

Tuesday, 27th May, 1924

THE
COUNCIL OF STATE DEBATES

(Official Report)

Volume IV, Parts II & III:

(27th May 1924 to 9th June 1924)

FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924.



CALCUTTA : GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1925

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Council of State.

The President :

THE HONOURABLE SIR MONTAGU BUTLER, KT., C.B., C.I.E., C.V.O., C.B.E.

Panel of Chairmen :

THE HONOURABLE SIR MANECKJI DADABHOY, KT., C.I.E.

THE HONOURABLE SIR ZULFIQUAR ALI KHAN, KT., C.S.I.

THE HONOURABLE SIR ARTHUR FROOM, KT.

THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI, P.C.

Secretary :

MR. G. H. SPENCE, I.C.S.

Assistants of the Secretary :

MR. W. T. M. WRIGHT, C.I.E., I.C.S.

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

Committee on Petitions :

THE HONOURABLE MR. PHIBOZE C. SETHNA, *Chairman.*

THE HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH,
C.B.E., OF DUMRAON.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN, K.C.I.E.,
C.B.E., M.V.O.

THE HONOURABLE SIR ANNAMALAI CHETTIYAR, KT.

THE HONOURABLE LALA SUKHBIR SINHA.

W) 106 L. D.

COUNCIL OF STATE.

Tuesday, 27th May, 1924.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, and the President, the Honourable Mr. M. S. D. Butler, C.B., C.I.E., C.V.O., C.B.E., was in the Chair.

The Honourable the President, standing, took the Oath.

MEMBERS SWORN :

The Honourable Mr. Evelyn Robins Abbott, C.I.E. (Delhi: Nominated Official); the Honourable Mr. Edward Henry Berthoud, O.B.E. (Bihar and Orissa: Nominated Official) the Honourable Khan Bahadur Shaik Mirala Vapuchi Maricayar Usman Sahib Bahadur (Madras: Muhammadan); the Honourable the Reverend Dr. Earle Monteith Macphail, C.B.E. (Madras: Nominated Non-Official); and the Honourable Major-General Robert Charles MacWatt, C.I.E., M.B., F.R.C.S., K.H.S., I.M.S. (Director-General, Indian Medical Service).

ANNOUNCEMENT BY THE PRESIDENT OF HIS APPOINTMENT AS PRESIDENT OF THE COUNCIL.

THE HONOURABLE THE PRESIDENT: I have to announce formally to the Council that, in exercise of the power conferred by subsection (2) of section 63A of the Government of India Act, the Governor General has been pleased to appoint me to be President of this Council.

CONGRATULATIONS TO THE PRESIDENT.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, this being the first sitting of the Council of State after your appointment as its President, you will, I trust, permit me, before the commencement of the day's business, to offer to you on behalf of my Honourable Colleagues, official as well as non-official, as well as for myself, our cordial welcome to the Chair of this House and to wish you all success in the performance of the responsible duties connected with your high office. Descendant of a highly gifted and cultured stock you won a first class in both parts of the Classical Tripos and gained the rare distinction of being elected a Fellow of your College and President of the Union at Cambridge. In 1896 you entered the Indian Civil Service

and during your long and distinguished career of service under the Crown in this country you came into close contact with people of all classes and creeds not only in British India but also in Indian States and thereby obtained an intimate knowledge of the customs, manners and aspirations of the Indian people. The long and varied experience you have had as a District Officer, as the Secretary of the Public Services Commission, and first as Deputy Secretary in the Home Department and later as Secretary in the Education, Health and Lands Department of the Government of India, has given you a deep insight into Indian political conditions. As a District Officer you had, to my knowledge, to deal with some of the most delicate situations which have arisen in recent Indian history, and the remarkable tact and wisdom with which you handled the situation won for you the respect and admiration of all who had opportunities of seeing your work on those occasions. And finally as President of the first Punjab Legislative Council after the introduction of the Montford scheme of reforms, and as an official Member of both the Council of State and the Legislative Assembly you have gained experience as well as knowledge of the work of the Legislative Councils which, if I may say so, makes you worthy of occupying the Chair of your present office. We are confident that your remarkable tact will enable you not only to uphold the dignity and the privileges of this House, but will also contribute towards the promotion of that spirit of mutual co-operation and goodwill which has been a characteristic of the Council of State ever since it came into being.

Sir, on behalf of my Honourable Colleagues I assure you of our co-operation and assistance in the discharge of your responsible duties and wish you every success.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, on behalf of the non-official Members of this Council and on behalf of my humble self, I welcome you as the President of the Supreme Council in the Indian Empire. You do not come to us as a total stranger. We had the pride and privilege to own you some time ago as one of our Members, and there we came to recognise your geniality of disposition, your marvellous ability, and your desire to associate with us in all important matters with that frankness and candour which have earned respect for you. As the Leader of the House has pointed out, you come from a distinguished and highly talented family. The early promise of your university career at home has been fully justified by your successful career in this country, where you have risen step by step to the highest post in the service of the Crown by sheer force of ability and character. You have succeeded here a great man, and the duties before you, Sir, permit me to point out, are of an arduous character.

Sir, it is alleged sometimes that the duties of the President of the Council of State are somewhat of a sinecure character, but it is not so. Those who have been in this Council have learnt to recognise how difficult and arduous the responsibilities of the President of the Council of State are, and the amount of tact and promptitude that are required on certain emergent occasions when rulings of a most important character are given. I have no doubt that your great ability and the past record of your successful career as President of the Punjab Legislative Council will enable you to fulfil this great trust which His Excellency the Viceroy has reposed in you to the entire satisfaction of the

Members of this Council. We all congratulate you on your office, and we assure you that you will have our full measure of co-operation and support in the discharge of your arduous duties. (Applause.)

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I have great pleasure in associating myself with the cordial welcome extended to you and in offering you very hearty felicitations on my own behalf and on behalf of my friends from Bengal. It has been my privilege to know you for a long time, ever since you became the Secretary of the Public Services Commission many years ago, and our relations have always been cordial in any capacity that you had occasion to fill. I hope the same cordiality will prevail in regard to the relations between yourself and the Members of this House.

Reference has been made to the stock from which you come, and it has been appropriately made. It was my privilege to know the stock at close quarters in the place of their origin, and I have rarely come across a more scholarly and at the same time a more sportsmanlike stock, distinguished by qualities that always stand a man in good stead. The work here is difficult, and in that difficult work, we wish you god-speed.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, in welcoming you to the Chair and congratulating the House thereby, permit me also to congratulate you on my own behalf as well as on behalf of the Members from the Punjab, which is your own Province. I have had the honour of being in the district in which you were a District Officer, and I think I can claim your friendship in a greater measure than most of the non-officials here. I think also by my having been in the Legislature for a longer period than others, I have got a right to get up and offer my congratulations to you on this occasion. I hope, Sir, that the career before you will be just as brilliant as it has been ever since you came out to India.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): Sir, on behalf of the Members belonging to the United Provinces, I extend a hearty welcome to you on your being selected by the Governor General to guide our deliberations. By virtue of your broad outlook, sympathetic imagination and the large experience you have had of similar duties as President of the Punjab Legislative Council, I am sure we all feel that you are pre-eminently fitted to discharge the duties of the President of this more responsible, if I may be allowed to say so, Chamber.

Reference, Sir, has already been made to the valuable services that have been rendered to the Empire and to the Crown by the family to which you belong. I am sure that your own sterling merits, your vast experience, your genial disposition, and your urbanity of manners entitle you to your being supported by us on all occasions in full measure. As to how you will discharge, Sir, the duties of your office, I for one have not the least doubt, for who ever heard of a member of the distinguished Butler family being either unimaginative or unsympathetic? (Hear, hear). Sir, in your name you combine happily the names of two men who are generally respected and honoured in the Indian Empire, I mean Montague and Butler. We all know how much indebted we

are to that distinguished statesman who bears the name of Montagu, and those who have had opportunities of knowing Harcourt Butler also know that there is scarcely a British administrator to-day in India who can claim to be more sympathetic towards our aspirations or who is prepared to give fuller play to his imagination so far as the claims and rights of Indians are concerned. I heartily welcome you, Sir, to be our President.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, I am afraid I am not in a position to relate the history of your life with the same clearness and lucidity as previous speakers have done before me but, as coming from Bombay, I too should like to join in the volume of welcome already expressed to you on your occupying the Chair of the Council of State.

With the promotion of Sir Alexander Muddiman to the office of Home Member this Council has lost a President who fulfilled his office with the greatest ability and also with sympathy towards the Members of this House. We feel sure, Sir, that we shall experience the same sympathy at your hands and that the office will be held with equal ability by you.

THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab: Nominated Non-official): Sir, on behalf of the Punjab, I associate myself with all that has fallen from the Honourable Leader of the House and the other Honourable Members, and heartily congratulate you on your appointment as President of this Council. On account of your long and honourable connection with the Punjab, we have come to regard you as one of us, and therefore we naturally feel grateful to His Excellency the Viceroy for selecting you for this high office. I wish you a most successful term of office.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-official): Sir, I desire on behalf of myself and my Colleagues from Madras to associate myself with the words of welcome with which you have been greeted by the Honourable Leader of the House.

THE HONOURABLE MR. S. VEDAMURTI (Burma: General): Sir, I think that your elevation to this office has created as much jealousy among the Provinces as to who is to congratulate you first as probably the scramble for the reduction of Provincial Contributions. Coming as I do from Burma, I do not want to lag behind the other Provinces in congratulating you on this occasion. We in Burma are not unfamiliar with the name of your family for we have your illustrious brother as Governor of the Province. It has been a standing complaint that the interests of my Province are not cared for by the Central Government and the Central Legislature, but I dare say that you, at any rate, will accord to us, representatives of Burma, a cordial hearing in this House and will accord to us the same treatment as you will accord to others in this House.

THE HONOURABLE THE PRESIDENT: Sir Muhammad Shafi, I am grateful, deeply grateful, to you and to my brother Members of this Council for the very kind way in which you have welcomed me this morning. It does help

a man, when he is about to undertake new and difficult duties, to feel that he has behind him the support and the sympathy of those with whom he is about to work ; and the many letters which I have received, since my appointment was announced, from Members of this Council, and the many kind things which my friends have said to-day about me have encouraged me beyond measure. I am fully aware of my own limitations, and, believe me, it was mainly the feeling that, in coming to this House, I should come amongst friends that emboldened me to take up the mantle of my distinguished predecessor and to face my new responsibility. And I do feel that I have come here amongst friends, many of them very old friends. It is 25 years ago, Sir, Muhammad Shafi, since you and I first met, when I first went as a youngster to Lahore, and at successive periods, when I was in charge of the Lahore city and district, there was no one with whom I came into closer contact than yourself, and to whom I owed more for sound advice in difficult times. And, later on, when you were Member for Education and Health, it was my privilege to be the Secretary in your Department, and now I feel myself fortunate that once again we have come to co-operate together, you as Leader and I as President in this Council. I have many other old friends here also, one at least older than yourself, and many others whom I have known both during my time in the Punjab and in other provinces during my somewhat roving career, and there are many also whose friendship I have made during the last two years as a Member of this Council or as a Member of the other Chamber. And I do feel what a support that is and how I may rely upon it in carrying out the duties which have now been imposed upon me.

I will not detain the House further, but, before I proceed with the business on the paper, I should just like to say that I do realise the great part which this Council has already played in the development of the constitution in India, and the great part which it is destined to play. I do realise fully the dignity of this Chamber, and, so far as in me lies, I will stand up for its dignity and for its rights and privileges, and for the rights and privileges of every individual Member of this Council. And I will endeavour so to conduct myself here in the Chair that I may prove myself worthy of the confidence reposed in me by His Excellency the Governor General in appointing me as your President, and of the very kindly feelings which have been expressed to-day by all present on this the first occasion on which it has been my lot to occupy the presidential Chair.

QUESTIONS AND ANSWERS.

WATERING OF THE CHANDNI CHOWK ROAD, DELHI.

198. THE HONOURABLE LALA SUKHBIR SINHA : Are Government aware that the Chandni Chowk Road in Delhi is very dusty and is not sufficiently watered ? Will they be pleased to make an inquiry in the matter and impress on the Municipality the necessity of sufficiently watering that road, which is so much used by the people ?

THE HONOURABLE SIR NARASIMHA SARMA : The matter has been brought to the notice of the Municipal Committee as desired. No previous complaint on the subject has been received.

ADVERTISEMENT FOR A MECHANICAL OR CIVIL ENGINEER FOR THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

* 199. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
(a) Would the Government please state whether the following advertisement was inserted in the "Leader" newspaper and others :—

"WANTED.—A Mechanical or Civil Engineer with two or three years' practical experience subsequent to graduating in the Civil Engineering class of a recognized Indian Engineering College, age about 28 years, for appointment as Upper Grade Assistant in the Section of Timber-Testing, Forest Research Institute, Dehra Dun. The pay of the post is Rs. 250—20—550 efficiency for Rs. 570—20—750 plus a duty allowance of Rs. 75 per month. The selected candidate will be on probation for three years. Applicants should state mathematical and other qualifications. Applications with full testimonials should be addressed before the 1st of February 1924.

THE PRESIDENT,
FOREST RESEARCH INSTITUTE AND COLLEGE,
DEHRA DUN."

Dated 19th January 1924.

(b) Would the Government please state how many applications were received in response to this advertisement and lay on the table a statement of the qualifications of the candidates who applied ?

(c) Would the Government please state who was ultimately appointed to the post and also state the qualifications of the selected candidate and the reasons for his selection in preference to others ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) The reply is in the affirmative.

(b) 99 applications have been received. A statement giving the information required has been prepared and is available at my office for the Honourable Member's perusal.

(c) The appointment has been given to Syed Mohd. Hasnain whose qualifications are stated in entry No. 84. The duties of the post being of a subordinate character, those applicants who stipulated for a higher initial salary than the one advertised or who, in virtue of their special qualifications or age, were likely to expect more rapid promotion than the terms of the advertisement provided for, were not considered. Of the candidates who were otherwise eligible, Mr. Hasnain was the most suitable and was accordingly selected.

FIRING OF THE TIME-GUN AT CALCUTTA.

200. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
(a) Would the Government please lay on the table a statement showing the names of places in and the authorities by which the time-gun is fired and also state the expenses of such firing ?

(b) Would the Government please state when and why the firing of the time-gun at Calcutta ceased, and state the expenses that have been thereby saved ?

(c) Are the Government aware that considerable public inconvenience has been caused by the stoppage of the firing and there is a strong public opinion for resumption of the firing ?

(d) Would the Government please lay on the table the correspondence regarding stoppage of the firing ?

(e) Would the Government please consider the desirability of resuming early the practice of firing the time-gun at Calcutta ?

THE HONOURABLE MR. A. H. LEY : Sir, I have been asked to reply to this question on behalf of His Excellency the Commander-in-Chief.

(a) The statement attached to the letter which is being laid on the table in reply to part (d) of the question gives the names of the places at which time-guns were fired by the local military authorities. The cost of firing these time-guns is estimated at Rs. 70,000 annually.

(b) The firing of the time-guns at Calcutta (Fort William) and Barrackpore was discontinued with effect from the 1st February 1924. The expenditure saved thereby is estimated at Rs. 1,500 per annum.

(c) Government have received no information to this effect. When issuing their orders on the subject, however, they realised that the stoppage of the time-gun might have the result described by the Honourable Member.

(d) A copy of the letter issued by the Government of India to all Local Governments and Administrations is laid on the table. No reply to this letter has been received from the Government of Bengal.

(e) The Government of India are not prepared to resume the firing of any of the time-guns at Calcutta at the expense of Central Revenues.

Copy of Army Department letter No. 47102-1 (Q. M. G.-11), dated the 22nd December 1923, to all Local Governments and Administrations.

ABOLITION OF TIME-GUNS IN INDIA.

I am directed to inform you that as the practice by which time-guns are fired daily in a number of stations in India serves no military purpose commensurate with the expenditure entailed, the military authorities desire to discontinue the practice with effect from the 1st February 1924. A statement of the places at which time-guns are now fired is enclosed ; at all these places, with the exception of Dharamsala, Kalabagh, Pachmarhi and Shwabo, the cost of maintaining the time-guns is borne by the Government of India. At certain of the stations named in the list the time-gun is fired solely for the benefit of both the military and the civil population, or the benefit of the civil population alone.

2. The Government of India realise that in some places the effect of the decision proposed may be to cause some inconvenience to the civil population, and if there are any

places in which, on this ground, the Government of ^{Madras} ~~Bombay~~, etc., etc., desire that a time-gun should be retained after the 1st February 1924, the Government of India will be prepared to make the necessary arrangements provided that the Local Government agree to bear all the expenditure involved in the supply of ammunition, the maintenance and repair and the periodical examination of the gun, or that the expenditure is guaranteed by the Municipality or other local body interested. I am to request, therefore, that with ^{your permission} the permission of His Excellency the Governor-in-Council the Government of India may be furnished, as soon as possible, with a list of the places at which it is desired to retain time-guns on the conditions above stated.

*Present location of time-guns.***MADRAS PRESIDENCY.**

Bellary.
 Bollaram.
 Madras (b). c
 Ootacamund.
 Secunderabad.
 St. Thomas' Mount.
 Trimulgherry.
 Wellington.

BENGAL.

Barrackpore.
 Darjeeling (f).
 Fort William.

BIHAR AND ORISSA.

Dinapore.

BOMBAY PRESIDENCY.

Ahmednagar.
 Aurangabad.
 Belgaum.
 Bombay.
 Deolali.
 Kirkee.
 Poona.
 Sitabuldi (Nagpur).
 Hyderabad.
 Karachi.

UNITED PROVINCES.

Agra.
 Allahabad.
 Bareilly.
 Benares.
 Cawnpore.
 Chakrata (f).
 Dehra Dun.
 Fyzabad.
 Lansdowne.
 Lucknow.
 Naini Tal (c).
 Ranikhet.
 Roorkee.

CENTRAL PROVINCES.

Jhansi.
 Jubbulpore.
 Kamptee.
 Neemuch.
 Nowgong.
 Pachmarhi (e).
 Saugor.
 Mhow.

N. W. F. PROVINCE.

Abbottabad.
 Attock.
 Cherat.
 Kohat.
 Malakand.
 Mardan.
 Nowshera.
 Peshawar.
 Risalpur.
 Bannu.
 Dera Ismail Khan.

MYSORE.

Bangalore.
 Aden.
 Aden.

PUNJAB.

Ambala.
 Amritsar (d).
 Campbellpore.
 Dalhousie.
 Dharamsala (c)(e).
 Ferozepore.
 Jhelum.
 Jullundur.
 Jutogh.
 Kasauli.
 Lahore (Cantonment).
 Multan.
 Murree.
 Rawalpindi.
 Rawalpindi West Ridge.
 Sanawar.
 Sialkot.
 Kalabagh (Murree Hills) (e)(g).

ASSAM.

Manipur.
 Shillong.

BALUCHISTAN.

Fort Sandeman.
 Quetta.

DELHI.

Delhi (a).
 Delhi (New Cantonment).

AJMER-MERWARA.

Nasirabad.

(a) During the stay of the Government of India at Delhi, a mid-day gun is fired by the battery stationed in Camp there.

(b) The mid-day gun is also fired on Sunday.

(c) Fired at mid-day on Tuesdays, Fridays and Saturdays.

(d) On Sunday a morning gun for service only.

(e) Cost paid by private subscription.

(f) Fired from April to October.

(g) Fired from 1st May to 30th September.

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

201. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
 (a) Will the Government please state if the opinions of the High Courts and other bodies and individuals concerned have been obtained regarding the recommendations of the Indian Bar Committee ?

(b) If so, would the Government please lay such opinions on the table ?

(c) Would the Government please state when Government propose to take action on the Report ?

(d) Would the Government please state what action they propose to take ?

THE HONOURABLE MR. J. CRERAR : The Local Governments have been asked to furnish the Government of India with their views as well as the views of the High Courts, Judicial Commissioners' Courts, and of legal associations on the recommendations of the Indian Bar Committee. The Government of India propose to await their replies before taking any further action in the matter.

NEW GANGES CANAL.

*202. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
 Would the Government please state what steps have been taken to ensure free and continual flow of water of the Ganges, according to the requirements of the Hindu public :—

(a) at Hardwar, and

(b) at Narora ?

NEW GANGES CANAL.

*203. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
 (a) Would the Government please state if any representation on behalf of the Hindu public has been received regarding the measures proposed to be taken according to the Resolution of the United Provinces Government No. 1741-1-W.-1B-9N, Irrigation Branch, dated Naini Tal, the 22nd August 1923 ?

(b) Would the Government be pleased to state what steps have been taken regarding—

(i) the Resolution, and

(ii) the representation ?

NEW GANGES CANAL.

*204. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
 Is it a fact that Lord (then Sir James) Meston stated at the Conference held at Hardwar on the 18th and 19th December 1916 regarding the new Ganges Canal as follows :—

(a) “ (i) a free opening will be left in the weir which will go down to the floor level. The opening will be so constructed that it will give, according to the calculation of the Irrigation Branch, a minimum discharge of 400 c. s. at the cold weather low level of the river.”

* For Answers to this question see after Question No. 207.

- (v) At the Mayapur regulator, a free opening going down to the upstream head level will be made calculated to provide a permanent flow of 200 cusecs for the service of the Kankhal Ghats which after leaving Kankhal will ultimately flow into the Ganges."
- (b) "I wish to bring to your notice that all the references to Narora have been omitted from this settlement, the reason being that the question of Narora has passed out of my hands and gone to those of the Government of India."

NEW GANGES CANAL.

205. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would Government please state what step has been taken on the basis of the assurance of Sir James Meston in question 204 (a) ?

NEW GANGES CANAL.

206. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Would the Government please state [having regard to the statement mentioned in question 204 (b)] whether any steps have been taken to obtain representative opinion of the Provinces affected by the flow of the Ganges, other than the United Provinces, namely, Bihar and Bengal, regarding steps that should be taken to ensure free and continual flow of the water of the Ganges in the interests of the health as well as the religious sentiment of all the Provinces concerned ?

NEW GANGES CANAL.

207. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state what steps have been taken by the Government of India in reference to the opinion expressed by Sir James Meston and mentioned in question 204 (b) ?

(b) If no such steps have been taken, do the Government propose to take any step and, if so, when and what steps ?

THE HONOURABLE MR. A. H. LEY: With your permission, Sir, I propose to answer questions Nos. 202 to 207 together, as they refer to one subject.

As regards Hardwar, a conference was held by Sir James (now Lord) Meston at that place in December 1916, at which a number of Ruling Chiefs and private gentlemen representative of the Hindu community were present. At this conference certain arrangements were decided upon for ensuring a free flow of water past the Hardwar Ghats, and the assurances mentioned in question 204 (a) were given. Effect has been given in full to these assurances as well as to the other conclusions arrived at by the conference.

As regards Narora, at the suggestion of the Local Government, a Committee was appointed by the non-official Members of the United Provinces Legislative Council to examine the matter, and after a careful consideration of the report of this Committee, the arrangements detailed in the Local Government's Resolution referred to in question No. 203 (a) were decided upon. No representation on behalf of the Hindu public relative to this Resolution has been received by the Government of India.

No steps have been taken by the Government of India to obtain representative opinions from Bihar and Bengal regarding the arrangements to be made at Narora, which appear to them to be such as should satisfy reasonable Hindu opinion. By the time the Ganges reaches the Bihar boundary it has received the water of numerous tributaries. The volume passing will be no less than it has been ever since 1878, when the Lower Ganges Canal was opened, and a proportion of it will be water which has flowed uninterruptedly from the source of the river, for which, prior to 1916, no arrangement at all was made.

SLEEPER CONTRACTS FOR THE NORTH WESTERN RAILWAY.

208. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY :
(a) Would the Government please state whether any inquiry has been held regarding the question of sleeper contracts for the North Western Railway, regarding which several questions have been put in the Indian Legislative Assembly and the Council of State ?

(b) If such inquiry has already been held, would the Government please state when and by whom it was held, and if any report has been received ?

(c) Would the Government please also state if and when such report would be published ?

THE HONOURABLE MR. D. T. CHADWICK : In accordance with an undertaking given by the Honourable the Commerce Member in reply to a question put by Mr. N. M. Samarth on the 23rd July 1923 in the Legislative Assembly, the facts relating to certain contracts for sleepers made by the North Western Railway were placed before the Central Advisory Council last February, and the matter was remitted by them for examination by a sub-committee of the Council. The reports of the sub-committee will be laid before the Central Advisory Council at their next meeting.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : A supplementary question, Sir. Would the Government be pleased to lay the terms of reference on the table of this Council ?

THE HONOURABLE MR. D. T. CHADWICK : The proceedings of the Central Advisory Council, as I think the Honourable Member knows, are within the control of that Council and it is a Committee of the Council which has made the inquiry. I am not a Member of that Council and I do not know by what terms the Council limited that inquiry.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : Another supplementary question. Is the Honourable Member in a position to tell this House whether non-official evidence is being invited and admitted ? If not, why not ?

THE HONOURABLE MR. D. T. CHADWICK : The Central Advisory Council regulates its own procedure.

SALE OF ROCK AND SAMBHAR LAKE SALT.

209. THE HONOURABLE LALA SUKHBIR SINHA : Will Government be pleased to state the present arrangements for the sale of Rock and Sambhar Lake salt ?

THE HONOURABLE MR. A. C. MCWATTERS: The arrangements are detailed in the following notifications which have been placed in the Library:

Northern India Salt Department Nos. 2639 to 2642, dated the 2nd November 1923.

PRESENT PRICE OF SALT.

210. THE HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state why the price of salt, when it was sold by Government agencies about a year ago, was about 18 seers per rupee and is now about 8 seers?

THE HONOURABLE MR. A. C. MCWATTERS: The Government do not understand to what area the Honourable Member's figures relate or how he arrived at them.

Prices have been falling steadily since the reduction in duty. The precise situation in Bihar and Orissa is not quite clear and the Government have called for further information in regard to it.

SPECULATION IN SALT.

211. THE HONOURABLE LALA SUKHBIR SINHA: (a) Is it a fact that speculation in salt has followed the reduction in the salt tax from Rs. 2-8-0 to Rs. 1-4-0 per maund?

(b) If so, what steps, if any, do Government propose to take?

THE HONOURABLE MR. A. C. MCWATTERS: The Government are closely watching the movements of the price of salt. Prices have fallen everywhere, but in Bihar and Orissa the price has recently risen again. Government are inquiring into the reasons for this.

APPOINTMENT OF AGENTS FOR THE SALE OF SALT.

212. THE HONOURABLE LALA SUKHBIR SINHA: Do Government propose to appoint agents in every district to sell salt at fixed rates?

THE HONOURABLE MR. A. C. MCWATTERS: It is presumed that the question refers to Northern India. The Government of India have only recently, after careful consideration, abandoned the agency system introduced in 1921, and they do not consider it desirable to revert to it unless the public interest should again require it. The steps taken to increase output and accelerate despatches at the sources together with the revival of the Calcutta import trade having now removed the conditions that made profiteering possible, it is hoped that further interference with private enterprise will be unnecessary.

HOWRAH BRIDGE.

213. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Has the attention of the Government been called to a statement in the Press that the sanction of the Government of India is still awaited regarding the construction of the Howrah bridge, schemes for which have been submitted by the Government of Bengal to the Government of India?

(b) Is it a fact that the final scheme submitted by the Government of Bengal is before the Government of India, and, if so, how long has it been before the Government ?

(c) Would the Government please state when sanction of the scheme is likely to be granted, and when the construction may be expected to be begun ?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : (a) Government have seen statements in the sense indicated.

(b) and (c). The attention of the Honourable Member is invited to the fact that the construction of the Bridge relates solely to the provincial transferred subject of Public Works. The Local Government was, therefore, under no obligation to submit a scheme of construction to the Government of India nor has any such scheme been submitted.

With a view, however, to finance the construction of the proposed Bridge, the Local Government invited the administrative approval of the Government of India to the imposition of certain taxes, and this approval was conveyed on the 7th January 1924. Subsequently, the Bengal Government framed a Bill to provide for the construction of the Bridge and submitted it for the previous sanction of the Governor General under section 80-A (3) of the Government of India Act with the intimation that they proposed to introduce the Bill in July next. The sanction in question was communicated by the Government of India on the 28th April. The Government have no information as to when work on the construction of the Bridge is likely to begin. The local Council has yet to pass the Bill.

APPOINTMENT OF A DEPARTMENTAL COMMITTEE TO EXAMINE THE WORKING OF THE REFORMS.

214. The HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY : (a) Would the Government please state if it is a fact that a Departmental Committee has been appointed to inquire into the question of the work of the Reforms ?

(b) If so, would the Government please state the scope of work and constitution of the Committee ?

(c) Would the Government please state whether non-officials have been, or will be associated with the work of the Committee at any stage ?

(d) If so, at what stage will they be so associated and for what purposes ?

THE HONOURABLE MR. J. CRERAR : (a), (b), (c) and (d). I refer the Honourable Member to the Communiqués issued on the 16th and 23rd instant, copies of which are placed on the table.

Press Communiqué.

As some doubt appears to prevail regarding the precise scope of the inquiry into the working of the Government of India Act which has been initiated by the Government of

India in pursuance of the statements made by Sir M. Hailey in the Legislative Assembly on the 8th and 18th February 1924, it is announced that the terms of the reference to the Local Governments who were addressed in the first instance, may be summarised as follows :—

- (1) to inquire into difficulties arising from, or defects inherent in, the working of the Government of India Act and the Rules thereunder ;
- (2) to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistently with the structure, policy and purpose of the Act,
 - (a) by action taken under the Act and the Rules, or
 - (b) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

2. The Committee appointed by His Excellency the Viceroy have been instructed at the present stage to conduct inquiries into these matters in so far as the Government of India and the Indian Legislature are concerned and to direct their attention in the first instance to the legal and constitutional potentialities of the situation as distinguished from questions of policy and expedience. They have submitted a report on the latter aspect of the case which is now under the consideration of the Government of India.

HOME DEPARTMENT,

Simla, the 16th May 1924.

Press Communiqué.

The Governor General in Council, with the approval of the Secretary of State in Council, has decided to appoint a Committee consisting of official and representative non-official members—

- (1) to inquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the Rules thereunder ; and
- (2) to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,
 - (a) by action taken under the Act and the Rules, or
 - (b) by such amendments of the Act as appeared necessary to rectify any administrative imperfections.

2. The personnel of the Committee and the date and place of sitting will be announced later. Invitations are about to be issued to certain prominent non-officials.

3. A memorandum summarising the legal and constitutional possibilities of securing remedies for difficulties arising from or defects inherent in the working of the Government of India Act and the Rules thereunder by action taken under the Act and Rules is being prepared and will be communicated to the Committee for its guidance. This memorandum will be based on the report submitted by the Committee appointed by His Excellency the Viceroy, the personnel of which has already been announced and which has been occupied for some time in examining the constitutional position.

4. As already announced Local Governments have been addressed on the subject and any proposals received from Local Governments will be referred to the Committee for examination.

5. The Committee will be empowered to receive written representations and if necessary to hear oral explanations upon them. It will report to the Governor General in Council.

HOME DEPARTMENT,
Simla, the 23rd May 1924.

THE HONOURABLE SAIYID RAZA ALI :—Did the proposal to appoint the Committee emanate from the Government of India or from His Majesty's Secretary of State for India ?

THE HONOURABLE MR. J. CRERAR: If the Honourable Member will be good enough to refer to the Communiqués which I have quoted he will observe that the appointment of that Committee was made by the Governor General in Council.

THE HONOURABLE SAIYID RAZA ALI: Will the Honourable Member be pleased to state whether the Committee was appointed by the Governor General in Council with the previous sanction or even with the consent of the Secretary of State for India ?

THE HONOURABLE MR. J. CRERAR: The appointment of a Committee of this character does not require the formal sanction of the Secretary of State.

THE HONOURABLE SAIYID RAZA ALI: Am I to take it that such sanction was not obtained ?

THE HONOURABLE MR. J. CRERAR: If I understand the Honourable Member to inquire whether the formal official sanction of the Secretary of State was taken to the appointment of this Committee, the answer is in the negative, but it had his approval.

CONSUMPTION OF STEEL AND STEEL MATERIALS IN INDIA.

215. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY.

(a) Would the Government please lay on the table a statement showing the quantity of steel and steel materials consumed in India during the last three years under the various heads regarding which the Tariff Board has made recommendations for the purpose of levying duty, recommended by it under different heads ?

(b) Would the Government please state what has been the output by Indian manufacturers during the last 3 years under the different heads mentioned above, and what the increased output is likely to be as the result of levying duty and granting of bounties and other facilities as recommended by the Tariff Board ?

(c) Would the Government please lay on the table a statement of the existing stock in India of the various articles mentioned above whether manufactured in the country or imported from abroad ?

(d) Would the Government please lay on the table a statement showing—

(i) the market price in India of the various articles mentioned above ; and

(ii) the likely market price of the same articles in India when the proposed duties are imposed ?

THE HONOURABLE MR. D. T. CHADWICK: (a) and (b). The Tariff Board have rightly only recommended protective duties on those articles of steel which are now being manufactured in India or are likely to be manufactured in the near future. It was most improbable that articles selected on that principle could correspond with existing heads in our statistical returns. Consequently the information desired by the Honourable Member is not directly available.

The Tariff Board in Annexure B to their Report (*see* pages 142 to 163) have analysed most carefully all the data forthcoming both of importation and production. I have nothing to add to their presentation of these figures. These figures have been abstracted in the form of a statement which I lay on the table of the House, but I would ask Honourable Members when using those figures to pay close attention to the comments made in regard to them by the Tariff Board.

(c) The Government have no information of the existing stocks of steel in the country.

(d) The Government decline to commit themselves regarding the present or future market prices of all the numerous articles mentioned in the Schedule to the Bill. The Honourable Member is in possession of the findings and estimates of the Tariff Board.

Abstract of figures of import and production of certain steel articles as reported by the Tariff Board.

(All figures are in thousands of Tons. References are to pages of Tariff Board Report.)

Articles.	IMPORTS.			APPROXIMATE PRODUCTION OF TATA IRON AND STEEL COMPANY.		INDIAN ESTIMATED PRODUCTION (<i>vide</i> pp. 158 AND 159).		
	1921-22.	1922-23.	1923-24.	Average of two years 1921-23.	1923-24.	1924-25.	1925-26.	1926-27.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Structural Steel (fabricated). (p. 144 of Report).	65 (p. 144 of Report.)	55	71	23 (pp. 140 & 158).	Nil.	65 <i>Idem</i> p. 158.	85	100
Structural Steel (unfabricated). (p. 145 of Report).	54 (p. 145 of Report.)	60	69					
Plates (p. 146 of Report.)	32 (p. 146 of Report.)	50	53	2 (p. 140).	Nil. Sheet Mill will only be ready in Sep. 1924. (p. 65.)	15	30	45
Black sheets (p. 146 of Report.)	33 (p. 146 of Report.)	50	53			7	15	17
Galvanized sheets (p. 146 of Report.)	80 (p. 146 of Report.)	123	150			8	15	18
Steel Bars (p. 145 of Report.)	132 (p. 145 of Report.)	180	166	20 (pp. 140 & 158.)	Nil. (p. 67).	30	45	45
Wrought Iron Bars (Common). (p. 148 of Report.)	Average 7 (p. 148 of Report.)							
Light rails (p. 148 of Report.)	Average 3 (p. 148 of Report.)			3 (pp. 140, 158.)			4	5
Tinplate (p. 147 of Report.)	25 (p. 147 of Report.)	44	44			21	28	28
Wire (p. 147 of Report.)	3 (p. 147 of Report.)	4	6			1	2	3
Wire Nails (p. 147 of Report.)	7 (p. 147 of Report.)	13	11			1	2	3
Picks, kodales, powrahs, mamooties and hoes. (p. 153 of Report.)	Not known. (p. 133 of Report.)			Not known. (pp. 131, 132.)		Not estimated.		

Details in this form for 1923-24 not available.

COMMITTEE ON CONSTITUTIONAL REFORMS.

216. THE HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to state—

- (a) If any non-officials have been associated with the Committee on Constitutional Reforms and, if so, the names of such non-officials ;
- (b) if no non-officials have been so associated, the reasons therefor ; and
- (c) if they have addressed any circular letter to the Provincial Governments on the subject and, if so, will they be pleased to place it on the table ?

THE HONOURABLE MR. J. CRERAR : I refer the Honourable Member to my reply to the Honourable Dr. Sir Deva Prasad Sarvadhikary's question on the same subject.

LANGUAGE OBLIGATION UNDER TANGANYIKA ORDINANCE No. 10 OF 1923.

217. THE HONOURABLE MR. PHIROZE C. SETHNA : Have Government received from the Honorary Secretaries of the British Indian Colonial Merchants' Association a representation in connection with the language obligation as required under Tanganyika Ordinance No. 10 of 1923 and, if so, what action have they taken thereon ?

THE HONOURABLE SIR NARASIMHA SARMA : The reply is in the affirmative. The matter is under consideration.

THE HONOURABLE MR. LALUBHAI SAMALDAS : When are we going to get the decision of the Government on the subject ?

THE HONOURABLE SIR NARASIMHA SARMA : I hope the Government will be able to reach some conclusion very early.

VOTERS ON THE ELECTORAL ROLLS OF THE LEGISLATIVE ASSEMBLY.

218. THE HONOURABLE MR. PHIROZE C. SETHNA : Will Government be pleased to lay on the table a statement showing—

- (a) the total number of voters in each Province entitled to elect Members to the Legislative Assembly ; and
- (b) the total number of voters in each Province who exercised the right of voting during the last elections ?

THE HONOURABLE MR. J. CRERAR: I lay on the table a statement giving the information asked for.

Legislative Assembly Elections.

Province.	Total number of voters in the Electoral Rolls for the Assembly prepared in 1923.	Total number of persons who voted in contested constituencies at the General Election of 1923.
Madras	2,58,864	1,03,386
Bombay	1,45,805	52,263.
Bengal	1,82,523	53,719
United Provinces	1,67,719	47,613
Punjab	64,263	35,255
Bihar and Orissa	70,729	25,224
Central Provinces	25,739	10,789
Assam	27,183	2,832
Burma	40,821	8,848
Delhi	4,240	1,266
Ajmer-Merwara	3,093	2,306

TRANSFER OF CERTAIN TERRITORIES FROM THE UNITED PROVINCES TO BIHAR AND ORISSA.

219. THE HONOURABLE SAIYID RAZA ALI: (a) Is there any official proposal to transfer the Ghazipur, Benares, Gorakhpur, Azamgarh or Ballia districts, in whole or in part, or any territory, from the United Provinces to Bihar and Orissa? If so, what is the territory proposed to be transferred, how long has the proposal been under consideration in official circles and when did the Government of India come to know of it?

(b) Before obtaining the sanction of the Crown to any such transfer, will the Government of India be pleased to publish their proposals for public information and ascertain the views of the people of the territory proposed to be transferred?

THE HONOURABLE MR. J. CRERAR: The Government of India have no information regarding any such proposal.

**NUMBER OF INDIANS KILLED AND INJURED IN THE RIOTS AT GEORGE TOWN,
BRITISH GUIANA.**

220. THE HONOURABLE SAIYID RAZA ALI : (a) How many Indians were killed and how many were injured at George Town, British Guiana, in the riots alleged to have taken place there recently ? Were there any children or women among the killed and injured, and, if so, how many ?

(b) Was any injury caused to any policemen ; if so, how many policemen were injured and what were their injuries ?

(c) What were the grievances of the Indian and Negro labourers ? For how many days prior to the firing had the excitement among the labourers lasted and what were the steps, if any, taken by the Immigration Agent General and the authorities to remove it ?

(d) Did the authorities invite the co-operation of the East Indian Association in dealing with the labourers ?

(e) Will Government be pleased to make a full statement on the subject ; also to indicate, if not inexpedient, what steps they propose to take or have taken to look after the interests of the Indian population in the Island ?

THE HONOURABLE SIR NARASIMHA SARMA : The Government of India have made inquiries and are expecting a reply shortly. If the Honourable Member will repeat the question after a week, I hope to be able to answer it.

INTRODUCTION OF POLITICAL OR ADMINISTRATIVE CHANGES IN COORG.

221. THE HONOURABLE SAIYID RAZA ALI : (a) Have any political or administrative changes been introduced in the Coorg Province during the past two years ? If so, will Government be pleased to state their nature and effect ?

(b) Is it true that the cost of administration exceeds the revenues of the province by a large sum ? Do Government propose to take such steps as will tend to reduce the expenditure and at the same time satisfy the political aspirations of the people ?

THE HONOURABLE MR. J. CRERAR : (a) The provisions of the Government of India Act relating to Legislative Councils of Lieutenant-Governors have been extended to Coorg, with effect from the 28th January 1924. In addition certain sources of revenue accruing in Coorg have been separated from Central Revenues and allocated to the province. The exact arrangements made are somewhat complicated and I would refer the Honourable Member to the notification issued in this connection, a bound volume of which has been placed in the Library.

(b) The reply to the first part is in the negative and the second part does not therefore arise.

COTTON CESS COLLECTIONS.

*222. THE HONOURABLE MR. R. P. KARANDIKAR : (a) Is it a fact that India has only a small margin for export of cotton fit for 20 S counts

* For Answer to this question—see after Question No. 223.

and upwards, while there is a very large exportable surplus varying from one to two million bales of the shortest stapled Indian cottons ?

(b) For the sale of the latter kind, has India been almost entirely dependent on the Japanese demand ?

(c) Out of (actual cotton cess collections) Rs. 4,26,589, how much was for cotton exported and collected under section 8 of the Indian Cotton Cess Act of 1923 ?

(d) What quantity of the small margin referred to in (a) was exported in the 5½ months to which the collections referred to above relate ?

(e) What quantity of the kind of large exportable surplus referred to above was exported in the 5½ months and to what countries and in what quantities, respectively ?

DIRECTOR OF THE RESEARCH LABORATORY UNDER THE CONTROL OF THE CENTRAL COTTON CESS COMMITTEE.

223. THE HONOURABLE MR. R. P. KARANDIKAR : (a) How many applications for the post of the Director of the Research Laboratory under the control of the Central Cotton Cess Committee were received—

(i) from Indians ; and

(ii) from Europeans ?

(b) what were the tests of qualifications ?

(c) What are the emoluments of this Director of the Research Laboratory ?

THE HONOURABLE SIR NARASIMHA SARMA : With your permission, Sir, I will answer questions Nos. 222 and 223 together.

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

ADULTERATION OF INDIAN WHEAT.

224. THE HONOURABLE MR. R. P. KARANDIKAR : (a) Are Government aware that Dr. Voelcker referred to the bad reputation from which Indian wheat suffered in foreign markets owing to mixing of sand and such inferior stuff ?

(b) What steps have been taken to guard against such mixing ?

THE HONOURABLE MR. A. H. LEY : Government have seen Dr. Voelcker's statement in his report on the Improvement of Indian Agriculture published in 1897 to the effect that Indian wheat had acquired a name for being "dirty" and of being inferior to Canadian and American wheats put upon the English market. In view of representations received on the subject, the Government of India issued a Resolution in 1906, after consulting Local Governments and Chambers of Commerce, announcing that if buyers of Indian wheat desired to obtain regular supplies of wheat containing not more than 2 per cent of impurities (that term covering all foreign matter other than food-grains) the mass of Indian shipments could be made on that basis. The Secretary of State for India was, at the same time, asked to make a similar announcement for the information of merchants and millers in the United Kingdom.

As a result of this action, the Corn Trade Association in the United Kingdom, in conjunction with the milling trade, drew up in 1907 a new form of contract for the purchase of Indian wheat on a clean basis and increasing the penalties on shipments below standard. This action by the trade had a very beneficial effect, and it is believed that the old reproach is now very largely removed.

PLANT BREEDING INSTITUTE AT INDORE.

225. THE HONOURABLE MR. R. P. KARANDIKAR : (a) How far has the revised scheme of the Plant Breeding Institute at Indore progressed ?

(b) What Central India States are contributing and how much, respectively, annually or as a lump sum ?

(c) How is the non-recurring grant of 2 lakhs for capital expenditure offered by the Cotton Committee proposed to be utilised, if not actually utilised ?

(d) Have the Government undertaken to place at the disposal of the Institute the services of Mr. and Mrs. Howard ? If so,—

(i) what are their respective pays ;

(ii) from what department are they lent or transferred ; and

(iii) have Government received a reply from the Central India States (p. 39 Report) ?

THE HONOURABLE SIR NARASIMHA SARMA : (a) The scheme for the establishment of a Research Institute at Indore has been sanctioned, but the actual work has had to be postponed chiefly because Mr. Howard, the Director-elect of the Institute, has proceeded on 7 months' leave, with effect from the 17th March 1924.

(b) Eight States in Central India have agreed to contribute Rs. 20,800 annually between them.

(c) A statement is placed on the table showing in detail the manner in which the capital grant of Rs. 2 lakhs offered by the Indian Central Cotton Committee will be utilised.

(d) Yes.

(i) The present pay of Mr. and Mrs. Howard is as follows :—

	Rs.	
Mr. Howard—		
Pay	1,500	in the scale of Rs. 500—50—1,500
Pusa allowance ..	400	
	1,900	
Mrs. Howard—		
Pay	1,200	in the scale of Rs. 1,000—50—1,500
Special pay	150	
	1,350	

The pay to be granted to them at the Indore Research Institute has not yet been settled.

(ii) From the Imperial Department of Agriculture at Pusa.

(iii) Yes.

Details of capital expenditure of the Research Institute at Indore.

	Rs.	Rs.
1. Buildings—		
Laboratory	58,000	
Two fieldmen's quarters	7,000	
	—————	65,000
Payment of compensation for existing buildings (i.e., house for Assistant-in-Charge and well).		10,000
Cattle shed		3,000
Godowns for oil miscellaneous stores, small tools, spare parts, etc.		4,000
2. Gas—		
Plant and erection	10,750	
Masonry for same	1,000	
Fittings and piping	1,710	
	—————	13,460
3. Water—		
Fittings (taps, sinks, etc.) and piping		7,500
4. Laboratory and Library fittings and furniture		15,000
5. Apparatus		10,000
6. Books		1,000
7. Irrigation and Water-supply for Laboratory—		
Engine, pump and well		10,000
8. Fencing for half the area only		8,000
9. Cattle		6,000
10. Implements, sand bins, small machines (such as chaff cutters, etc.)		5,000
11. Fencing for second half of the area		7,000
12. Engine and pump for second well		6,000
13. Ploughman and watchman's quarters		5,000
14. Seed store on Cawnpore model		10,000
15. Small ginning plant and building for same		12,000
		—————
		1,99,960
		or Rs. 2 lakhs.

POWERS OF THE GOVERNOR GENERAL *re* RATIFICATION OR NON-RATIFICATION OF RESOLUTIONS ADOPTED BY INTERNATIONAL BODIES.

226. **THE HONOURABLE MR. R. P. KARANDIKAR :** Under what law or rules and following what procedure does the Governor General, in Council act, either in ratifying or declining ratification of Resolutions adopted by bodies such as the International Labour Conference or the Assembly of the League of Nations ?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : [An international agreement cannot in the nature of things be ratified save by, or on behalf of, the Governments of the countries which are parties to the agreement and it is in this capacity, and not under any statutory law, that the Governor General in Council ratifies or declines to ratify international agreements to which India is a party. Where legislation is necessary to implement an international agreement the Government of India have consistently adopted the practice of submitting the question of ratification to both Chambers of the Indian Legislature by moving a Resolution recommending ratification or non-ratification as the case may be.] As regards draft conventions adopted by the International Labour Conference the Honourable Member is referred to Article 405 of the Peace Treaty, which, however, relates to the implementing of such conventions and not to their ratification.

ACTION TAKEN BY THE GOVERNOR GENERAL REGARDING RESOLUTIONS IN RESPECT OF OBSCENE PUBLICATIONS AND THE USE OF WHITE LEAD.

227. **THE HONOURABLE MR. R. P. KARANDIKAR :** What action has the Governor General taken regarding Resolutions adopted by the Legislature, in respect of obscene publications as also the use of white lead ?

THE HONOURABLE MR. J. CRERAR : The Government of India have intimated to the Secretary of State their agreement that the Convention should be ratified on behalf of India, such ratification being included in a single instrument on behalf of all parts of the Empire which are or may become parties to it. In order to give effect to this decision an amendment of the Indian Penal Code and the Code of Criminal Procedure, 1898, is, however, necessary. The various Local Governments have been consulted on the necessary legislation which it is proposed to undertake during the September Session of the Indian Legislature.

2. The Resolution adopted by the Council of State regarding the use of white lead in painting was forwarded to the Secretary of State for communication to the Secretary General of the League of Nations.

NAMES OF MEMBERS OF THE JOINT COMMITTEE ON THE INDIAN SUCCESSION BILL.

228. **THE HONOURABLE MR. R. P. KARANDIKAR :** Who are the members of the Joint Committee to whom the Bill to consolidate the law applicable to intestate and testamentary succession was referred by this House on 29th February 1924 ?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI : The motion adopted by this Council on the 29th February was that " this Council do

recommend to the Legislative Assembly that the Bill be referred to a Joint Select Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members." No motion has yet been made in the Legislative Assembly in pursuance of that recommendation. Motions for the nomination of members to serve on the Joint Committee will be made in both Chambers, if and when the recommendation made by the Council of State is agreed to by the Legislative Assembly.

SEPARATE SPECIFICATION OF "KHADI DUNGRI OR KHADDAR" IN THE MONTHLY RETURNS OF COTTON GOODS PRODUCED IN INDIAN MILLS.

229. THE HONOURABLE MR. R. P. KARANDIKAR: Will Government be pleased to state fully the circumstances and reasons regarding the new entry and the insertion, in Government Notifications Nos. 49 and 571, dated 8th March 1924 (Cotton duties), published in Government of India Gazette, Part I, page 195, being '9 Khadi dungri' or 'Khaddar'?

THE HONOURABLE MR. A. H. LEY: Under the provisions of the Cotton Duties Act, 1896 (II of 1896), millowners are required to furnish monthly returns in prescribed forms of all cotton goods produced in Indian mills according to certain specified headings. Recently the Bombay Millowners Association suggested that *khaddar* which is now being widely produced in the mills and was hitherto included in the heading "other sorts" should be shown under a separate heading. The Government of India accepted the suggestion after consultation with the Local Governments chiefly concerned and issued the Notifications to which the Honourable Member refers.

ALLOCATION OF EXPENDITURE OF THE LEAGUE OF NATIONS.

230. THE HONOURABLE MR. R. P. KARANDIKAR: Will Government be pleased to say what is the Government of India's attitude on the question of allocation of expenditure of the League of Nations?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: The Honourable Member is referred to the reply given by me on the 4th February last to question* No. 51 put by the Honourable Mr. Phiroze Sethna.

INSTRUCTIONS TO INDIA'S DELEGATES TO THE ASSEMBLY OF THE LEAGUE OF NATIONS.

231. THE HONOURABLE MR. R. P. KARANDIKAR: Will Government be pleased to lay on the table the instructions or recommendations made to His Highness the Jam Sahab of Navanagar, to Mr. Hassan Imam and to Lord Hardinge in connection with their character as India's representatives, *i.e.*, India's delegates to the Assembly of the League of Nations?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: The Government of India issued no such instructions or recommendations, and they have no knowledge of any instructions or recommendations which may have been issued by other authority.

PUBLICATION OF THE SPEECHES OF INDIA'S REPRESENTATIVES TO THE FOURTH SESSION OF THE LEAGUE OF NATIONS.

232. THE HONOURABLE MR. R. P. KARANDIKAR: Do the annexures 1 to 8 to appendix IV (*vide* Government of India Gazette, 1st February 1924,

* *Vide* p. 47 of Council of State Debates, Vol. IV, No. 3.

page 164 *et seq*) represent all that these representatives said on behalf of India to the other members? If not, will Government be pleased to publish all their speeches in the Committees or the Assemblies of the League of Nations and their communications either to the Government of India or the British or other Governments?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: The Honourable Member will find a complete record of the speeches made by the delegates of India and other countries in the "Records of the Fourth Assembly" issued as supplements to the Official Journal of the League. These records, in so far as they have been received to date, are available for the Honourable Members' perusal in the Library where the remaining records will also be placed on their receipt. The Government of India received no communications from the delegates of India and are unaware of any such communications, save the official Report to which the Honourable Member has referred, having been made to the British or any other Government.

PAY OF THE CIVIL CLERICAL ESTABLISHMENT IN THE NORTH-WEST FRONTIER PROVINCE.

233. **THE HONOURABLE MAJOR NAWAB MUHAMMAD AKBAR KHAN:** Is it a fact that at the time of separation of the North-West Frontier Province the Government of India and the Secretary of State had laid down a general principle that the civil establishments (including clerical) in the new province should receive the same rates of pay as were then in force in the Punjab, and was this principle observed in fixing the rates of pay of civil clerical establishments in the new province?

THE HONOURABLE MR. J. P. THOMPSON: So far as officers of the Punjab Commission, the Provincial Civil Service and members of subordinate graded services such as Tahsildars, Naib-tahsildars and Munsiffs were concerned the principle was accepted by the Government of India and approved by the Secretary of State. In the case of clerical establishments it has also been accepted subject to the proviso that the amount and character of the work done by the officials concerned are the same as in the Punjab.

PAY OF THE CIVIL CLERICAL ESTABLISHMENT IN THE NORTH-WEST FRONTIER PROVINCE. •

234. **THE HONOURABLE MAJOR NAWAB MUHAMMAD AKBAR KHAN:** Is it a fact that the Local Administration of the North-West Frontier Province has ever since the separation been following and maintaining the Punjab standard of efficiency and rates of pay of their civil clerical establishments?

THE HONOURABLE MR. J. P. THOMPSON: Consistent endeavour has been made to keep to Punjab standards of pay and efficiency and proposals for revision of pay in the North-West Frontier Province, including the case of office establishments, have been made with reference to Punjab standards.

PAY OF THE CIVIL CLERICAL ESTABLISHMENT IN THE NORTH-WEST FRONTIER PROVINCE.

235. **THE HONOURABLE MAJOR NAWAB MUHAMMAD AKBAR KHAN:** (a) If the reply to the two preceding questions be in the affirmative, why are the civil clerical establishments in the North-West Frontier Province

being paid less pay since October 1920 than that allowed to their colleagues in the Punjab ?

(b) If the reply to the two preceding questions be in the negative, since when, why and on what general principles, have the rates of pay of civil clerks in the North-West Frontier Province been kept at a lower standard than that sanctioned in the Punjab for the time being ?

THE HONOURABLE MR. J. P. THOMPSON : (a) At the time of the last revision of pay of office establishments in the North-West Frontier Province in 1920 the corresponding scheme of the Punjab Government was not ready, but the general principles of both schemes were in general harmony. It was found, however, when the Punjab proposals took final form, that there were considerable differences in the average rates of pay in the two provinces. Fresh proposals for revision were submitted, based on the Punjab scales, which have been held over pending the result of inquiries instituted by the Government of the Punjab as to the possibility of effecting reductions in the pay of subordinate services owing to the fall in prices.

(b) Has been answered by the information already furnished.

PAY OF THE CIVIL CLERICAL ESTABLISHMENT IN THE NORTH-WEST FRONTIER PROVINCE.

236. THE HONOURABLE MAJOR NAWAB MUHAMMAD AKBAR KHAN : Is it a fact that the pay of civil clerks of the Irrigation Department in the North-West Frontier Province has been raised to the Punjab level ? If so, why are other civil clerks serving in the same province being accorded a differential treatment ?

THE HONOURABLE MR. J. P. THOMPSON : Yes, it is a fact.

As already explained, the treatment is not differential, although in practice, in other establishments, differences have arisen.

REVISION OF PAY OF THE CIVIL CLERICAL ESTABLISHMENT IN THE NORTH-WEST FRONTIER PROVINCE.

237. THE HONOURABLE MAJOR NAWAB MUHAMMAD AKBAR KHAN : Have the Government received copies of any resolutions passed by the Civilian Clerks' Association, North-West Frontier Province, on the subject of revision of pay and on other subjects concerning the civil clerks in the Province ?

If so, what action do Government propose to take on those Resolutions ?

THE HONOURABLE MR. J. P. THOMPSON : Yes.

The revision of the pay of clerical establishments in the North-West Frontier Province has been held over pending the result of inquiries which have been instituted by the Punjab Government into the possibility of effecting reductions in the pay of subordinate services owing to the fall in prices.

DEATH OF SIR ASHUTOSH MUKHARJI.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : Sir, it is indeed with a heavy heart that I desire to mention the great loss that the country has sustained in the untimely and painfully sudden death of Sir Ashutosh Mukharji, late a Judge of the High Court and its Officiating Chief Justice for a time. He was, as Honour-

able Members will remember, a member of the old Imperial Council to which he came as a representative of the Bengal Council, where he was representing the University of Calcutta, and from his seat on the Imperial Council he went up to his seat on the High Court Bench which he had just recently vacated.

Three of the most important spheres of work where Sir Ashutosh Mukharji was a distinguished figure were the University of Calcutta, the Imperial Council here, and the High Court, and the record of his life during the three periods of his connection would be the history of these three institutions. A man of massive intellect, of wonderful power of organization, an untiring, devoted and ceaseless worker, he was a towering personality. His loss is not only a loss to his friends and to his province, but to the whole country. When yesterday Members of both the Houses heard the sad news, there was a consensus of opinion that, as representing the people of India in the Legislature, it may be recorded in both the Houses what a great and grievous loss has been sustained by the untimely removal of this wonderful personality. Sir, I have no desire to detain the House at any length, because all who knew him knew his worth. Suffice it to say, the whole country feels the great loss that it has sustained and this House shares in that grief. I request you, Sir, as President of this Chamber, to communicate to his bereaved family this sense of our loss.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal : Non-Muhammadan) : Sir, I desire to associate myself with Dr. Sir Deva Prasad Sarvadhikary in the expressions of deep sorrow which the whole country feels at the death of Sir Ashutosh Mukharji, whom I knew since 1897 when I joined the Bar of the Calcutta High Court. After a brilliant career in the University, Sir Ashutosh Mukharji was elected a Member of the Bengal Legislative Council for three continuous sessions. He was elected in 1903, during the Government of Lord Curzon, a Member of the old Imperial Legislative Council, and, although he was there only for a very short time, his outspoken utterances in the Council which was presided over by Lord Curzon—one of the most brilliant Indian Viceroys—made a deep impression on the public mind and gained for him popularity. He was soon elevated in the year 1904 in the month of June to the position of a Judge of the Calcutta High Court which he occupied with conspicuous ability for a period of nearly 20 years. As a profound and erudite lawyer, his decisions will enrich the legal literature of India to an extent to which it has never been enriched before. But, Sir, apart from his work as a Judge and as a jurist of very great repute, his services to the cause of education will make him most remembered not only in Bengal but throughout the whole of India. His ambition was to make the Calcutta University the centre of learning which would attract to it distinguished men of letters, not only from India but from outside India, and the present post-graduate lecturers and readers of the University, who are drawn from different parts of the country, from America, from Great Britain and from Germany, show that he realised to some extent the ambition which he entertained of making the Calcutta University approach the fame of ancient Nalanda. Sir Ashutosh Mukharji was a masterful personality, and his life and example, Sir, will serve to inspire generations of my countrymen. It seems to me, Sir, that it is only fitting and proper that this Council should send a message of condolence to his sons and other members of his family.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, I desire to associate myself in the expression of sympathy and condolence in the loss the country has sustained in the death of Sir Ashutosh Mukharji. Sir Ashutosh Mukharji was a great patriot and a great Indian. Apart from his work as a lawyer in the Bengal High Court which will always remain a monument of his great industry and his great juridical knowledge, the judgments which he had from time to time pronounced will for ages to come be regarded in this country as monuments not only of great learning but as torch-lights for future guidance and information. So far as his energies were concerned, they were mainly confined to Bengal, but India, as a whole, had also received the advantage and benefit of his knowledge, his versatile experience and his wide information. I need only sympathise with the loss which the country has sustained, and I sorrowfully join in the proposal to send a message of condolence to his bereaved family.

THE HONOURABLE THE PRESIDENT : The news of the death of Sir Ashutosh Mukharji came as a great shock to all of us who knew him, and I am sure, also to those, if there are any, who did not know him. I know that the Council will desire that I should convey to his relatives our sympathy on the loss of an old Member of the Imperial Legislative Council, and of such a distinguished son of India.

STATEMENTS LAID ON THE TABLE.

THE HONOURABLE MR. A. H. LEY : Sir, I lay on the table a statement in reply to the Honourable Mr. Sethna's question on the 11th February 1924, regarding contracts for the carriage of mails by water.

Replies to items (b), (c) and (d) of the Honourable Mr. Phiroze C. Sethna's Question No. 53 in the Council of State asked on the 11th February 1924.

Serial No. assigned to
the Steamer Service
in Appx. XI of the
Annual Report.

- No. (17) It will be seen from the Remarks in the Annual Report against this service that, since the termination of the Contract with the Asiatic Steam Navigation Company in 1916, the mail service to and from the Andamans is being performed under special arrangements made by Government. This service is outside the scope of the question, as it is not under a contract.
- Nos. (18), (46) .. The services are performed under contract between the Irrawady Flotilla Coy. and the Burma Government. The Postal Department is required to contribute a portion of the subsidy.
- Nos. (47), (55) .. The services are performed under contract between the Arrakan Flotilla Coy. and the Burma Government. Mails are carried free.
- No. (56) (b) and (d). The Contract for this service was entered into in 1869 between the Secretary of State for India in Council on the one hand and Messrs. Jardine Matheson & Co. and Messrs. Apcar & Co. on the other. It was fixed for 3 years certain and contained a clause providing for its continuance thereafter until six months' notice should be given by any of the contracting parties. This notice has never yet been given.

Serial No. assigned to
the Steamer service
in Appendix XI of
the Annual Report.

- No. (56)—*contd.* .. No money subsidy is paid for this service and the Contract provides that the steamers should convey mails between Calcutta, the Straits, and Hongkong free of charge in return for the consideration that the Government binds itself not to subsidize any mail steamers, during the continuance of the contract, for the conveyance of mails on the line between Calcutta and Hongkong by the direct route from Calcutta *via* the Straits.
- The steamers of Messrs. Apear & Coy. have in the interval been acquired by the British India Steam Navigation Coy., who have thus become one of the contractors for this service.
- The two contracting companies are not registered in India and are not controlled by Indians.
- (c) No open tenders were invited when the contract was entered into in 1869.
- No. (57) (b) The Bombay Steam Navigation Coy. which performs this service has its registered office in Bombay but it is not controlled by Indians.
- (c) *and* (d). Tenders were invited when the contract for the Bombay-Goa service was originally given in 1884 to Messrs. Shepperd & Coy. whose concern was subsequently bought by the Bombay Steam Navigation Coy. The contract is renewed every year and no tenders are invited.
- No. (58) This service has at no time been under contract with the Government of India and the question, therefore, does not apply to it.
- No. (59) (b) The Retriever Flotilla Company which runs this service is registered in India but it is not controlled by Indians.
- (c) *and* (d). No open tenders were invited for the service when the contract was given out in 1914 for a period of 2 years. The contract may be determined by giving six months' previous notice in writing. It is a running contract and is still in force.

2. There are other minor steamer services between certain places in Eastern Bengal. These river services are under contract with the R. S. N. and I. G. S. N. and Railway Companies. The contracts are practically all terminable at six months' notice.

There was no occasion to invite open tenders in respect of these services inasmuch as the Contractors were the only Companies who had been plying passenger vessels regularly on those lines of communication.

The Contracting Companies are neither registered in India nor controlled by Indians.

THE HONOURABLE MR. J. CRERAR: Sir, I lay on the table a statement showing the members of the Indian Civil Service who have been appointed as Secretaries and Deputy Secretaries of the Government of India during the last five years and the Provinces to which they belong, which was promised

in reply to the Honourable Dr. Sir Deva Prasad Sarvadhikary's question on 11th March 1924.

Members of the Indian Civil Service who have been appointed as Secretaries and Deputy Secretaries of the Government of India during the last five years and the provinces to which they belong (vide the Hon'ble Mr. J. Crerar's reply to the Hon'ble Dr. Sir Deva Prasad Sarvadhikary's Question No. 133 in the Council of State on the 11th March 1924).

Departments.	Secretaries (including Joint Secretaries).	Province.	Deputy Secretaries.	Province.
1	2	3	4	5
Army	Sir Godfrey Fell .. Mr. E. Burdon ..	Burma. Punjab.	Mr. H. R. Pate ..	Madras.
Commerce ..	Sir Charles Innes .. Mr. H. A. F. Lindsay Mr. G. L. Corbett .. Mr. D. T. Chadwick	Madras. Bihar & Orissa. Cen. Provinces. Madras.	Mr. G. L. Corbett .. Mr. R. B. Ewbank .. Mr. J. G. Beazley .. Mr. E. C. Ansonge ..	Cen. Provinces. Bombay. Punjab. Bihar & Orissa.
For. & Political ..	Sir John Wood .. Mr. R. E. Holland .. Mr. J. P. Thompson Mr. D. Bray Sir Hamilton Grant Mr. H. R. C. Dobbs Mr. A. N. L. Cater Mr. E. B. Howell ..	Political Deptt. Do. Punjab Political Deptt. Do. Do. Do. Do. Do.	Mr. R. E. Holland .. Mr. B. J. Glancy .. Mr. R. R. Maconachie Mr. A. N. L. Cater Mr. K. S. Fitzee .. Mr. B. J. Gould .. Mr. E. B. Howell .. Mr. C. Latimer .. Sir Geoffrey deMont- morency.	Political Deptt. Do. Do. Do. Do. Do. Do. Do. Punjab.
Legislative ..	Sir Alex. Muddiman Sir H. Moncrieff Smith Mr. H. P. Duval .. Mr. L. Graham .. Mr. W. T. M. Wright	Bengal. United Provinces Bengal. Bombay. United Provinces	Mr. W. T. M. Wright Mr. G. H. Spence .. Mr. R. Casson ..	United Provinces. Punjab. Birma.
Rev. and Agr. ..	Mr. J. Hullah .. Mr. R. B. Ewbank..	Cen. Provinces. Bombay.	Mr. C. W. Jacob .. Mr. R. B. Ewbank..	Punjab. Bombay.
Edn. and Health	Mr. M. S. D. Butler	Punjab.		
Edn., Health and Lands.	Mr. M. S. D. Butler	Punjab.	Mr. R. B. Ewbank..	Bombay.
Ind. and Labour	Mr. A. C. Chatterjee Mr. A. H. Ley ..	United Provinces Bihar & Orissa.	Mr. J. C. B. Drake.. Mr. F. D. Ascoli .. Mr. F. R. R. Rudman	Bihar & Orissa. Bengal. Cen. Provinces.
Finance ..	Mr. H. F. Howard Mr. E. M. Cook .. Mr. W. Alder .. Mr. M. M. S. Gubbay Mr. J. E. C. Jukes .. Mr. G. G. Sim .. Mr. A. C. McWatters	Bengal. United Provinces United Provinces Bombay. Bombay. United Provinces United Provinces	Mr. J. E. C. Jukes Mr. H. Denning .. Mr. S. R. Hignell .. Mr. H. K. Briscoe .. Mr. H. G. Haig .. Mr. A. F. L. Brayne Mr. J. F. Mitchell .. Mr. A. Macleod ..	Bombay. Do. Bihar & Orissa. Do. United Provinces. Bombay. Punjab. Cen. Provinces.
Home ..	Sir James DuBoulay Sir William Marris.. Mr. W. F. Rice .. Mr. H. McPherson Mr. H. D. Craik .. Mr. H. Tonkinson .. Mr. S. P. O'Donnell Mr. J. Crerar .. Mr. C. W. Gwynne	Bombay. United Provinces Burma. Bihar & Orissa Punjab. Burma. United Provinces Bombay. United Provinces	Mr. H. D. Craik .. Mr. C. W. Gwynne .. Mr. H. Tonkinson Mr. A. Macleod ..	Punjab. United Provinces. Burma. Cen. Provinces.

BILLS ASSENTED TO BY H. E. THE VICEROY.

THE SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills:—

1. The Indian Coinage (Amendment) Act, 1924.
2. The Indian Income-tax (Amendment) Act, 1924.

STATEMENT WITH REGARD TO THE REPORT OF THE ROYAL COMMISSION ON THE SUPERIOR SERVICES IN INDIA.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, with your permission and with the permission of the House, I desire to make a brief statement with regard to the Report of the Royal Commission on the Superior Services in India which is now in the hands of Honourable Members. When they have had an opportunity of perusing it, they will no doubt observe that the recommendations of the Commission are unanimous on all main points. They cover a wide field, including Indianization of the Services, the establishment of a Public Services Commission, the control by Ministers of Services which the Report recommends should be recruited provincially in the future, and the remedy of the grievances of the Services. I should point out to the House that the Report is of an urgent character, that its main recommendations are interdependent, and that this interdependence was the basis of its unanimity.

The House has already been assured that Government propose to give an opportunity to Honourable Members of expressing their views, but
12 noon. they will no doubt understand that neither the Government of India nor the Secretary of State can suspend the consideration of the Report in the meanwhile. However, if, after Honourable Members have had an opportunity of examining the Report, there is any strong feeling in the House in favour of a discussion during the current session, Government will be glad to give an opportunity for this and will consider what arrangements could be made, although, of course, it will not be possible for them to express their definite views at such short notice.

Honourable Members will understand that the Provincial Governments are vitally interested in many of the recommendations, and their views must be obtained.

While the Government are anxious to obtain the general views of the Council at the earliest possible date, it may be necessary for the Secretary of State to take decisions on matters of urgency, and in this connection I must refer the House to what the late Home Member said in July, 1923, and again in March, 1924. I will quote what he said last July :

" We cannot here either as an Assembly or as a Government of India limit the constitutional and statutory powers of the Secretary of State in this respect, and if there are matters pressed upon him by the Royal Commission which require immediate orders, then it will be necessary to recognise his power to take a decision in advance of any discussion by the Assembly. For the rest, we shall be quite prepared to allow the Assembly an opportunity of discussing the main recommendations of the Royal Commission; we shall meet any views it may advance in discussion in the usual way, and shall forward its recommendations to the Secretary of State. "

What the Honourable Member said in respect of discussion in the Assembly applies equally to discussion in this Council. I take this opportunity of announcing that the Secretary of State and the Government of India are of opinion that whatever measures of relief recommended by the Commission may be finally sanctioned should have effect, as recommended by the Commission, from 1st April 1924.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhamadan): Sir, may I take it that no Member is expected to say anything in reference to the remarks that we have heard from the Honourable Member

[Mr. R. P. Karandikar.]

who has placed the Report on the table. I trust our silence may not be taken to be anything like acquiescence in the statement made on this occasion.

THE HONOURABLE MR. J. CRERAR: Sir, I entirely understand the attitude of my Honourable friend. I merely wished to place the House in possession of the information which I have laid before it. I did not anticipate that there would be any discussion on the merits on the present occasion.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I have already given notice of a question arising out of the answer given on this subject by Mr. Richards in the House of Commons, namely, as to the opportunities this House will have of discussing the Report. That has been answered by the Honourable Mr. Crerar in advance to-day by the announcement that this House is not to be excluded from any debate that may arise on the recommendations of the Report. What will be the difficulty of the Government of India regarding shortness of time will be all the greater the difficulty of the Members of this House. We are not likely to be able to discuss it at such short notice as the Honourable Member has invited us to do. I am sure many Members will wish to have their say and we ought to have abundant time.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): I take it, Sir, that the Honourable the Home Secretary has given an opportunity to this House to discuss the Report if this House is so advised to do or so chooses to do. We are not bound to put on record our considered opinion of the various recommendations made by the Lee Commission. I take it that this is an additional opportunity that has been furnished to us by Government, and if we want to avail ourselves of it we can do so, and if not, we need not. I for one am obliged to the Government for this opportunity which they have given us, and we may avail ourselves of it if we find that we are quite prepared to do so in the short time at our disposal.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): May I ask, Sir, if the Honourable the Home Secretary will enlighten the Council whether it will be too late if this Report is fully discussed in the September session. I understand from what he has said that effect will not be given to the recommendations of the Commission till the 1st of April in the new year's Budget.

THE HONOURABLE MR. J. CRERAR: 1924.

THE HONOURABLE SIR MANECKJI DADABHOY: The current year? I am sorry. The Report is an important document and will require to be thoroughly digested before any reasoned and fructuous discussion takes place on it, and it is only right and fair that reasonable opportunity should be allowed to this Council.

THE HONOURABLE MR. J. CRERAR: Sir, I entirely appreciate the force of my Honourable and learned friend's remarks. I only desire to invite his attention to two points, both contained in the statement I have been commissioned to make. The first is that the Government of India and the Secretary of State also are desirous, naturally desirous, of having the views of the Legislature on these important matters at as early a date as possible; and I must invite his attention, in the second place, to the remarks made by the Honourable Sir Malcolm Hailey on the question relating to matters of urgency arising out of the Report.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay : Non-Muhammadan) : May I ask the Honourable the Home Secretary whether he will give us a special date for the discussion of this Report ?

THE HONOURABLE MR. J. CRERAR : I will put that before the Honourable the Leader of the House.

APPOINTMENT OF A JOINT COMMITTEE TO CONSIDER THE STEEL INDUSTRY (PROTECTION) BILL, 1924.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : Sir, before we proceed with the legislative business of the day, I wish to bring to your attention one important matter. The Steel Protection Bill is now under discussion in the Assembly, and I understand that a motion will be made to refer the Bill to a Select Committee and the Government will acquiesce in the proposal. The Bill is of a very important character and it is only right and proper that Members of the Council of State should also be associated on the Select Committee. It will be better if a Joint Select Committee is fixed up for this purpose as it is desired by many Members of the Council of State that a Joint Select Committee should be appointed to discuss that Bill and make further investigation into a most important and delicate question. May I therefore request you to communicate to the President of the Legislative Assembly the wish of this Council that, if it is practicable, Members of this Council be associated on the Select Committee ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I wish to second the proposal which has been made by my Honourable friend, Sir Maneckji Dadabhoy, and I think that, both in the interests of India as well as of the position that this House occupies, there should be a Joint Committee appointed and that the Assembly should be approached for this purpose.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member) : Sir, the constitutional position with regard to the suggestion which has been made by my Honourable friend is a very simple one. The Tariff Bill is not before this House. It is being introduced elsewhere to-day and the Government are not making any proposal for its reference either to a Select Committee of that House or to a Joint Select Committee of the two Houses. The position, as I understand, is this, that a non-official Member has given notice of a motion to that effect. (*The Honourable Sir Maneckji Dadabhoy* : " And I understand the Government are going to accept it.") Well, I personally have no official knowledge of what the Government intend to do in the other House. But what I would like to point out to my Honourable friend is this, that, according to the Government of India Act and the rules relating to the discussion of Bills framed under it, no motion of any kind can constitutionally be made in this House at this stage, when the Bill is not before this House, for reference of that Bill to a Joint Select Committee. If my Honourable friends opposite are so very anxious that this important Bill should be referred to a Joint Select Committee, it is for them to make that suggestion to the non-official Member in the other House who is going to make a proposal that the Bill should be referred to a Select Committee.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal : Non-Muhammadan) : Sir, in view of what the Honourable Leader of the House has said, which I fully appreciate, I would not wish to be a party to the suggestion which the Honourable Sir Maneckji Dadabhoj has made. At the same time, Sir, an important constitutional aspect involved should not be lost sight of.

If there is a Select Committee in the other House we under the rules are precluded from having a Select Committee of our own, and what will happen is that practically the whole House will have to go into Committee. Unless there is a Joint Committee we shall not be shut out from moving any amendments here, however the other House or its Select Committee might dispose of the Bill. With regard to the Honourable the Leader's suggestion that we should canvass non-official Members of the other House about a Joint Committee, I do not know that that will be quite the right thing to do.

INDIAN (SPECIFIED INSTRUMENTS) STAMP BILL, 1924.

THE HONOURABLE MR. A. C. McWATTERS (Finance Secretary) : Sir, I introduce a Bill to provide for the modification of certain provisions of the Indian Stamp Act, 1899, in their application to certain promissory notes and other instruments. The Bill has been published in accordance with the provisions of Rule 18 of the Indian Legislative Rules.

The object of this small measure is simply to prevent any possible hardship being caused to any person who may not have been aware of the changes in stamp duty which were introduced from the 1st October last by the Indian Stamp (Amendment) Act, 1923. The House will remember that that Act was passed before the end of July and took effect from the beginning of October. There was therefore something more than two months before that Act came into operation. It has been brought to our notice by one or two Local Governments, particularly Burma, that the information did not sink into the minds of the people everywhere. India is a big country and it is very difficult to spread information of this kind quickly and adequately. We therefore propose that by this Bill a further period of three months' grace should be given, making it five months in all. Any document which has been executed before the end of December of last year can, under this Bill which I am now introducing, be validated on payment of the difference in the stamp duty without any penalty whatever, and any penalty which may have been imposed will be refunded. The changes in stamp duty which were made last July were an increase from one anna to two annas on share certificates, letters of allotment, letters of credit and proxies, and an increase on promissory notes executed for a sum above Rs. 250 to two annas and in some cases to four annas. There is this difference between the first four classes of instruments that I have mentioned and promissory notes, in that under the Stamp Act promissory notes cannot be validated at all, whereas the other instruments can be validated on payment of penalty. If this Bill is passed, the same result will be obtained in respect of all these five instruments, namely, that they can all be validated on payment of the difference in duty which is due under the Stamp (Amendment) Act, 1923, without any penalty at all. I think the House will agree that this proposal is one which is in the interest of the subject and I do not think that any one will quarrel with its principle. I should just like

to mention that a Bill much on these lines was actually introduced in the Legislative Assembly last March, but the introducer of that Bill unfortunately had to go to England, and for that reason the Government have taken the measure over themselves, and I am now introducing it in this House.

THE HONOURABLE THE PRESIDENT: The Honourable Member has made no motion.

THE HONOURABLE MR. A. C. McWATTERS: I am introducing the Bill.

THE HONOURABLE THE PRESIDENT: The Bill is introduced under Rule 18. The Honourable Member should move that it be taken into consideration.

THE HONOURABLE MR. A. C. McWATTERS: I move, Sir, that the Bill be taken into consideration. The Burma Government in particular regard it as important that it should be passed this session, and therefore it is important that the consideration should be taken up now.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): May I say a word, Sir? It will be within the recollection of Honourable Members that when the Bill of 1923 was considered in this House in July last, several amendments were brought forward to the effect that that Bill should be given effect to with reference to a particular date. The Government unfortunately were not in a position to agree to it, for the simple reason that that being the last session of the then Legislative Assembly, if any amendments were incorporated in the Bill here, it ought under the law to have been referred back to the Legislative Assembly. The result of the Government's attitude was that, reasonable though a particular amendment was admitted to be by the Government, it was pointed out by the official Members that they proposed to bring about the same effect by not getting the sanction of the Governor General to the Bill till the 1st October, 1923. I do not wish to go into the caustic remarks that were made by the President on that occasion. But this much I feel bound to say that, if the advice of non-official Members had been accepted by the official benches on that occasion and the particular date on which the Bill would come into effect had been mentioned in that Bill, this validating measure would not at all have been necessary to-day. That in itself has some moral, and the moral is that over-hasty legislation or refusal to consider well-considered proposals leads to trouble. I believe I have said all that could be said on this particular point. As to the merits of the proposal itself I find myself in entire agreement with it and I support the motion that the Bill be considered.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal: Non-Muhammadan): Sir, I have great pleasure in supporting the motion of the Honourable Mr. McWatters. It is after all a validating Bill, a Bill in the interests of the subject. Whatever criticism may have been offered by the Honourable Saiyid Raza Ali with regard to the hastiness of the legislators, we know that as a validating Bill, this is not the first of its kind. There have been several validating Acts and the officials as well as non-officials are liable to err. After all, to err is human. This Bill is really in the interests of the subject. It does away with a great hardship imposed on a person who has had promissory notes executed on insufficient stamps, as the practical

[Dr. Dwarkanath Mitter.]

result of it is that the note would not be admissible in evidence in a court of law and he would lose the entire sum which he had lent to the person who had executed the promissory note. It imposes a very great hardship and it is right that the Government have seen their way to introduce this validating measure.

THE HONOURABLE MR. A. C. McWATTERS: I should only like to say a word with regard to what has fallen from my Honourable friend, Saiyid Raza Ali. I think he is perfectly well aware that the reason why Government felt unable to adopt the suggestion to make amendments at such a late stage in the session last year was that the revenue under that Bill was provincial revenue, and any delay would have had the effect of depriving the Provinces of the revenue from this increase in stamp duty for practically six or seven months. Therefore it was really in the interests of others that the Government adopted the course they took.

THE HONOURABLE THE PRESIDENT: The question is:

“That the Bill to provide for the modification of certain provisions of the Indian Stamp Act, 1899, in their application to certain promissory notes and other instruments be taken into consideration.”

The motion was adopted.

Clauses 1, 2 and 3 were added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I move that the Bill be passed.

The motion was adopted.

INDIAN SOLDIERS' LITIGATION (AMENDMENT) BILL, 1924.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I introduce a Bill to amend the Indian Soldiers' (Litigation) Act, 1918, for certain purposes, which Bill has been published in accordance with the provisions of Rule 18 of the Indian Legislative Rules.

In moving, Sir, that the Bill be taken into consideration, I do not think that I need detain the House at any length on the merits. It is a small measure. It is in fact little more than a drafting amendment in order to rectify a defect in section 11 of the Act which has been brought to light in consequence of the decision of the Lahore High Court which is referred to in the Statement of Objects and Reasons. There can be no question that the class of persons who will benefit if this Bill is passed into law are at least as much entitled to the protection of the Act as those who do actually fall within its present provisions, and there is no more doubt that that was the original intention of the Legislature. I do not propose therefore to detain the House any longer; I will merely move in so many words that the Bill be taken into consideration.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I welcome this small Bill as it has been called, but it is not small because it deals with property to the amount of lakhs of rupees. It was very kind of Government to have passed this Bill, but the error which has been made has affected many people. It is quite proper now to put it right,

but if the Bill does not have retrospective effect lots of people will suffer. As Government is so kind now as to help these people, I think they should be just as kind to those who lost their cases; and as this Bill is to be passed straight off to-day, I think it ought to be in order to move an amendment. All that I want is the words "and will have retrospective effect" at the end. That is all that I want to put forward; and I hope all Honourable Members, who must know that there will otherwise be a distinction created, will support it, so that some soldiers will be benefited and others will not. I hope they will help the soldiers who have done a great deal during the War and of them especially those who have lost their cases.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to amend the Indian Soldiers' (Litigation) Act, 1918, for certain purposes, be taken into consideration."

The motion was adopted.

Clause 1 was added to the Bill.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : Sir, I want to move an amendment to clause 2 to the effect that after it shall be added the words "and will have retrospective effect." I have already explained why I put this forward, and I think you will be doing a great kindness to the soldiers if this amendment is adopted. I think the whole House realises what sacrifices our soldiers have made, and will help me and thereby help the soldiers.

THE HONOURABLE THE PRESIDENT : If the Honourable Member has an amendment to propose he must draft it and hand it in, otherwise I cannot take any notice of it.

(The amendment was here handed in.)

I am afraid that in the form in which the Honourable Member has drafted his amendment it does not fit properly into the context ?

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : All that I want is to appeal through you to the Member in charge. If my object can be attained by anything else it will do equally well.

THE HONOURABLE MR. J. CRERAR : Sir, I appreciate very much the corroboration which the few remarks I made about this Bill have been given by the speech of my Honourable and gallant friend. It is therefore a matter of great regret to me that, while I sympathise very strongly with the motives which impel him to make this suggestion, I am not in a position to accept it. We have taken the earliest possible steps to rectify what I fear I must admit was a defect in the original drafting of the Act. We have taken the earliest possible steps to remedy that defect and to give to those whose case was undoubtedly contemplated by the Legislature the relief which the Act affords. But to give retrospective effect to this Act would have a disturbing effect on any decisions which may have actually taken place and is a course which I certainly could not now recommend to the House and which I certainly would be most apprehensive of taking the responsibility of advocating in the presence of so many acute and distinguished lawyers.

THE HONOURABLE THE PRESIDENT : Do I understand the Honourable Member to take objection to the amendment ?

THE HONOURABLE MR. J. CRERAR : I must take objection on the ground of lack of notice.

THE HONOURABLE THE PRESIDENT : In that case I cannot admit the amendment.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East : Muhammadan) : Sir, speaking to clause 2, I would like to make one or two observations without proposing any formal amendments. Confining myself to the words of the clause I would invite the attention of the Home Secretary to the fact that when it was ruled by the Privy Council in 1907 that the proper period of limitation applicable to hypothecation suits was 12 years and not 60 years, as had been held by some of the High Courts, it was thought necessary to bring in a validating Act. A validating Bill, as you remember, was passed in the year 1908, and a certain period was given to litigants who honestly believed that the period of limitation was 60 years and not 12 years to institute their suits till a date in August 1910. I believe that the point of the Honourable Sir Umar Hayat Khan, which is worthy of consideration at the hands of Government, is as to what will happen to a suitor who at the time when he instituted his suit was not a soldier and yet claiming the benefit of limitation brought his suit with the result that it was dismissed by the Court. Having regard to the law as embodied in the Bill, it will be open no doubt to a soldier or to one who has been a soldier to institute a suit to enforce his right in future ; but the man who in the meantime has brought his suit and has lost it will be, I take it, without a remedy. In fact, when legislation of this character is introduced it is customary for Government to prescribe a special period of limitation enabling all those suitors who have lost their suits, or all those appellants who have lost their appeals, to apply for restoration of such suits or appeals, as the case may be. Generally such period of limitation is not very lengthy. Usually the Legislature gives three or four months in order to enable such suitors and appellants to seek their proper remedy. It may be that my Honourable friend, Mr. Crerar, is not in a position just at present to bring about a change on the lines suggested by the Honourable Sir Umar Hayat Khan, but I think, Sir, that the question is of sufficient importance to justify the Government giving careful consideration to it. I do not think it is necessary for me to make a formal motion, but if the Government think that they are prepared either now or at some later stage to have some provision on the lines suggested, the consideration of this Bill might stand over till to-morrow or the day after. That is one course. The other course that is open to the Government is to pass this Bill as it is and bring in another amending measure with a view to give effect to the valuable suggestion made by my Honourable friend Colonel Sir Umar Hayat Khan. I may say clearly that there is ample precedent for Government undertaking legislation on similar occasions.

THE HONOURABLE MR. J. CRERAR : Sir, I shall be very glad to give careful consideration to the suggestions which have been made by my Honourable and learned friend. It is possible that Government may at a later stage bring before the Legislature a measure for consolidating and amending the Act on wider lines than this smaller measure and in preparing any such proposals, I have no doubt that the suggestions made by the Honourable

Members who have spoken will receive very careful consideration. Meantime, I would ask the House to accept the limited measure which I have placed before it.

THE HONOURABLE DR. DWARKA NATH MITTER (West Bengal: Non-Muhammadan): Sir, there is some misapprehension apparently with regard to what has fallen from the Honourable Colonel Sir Umar Hayat Khan. I think what the Legislature originally laid down is that, if a suit has been instituted by a person who was not a soldier at the time of the particular transaction in respect of which the suit has been instituted, but was a soldier at the time of the institution of the suit, he was not to be entitled to the benefit of the provisions of this Act. But what this Bill now intends is, that even if the person concerned was a soldier at the time of the institution of the suit, although he was not a soldier at the time of the transaction, he will be entitled to the benefit of the provisions of that Act. That does not render any provision with regard to retrospective legislation necessary. Of course, those suits which have already been barred, by reason of the Act as it stood not being applicable to a particular person, cannot be touched by any legislation of this description. It is of course very unfortunate that the wording as it existed in the Statute was not sufficient to contemplate a case of this description. But I do not know, Sir, of any enactment which could interfere with a decision in suits which have already been disposed of. I can understand this with regard to a particular suit now pending, and the words of the Act might be so amended as to apply to suits which are now pending before a particular Court, either in the Court of first instance or in the Court of Appeal, but with regard to those that have already been disposed of, I do not think the Legislature can interfere.

Clause 2 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I move that the Bill be passed.

The motion was adopted.

STATEMENT OF BUSINESS FOR FRIDAY, THE 30TH MAY 1924.

THE HONOURABLE THE PRESIDENT: Has the Honourable the Leader of the House any statement to make about the course of business?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, the next meeting of this Council will, with your permission, be held on Friday, the 30th May. The only item of business will be a Resolution to be moved by the Honourable Mr. Chadwick recommending for acceptance the Tariff Board's recommendation that the import duty on Sulphur be removed. If the Steel Industry (Protection) Bill is passed in another place before the 30th May, it will be laid on the table in this Chamber on that day, and motions that it be taken into consideration and passed will be made at the next following meeting which I understand will be on Monday, the 2nd June.

The Council then adjourned till Eleven of the Clock on Friday, the 30th May, 1924.