Is it a fact that Akbar Road (Raisina) and roads adjoining thereto have no electric lights? Do Government propose to introduce electric lights there?

**Colonel Sir Sydney Crookshank**: Akbar Road, Raisina, has no electric road lights; nor have any of the roads adjoining it, with the exception of Queen's Way, Hastings Road and King George's Avenue. There are no funds from which the cost of erecting lights on these roads can be met. It is not proposed to provide any further temporary road lighting, but it is proposed to erect the permanent lighting when funds permit of its installation.

## OFFICE HOURS IN THE GOVERNMENT OF INDIA SECRETARIAT.

578. **Mr. Piyari Lal Misra**: (a) What are the office hours in the Government of India Secretariat at Delhi?

(b) Do some clerks work after office hours? If so, are they paid extra remuneration for doing so?

**Mr. S. P. O'Donnell**: (a) The office hours are not uniform in all Departments. They are ordinarily from 10-30 A.M. to 4-30 P.M. in most of the Departments, while in some they are from 10-30 A.M. to 5 P.M. Saturdays are observed as half-days. In one Department Wednesdays are also treated as half-holidays.

(b) Yes, whenever necessary. No extra remuneration is paid for such work except to the assistants in the Budget Section of the Finance Department who have been given a bonus in previous years for having to work very long after office hours during the Budget season.

## INCREASE OF HOUSE-RENTS IN THE DELHI CITY.

579. **Sheikh Abdul Majid**: Is Government aware that the landlords in Delhi City have been increasing the house-rents abnormally, causing great hardship to tenants; if so, does Government propose to introduce legislation for controlling and restricting house-rents in Delhi?

**Mr. H. Sharp**: Government is aware that rents have risen considerably in Delhi in the last few years. There has also been great activity in house building in and around Delhi City, in New Delhi, and in the recently planned City Extensions. This activity will be intensified in the next three or four

years when it is hoped that the supply will overtake the demand, and rents will fall in accordance with ordinary economic laws. It is not, therefore, at present contemplated to attempt to control or reduce rents by legislation.

**Mr. Eardley Norton :** Sir, may I make a personal explanation? When I spoke on Saturday last regarding the passage of the Finance Bill, I spoke on behalf of the Members on this side of the House to Members of the Government sitting opposite, in tendering them our thanks.

It has been said to me that I have conferred these thanks for their courtesy and their frankness to members of the Indian Civil Service alone. That was not my intention at all. I intended those thanks, not merely for those Members of Government who belong to the Indian Civil Service, but for all the Members of Government sitting opposite whether of that Service or not.

**Dr. H. S. Gour :** I should like to say, Sir, that that was also my intention.

#### REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE REPORT OF THE ESHER COMMITTEE.

**The Honourable Dr. T. B. Sapru :** Sir, I beg to present the Report of the Committee appointed to consider the recommendations of the Report of the Esher Committee. I lay it on the table.

##### *Report of a Committee appointed to consider the Report of the Esher Committee.*

We, the undersigned members of the Committee appointed to consider the Report of the Esher Committee and to make our recommendations thereon, have held six meetings and duly considered the Report.

2. Lieutenant-Colonel Herbert resigned his membership of the Committee on account of indisposition and was not present at any of our meetings. Mr. A. D. Pickford was appointed in his place and took his seat at the fourth meeting of the Committee.

3. The limited time at the disposal of the Committee has prevented them from going into the constitution of the Medical Services and the desirability or otherwise of the separation of the Civil Medical Service from the Army Medical Service. The Committee is, therefore, unable to express any definite opinion on the proposals of the Esher Committee in this behalf.

4. The conflicting calls of various legislative duties have prevented a full attendance of members at all meetings, but at each meeting a substantial majority of members were present. We are unanimous in our recommendations excepting that our colleagues, Mr. Samarth and Mr. S. Sinha, dissent from the recommendation embodied in proposed draft resolution II hereunder in so far as its proviso is concerned. Mr. Samarth, Rai Jadu Nath Majumdar Bahadur, Sir Jamssetjee Jeebhoy, Mr. S. Sinha and Lieutenant-Colonel Sidney dissent from the recommendation embodied in the proposed draft resolution III hereunder. Bhai Man Singh would prefer that proposed draft resolution VII should contain a proviso that, in selecting candidates for King's Commissions, regard should be had particularly to the interests of the classes that supply the greater number of men to the Army.

5. For the purpose of expediting the disposal of the subject in the Assembly and making it convenient for the members to propose any amendments or



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alterations we have embodied our conclusions in the form of resolutions to be moved in the Assembly.

6. Our recommendations are contained in the following draft resolutions :—

I. This Assembly recommends to the Governor General in Council :

(a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organisation, equipment and administration should be thoroughly up-to-date, and, with due regard to Indian conditions, in accordance with present-day standards of efficiency in the British Army so that when the Army in India has to co-operate with the British Army on any occasion, there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence the obligations resting on India should be no more onerous than those resting on the Self-Governing Dominions, and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Esher Committee :—

(1) That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and

(2) That the military resources of India should be developed in a manner suited to Imperial necessities.

II. This Assembly recommends to the Governor General in Council that the Army in India should not, as a rule, be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor General in Council in very grave emergencies, provided that this resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.

III. This Assembly recommends to the Governor General in Council that the absence of full responsible government in India, the differences in conditions between India and England, and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that, in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member of the Governor General's Executive Council, and that the Portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians, more or less on the model of the Army Council in England.

IV. This Assembly recommends to the Governor General in Council that if the Portfolio of Defence including Supply is not entrusted to a civilian member of the Executive Council as recommended above, the proposal of the majority of the Esler Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely, that the responsibility should be entrusted to a Surveyor-General of Supply, who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with military administration.

V. This Assembly recommends to the Governor General in Council that :

- (a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.
- (b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.
- (c) Appointments to the offices mentioned against Serial Nos. 3, 6, 7, 8, 10, 12 (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.
- (d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India and after advice obtained from the Chief of the Imperial General Staff. He should, *ex-officio*, have the status of a Deputy Chief of the Imperial General Staff, and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.

VI. This Assembly recommends to the Governor General in Council that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them ; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India :

VII. This Assembly recommends to the Governor General in Council :

- (a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's military, naval and air forces in India and the ancillary services and the auxiliary forces, that every encouragement should be given to Indians - including the educated middle classes—subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army, and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.

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- (b) That not less than 25 per cent. of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with.

VIII. This Assembly recommends to the Governor General in Council :

- (a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.
- (b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.

IX. This Assembly recommends to the Governor General in Council that, in the interests of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the Army should be fixed on an Indian basis with an overseas allowance in the case of British officers and with a similar allowance for Indian officers holding the King's Commission, when serving overseas.

X. This Assembly recommends to the Governor General in Council that, in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made :—

- (a) To organise and encourage the formation of an adequate Territorial Force on attractive conditions.
- (b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.
- (c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.

XI. This Assembly recommends to the Governor General in Council that officers in the Indian Territorial Force should have the rank of 2nd-Lieutenant, Lieutenant, or higher rank, as the case may be, and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the Commissions, and that officers in these two Forces should take rank *inter se* according to dates of appointment.

XII. This Assembly recommends to the Governor General in Council that no proposals for interchange of officers between the British and Indian Services should be carried out unless the following conditions are satisfied :—

- (a) That the cost to Indian revenues should not be thereby appreciably increased.
- (b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.
- (c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.

XIII. This Assembly recommends to the Governor General in Council that, having regard to the creation of two additional Commands in India,

the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.

XIV. This Assembly recommends to the Governor General in Council that, as soon as the external and internal conditions of India permit, the Governor General in Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon :

- (a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible government which has been declared to be the goal of British policy ;
- (b) The financial capacity of India to bear the burden of military expenditure ;
- (c) Her claim to equality of status and treatment with the Self-Governing Dominions ; and
- (d) The methods of recruitment to the commissioned ranks of the Indian Army.

XV. This Assembly recommends to the Governor General in Council that Anglo-Indians should be included in the terms 'Indian subjects' or 'Indians,' wherever such terms occur in the above resolution.

7. The Committee desires to express its deep sense of obligation to Sir Godfrey Fell for the most valuable assistance it has received from him throughout its deliberations, and to acknowledge the kind and helpful services of its Secretary, Lieutenant-Colonel Lascelles.

T. B. SAPRU.  
 SHAHAB-UD-DIN.  
 N. M. SAMARTH.  
 P. S. SIVASWAMY AIYER.  
 T. RANGACHARIAR.  
 JADU NATH MAJUMDAR.  
 JAMSETJEE JEEJEEBHOY.  
 H. S. GOUR.  
 S. SINHA.  
 MAN SINGH.  
 N. M. JOSHI.  
 J. N. MUKHERJEA.  
 P. P. GINWALA.  
 A. D. PICKFORD.  
 H. A. J. GIDNEY.

DEHLI :

The 19th March, 1921. }

### THE INDIAN EMIGRATION BILL.

**Mr. C. A. Innes :** Sir, I beg to ask that the introduction of the Emigration Bill may be postponed till later on in the day in order that the introduction may be made by the Honourable Sir George Barnes who is at present in the other Chamber.

**The Honourable the President :** I think the Honourable Member might move for leave to introduce the Bill and then move the adjournment of the debate.

**Mr. C. A. Innes :** Sir, I beg to move for leave to introduce a Bill to amend the law relating to Emigration.

I also beg to move that the debate on this Bill be adjourned until later on in this day.

The motions were adopted.

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### THE HINDU TRANSFERS AND BEQUESTS (CITY OF MADRAS) BILL.

**Mr. T. V. Seshagiri Ayyar :** Sir, I beg to move that the Bill to declare the rights of Hindus to make transfers and bequests in favour of unborn persons in the City of Madras be taken into consideration.

It is hardly necessary to explain to the House the reasons underlying this Bill again, as I fully explained everything that was necessary in connection with the Bill the other day; and the Statement of Objects and Reasons which I have appended to the Bill gives all the arguments which led me to introduce the Bill. I therefore move that the Bill be taken into consideration.

The motion was adopted.

**Lala Girdharilal Agarwala :** Sir, I wanted to move an amendment.

**The Honourable the President :** The Honourable Member is too late. I understood he was going to discuss the Bill. The Assembly has decided here and now to take it into consideration.

**Mr. T. V. Seshagiri Ayyar :** I move that the Bill be passed into law.

The motion was adopted.

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### THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**Rao Bahadur T. Rangachariar :** Sir, I beg to move for leave to introduce a Bill further to amend the Transfer of Property Act, 1882.

Honourable Members are aware that the Transfer of Property Act, 1882, deals with certain methods of transfer, and provides regulations for sales of property mortgages, gifts, etc.

It will be observed that section 54 of the Act provides that sales of immoveable properties of the value of one hundred rupees and upwards can only be made by a registered instrument. Section 118 relating to exchanges makes section 54 applicable to exchange transactions.

Section 107 relating to leases of immoveable property and for any term exceeding one year can be made only by a registered instrument. On the other hand, section 59 which deals with mortgages states that, where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested

by at least two witnesses. A similar provision is to be found in the case of gifts in section 123. Honourable Members will therefore see that there is a difference between the two forms of document, but in the case of sale, exchange and leases there is no clause required, as to the attestation by two witnesses at least, but in the case of mortgages and gifts the clause appears. Now the question which arises is, why should this difference be observed between the various classes of documents as regards the Transfer of Property Act? The question is becoming very important since the decision of the Privy Council in 35 Madras which I will refer to at once. The differences and inconveniences in the law happens to come into prominence only when such documents have to be proved or enforced in Courts of law. Sections 68 to 71 of the Indian Evidence Act deal with this subject of proof. Proof is one thing, but validity is another. Section 70 of the Evidence Act makes proof of a document required by law to be attested easy enough. So far as proof is concerned, there is not much difficulty for the mere admission of execution is enough. As to the validity of the instrument the matter is different. Now the theory of attestation and the reason for requiring a particular kind of proof is not, as is supposed, that proof by the attesting witness is the best evidence, but that he is the person appointed or agreed upon by the parties to depose to the circumstances attending its execution.

The real and essential object of attestation is stated to be 'protection against forgery, force, fraud or undue influence.'

The Privy Council decision in 35 Madras points out that attestation is intended by the Legislature as a 'safeguard which the law intended to impose against the perpetration of frauds' and as a 'barrier against perjury and fraud.'

But when we come to examine as to what is exactly necessary under the law as it is administered to prove a document required by law to be attested, we find anomalies arising, which I will at once point out. The substance is ignored and the form alone is adhered to. Reference may be made to a few decisions which were passed prior to the passing of the Privy Council decision in 35 Madras, notably to a case in 26 Allahabad, on page 69, where the learned Judges in holding that attestation in section 59 does not mean only attestation of the execution of the deed in the presence of witnesses, but includes also attestation after execution of the deed of the acknowledgment by the executant of his signature on the deed, and adverted to the social institutions of this country in which it may be extremely difficult, if not impossible, to obtain evidence of actual execution by a *Pardanashin* woman. But the Privy Council over-ruled that decision in 35 Madras. 'The person,' they say, 'must be present and see what passes and must actually see the hand moving.' Otherwise it is not valid attestation. In placing this strict and limited construction reliance is placed on the language of the old Wills Act under which, by virtue of the language used therein, it is pointed out that the witness may attest either on witnessing the actual execution or on acknowledgment by the executant as an alternative. It is now settled law that an attesting witness must witness the actual execution of the document. That is how they put it. Now, admission of the executant, though it is sufficient proof against him under section 70 of the Evidence Act, is not sufficient to render it valid unless the attesting witness is proved to have seen the actual execution. In a later case, in the Privy Council decision in 37 Allahabad 474, their Lordships held that the requirements of the law in that case were complied with on the facts. The attesting witnesses were well acquainted with the

[ Rao Bahadur T. Rangachariar. ]

voice of the ladies, and though they were seated behind a *pardah*, the witnesses recognised the ladies by their voices and they saw the hand moving through the chinks; and therefore, they held that it was sufficient. But in 45 Calcutta 753, the proof forthcoming was held insufficient where it was found that though none of the witnesses saw the executant, a *Pardanashin* lady, sign it, her son took the document to his mother for signature and said it had been signed by her. The words used in the Transfer of Property Act being 'attested and not acknowledged' the Court held that that was not sufficient proof.

In a very curious case in Madras, in 17, Madras Weekly Notes, 583, their Lordships, Justice Sadasiva Ayyar, who has considerable experience in these matters, and Justice Spencer, who is also an experienced Judge, said that even where the defendant admitted execution of what purports to be a mortgage, they were bound by the Privy Council decision and held that the transaction would not be a valid mortgage if the defendant did not admit that it was attested by two witnesses, who saw him execute it, or if it is not proved that it was attested by two witnesses who saw the execution, that is, the hand moving. If perchance the witnesses though present were absentminded or did not recollect having seen the actual execution though they honestly believed it was so executed, such testimony would not be enough. Section 71 of the Evidence Act, as I have already stated, provides in such cases for proving execution. But proof and validity are two different things. The rigour of the law is such that it is held that the mark or signature must have been affixed in the presence of the witnesses. In another curious case in 25 Madras Law Times, 20, it was found that the two witnesses actually saw the execution of the mortgage by one executant—the document was executed by two people—the other man was in jail. These two witnesses went to jail to witness the execution of the deed in the jail by the convict. They went there, they saw the other man execute the document, but they did not attest again, although the document was signed by both the executants in the presence of the witnesses, the two witnesses having attested before the other man signed the document. The Court held that so far as the co-executant was concerned, there was no valid mortgage, and therefore no relief could be given.

The Legislature has therefore imposed very stringent conditions in the case of a mortgage. The question now for consideration is whether any change in the law is necessary? If the provision as to attestation is intended to be a safeguard against fraud and perjury, such a protection is no more necessary in the case of mortgages and gifts than in the case of sales. The anomaly of the position becomes clear when we see that a mortgage, say for Rs. 100, is regarded as a more solemn transaction and requires a stronger and stricter form of execution than a sale of lands worth several lakhs of rupees. The law is supposed to assume that the parties have agreed that the attestors are to be the witnesses for the transaction. Why such an assumption is necessary or useful only in the case of a mortgage it is difficult to see? The provision is clearly not justifiable on the ground of logic, and the Legislature saw this and in Act XVI of 1917 a palliative measure was adopted so far as the United Provinces were concerned. By that enactment it was enacted that mortgages or gifts executed before 1915 are valid though the witnesses did not see the executant sign the document, provided that the witnesses received from the executant a personal acknowledgment of the same. My view, Sir, is that this does not go far enough. The formalities in the law are so strict that it is very doubtful if the ordinary litigant or executant of a

document at all realises that there is any difference between sales and mortgages. The matter becomes of practical importance only when the matter comes into Court. In the case of *Pardanashin* ladies, real hardships are caused, and the case in 45 Calcutta 740, which I have already referred to, illustrates this clearly. And in 14 Calcutta Weekly Notes 168 their Lordships of the Calcutta High Court say that a strict interpretation of the word 'attest' would upset a frequent practice in cases of execution by *Pardanashin* ladies and in many cases would make attestation of signatures almost impossible.

The necessity for attestation in English law seems to be based on historical reasons, and the introduction of such a thing in India for the documents in question is wholly anomalous. Even in regard to wills, acknowledgment of execution is enough. Uniformity in the law as regards the various provisions is highly desirable. It cannot be said that mortgagors are now practically protected by this safeguard. Cases of undue influence and fraud are as common or as rare in the case of mortgages as in the case of sales. But the procedure in this country relating to registration affords ample protection and safeguard against such practices and also secures due publicity. It is true the Privy Council in 35 Madras 317 do not lament the strictness of the law, but say that 'the social institutions of the country make it necessary that these barriers against perjury and fraud should not be removed'. But one may venture to differ from that august body at least in this Assembly. If the executant intended to and did execute the mortgage recited in the deed, and if the execution is acknowledged openly before, and vouched for by, public officers of the standing of Sub-Registrars, that ought to be a sufficient protection against any perjury or fraud. Moreover, the transactions come to be investigated in Courts long after they took place, Honourable Members will remember that the period of limitation for mortgages is 60 years and when a plea is taken of no valid execution, after the original parties to the transaction are dead or are not available, just claims stand serious risks of being negatived unless the parties are able to secure false evidence. Even if the attesting witnesses are present in the room and they are careless enough to be non-observant and though there is no earthly doubt as to execution, if they did not actually observe the hand moving, the document is invalidated. Where we have an elaborate machinery provided for getting documents registered by responsible public servants, such artificial safeguards are altogether uncalled for and unmeaning. If the executant does not appear to admit execution elaborate provision is provided by section 33 to secure a duly authorised person to admit execution. What is the guarantee that if a man is prepared to practise a fraud he will not arm himself with two witnesses to see to the execution or to swear they saw the executant sign? Any two witnesses are enough. No qualification is imposed by law. It is an illusory safeguard against fraud, undue influence or coercion. On the other hand, it encourages false defences and offers a premium to perjured evidence and imposes conditions which are very difficult of fulfilment. I have known cases where a careless pleader's omission to ask the attesting witness the exact question has been taken advantage of in appeal and the validity of the document impugned, because there is no evidence that they actually saw the executant sign. The Act of 1917 does not go far enough. It does not apply to all provinces, though it may be made applicable. The existing law makes an unnecessary and unmeaning distinction between the various classes of transfer *inter vivos*. It is not in conformity with the actual practice in the country. Oftentimes witnesses are called in to attest after execution and they



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are perforce compelled to say that they saw the execution, when in fact they did not.

I beg leave to introduce the Bill.

**Dr. H. S. Gour :** While I fully sympathise with the mover of this Bill in his effort to stamp out a growing evil, I do not think that the remedy he has proposed will stop the evil at all. Sir, the subject of law is always an unsavoury subject in a mixed audience of lawyers and laymen. But I shall very briefly state, for the information of this House, what the defects are which the Honourable Mover seems to remedy. The Transfer of Property Act recognises five classes of transfers. I give them in their more logical order than they occur in the Transfer of Property Act. The first class of transfer is a sale where a property is sold outright in favour of the purchaser or vendee. Akin to the sale is a gift where a property is given away without any consideration. Next comes in exchange where one property is transferred in exchange for another property. Then come two other classes of transfer, namely, leases and mortgages. A lease, as everybody knows, is the creation of a limited right over one's property in favour of another, and a mortgage is also the creation of a similar right in which the remedy is very often postponed. Now the Transfer of Property Act, as at present constituted, requires that there should be no attesting witnesses to evidence a sale, it being an out and out transfer of property and rights, past and present, that the vendor had to give in favour of the purchaser, and the Transfer of Property Act therefore does not require the presence of two attesting witnesses for the purpose of effecting a valid conveyance. The same law holds good in the case of exchange, but when we come to a gift the law lays down—and lays down in very unmistakable terms—that it requires two attesting witnesses to validate a deed of gift. I advert to these facts because, as Honourable Members will presently see, if the Honourable Mover's Bill is logical, all his arguments applicable to the case of a mortgage apply equally to the case of a gift and while he seeks to remedy a defect in section 59 of the Transfer of Property Act, he leaves alone . . . . .

**Rao Bahadur T. Rangachariar :** I have moved for amending both.

**Dr. H. S. Gour :** I see. He also seeks to amend section 123 of the Transfer of Property Act dealing with gifts. Now, Sir, so far as the mortgage is concerned, it is perfectly true that till the decision of their Lordships of the Privy Council the High Courts in India were divided, and sharply divided, on the subject of what constituted attestation. According to one view, a person was a competent attesting witness if he subscribed his name to a document after having seen with his own eyes the executant or the mortgagor signing his name in his presence and in the presence of his co-attesting witnesses, and if he did not see the mortgagor sign in his own presence and in the presence of his co-attestor, the whole mortgage-deed was considered invalid. According to the other High Courts the view was that it was not necessary for the purpose of a valid mortgage that the attesting witnesses should have actually seen the executant affix his signature in their presence. It would be sufficient if, half a moment after the attesting witnesses were called in to subscribe their name, the executant admitted to them that he had affixed his signature to the mortgage-deed. In the conflict of the law, a case went up to their Lordships of the Privy Council and in a

considered judgment their Lordships ruled in favour of the first view, that is to say, their Lordships of the Privy Council adopted the narrower construction of what constitutes attestation within the meaning of section 59 of the Transfer of Property Act, and the result of this narrower construction has been, as pointed out by the Honourable Mover, that the price of attesting witnesses has gone up by leaps and bounds. It has led to an increase of perjury to an alarming extent. I have known cases in my own practice where persons were made to write 'Signed by A. B. the mortgagor in my presence' and afterwards when they were called upon to depose they said 'Yes, they have written so, but all this is simply a reproduction of what the mortgagor said. He said 'I have signed. It is as good as my signature. The mortgage-deed is executed by me. You can subscribe to it and I have done so.' In other words, the result has been that a number of suits founded upon a good mortgage have been thrown out by the Courts, and the first thing that a litigant now does before launching a suit on his mortgage is to make sure that his attesting witnesses are loyal to him and it leads to an amount of perjury and subornation against which the Act of 1918 to which the Honourable Mover referred in his opening speech was intended to give some relief. Now, Sir, two courses are open to this House: The first is to do away with the attestation clauses altogether, both in the case of a mortgage, as well as in the case of a gift, and the second thing is to assimilate our law to the Act of 1918, that is to say, legalise the second view which was taken by the High Court and overruled by the decision of the Privy Council; and the question before the House is, which of the two courses should be adopted. Now the Honourable Mover says adopt the first course, namely, do away with the attestation altogether. My submission is it would not satisfy the ends of justice. The better course that appeals to me is that we must assimilate the present law to the law of 1918 and enlarge the provisions of section 59, and, if necessary, also of section 123, by legalising an attestation in the second sense to which I have just adverted. We—I and the Honourable Mover—therefore are at cross-purposes, not upon the evil which he has very clearly pointed out, but upon the remedy which that evil is intended to control and check, and it is upon this point, therefore, that I wish to address this House.

The Honourable Member has pathetically mentioned the case of *Pardanashins* and said that in the case of a *Pardanashin* lady it is almost physically impossible for the attesting witnesses to see the fair hand affixing its signature to a deed, and the result therefore of the existing law is that *Pardanashin*, by the very necessity of the case, are disqualified to execute deeds of mortgage and of gift. He has further pointed out that registration in any case is a sufficient safeguard against any evil of a deed being executed by imposition or fraud. Now, Sir, I wish to address you on these two questions.

As regards the *Pardanashin* lady, it is perfectly true that in some cases it has been laid down that unless the attesting witnesses have actually seen a *Pardanashin* lady affixing her signature to a deed, it is not a sufficient attestation. But it is equally true that the contrary has been laid down more recently by their Lordships of the Privy Council. But whether the view of the Privy Council inclines to one or the other view is not really the main question. The question before us is: Shall we do away with the attestation clause altogether, and, if we do away with that clause, shall we have done away with the evil from which the country suffers? Now, I submit that my Honourable friend, the Mover of this Bill, has not

[ Dr. H. S. Gour. ]

taken sufficient account of the peculiar nature of a deed of mortgage and a deed of gift. He has pointed out that in the case of a mortgage, the period of redemption may be as much as 60 years, and what a person mortgages may be redeemed or foreclosed years and years after he is gathered to the majority. Now in that case it is essentially necessary that beyond the mere fact of registration, there is some safeguard against imposition and fraud, not to mention undue influence, and in England as well as in all other civilised countries, so far as I am aware, the only check that the law affords is that two respectable witnesses shall attest the deed and be ready and willing to swear that they were present at the time of execution, and can testify to all the attendant circumstances. Now, how can the mere fact of registration do away with the necessity of this? All that the Registrar is called upon to do under the Registration law is to see that the executant admits the execution of the deed. It has been laid down in several cases that it is not the duty of the Registrar to hold an inquisitorial inquiry into the mental condition of the executant, or the circumstances reflecting upon the validity of the deed. His sole duty is to satisfy himself that the mortgage or deed was executed and its execution admitted by the executor. That is all that the Registrar is called upon to do. That is all the Registrar is bound to do. That is all the Registrar in the generality of cases actually does in practice . . . . .

**The Honourable the President:** I am not quite sure at what stage of his argument the Honourable Member is, but I may remind him that the standing order, under which the introduction of a Bill may be opposed, admits a brief explanatory statement by the introducer of a Bill and by the Member opposing. I allowed the Honourable Member, who moved for leave to introduce, a period a little shorter than the Honourable Member is now opposing the Bill. I think his time has expired. However, if he requires a minute or so to complete his argument, I will give him a minute but not more.

**Dr. H. S. Gour:** I hope, Sir, that I shall be able to complete my opposition to the Bill in a very short time. It is a technical subject and the Honourable Members of the House are anxious to listen to me, and I hope you will stretch the point a little.

**The Honourable the President:** No doubt it is a technical subject, but on a motion for leave to introduce, it is not permissible to go too deeply into the technical details of the subject. If a Member wishes to oppose the introduction of a Bill, the rule clearly indicates that the opposition must be on the ground of broad principle and not on a distaste for this or that detail in a Bill. That is why the discussion is restricted to a brief period.

**Dr. H. S. Gour:** Yes, Sir, I am confining my remarks entirely and solely to the principle of the Honourable Mover's Bill.

Now, I shall just point out that so far as the attendant circumstances relating to execution are concerned, they can only be known to persons who are present at the time of execution, and therefore the presence of two attesting witnesses is essentially necessary. Now, in the case of a gift it is absolutely necessary that there must be two attesting witnesses. A *Pardanashin* woman may be imposed upon by her relations or by her friends, and she may affix her signature to a deed, the contents of which she does not understand. She may go before the Registrar, and on her answer to the single question

'Have you put your signature or not to the deed?', which will be 'Yes', the deed will be executed, and all that she has signed away under the deed of gift will pass to the donee, though the lady may be oblivious of all that has taken place and of all that is written in the deed. I therefore submit that on first principles it is absolutely essential that both the mortgage as well as the gift must be attested, and on that ground I oppose the Honourable the Mover of the Resolution which does away with the attesting witnesses altogether.

**Mr. T. V. Seshagiri Ayyar** : I rise to a point of order, Sir. Is it necessary that everyone who rises to speak now must only rise to oppose the motion, or can he rise to meet the arguments advanced against the introduction ?

**The Honourable the President** : If Members will refresh their memories, they will remember that I laid it down as the interpretation of Standing Order 37, at an early period in this Session, that that is to have the same effect as what is known as the 10 minutes rule in the House of Commons, under which the Member introducing a Bill makes 'a brief explanatory statement' (those are the words of Standing Order 37) and all that is permitted thereafter is a similarly brief explanatory statement from a Member who wishes to oppose the Bill. In point of fact, I think the Speaker of the House of Commons has actually laid down that he will not call on a Member to oppose the Bill unless the Member wishes to oppose the Bill to the extent of dividing the House against it. I repeat that ruling. Therefore this stage came to a close when Dr. Gour resumed his seat.

The question I have to put is :

'That leave be given to introduce a Bill further to amend the Transfer of Property Act, 1882.'

**Mr. J. Chaudhuri** : Sir, may I rise to a point of order ? I think Dr. Gour will withdraw his opposition if the Member agrees to circulate the Bill, and in that case we need not press this to a division.

**The Honourable the President** : This is only a motion for leave to introduce the Bill. It is the first of several stages. If Dr. Gour wishes to oppose the introduction, he is perfectly at liberty to do so ; but in another 1½ minutes I shall put the question again and perhaps he will take that minute and a half to consider whether he wishes to put the House to the trouble of a division.

**Mr. Amjad Ali** : With your permission, Sir, I will say this much only that Dr. Gour, after the introduction of this Bill, has spoken something quite irrelevant.

**The Honourable the President** : It is very irregular to address the House during the process of a division. Points of order are allowed, but they should be strictly related to the issue before the House, which is whether a division should be taken or not. If any irregularity occurs during the taking of the division, then it is the duty, of course, of Members to draw the attention of the Chair to it ; but any other form of addressing the House is irregular and will be ruled out of order.

The question is :

'that leave be given to introduce a Bill further to amend the Transfer of Property Act, 1882.'

The motion was adopted.

**Rao Bahadur T. Rangachariar** : I beg to introduce the Bill.

## THE INDIAN FACTORIES (AMENDMENT) BILL.

**The Honourable the President:** I have received a message from the Secretary of the Council of State :

' I am directed to inform you that the message from the Legislative Assembly to the Council of State, desiring its concurrence in the Resolution to the effect that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members, was considered by the Council of State at its meeting to-day, and that the Resolution was concurred in by the Council of State.

### COMPOSITION OF JOINT COMMITTEE.

The following members of that body were nominated to serve on the Joint Committee, namely :—

- The Honourable Sir Alexander Murray.
- The Honourable Sir Maneckji D adabhey.
- The Honourable Mr. Lalubhai Samaldas.
- The Honourable Mr. W. G. Kale.
- The Honourable Mr. Monorieff Smith.
- The Honourable Mr. A. C. Chatterjee.

**The Honourable Sir Thomas Holland :** Sir, I beg to move :

' That the following members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Factories Act, 1911, namely :—

- Mr. N. M. Joshi.
- Mr. Jamnadas Dwarkadas.
- Mr. Seehagiri Ayyar.
- Mr. Rahimtoola Currimbhoy.
- Rai Bahadur Bishambar Nath,
- and the Mover.'

The motion was adopted.

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## THE INDIAN EMIGRATION BILL.

**The Honourable the President:** We will resume the debate on the motion for leave to introduce a Bill to amend the law relating to emigration.

**The Honourable Sir George Barnes:** Sir, I understand that during my unavoidable absence this morning you were good enough, with the concurrence of the House, to adjourn this debate for my convenience. May I first, Sir, tender my best thanks to you and to this House for their courtesy ?

I want first to make it clear that we do not wish to proceed with this Bill during the present Session. Our only object is to introduce the Bill, to lay it on the table of the House, and invite criticisms both in the public press and elsewhere, until the next Session, when I shall be no longer here to take charge of the Bill, but my Honourable friend and colleague Mr. Sarma will see it through its remaining stages. You will see, Sir, that the proposal is to repeal the old Emigration Act and to substitute a new Act. This course has been taken instead of making the necessary changes by means of an

amending Bill, because the necessary amendments are very substantial and because as I think every Honourable Member will agree, it is more convenient to have all the law on the subject in a single Statute. Legislation by reference to another Statute is always confusing, and in this case it is easy and seems wise to avoid it.

I propose first to try to explain why legislation of some kind is necessary at the present time. Then I will refer to the main features of the Bill, and lastly, I should like to lay before this House the general lines of policy with regard to Indians overseas which Lord Chelmsford's Government have endeavoured to follow.

To deal with the first of these three points;—indentured emigration, as every Honourable Member of this House is aware, is dead, but it is necessary to safeguard ourselves against its resurrection in any form. Indentured emigration was killed in 1917, but the weapon by which it received its death blow was not a Statute, but a Rule made under the Defence of India Act. The Rule is still in force because the war has not yet officially come to an end, but the Defence of India Act cannot look for much longer life, and the Rules which were made under the Act will of course expire when the Act itself comes to an end. If the Rule of which I have spoken did not stand in the way, indentured emigration would still be lawful under the Emigration Act. I have said enough, Sir, on this point to convince Honourable Members that some step must be taken in the near future to make the position secure when the Defence of India Act expires. There must be some new enactment to take the place of the existing Rule. I am well aware that there are some people in this country who are opposed to emigration altogether, and would like to keep every Indian in India. This attitude is due partly to the disabilities to which Indians have been, and are still, frequently subjected overseas, and partly no doubt to the old religious objection to crossing the water. Those who would prohibit emigration of every kind are, I believe, only a small minority in this country, and I believe the views of that minority to be ill-founded and wrong. History tells us that no nation has ever been really great in the world which tried to keep all its nationals within its own borders. No people will flourish who are content to shut themselves up inside a ring fence. If this view, which I believe to be sound, is accepted by Honourable Members, I think that they will also accept the view that, for the present at all events, it is necessary to place some control on the emigration of unskilled labour so as to prevent, as I said before, any possibility of the revival of indentured emigration. In the Bill which Mr. Innes seeks to introduce we have tried to frame safeguards for the help and protection of would-be emigrants in this country and for their help and protection in the land of their adoption. I do not propose to go through the Bill clause by clause, for that is done in the Statement of Objects and Reasons, attached to the Bill. I believe that it will be more helpful to Honourable Members and save the time of this House if I refer only to the clauses which seem to me to be vital. The class of workers which most needs help and protection is obviously that of the unskilled worker, and in this category the agricultural colonist is included, and with regard to him the most important protection the Bill affords is to place in the hands of the Indian Legislature the power to decide in each case whether the emigration of unskilled workers should be permitted or prohibited. The machinery with which we propose to attain this end is contained in clause 10 of the Bill. The first half of that clause declares that emigration for the purpose of unskilled work shall not be lawful except to such countries and on such terms and

[Sir George Barnes.]

conditions as the Governor General in Council, by notification in the Gazette of India, may specify in this behalf. The notification will be the formal act, but the power will rest with the Council of State and the Legislative Assembly, for by the latter part of clause 10 it is declared that no notification shall be made unless it has been laid in draft before both Chambers of the Indian Legislature and has been approved by a Resolution of each Chamber, either without modification or addition, or with modifications and additions to which both Chambers agree. The net result of this clause of the Bill is that emigration of all unskilled labour will be forbidden unless and until both Chambers of the Legislature agree that the door should be opened. This will give the two Houses of the Legislature opportunities to scrutinise each scheme and opportunities also to lay down such conditions as they may in each case think necessary in the interests of the emigrants. It would, for example, be within the powers of the two Houses of the Legislature to refuse approval to any scheme of emigration of unskilled workers to any country, where Indians do not enjoy the same political rights as other classes of His Majesty's subjects. By these means we hope that the status of the unskilled emigrant will be improved, and with the improvement of his status will follow an improvement in his material condition. I am glad to put it on record that we firmly believe that the power which the Bill proposes to put into the hands of the two Houses of the Legislature will be exercised wisely and prudently. I should like also to put it on record that we think that the policy ought to be not only to permit, but even to encourage, emigration to countries where Indians enjoy the same political rights as other classes of His Majesty's subjects. In this way we shall find an outlet for our surplus population and open up a more prosperous career for our depressed classes. In this way we shall extend our commercial and economic influence, and last but not least, we shall give Indians a wider outlook on the world generally.

There is another clause, Sir, of real importance to which the special attention of this House should be called. Under clause 7 power is taken to appoint agents of the Government of India overseas—I am glad to see a smile of approval on the face of Sir Sivaswamy Ayyar. Of course, this power can only be exercised with the permission of each Government concerned. We have no reason to believe that the appointment of an agent to the Government of India in the various places where there is a large Indian population, would be deprecated by any Government, but, on the other hand, we have some evidence that it would be welcomed. These proposed agents would of course take their instructions from, and be answerable to, the Government of India only. The duty of the agent would, I take it, be first to keep the Government of India informed of all matters which affected the welfare or status of the Indians under the Government to which he was accredited. He would further of course be at the service of any members of the Indian community who might wish to seek his advice.

This is an entirely new proposal and one which, I believe, will command the approval of the people of this country and will be welcomed by the Indians who have sought their fortune abroad.

What I have said so far concerning the control to be placed on emigration applies to unskilled emigrants. It is the unskilled workers who require the greatest measure of help and protection from the Government, and the Bill endeavours to give it to them. The skilled worker is in a very different

position to the unskilled worker. He is much more capable of looking after his own interests, and consequently requires less help and protection from the Government. At the same time we feel that the emigration of the skilled worker should be under some measure of control, and that the Government should give him some measure of protection. Those who have studied the Emigration Act of 1908 will remember that Chapter XI dealt with the emigration of skilled workers. Its provisions have worked well in the past, and we propose to preserve them in the new Bill. You will find the measure of control which we propose should be applied to skilled workers in clause 16 of the Bill, which provides that whoever desires to engage, or to assist, any person to emigrate for the purpose of skilled work, shall apply for the permission of the Local Government having jurisdiction at the port of departure, and shall state in his application certain information including particulars of the accommodation to be provided before leaving India and during the voyage, the provision to be made for the health and well-being of the skilled worker during the period of the proposed engagement and for the return journey at the end of the engagement. Further, the terms of the agreement must be set out and security given for the due observance of the agreement and generally for the proper treatment of the worker.

We believe that this machinery will prove in the future, as it has in the past, effective for the protection of the skilled worker. The decision whether the skilled worker should be allowed to proceed or not is under the Bill left to the Local Government, which has the advice of the Protector of Emigrants with regard to each individual skilled worker who wishes to leave the country.

The Bill, I may mention, also gives the Governor General in Council power in clause 21 to prohibit emigration of skilled workers to any country, if it appears that sufficient reasons exist for prohibition. By these means we believe that both the unskilled and skilled worker will be efficiently protected. The Bill does not provide for any control over free emigration, that is to say, cases where the emigrant wishes to leave India without any assistance from anybody. It would, we think, be wrong to endeavour to hamper or control free emigration. It would be an unjustifiable interference with the liberty of the subject. No nation, so far as I am aware, controls free emigration. Free emigration presupposes a certain amount of intelligence, money and enterprise, and in cases of this kind we think we ought to leave the individual to decide for himself.

These, Sir, are the main principles of the Bill on which we invite criticism, but before I sit down I want to refer, as I stated at the outset, to the general lines of policy, with regard to Indians overseas which have guided Lord Chelmsford's administration during the past five years. In March 1916, Lord Hardinge just before he left this country made his announcement that indentured emigration ought to cease, but, at the same time, made it clear that he thought that—

- 'The existing system of recruiting must be maintained until the new conditions under which labour should be permitted to proceed to the Colonies should have been worked out in conjunction with the Colonial Office and the Crown Colonies concerned; until proper safeguards in the Colonies should have been provided; and until they should have had reasonable time to adjust themselves to the change;—'

a period which Lord Hardinge said must necessarily depend on circumstances and conditions imperfectly known at the time of his speaking. Lord Hardinge, in the speech to which I am referring, expressed his confidence tha



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as the policy of the abolition of the system of indentured emigration had been then finally accepted and would be carried out, India could afford to accept the necessary delay in a reasonable and generous spirit. We, Sir, are glad to think that India had not to await as long even as Lord Hardinge apparently anticipated, and still less had she to wait for the period of five years which others at that time thought would be necessary. As I have already told this House, indentured emigration came to a final end the following year,—in 1917. This was an important event, for no one who has studied the subject can doubt that the status of Indians generally has suffered by the emigration policy of the past. People who had no knowledge of India have in many cases been led to think that the indentured labourers were a fair sample of the Indian people. They knew nothing of our Universities, of our men of learning, of our merchant princes or our captains of industry. If we can once put our emigration policy on sound lines, we shall do something towards improving the status of Indians in every part of the world. The relations between India and the Dominions, I am bound to acknowledge, have never been quite satisfactory, but now that India has been admitted an equal member of the Imperial Conference and her representatives take their seats in the great Council of the Empire, I feel that there are strong hopes for the future. There has already been some improvement, and I confidently look for more.

At the Imperial War Conference of 1917, Mr. Chamberlain moved a Resolution in favour of reciprocity of treatment between India and the Self-Governing Dominions, and in the course of his opening speech said—

' We are anxious that the entry of India into these Conferences should pave the way to a better understanding between India and the other Dominions, and we hope that in time with that better understanding and with patience and forbearance on both sides we may arrive at a solution of some of the difficulties which we have hitherto been unable to solve.'

At this meeting the principle of reciprocity was supported by Lord Sinha and by all the representatives of the Self-Governing Dominions, and at the Imperial War Conference held in 1918 the question of reciprocal treatment was again brought up by Lord Sinha, and a valuable memorandum, which has since been published, relating to the disabilities of Indians overseas, was laid by him before the Conference. On Lord Sinha's motion a Resolution was passed which makes it perfectly clear that the right of India is recognised to enact laws having the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting and residing in India as those imposed on Indians desiring to visit and reside in such countries.

After the passing of this Resolution, the Government of India of course considered anxiously and carefully whether legislation in this country on reciprocal lines would be a wise step, in other words, whether legislation would result in any material benefit to India or the Indians overseas. We came to the conclusion that legislation would not help us towards our goal. Any legislation undertaken would of course in some way or other restrict the coming to this country of Australians, Canadians, South Africans and New Zealanders with the intention of residing and settling here. So far as I know, we have hitherto had no immigrants from the Dominions with the object of settling in India. Nor are any immigrants likely to present themselves, for climatically the country is not suited for settlement by persons whose home is in the higher latitudes. Restrictive legislation would consequently be in a great measure

futile. Though futile any such legislation would nevertheless have a flavour, something more than a flavour of retaliation about it. History tells us that retaliation is seldom a successful weapon, even when it injures the person against whom the retaliation is directed, and I think that it follows that a measure which has the disadvantages of retaliation but at the same time is incapable of inflicting an injury, is a weapon which the wise man will refrain from using.

What we want are better relations with the Dominions. We want a full recognition of equality and of citizenship, and I submit that pin-pricks will not help us to that end. We should prefer to build on firmer foundations,—the foundations of mutual good-will and respect. Each year of late we have made some progress, but I am bound to acknowledge that the progress has been slow. The progress, however, is real, and will continue, especially if India continues to send her best men to the great Councils of the Empire, men like Lord Sinha and Mr. Sastri, who are capable of holding their own with the first statesmen of the Empire. The sending of Sir Benjamin Robertson and Mr. Corbett by the Government of India to South Africa in order that they might place the case of the Indians settled there before the South African Commission has, I am sure, been fruitful of good results by the removal of misconceptions and the creation of a better understanding in a part of the world where the difficulties of Indians have been most acute. The very full statement made by Sir Benjamin in South Africa has just been published, and I commend it to the study of Honourable Members. Sir Benjamin and Mr. Corbett, as Honourable Members know, also visited Tanganyika, British East Africa, and Uganda, with equally good results, for we have thereby got an accurate knowledge of the grievances of the Indians settled in these places, and we know that their visit has had the effect of putting fresh heart into these Indians and of making them realise that their mother country has not forgotten them.

Throughout his term of office His Excellency the Viceroy has worked strenuously and persistently for the uplifting of the status of India and of Indians, and I venture to think with some measure of success. So far as India herself is concerned, she is now admitted as a member of the British Empire on an equality with the Dominions, and the voice of her representatives will have the same weight as the representatives of the Dominions at the Great Council which will take place next June, and I may remind you, Sir, that the position of Indians in other parts of the Empire has, at the request of the Viceroy and of his colleagues, been placed on the agenda for discussion at this great meeting which is to take place this summer. With regard to the recognition of the status of Indians, we have made progress, and shall make further progress. Rome was not built in a day, and the progress may not be as rapid as we could wish, but our goal must continue to be the admission of Indians throughout the Empire to all the rights and all the privileges of British citizens.

**The Honourable the President :** The question is :

'That leave be given to introduce a Bill to amend the law relating to emigration.'

The motion was adopted.

**Mr. C. A. Innes :** Sir, I now introduce the Bill.

The Assembly then adjourned for Lunch till Ten Minutes past Two of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes past Two of the Clock. The Honourable the President was in the Chair.

**RESOLUTION RE: EXPORT DUTY ON TEA.**

**Srijut Debi Charan Barua:** Sir, there is a Resolution\* about the abolition of the tea duty standing against my name. In view, however, of the decision arrived at by the House on Friday last regarding the proposed abolition of the tea export duty, I do not mean to press this Resolution now and would only desire that the House will abolish the duty as soon as opportunity offers. Accordingly, I withdraw the Resolution for the present.

2-10 P.M.

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

**Mr. N. C. Sircar:** Sir, I do not move my Resolution.†

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

The Assembly then adjourned till Wednesday, the 23rd March 1921.

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\* 'This Assembly recommends to the Governor General in Council to be so pleased as—

- (a) to abolish the export duty on tea at the rate of Rs. 1-8-0 per 100 lbs. forthwith;
- (b) to give financial help to such tea gardens as may be unable to get any from the established Banks either directly or otherwise till the recovery of the industry.'

† 'This Assembly recommends to the Governor General in Council that he be pleased to withdraw the embargo on exports of foodgrains and coal from the country as on and from 1st April, 1921'.