

**THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)**

VOLUME II

SECOND SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1921



**SIMLA,
SUPERINTENDENT, GOVERNMENT CENTRAL PRESS
1921**

CONTENTS

	Page
THURSDAY, 1ST SEPTEMBER, 1921	1—6
Oaths.	
President's Speech.	
SATURDAY, 3RD SEPTEMBER, 1921	7—17
Inauguration of the Second Session of the Council of State and Legislative Assembly.	
MONDAY, 5TH SEPTEMBER, 1921	19—155
Statements laid on the Table.	
Questions and Answers.	
Procedure in regard to Question and Answer.	
Motion for Adjustment to consider Moplah Outbreaks.	
Arrangement of business of the Assembly.	
Resolution <i>re</i> : Addressed of Welcome to H. R. H. the Prince of Wales.	
Resolution <i>re</i> : Welcome to H. E. Lord Reading.	
Demand for Supplementary Grant.	
The Indian Factories (Amendment) Bill.	
The Indian Electricity (Amendment) Bill.	
The Indian Penal Code (Amendment) Bill.	
The Maintenance Orders Enforcement Bill.	
The Code of Civil Procedure (Amendment) Bill.	
The Indian Emigration Bill.	
The Negotiable Instruments (Amendment) Bill.	
The Carriers (Amendment) Bill.	
The Indian Post Office (Amendment) Bill.	
The Indian Marine (Amendment) Bill.	
The Indian Works of Defence (Amendment) Bill.	
The Indian War Relief Trust Bill.	
The Moplah Outbreaks.	
TUESDAY, 10TH SEPTEMBER, 1921	157—243
Oath.	
Questions and Answers.	
Message from the Council of State.	
Point of Procedure.	
The Exclusion from Inheritance Bill.	
The adoption (Registration) Bill.	
Resolution <i>re</i> : Repeal of Workmen's Breach of Contract Act.	
Postponement of the Discussion on Mr. Samarth's Resolution.	
Procedure for taking Divisions.	
Legislative Business.	
LA	

	PAGE
THURSDAY, 15TH SEPTEMBER, 1921	245-379
Questions and Answers.	
Statement of Government Business.	
The Maintenance Orders Enforcement Bill.	
The Indian Penal Code (Amendment) Bill.	
The Negotiable Instruments (Amendment) Bill.	
The Indian Post Office (Amendment) Bill.	
The Indian Marine (Amendment) Bill.	
The Indian Works of Defence (Amendment) Bill.	
The Indian Lac Cess Bill.	
The Land Acquisition (Amendment) Bill.	
The Press Law Repeal and Amendment Bill.	
Resolution <i>re</i> : the Distinctions between Indians and Non-Indians and the Removal of their Mode of Trial.	
MONDAY, 19TH SEPTEMBER, 1921	381-483
Oaths.	
Questions and Answers.	
Allotted Days for Voting on Supplementary Grants.	
Statement of Government Business.	
Election of Deputy President.	
The Indian Electricity (Amendment) Bill.	
The Carriers (Amendment) Bill.	
The Indian Lac Cess Bill.	
The Indian Income-tax Bill.	
The Indian Contract (Amendment) Bill.	
Message from the Council of State.	
TUESDAY, 20TH SEPTEMBER, 1921	485-638
Death of Raja Sivanandan Prasad Singh	
Questions and Answers.	
Motion for adjournment.	
Bills passed by the Council of State.	
The Transfer of Property (Amendment) Bill.	
The Adoption (Registration) Bill.	
Resolution <i>re</i> : the Purity of Administration in the various Depart- ments of the Government of India.	
Resolution <i>re</i> : the Separation of Judicial and Executive Functions.	
Precedence of Notices of Bills and Resolutions.	
WEDNESDAY, 21st SEPTEMBER, 1921	637a-671
Oath.	
Questions and Answers.	
Election of Deputy President.	
Resolution <i>re</i> : Reconstitution of the Provinces of India.	
Resolution <i>re</i> : Transfer of Judicial Administration of the North- West Frontier Province.	

THURSDAY, 22ND SEPTEMBER, 1921 673-903 -

Questions and Answers.
Unstarred Questions and Answers.
Notice of Questions.
Distribution of Blue Books
Election of the Deputy President.
Demands for Supplementary Grants.

FRIDAY, 23RD SEPTEMBER, 1921 909-975

The Maintenance Orders Enforcement Bill.
The Indian Penal Code (Amendment) Bill.
The Indian Limitation (Amendment) Bill.
The Indian Income-tax Bill.
Resolution *re* : Purchase of Stores by the High Commissioner for India.
Resolution *re* . the Construction of the Sukkur Barrage.
Resolution *re* : Indian Autonomy.
Programme of Government Business for the Rest of the Session.
Use of the Chamber Precincts for a Non-Parliamentary Purpose.

MONDAY, 26TH SEPTEMBER, 1921 977-1064

Statement laid on the Table.
Questions and Answers.
Unstarred Questions and Answers.
Message from His Excellency the Viceroy.
Programme of Government Business for the Rest of the Session.
The Indian Factory (Amendment) Bill.
The Code of Criminal Procedure (Amendment) Bill.
The Exclusion from Inheritance Bill.
The Press Law Repeal and Amendment Bill.
The Code of Criminal Procedure (Amendment) Bill.
The Cattle Trespass (Amendment) Bill.
The Land Acquisition (Amendment) Bill.
The Musalman Waqfs Registration Bill.
Resolution *re* : Limitation of Hours of Work in the Fishing Industry.
Resolution *re* : Establishment of National Seamen's Code.
Resolution *re* : Unemployment Insurance for Seamen.
Resolution *re* : Minimum Age for Admission of Children to Employment at Sea.
Resolution *re* : Unemployment Indemnity Case of Loss or Foundering of a Ship.
Resolution *re* : Facilities for finding Employment for Seamen.
Message from the Council of State.
Resolution *re* : Enhancement of Pensions of Civil Pensioners.
Last Day of the Session.

TUESDAY, 27TH SEPTEMBER, 1921 1065—1139

Questions and Answers.

Unstarred Questions and Answers.

The Code of Criminal Procedure (Amendment) Bill.

The Invalidation of Hindu Ceremonial Emoluments Bill.

Resolution *re* : the Anti-Drink Movement in India.

Messages from the Council of State.

Resolution *re* : Equalizing the Number of Indians and Europeans in certain Posts.

Resolution *re* : Amendment of Indian Evidence Act.

WEDNESDAY, 28TH SEPTEMBER, 1921 1141—1218

Questions and Answers.

Unstarred Questions and Answers.

Election of the Deputy President.

Resolution *re* : Medical Diplomas of Indian Universities.

Resolution *re* : Permanent Capital of India.

Resolution *re* : Reserve Railway Compartments for Different Communities.

Resolution *re* : the Postal System in India.

Resolution *re* : Reserved Railway Compartments for different Communities.

THURSDAY, 29TH SEPTEMBER, 1921 1219—1299

Questions and Answers.

Unstarred Questions and Answers.

The Indian Income tax Bill.

The Maintenance Orders Enforcement Bill.

The Code of Civil Procedure (Amendment) Bill.

Resolution *re* : Indian Autonomy.

Resolution *re* : Recruitment for All-India Services.

FRIDAY, 30TH SEPTEMBER, 1921 1291—1331

Statements laid on the Table.

Questions and Answers.

Unstarred Questions and Answers.

Point of Order.

Resolution *re* : Recruitment for All-India Services.

The Code of Criminal Procedure (Amendment) Bill.

Resolution *re* : Railway Committee's Report.

Resolution *re* : the Contribution to the Governor General in Council by the Government of Bengal.

Provisional Date of re-assembling.

INDEX 1—150

LEGISLATIVE ASSEMBLY.

Monday, 26th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

STATEMENT LAID ON THE TABLE.

The Honourable Sir William Vincent : Sir, I lay on the table a statement containing information promised in reply to part (b) of the question asked by Mr. B. H. Jatkari on the 21st March 1921, regarding the anomalous status of Berar.

*The suggestions made in the representations referred to were considered by the Government of India. The Honourable Member is, it is believed, well aware of the position of Berar as a province of Hyderabad State leased to and administered by the Government of India. Several of the suggestions put forward were, in the peculiar circumstances of the case, impracticable. Others were regarded as premature. The advantages derived by Berar from the reformed Constitution will be apparent from a study of the present Government of India Act and the Rules thereunder.

QUESTIONS AND ANSWERS.

IMMIGRANTS FROM HYDERABAD STATE TO TUNGABHADRA.

624. **Rao Bahadur T. Rangachariar :** Have the Government of India any information about a number of immigrants from Hyderabad State who have recently settled at Tungabhadra in British territory, and will they be pleased to take steps to give them pecuniary relief to save them from starvation ?

The Honourable Sir William Vincent : The Government of India have no information on the subject but they will draw the attention of the local Government to the allegation made.

UNIFORM FOR INDIAN TRAINED MILITARY NURSING SISTERS.

625. **Lieut.-Colonel H. A. J. Gidney :** (a) Is it correct that no official orders have been issued with regard to a recognised uniform for the Indian Trained Military Nursing Sisters, and that no uniform allowance is granted ?

(b) If so, will the Government of India be pleased to issue official orders, allowing the Indian Trained Nurses to wear the same uniform as that of the British Trained Nurses, and that a similar uniform allowance be granted on joining appointment ?

Sir Godfrey Fell : (a) Yes.

(b) As the nurses referred to are serving on temporary engagements, terminable every six months, Government are not prepared to prescribe a uniform for them or to sanction a uniform allowance.

INDIAN TRAINED NURSES.

626. **Lieut.-Colonel H. A. J. Gidney :** (a) Do the Indian Trained Nurses do exactly the same work as that of British Trained Nurses?

(b) Do Government propose to sanction the same scale of pay for Indian Trained Nurses as that drawn by British Trained Nurses?

(c) Do Government propose to issue orders that Indian Trained Nurses should draw their salary from the *date of appointment*, instead of, from the *date of arrival in Sisters' Mess*?

Sir Godfrey Fell : (a) Indian Trained Nurses are employed in Indian troops hospitals whilst British Trained Nurses are employed in hospitals for British officers and men and their families. Their work is in all respects similar.

(b) In view of the reasons given in the note to the statement laid on the table in reply to Question No. 254 asked by Mr. Harchandrai Vishindas, the Government of India do not propose to sanction the same rates of pay for Indian and for British Trained Nurses.

(c) The nurses referred to are paid on and from the date on which they take up their appointments.

ACCUMULATION OF PRIVILEGE LEAVE TO NURSES.

627. **Lieut.-Colonel H. A. J. Gidney :** Do Government propose to sanction the 30 days' privilege leave granted to nurses after one year's service, to be accumulated?

Sir Godfrey Fell : The question is understood to refer to temporary nurses engaged for duty with Indian troops hospitals. The Government of India do not propose, at present, to change the rule under which these temporary nurses are allowed 30 days' privilege leave on full pay annually. The conditions governing their leave are the same as those which apply to temporary nurses of the Queen Alexandra's Military Nursing Service for India.

INDIAN TROOPS HOSPITALS.

628. **Lieut.-Colonel H. A. J. Gidney :** (a) Is it true that a scheme for staffing the Indian Troops Hospitals has been submitted, and that the Indian Trained Nurses will be placed on the Subordinate Grade?

(b) If so, will Government be pleased to reconsider the proposal in view of the loss of social status and prestige which the Indian Trained Nurses would undoubtedly suffer, were such a ruling passed?

Sir Godfrey Fell : (a) The question of creating a permanent Nursing Service for Indian troops hospitals is at present under the consideration of the Secretary of State for India. No proposals have yet been made as to the rates of pay and the status to be granted to the members of this Nursing Service.

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

No. 2-56 RIFLES, FRONTIER FORCE.

629. **Mr. Ahmad Baksh Khan :** (a) Is it a fact that the No. 2-56 Rifles, Frontier Force, was posted at Alexandria in the month of July 1920,

and Lieutenant C. A. May and Lieutenant P. J. Don were attached to this regiment?

(b) Is it a fact that on 14th July 1920 these two officers while making a recreation ground started to demolish a Muslim Mosque which was situated there?

(c) Is it a fact that some Muslim Officers of the said regiment headed by the Subedar-Major Atta Khan, I.D.S.M., protested against the action of these two officers, and reported the matter to the Colonel of the regiment?

(d) Is it a fact that this officer who has over 22 years' loyal and faithful service to his credit, was sent on pension against his wish, and without any reason being given for this action?

(e) Will the Government be pleased to state why the full pension of Rs. 115 was not allowed to the said officer?

(f) If the above facts are correct, does His Excellency the Commander-in-Chief propose to make an inquiry and remove the injustice, if any, done to this officer?

(g) What happened to the Mosque referred to above?

Sir Godfrey Fell : (a) The regiment was at the time stationed 3½ miles from Alexandria. The two Lieutenants named were attached to the regiment.

(b) and (c). In the camp area there were a few huts which were purely temporary structures. On the 14th July 1920, while the General Officer Commanding Division and the General Officer Commanding Brigade accompanied by the Commanding Officer of the regiment were inspecting these huts, the Commanding Officer asked their permission to convert one of the huts into a badminton court. The permission was granted. On the next day the two Lieutenants above referred to, went to the hut with a view to starting work on it. A fatigue party was proceeding with the removal of the roof and had been at work for about a quarter of an hour when the Jemadar-Adjutant of the regiment came up and said that he was in the habit of saying prayers in the hut. He went and reported the matter to the Subedar-Major, Atta Khan, who in his turn reported it to the Commanding Officer. The latter directed the two Lieutenants to stop work at once. The work was stopped. None of the British officers knew, or had any reason to believe, that the hut in question was used as a place of prayer; nor had the Subedar-Major at any time asked the Commanding Officer for permission to appropriate the hut for this purpose.

(d) On the 20th July, a Court of Inquiry was assembled to inquire into the affair and generally into the state of discipline in the regiment. The inquiry revealed the fact that on more than one occasion Subedar-Major, Atta Khan, had been guilty of grossly insulting behaviour towards his superior officers and had made scandalous insinuations against them. The Court held that in the interests of discipline, it was undesirable to retain him any longer in the regiment.

(e) After a careful consideration of the findings of the Court of Inquiry, His Excellency the late Commander-in-Chief decided that the Subedar-Major should be discharged from the service on the full pension to which he was entitled by his service but that the special allowance of Rs. 50, which is granted on the special recommendation of a Commanding Officer, should not be granted to him.

(f) It will be seen that the Honourable Member's information in the matter is not entirely correct. It is not proposed to reconsider the case.

(g) It is not known what happened eventually to the hut in question.

PERSONS PROHIBITED TO MAKE A SPEECH IN PUBLIC MEETINGS.

630. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to lay on the table a statement showing:

- (a) the names, residence, and occupation of the persons (province by province) against whom orders under Section 144, Criminal Procedure Code, have been passed since 1st January 1921, restraining them from making a speech in any public meeting;
- (b) the names, residence and occupation of the persons (province by province) against whom such orders were cancelled, stating briefly the reasons and the conditions of such cancellation;
- (c) the names, residence and occupation of the persons (province by province) who have been punished for disobeying such orders, also the punishment awarded for such disobedience;
- (d) the number of cases (province by province) in which action under Section 144 of the Criminal Procedure Code was taken to prohibit the making of speeches in the years 1920, 1919 and 1918?

The Honourable Sir William Vincent: (a) A statement showing the number of orders issued under Section 144, Criminal Procedure Code in each province since 1st January 1921 according to the information available to us at present is laid on the table. The particulars required in respect of each order are not available.

(b), (c) and (d). Government have not the information on record.

The Honourable Member should understand that this is a matter with which local Governments are chiefly concerned and that further information might conveniently be obtained from them.

Number of orders issued in each province against persons under Section 144, Criminal Procedure Code.

Madras	...	14	Bihar and Orissa	...	68
Bombay	...	2	Central Provinces	...	28
Bengal...	...	26	Assam	...	34
United Provinces	...	484	North-West Frontier Pro-	...	
Punjab...	...	4	vince	...	14
Burma	...	6	Coorg	...	Number not given.

PERSONS UNDER SECTIONS 124-A AND 153-A.

631. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to lay on the table a statement showing the names, residence and occupation of the persons (province by province) tried, convicted, discharged or acquitted, for offences under Sections 124-A or 153-A, Indian Penal Code, since 1st October 1920, as well as the punishment awarded in cases of conviction?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given by me on the 15th September 1921 to a similar question asked by Mr. Seshagiri Ayyar.

KANUNGOS OF THE PUNJAB.

632. Rai Bahadur Pandit J. L. Bhargava: (a) Has the Government received a memorial from the Kanungos of the Punjab praying for the improvement of the scale of their pay and prospects in service?

(b) If so, will the Government be pleased to state what action has been taken to redress their genuine grievances?

(c) Whether in view of the multifarious and not unimportant duties this class of Government servants have to perform, the Government will be pleased to consider the advisability of bringing the pay of Kanungos on a level with the other subordinate staff of the Civil Department whose status is equal to theirs?

Mr. J. Hullah: (a) Yes.

(b) and (c) The memorial has been returned for submission through the Local Government, and until that Government's views are received, the Government of India are unable to consider it.

BOOKING OFFICE WINDOWS AT RAILWAY STATIONS.

633. Rai Bahadur Pandit J. L. Bhargava: Are the Government aware that the booking office windows at the railway stations are opened only a short time before the trains are timed to arrive or start?

Colonel W. D. Waghorn: So far as Government are aware, arrangements for continuous booking exist at all the more important stations of the principal railways, and at others ample time is given to passengers to enable them to purchase tickets before the departure of trains.

The importance of this matter has already been brought to the notice of Railway Administrations.

THIRD CLASS RAILWAY PASSENGERS.

634. Rai Bahadur Pandit J. L. Bhargava: Are the Government aware that third class passengers are put to great inconvenience in purchasing tickets at the railway stations, particularly at big stations and junctions, and that they often have to propitiate the railway porter or the policeman on duty to secure the ticket in time to catch the train?

Colonel W. D. Waghorn: Government are not prepared to accept the first part of the question as a general statement of fact nor are they aware of the practice referred to in the latter portion.

OPENING OF BRANCH BOOKING OFFICES IN BIG TOWNS AND JUNCTIONS.

635. Rai Bahadur Pandit J. L. Bhargava: Will the Government be pleased to direct the Railway authorities to arrange the opening of the branch booking offices in big towns and junctions where such do not exist at present, and the opening of the booking office windows at least 3 hours

before the starting time of the trains at all junctions and one hour before at every other station ?

Colonel W. D. Waghorn : Railways are prepared to consider proposals for opening branch town or city booking offices at specified places where traffic conditions justify such offices. In regard to the second part of the question, I would refer the Honourable Member to the reply just given to Question No. 633.

POLITICAL PRISONERS.

636. Rai Bahadur Pandit J. L. Bhargava : Do the Government propose to consider the advisability of laying down a definite policy for treating political prisoners in the same or different provinces in a uniform manner and issuing the necessary instructions ?

The Honourable Sir William Vincent : As jail administration is now a provincial subject it rests with Local Governments to frame their own rules in regard to the treatment of various classes of political prisoners. We are, however, in correspondence with Local Governments in regard to the recommendations of the Jails Committee made in paragraphs 130-181 of their report.

COMMITTEE ON REHABILITATION OF GOVERNMENT SECURITIES.

637. Lieut.-Colonel H. A. J. Gidney : Will Government be pleased to state the deliberations of the Committee which, it is understood, was recently appointed in connection with the rehabilitation of Government securities ?

Mr. G. G. Sim : The reports of the two Committees were published on the 19th September.

INCOME-TAX ON THE INTEREST ON GOVERNMENT SECURITIES.

638. Lieut.-Colonel H. A. J. Gidney : (a) Will Government be pleased to say why income-tax is now charged at sixteen pies per rupee on the interest derived from Government securities while in the case that I have in view the man only pays six pies on the rupee on his monthly salary ?

(b) Is Government aware that this is a source of hardship to the holders of Government paper and considerably reduces the interest ?

Mr. G. G. Sim : (a) Income-tax on the interest on securities is deducted at the source and must therefore be deducted at the maximum rate under the provisions of sub-section (3) of Section 15 of the Income-tax Act. This applies to all securities whether those of the Government of India or of companies or of local authorities.

(b) The Government is aware that difficulties are sometimes experienced in obtaining refunds of such income-tax where the recipients of the interest are not liable to income-tax at the maximum rate. Paragraph 17 of the Statement of Objects and Reasons of the new Income-tax Bill, which has been circulated to Honourable Members, contains a statement of the arrangements which are proposed under the provisions of the Bill to facilitate the obtaining of refunds.

DISCOVERY BY THE ARCHÆOLOGICAL DEPARTMENT.

639. **Mr. S. M. Zahid Ali Subzposh:** (a) Is it a fact that the Archaeological Department has discovered the grave of Zaib-un-Nisa-Begam, the daughter of the Emperor Aurangzaib in the Tis-Hazari Maidan at Delhi?

(b) If so, will the Government be pleased to state whether any steps have been taken to preserve it?

(c) If nothing has so far been done, do the Government propose to adopt any measures for its preservation?

(d) Should the Government be not prepared to take any action in the matter, would they be prepared to make it over to the Muhammadan public?

Mr. H. Sharp: A grave was discovered in the Tis-Hazari-ka-Maidan, which is believed to be that of the Princess Zeb-un-Nisa, but, in the absence of any inscription, its identity cannot be regarded as conclusively established.

The grave has been covered by a simple mound of earth, but Government propose to erect over it a suitable memorial, and will welcome any help which the Muhammadan community may be disposed to give.

UNSTARRED QUESTIONS AND ANSWERS.

THE JUMNA RAILWAY BRIDGE AT MUTHRA.

25. **Lala Girdharilal Agarwala:** (a) Is any toll levied on the Jumna Railway bridge at Muthra (Bombay, Baroda and Central India) for passenger and vehicle traffic?

(b) Is it a fact that the said bridge was constructed some 38 years ago?

(c) What is the approximate *extra* cost incurred by the B. B. C. I. Railway Company for providing facilities for passenger and vehicle traffic over and above the cost which the Company was obliged to incur for Railway purposes only in construction of the said bridge?

(d) How much money has the said Company realized in the shape of tolls on passenger and vehicle traffic up to this time from the said bridge?

(e) Is it a fact that no tolls are levied from passengers and vehicles on several other Railway bridges in India including Allahabad, Cawnpore and Benares?

(f) Will the Government be pleased to state whether they are aware that the United Provinces Government have been trying to get the Jumna bridge at Muthra freed from tolls on passenger and vehicle traffic from 1907 and have been in communication with the Railway Board in the matter?

(g) Do the Government propose to recommend to the Railway Company concerned (B. B. C. I. Railway) to free the Muthra Railway bridge from all tolls on passengers and vehicles in future?

Colonel W. D. Waghorn: (a) The reply is in affirmative.

(b) The bridge was opened for traffic on 15th December 1884.

(c) Rs. 2,20,000.

(d) The information asked for is not available. From certain investigations made in 1915 it was, however, ascertained that the average annual income from tolls was Rs. 16,500, of which Rs. 3,900 was spent on the maintenance of the roadway, the balance representing interest on the Capital cost.

(e) Yes.

(f) Yes.

(g) The Government of India do not consider that any useful purpose will be served by reopening negotiations with the Railway Company pending the acceptance by the United Provinces Government of compensation to the Company for the loss due to abolition of tolls.

COST OF CONSTRUCTION OF THE CAVALRY LINES AT AURANGABAD.

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

(a) The amount of the total costs incurred in constructing the new Cavalry Lines at Aurangabad before the war ?

(b) The respective dates of the completion of the lines according to the contract and of the final payment made to the contractors ?

(c) The cause of the delay in payment ?

(d) Whether they will place on the table a copy of the final receipt obtained from the contractors ? and

(e) The purpose for which the lines are utilized at present ?

Sir Godfrey Fell: (a) Rs. 88,683. This is the cost of the Military Works buildings only. The barracks for the sowars and married quarters, etc., were built under regimental arrangements, a system now abolished. The Government of India have no information as to the cost.

(b) The final payments were made in March 1912. The dates for the completion of the different buildings varied according to the contracts made.

(c) So far as the Government of India are aware, there was no delay in payment.

(d) The bills, as signed by the contractors, form the receipts and the Government do not think that the labour entailed in copying out these documents would be justified by the result.

(e) The lines are being utilised as a Remount Training Depot.

THE HOUSE ACCOMMODATION ACT.

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

(a) Whether under Section 11 (c) of the House Accommodation Act, owners are permitted to occupy their houses in Cantonments ?

(b) Whether it is a fact that General Officers Commanding Cantonments compel new owners to sign agreements so as to deprive them of the advantage of the above section ?

(c) Under what provision of Law such action is taken ?

(d) Whether it is not a fact that such cases have occurred in Poona and other Cantonments ?

(e) Whether it is not true that certain owners took possession of houses for their occupation even after signing such agreements as mentioned in clause (b) above ?

(f) Whether Government intend to eject them ? and if so, under what provision of law ?

Sir Godfrey Pell: (a) Section 11(c) of the Cantonments (House-Accommodation) Act provides that no notice shall be issued under Section 6, if the house is occupied by the owner. To this extent, owners of houses in cantonments are protected from evacuation in favour of a military officer.

(b) and (c). The Government of India have no information on the subject. But I may point out to the Honourable Member that no owner can be compelled to sign an agreement against his will. Presumably, the Honourable Member is referring to cases where persons desire to obtain a lease of land in cantonments for the purpose of building a house. In such cases the cantonment authorities, in exercise of the powers conferred by Section 264 of the Cantonment Code, can insist upon their executing a lease in one of the forms indicated in Schedule VI of the Cantonment Code. Conditions VI and VIII of Forms B and D provide that an owner, even though occupying a house built on land for which a lease has been granted under Form B or Form D, can be made to vacate if the house is required by a military officer.

(d) The Government of India have no information.

(e) There is nothing to prevent an owner occupying his own house, even after signing a lease in Form B or Form D.

(f) I have already explained that the conditions of the lease enable the cantonment authorities to require an owner to vacate his house in certain circumstances.

DISALLOWED QUESTIONS, RESOLUTIONS AND BILLS.

28. Babu Ambica Prasad Sinha: Will the Government be pleased to lay on the table all the questions, Resolutions and Bills, notices of which have been given by any Member of the Indian Legislature, which have been disallowed?

The Honourable Dr. T. B. Sapru: It is not the practice to publish questions and Resolutions which have been disallowed by the Honourable the President or by the Governor General as the case may be. The Government of India therefore regret that they are not in a position to accede to the request contained in the question.

As regards Bills, no question of disallowance arises. The Honourable Member is presumably referring to Bills of which the introduction requires the previous sanction of the Governor General under Section 67(2) of the Government of India Act and to the introduction of which such sanction is refused. Attention is invited to Rule 10(2) of the Indian Legislative Rules under which there can be no valid notice in respect of such a Bill. The Government of India are not prepared to lay such Bills on the table.

UNDISPOSED OF BILLS AND RESOLUTIONS.

29. Babu Ambica Prasad Sinha: (a) Will the Government be pleased to lay on the table all Resolutions and Bills of non-official Members of the Indian Legislature, which have not yet been brought forward before the Council of State, or the Legislative Assembly at the last Session, or in the present Session although the said Bills and Resolutions were duly admitted?

(b) Why have such Bills and Resolutions not been brought up yet?

The Honourable Dr. T. B. Sapru : (a) As the Honourable Member is aware, lists of non-official Resolutions which have been admitted are from time to time circulated to all Members and he has been furnished with such lists. The official Reports of the proceedings of the Council of State and Legislative Assembly will show which of the admitted Resolutions have been brought before either Chamber

The attached statement shows all Bills of which notice has been received from non-official Members and the stages which these Bills have reached up to date. As the Honourable Member is doubtless aware the Rules and Standing Orders do not require Bills to be admitted in the same way as Resolutions.

(b) I would refer the Honourable Member to Standing Order 7 (2) of the Legislative Assembly Standing Orders and Standing Order 6 (2) of the Council of State Standing Orders under which the relative precedence of non-official Bills and Resolutions must be determined by ballot. A Bill can be introduced and a Resolution can be moved on a day allotted for non-official business only if it obtains a place in the ballot or on a day allotted for official business if Government agrees to give time for it on such day. It may interest the Honourable Member to learn that if three days a week were allotted for the discussion of the Resolutions of which notice has been received for the current Session, it would, at the present rate of disposal, be necessary for the Assembly to sit continuously for twenty weeks in order to dispose of them. This calculation is based on the not very liberal allowance of one hour for each Resolution. The Honourable Member will also no doubt realise that in those twenty weeks sufficient additional Resolutions would probably be received to keep the Assembly employed for the rest of the year.

Statement showing Bills of which notice has been received from non-official Members during the last Delhi Session and the current Session and the stages which these Bills have reached up to date.

No.	Name of the Member.	Title of the Bill.	Stage which the Bill has reached up to date.	REMARKS.
(A) LEGISLATIVE ASSEMBLY.				
1	Mr. A. B. Lathje ...	Invalidation of Hindu Ceremonial Emoluments Bill.	Referred to Select Committee.	Notice received in Delhi Session.
2	Do. ...	Removal of the Shudra Disabilities Bill.	Not allotted ...	Do.
3	Dr. H. S. Gour ...	Civil Marriage (Amendment) Bill.	Introduced ...	Do.
4	Mr. T. V. Seshagiri Ayyar ...	Repealing and Amending Bill..	Withdrawn ...	Do.
5	Do. ...	Hindu Transfers and Bequests Bill.	Passed into Act ...	Do.
6	Mr. T. Rangachariar ...	Transfer of Property (Amendment) Bill.	Introduced ...	Do.
7	Do. ...	Indian Income-tax (Amendment) Bill.	Not ballotted ...	Do.
8	Dr. H. S. Gour ...	Indian Contract (Amendment) Bill.	Introduced ...	Notice received in Simla Session.
9	Do. ...	Code of Civil Procedure (Amendment) Bill.	Introduced ...	Do.
10	Do. ...	Adoption (Registration) Bill ...	Do. ...	Do.
11	Do. ...	Hindu Minors' Liability Bill ..	Not proceeded with by the Member.	Do.
12	Lala Girdharilal Agarwal	Indian Penal Code (Amendment) Bill.	Do. ...	Do.
13	Mr. T. V. Seshagiri Ayyar	Hindu Law of Inheritance (Amendment) Bill.	Introduced ...	Do.

No.	Name of the Member.	Name of the Bill.	Stage which the Bill has reached up to date.	Remarks.
14	Mr. T. V. Sheshagiri Ayyar.	Exclusion from Inheritance Bill.	Introduced	Notice received in Simla Session.
15	Do.	Hindu Law of Adoption Bill	Not ballotted	Do.
16	Do.	The Insurance Companies Disbursement of Claims on Policies Bill.	Do.	Do.
17	Mr. J. R. Pantula	The Land Acquisition (Amendment) Bill.	Do.	Do.
18	Mr. Abul Kasem	The Musliman Waqfs Registration Bill.	Introduced	Do.
19	R. B. Bakshi Sohan Lal	The Code of Criminal Procedure (Amendment) Bill.	Not ballotted	Do.
20	Mr. B. S. Kamat	The Married Women's Property Act (Amendment) Bill.	Do.	Notice received during Simla Session.
21	Mr. T. Rangachariar	The Criminal Procedure (Amendment) Bill.	Do.	Do.
22	Mr. Mohammad Yamin Khan.	The Money Lender's Bill	Ballotted for but not reached.	Do.
23	Pandit Radha Kishen Das	Hindu Females Disposition of Property Bill.	Previous sanction of the Governor General not applied for.	Do.
24	Munshi Iswar Saran	Civil Procedure Code (Amendment) Bill. Amendment of Sections 100 and 115 of the Code.	Not ballotted	Do.
25	Mr. Abul Kasem	Criminal Procedure Code (Amendment) Bill. (Amendment of Section 4, clause 2).	Do.	Do.
26	K. S. Maulvi Abdul Qadir	Bill to amend the Interest Act XXXIII of 1893.	Ballotted, but not within time for introduction on the day chosen.	Do.
27	Mr. Abul Kasem	Criminal Procedure Code (Amendment) Bill. (Removal of racial distinctions).	Previous approval of the Secretary of State required.	Do.
28	Mr. Mukandaraja Aiyangar	Bill to amend Act No. 14 of 1920. (b) COUNCIL OF STATE.	Previous sanction of the Governor General not applied for.	Do.
1	The Honourable Sukhbir Sinha.	Registration of Chelas Bill	Previous sanction of Governor General applied for.	Notice received on the 27th September 1921.

GRIEVANCES OF THE CLERICAL ESTABLISHMENT OF THE ACCOUNTANT-GENERAL, UNITED PROVINCES.

30. **Shri Ambika Prasad Sinha:** Have the Government received any memorial from any assistant in the clerical establishment of the Accountant General, United Provinces, about the grievances of that Department recently? If so, what action has been taken or is proposed to be taken thereon?

The Honourable Mr. W. M. Hailey: Yes. Advance copies of memorials have been received. The Government of India are awaiting the recommendations of the Auditor General on the original memorials which have been submitted through him.

THE SOUTH KANARA PENSIONERS' ASSOCIATION.

31. **Mr. Pyari Lal Misra:** Will Government be pleased to state if they have received any memorial from the South Kanara Pensioners' Association? If so, do Government propose to take a favourable view of their grievances?

The Honourable Mr. W. M. Hailey: The answer to the first part of the question is in the affirmative. As to the second part, I would refer the

Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

COUNSEL IN THE MUNITIONS CASE.

32. Mr. Pyari Lal Misra: (a) Is it a fact:

(i) That the prosecution of the Munitions Case against Karnani and Banerji was entrusted to the Advocate General, Bengal, and Mr. Ross Alston of Allahabad?

(ii) That the Honourable the Law Member was also consulted before prosecution?

(b) If the answer to (i) and (ii) be in the negative, will Government be pleased to state who were engaged and consulted?

The Honourable Mr. C. A. Innes: In their reply to this question, the Government of India have nothing to add to their press communiqué, dated the 28th August 1921.

RECONSTRUCTION OF THE PATTI-LOTHRA RAILWAY.

33. Baba Ujagar Singh Bedi: (a) Will the Government be pleased to state as to whether there is any likelihood of the reconstruction of the Patti-Lothra Railway which was previously running between Qasur and Lothra and was dismantled because of war emergencies?

(b) If so, when?

Colonel W. D. Waghorn: The Honourable Member is referred to the reply given to a similar Question No. 9 put by the Honourable Haji Wajih-ud-Din in this Assembly on the 20th September 1921 on the same subject.

WARRANT OF ARREST AGAINST THE KHAN OF AGROR.

34. Mr. T. V. Seshagiri Ayyar: (i) Will the Government be pleased to state whether the original warrant of arrest issued under Regulation III of 1818, against the Khan of Agror applied to the brothers of the Khan of Agror or not?

(ii) Will the Government be pleased to state whether it is true that the brothers and other dependents of the Khan of Agror were taken out of their native country on account of the report of local officers that the re-establishment of cordial relations between the British Government on one side and the Haseanzais and Akazais on the other was greatly impeded by the presence in Agror of the Khan's relations and dependents?

(iii) Whether it was after this letter of the then Lieutenant-Governor of the Punjab that the brothers and dependents of the Khan of Agror left their native home and settled at Kangra Fort with their chief?

(iv) Is it true that in April 1898 as per letter No. 206 (Foreign Frontier), dated the 1st April 1898, the Punjab Government again repeated the promise that the Khan would be permitted to go to Agror after, 'the tract has been re-settled' and after 'the relations of the British Government with the Haseanzais and Akazais are on a satisfactory footing'?

(r) Will Government be pleased to state :—

- (a) whether the re-settlement of the tract referred to in the said letter No. 206, dated the 1st April 1893, has been completed, and, if so, since when?
- (b) whether cordial or satisfactory relations have been established between the British Government on one side and the Hassanzais and Akazai tribes on the other, and, if so, since when?

(vi) Will the Government be pleased to state why the Khan and his brother and dependents are still kept out of their territory, if the conditions which led to their externment are no longer in existence?

The Honourable Dr. T. B. Saprū (on behalf of the Honourable Mr. Denys Bray) : An answer will be given to the Honourable Member's question on receipt of the required information from the North-West Frontier Province Government to which a reference has been made.

ACQUISITION OF LANDS FOR MANAMADURAI-SIVAGANGA RAILWAY.

35. Mr. M. G. Mukundaraja Ayyangar : (a) Will the Government be pleased to state whether the acquisition of lands for (The Ramnad District Board) Manamadurai-Sivaganga Railway has been completed?

(b) If not, why not?

(c) If the same has been completed, why has the construction of the line not been commenced?

(d) What has been done with the lands, etc., already acquired for the said Railway line?

(e) Do the Government propose to recommend to the authorities concerned that the construction of the line should be immediately taken up without any further delay?

Colonel W. D. Waghorn : (a) The acquisition of land required for the Manamadurai Sivaganga railway was completed on the 12th December 1920.

(b) In view of the reply just given, the question in (b) does not arise.

(c) Owing to the large increase in the price of imported materials the District Board of Ramnad, who were granted a concession in November 1915, for the construction of the line under Branch line terms, have decided to defer the construction of the line for the present.

(d) The land has been handed over to the Revenue Department for custody till construction is commenced.

(e) Owing to the abnormal state of the money market and the high prices of labour and material, the Government regret their inability to take the action proposed, but they will bring the matter to the notice of the Madras Government.

TRANSPORT FACILITIES OF COAL TRAFFIC.

36. Mr. N. C. Sircar : (a) Will the Government say what action, if any, is being taken by the Railway Board to improve the transport facilities of coal traffic?

(b) Will the Government say if they intend taking any action to give effect to the recommendations of the informal committee formed in July last under the presidency of Mr. C. A. Innes regarding the withdrawal of the preferential supplies of wagons for transport of coal, other than to Loco., R. I. M. and works of public utility?

Colonel W. D. Waghorn: (a) The position with regard to the ability of the various Railways serving the coal areas of India to meet the demands of the coal traffic, and the best methods of increasing their capacity to do so have been closely examined.

The question is a large one and it must be realized relates not only to the railways in the immediate vicinity of the coal fields but also to those further afield.

Broadly speaking to increase the traffic and coal carrying capacities of Railways entails an extensive provision of some or all of the following, as circumstances require:—

- (1) Additional lines to serve particular coal fields.
- (2) Doubling certain sections of existing trunk lines.
- (3) Increased Locomotive capacity.
- (4) Increase of wagons.
- (5) Additional crossing stations.
- (6) Increased junction and transshipment facilities.
- (7) Provision of train control.

A statement showing some of the more important works under the heads enumerated above, is laid on the table.

(b) As the Honourable Member is aware, for he has been consulted throughout, a Coal Transportation Committee has been established and it has prepared a detailed scheme on the lines recommended by the Committee. It was found necessary however to defer the introduction of the scheme, and it is doubtful whether the scheme in its original form is workable.

Modifications have been proposed and it is hoped to re-assemble the informal Committee in order to discuss these modifications.

Statement showing the more important works in hand or about to be undertaken to increase the coal transshipment facilities on railways.

I.—Additional lines to serve particular coalfields.

1. Bermo-Sawang-Duneya section of the Bokaro-Ramgarh Extension, Bengal-Nagpore Railway.

2. Majri-Rajur Extension of the Wardha-Bollharshah Branch, Great Indian Peninsula Railway.

3. Kargali to Anard, Bengal-Nagpore Railway.

II.—Doubling certain sections of existing Trunk Lines.

1. Certain sections of the Grand Chord line, East Indian Railway.

2. Dhanbaid to Katrasgarh, East Indian Railway.

3. Kulti to Asansol, East Indian Railway.
4. Sini to Manharpur, Bengal Nagpore Railway.
5. Anara to Kaudra, Bengal Nagpore Railway.

III.—*Increased Locomotive Capacity.*

The total deliveries of broad gauge and metre gauge locomotives during the three years ending 31st March 1922 will roughly be 900, of which about 400 are renewals. It is not possible to say what proportion could be specifically used for coal traffic.

IV.—*Increase of Wagons.*

The total deliveries of broad gauge and metre gauge goods wagons during the three years ending 31st March 1922 will roughly be 26,000 of which about 8,000 are renewals. It is not possible to say what proportion could be specifically used for coal traffic, except that 4,000 out of the 5,000 American wagons (included in the above 26,000) were altered specially to suit the coal traffic.

V.—*Crossing Stations.*

Certain additional crossing stations on the Bengal Nagpore, Great Indian Peninsula, and Bombay, Baroda and Central India Railways.

VI.—*Increased junction and transshipment facilities.*

1. Improved facilities between Dhanbaid, Katrasgarh and Gomoh, East Indian Railway.
2. Stabling sidings at Ondal, East Indian Railway.
3. Down Sorting Yard at Moghalserai, East Indian Railway.
4. Remodelling Allahabad Station, East Indian Railway.
5. New marshalling yard at Anara, Bengal Nagpore Railway.
6. Permanent-way and bridge renewals on the Itarsi-Jubbulpore section, Great Indian Peninsula Railway.
7. Remodelling Jubbulpore Station, Great Indian Peninsula Railway.
8. Fifteen refuge sidings on the Bombay, Baroda and Central India Railway.
9. Improvement of transshipment facilities between broad and metre gauges at Agra, Bombay, Baroda and Central India Railway.

VII.—*Provision of train control.*

1. Throughout the East Indian Railway system.
2. 505 miles, Bengal Nagpore Railway.
3. 530 miles, Great Indian Peninsula Railway.
4. 713 miles, Bombay, Baroda and Central India Railway.

PURCHASE OF FOREIGN COAL.

37. Mr. N. C. Sircar : (a) Have Government purchased one million tons of foreign coal?

(b) When making the purchase did Government take the statistics of stocks in the Coal Fields and, if so, what were the stocks then and when was the purchase made?

Colonel W. D. Waghorn : (a) Yes ; the purchase of about one million tons of imported coal has been arranged for the State and Company-worked railways.

(b) It was in view of the shortage of stocks in Collieries and on railways and the anticipated continued reduction in the output of the Collieries, that the Railway Board in February and June decided to purchase imported coal for the State-worked railways and to recommend the Company-worked railways to make similar purchases to provide against the possibility of a breakdown of the transport service.

As the Honourable Member knows, production in 1920 was 4½ million tons less than in 1919, and stocks at the beginning of this year were known to be small.

PENSIONS AND GRATUITIES TO GAZETTED OFFICERS.

38. Rai Bahadur Pandit J. L. Bhargava : (a) Has the benefit of the new rules embodied in the Government of India Resolution No. 1085-E. A., dated 15th November 1919, regarding pensions and gratuities to gazetted officers in certain of the Civil Services in India been extended to Ajmer-Merwara ? If not, why not ?

(b) Do the Government propose to consider the desirability of extending the same rules to Ajmer-Merwara and giving effect to them from the date from which they have been enforced in other provinces ?

The Honourable Sir William Vincent : The Honourable Member is referred to the answer given to parts (a) and (b) of the Question by Lala Girdharilal on the same subject entered as No. 24 of the list of unstarred questions admitted by the Honourable the President of the Legislative Assembly for the meeting of the 22nd September 1921.

POSTAL INQUIRY COMMITTEE.

39. Mr. B. H. Jatkar : (a) Is it a fact that the Government of India having first decided to take the representatives of the staff on the Postal Inquiry Committee of 1920, did not take any of their elected representatives ?

(b) Was such a representative of the staff allowed in the Telegraph Committee ?

(c) Were the witnesses examined by the Postal Inquiry Committee all nominated by the Postmaster-General or other officers, while the staff and the various Postal Unions were not asked to send in the witnesses of their choice ?

Colonel Sir S. D'A. Crookshank : (a) One of the Members of the Committee was Rao Bahadur Srinivasa Rangachari, a retired Postmaster, who was at the same time President of the Bangalore Postal Union ; while another Khan Sahib Ahsan Azim, Personal Assistant to the Postmaster-General, United Provinces Circle—was a clerk and Postmaster in the earlier part of his service. It was not considered necessary therefore to include in the Committee any more representatives of the various postal associations, as the Committee would in that case have become unwieldy.

(b) Yes.

(c) The witnesses examined by the Committee were nominated by Postmasters-General, or other officers, mainly on the recommendations of the staff. Some witnesses elected by Postal Unions offered themselves for examination by the Committee, although not nominated by the Postmaster-General, and were examined by the Committee. It will be seen from page (3) of the Committee's report that, in addition to the large number of witnesses examined, the Committee received a mass of documentary evidence from Postal Unions and Clubs all over the country and that nothing that those concerned had to say was left unheard or unconsidered.

POSTAL INQUIRY COMMITTEE.

40. **Mr. B. H. Jatkar:** (a) Has the Postal Inquiry Committee failed to lay down any principle for fixing the strength of the staff, although it was one of the terms of reference?

(b) Is it a fact that though the witnesses had complained of overwork and understaff and yet the Postal Committee left the matter undecided, leaving a free hand to the Director General and the Department, to deal with the matter?

(c) Have the Government considered the question of shortage of staff and do they propose to take steps to increase the staff?

Colonel Sir S. D'A. Crookshank: (a) Yes. The Postal Committee, after much discussion and consideration of the question expressed their opinion that the matter was one which required close examination by experts who possessed an intimate knowledge of the details of the work.

(b) Yes. Some of the witnesses complained of overwork. In accordance with the suggestion made by the Postal Committee, a close examination of the time test employed to determine the strength of the staff is in hand.

(c) It has not been possible yet to arrive at any reliable estimate of the deficiency in the number of clerks in India and Burma. It appears to the Government probable that the procedure followed in post offices in connection with various routine operations is too elaborate and steps are being taken to simplify it so as to enable the work to be done by a smaller staff.

TRAFFIC AND REVENUE OF THE TELEGRAPH BRANCH.

41. **Mr. B. H. Jatkar:** (a) Is it a fact that more than half the traffic and the revenue of the Telegraph Branch is secured through the combined Post Offices?

(b) If so, are the signallers of the combined post offices allowed to share the profits and enjoy the rates of pay and concessions open to the Government Telegraphists? If not, why not?

Colonel Sir S. D'A. Crookshank: (a) Yes, approximately as far as traffic is concerned; the telegraph revenue collected in combined offices is, however, less than 45 per cent. of the total message-revenue of the Telegraph Branch of the Department.

(b) The Department is not at present organized on a profit or loss sharing basis, nor do Government propose that it should be.

The telegraph work performed in combined offices is generally of a very simple nature. By far the most important work in connection with the

transmission of telegrams is done in the Departmental offices which are the 'feeding' and 'distributing' centres of the Telegraph organisation. The latest high-speed and printing Telegraph apparatus, suitable for long-distance working, are installed in these departmental offices and the staff employed there are required to possess a much higher degree of operative skill and technical attainments than those employed in combined offices. Further, operators in Departmental Telegraph Offices are liable for a regular turn of night duty which is not the case in combined offices. In the circumstances it is unnecessary to pay both these classes of employes at the same rate.

CHARACTER SHEETS AND PERSONAL FILES OF THE POSTAL SUBORDINATES.

42. **Mr. B. H. Jatkari:** (a) Did the Postal Inquiry Committee object to the confidential nature of the character sheets and personal files of the Postal subordinates?

(b) Are these papers now open for perusal by the party concerned?

(c) Are copies of unfavourable remarks noted therein against any subordinate, furnished to the official concerned and is his defence called for in such cases?

Colonel Sir S. D'A. Crookshank: (a) No, though they suggested a slight alteration in the rules so as to require that in all cases damaging reports shall be communicated to the officer concerned. Orders have already been issued by the Government of India on this recommendation.

(b) No.

(c) When an unfavourable remark regarding the work of any official is recorded in his character sheet, the purport thereof is communicated to him. No defence is called for in such cases but the official concerned is at liberty to make any representation which he thinks proper.

PROPORTION OF TELEGRAPH MASTERS TO THE OPERATORS IN THE TELEGRAPH DEPARTMENT.

43. **Mr. B. H. Jatkari:** (a) What is the proportion of Telegraph Masters to the operators in the Telegraph Department?

(b) Are Telegraph Masters counted as working strength or as supervisory staff?

(c) What is the proportion of the selection grade posts to the clerical working strength in the post offices and in Postmaster-General's offices?

(d) Do Government propose to raise this percentage to the level of the Telegraph Department?

Colonel Sir S. D'A. Crookshank: (a) The proportion is approximately 1 : 9.

(b) Telegraph Masters are counted as supervising staff.

(c) In 1920, for a working strength of 18,211 clerks in post offices, the number of selection grade appointments was 824, or a proportion of approximately 1 : 22. The proportion in the offices of Postmasters-General varies between 1 : 5 and 1 : 9.

(d) No. The Honourable Member's attention is invited to paragraph 18 of Chapter II of the Postal Committee's Report.

DISTINCTION BETWEEN POSTS OF SELECTION GRADES AND THOSE OF INSPECTORS AND HEAD CLERKS TO THE SUPERINTENDENTS OF POST OFFICES.

44. **Mr. B. H. Jatkar :** (a) Does not the G. R. No. 6458, dated Simla, 23rd September 1920, make a clear distinction between the posts of selection grades and those of Inspectors and Head Clerks to the Superintendent of Post Offices (*vide* paragraphs 2 and 3) ?

(b) Are not the selection grade posts intended specially for the benefit of men in the postmasters' cadre only as defined in the Government Resolution ?

(c) Are not the interests and prospects of this cadre affected seriously by giving Inspectors and Head Clerks early benefits of these posts also, before they attained the maximum available in their own grade ?

(d) How many appointments of the selection grade posts have been given to the men of Inspectors and Head Clerks cadre, before they reached the maximum available in that cadre or put in 15 years' service in that cadre ?

Colonel Sir S. D'A. Crookshank : (a) Yes.

(b) No.

(c) The interests and prospects of the Postmasters' cadre are not so affected under the new time-scale of pay, any more than under the old graded system. Inspectors and head clerks are specially selected on account of their superior capabilities, and it is in the interests of efficiency that these specially competent men should be promoted into the selection grades in advance of men of less capacity.

(d) The information is being collected.

SELECTION GRADES IN THE POSTAL DEPARTMENT.

45. **Mr. B. H. Jatkar :** Does not the Government of India think of starting a fair, open competitive examination for the posts of selection grades in the Postal Department ? If so, when ?

Colonel Sir S. D'A. Crookshank : The reply is in the negative.

STAFF OF THE POST AND TELEGRAPH DEPARTMENTS.

46. **Mr. B. H. Jatkar :** Will Government be pleased to state :

(a) What is the percentage of University qualified men to the non-qualified men in the Telegraph Department and in the Postal side ?

(b) What steps are being taken to make the postal service more efficient and attractive to capable and qualified men ?

Colonel Sir S. D'A. Crookshank : (a) Complete information is not available and could only be obtained by making a reference to each individual member of the staff, that is about 48,000 references.

(b) The increased efficiency of the postal service receives the Director General's constant attention. The recent improvements in pay and prospects are designed to render it more attractive.

EXTRA CLERKS FOR SUB-POST MASTERS.

47. **Mr. B. H. Jatkar :** (a) Were sub-post masters having three or more clerks counted as working strength or supervisory staff in the time test ?

(b) If they were counted among the working strength, are those sub-post masters whose posts are now raised to selection grades and taken up as supervisory staff, given extra clerks to make up the working strength ?

introduced in respect of senior or gazetted Postmasters and this will considerably reduce the number of transfers in this class of officers. Amongst Superintendents of Post Offices, who are also on a time-scale leave or deputation vacancies are generally filled up in the same circle. Transfers from one province to another are rarely made in the non-gazetted ranks and in the other ranks only when necessary on administrative grounds.

WITHHOLDING OF LOCAL ALLOWANCE FROM THE OFFICIALS OF THE NAGPUR HEAD POST OFFICE AND ITS TOWN OFFICES.

52. **Mr. B. H. Jatkar**: Will the Government be pleased to state:

- (a) Whether in view of the G. R. No. 6458, dated Simla, the 23rd September 1920, the withholding of local allowance from the officials of the Nagpur Head office and its town offices, has created an anomaly, as R. M. S. sorter at Nagpur gets 40 + 5 in the first year of service while a postal clerk gets only Rs. 40?
- (b) Whether this will be removed by allowing the local allowance to the former class?
- (c) Are overseers and Branch Post Masters in Berar excluded from getting the local allowance which is granted to other officials? If so, why?

Colonel Sir S. D'A. Crookshank: (a) and (b) The post office clerks at Nagpur have not been given the local allowance because they have been placed on a scale of pay higher than that sanctioned for the rest of the Circle. The Railway Mail Service Sorters stationed at Nagpur, having been given the same rate of pay as sanctioned for the other places, are granted the local allowance to compensate them for the relative expensiveness of the locality.

In this connection a reference is invited to paragraph 26 of Chapter II and paragraph 13 of Chapter III of the Report of the Postal Committee, 1920.

(c) Overseers and Branch Post Masters have not been given any special allowances as it was not considered necessary to offer any additional attraction for these appointments.

In this connection a reference is invited to paragraph 35 of Chapter I of the Postal Committee's Report.

MINISTERIAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

53. **Rai Bahadur Pakshi Sohan Lal**: Will the Government be pleased to lay on the table a statement showing the monthly salary of the ministerial staff of the office of the Director-General, Indian Medical Service, of the Government of India drawn on 1st April 1920, and the revised pay drawn on 1st May 1920, to show the increase granted to each individual and also to state whether one and the same principle was adopted in granting the revised pay to all attached offices and if not, why not?

Mr. H. Sharp: A statement showing the monthly salary of the ministerial staff of the office of the Director General, Indian Medical Service, drawn on the 1st April 1920 and on the 1st May 1920, respectively, is laid on the table with reference to the first part of the question. As regards the second part the reply is that the other attached offices were dealt with on the same lines as the office of the Director General, Indian Medical Service.

During the monthly salary of the ministerial staff of the office of Director General, Indian Medical Service, 1st April 1920 and the revised pay drawn on 1st May 1920.

Name.	Designation (appointment).	Salary drawn on 1st April 1920 (for March 1920).	Appointment.	Pay drawn on 1st May 1920 (for April 1920).	Increase granted to each individual.	
2	3	4	5	6	7	
		Rs. A. P.		Rs. A. P.	Rs. A. P.	
Wilson ...	Chief Superintendent...	650 0 0	1 Chief Superintendent	780 0 0	130 0 0	
Upendra Nath Mukerjee	Senior Superintendent	450 0 0	2 Superintendent ...	540 0 0	90 0 0	
Wade ...	Superintendent ...	400 0 0	3 " ...	490 0 0	90 0 0	
L. Hypher ...	" ...	350 0 0	4 " ...	425 0 0	75 0 0	
McCormick ...	Assistant Temporary...	300 0 0	5 Assistant ...	400 0 0	100 0 0	
Dalton ...	Superintendent ...	300 0 0	6 " ...	320 0 0	20 0 0	
N. Chatterjee ...	Assistant, 1st Class ...	250 0 0	7 " ...	300 0 0	50 0 0	
Peachey ...	" " ...	200 0 0	8 " ...	250 0 0	50 0 0	
Singh Nehru ...	" " ...	200 0 0	9 " ...	250 0 0	50 0 0	
Barkat Ali ...	" " ...	200 0 0	10 " ...	250 0 0	50 0 0	
Evans ...	Assistant, 2nd Class ...	150 0 0	11 " ...	230 0 0	80 0 0	
Lal ...	" " ...	197 1 7	12 " ...	230 0 0	32 14 5	
Ram ...	" " ...	150 0 0	13 " ...	160 0 0	10 0 0	
Cha Mal ...	" " ...	144 3 1	14 " ...	160 0 0	15 12 11	
Bahadur ...	" Temporary ...	100 0 0	15 " ...	128 0 0	28 0 0	
Dawson* ...	" Temporary ...	350 0 0	16 Vacant ...	120 0 0	...	*Mr. Bowen per June
Ram ...	" 2nd Class ...	188 2 1	17 Vacant ...	120 0 0	...	
Dass ...	" " ...	150 0 0	18 Technical Assistant	350 0 0	...	
Oyal ...	" " ...	148 1 0	19 Clerk (selected grade)	175 0 0	minus 11-2-1	
R. Chowdry ...	" 3rd Class ...	100 0 0	20 " " ...	180 0 0	10 0 0	
Ahmed ...	" " ...	124 3 1	21 " " ...	160 0 0	11 15 0	
Roy ...	" " ...	100 0 0	22 Vacant " ...	160 0 0	...	
Alah ...	" " ...	100 0 0	23 Clerk ...	155 0 0	55 0 0	
lu ...	" 2nd Class ...	130 0 0	24 " ...	131 0 0	6 12 11	
Mukerjee ...	" 3rd Class ...	100 0 0	25 " ...	131 0 0	31 0 0	
and ...	Assistant 3rd Class ...	100 0 0	26 " ...	131 0 0	31 0 0	
Razzag ...	" " ...	99 8 3	27 " ...	131 0 0	1 0 0	
Opal Ghosh...	" 4th Class ...	75 0 0	28 " ...	123 0 0	23 0 0	
Upendra Nath Mukerjee	" " " ...	75 0 0	29 Clerk ...	123 0 0	23 0 0	
Mohammad ...	" 3rd Class ...	95 0 0	30 " ...	119 0 0	19 7 9	
Ram ...	" " " ...	98 8 9	31 " ...	111 0 0	36 0 0	
Das Jerath ...	" 4th Class ...	81 7 3	32 "	
Ram Sharma...	" " " ...	75 0 0	33 " ...	99 0 0	4 0 0	
Mu Maruf ...	" " " ...	75 0 0	34 " ...	99 0 0	0 7 3	
Ali Shaikh ...	" Temporary...	75 0 0	35 " ...	99 0 0	17 8 9	
Singh ...	" 4th Class ...	75 0 0	36 " ...	99 0 0	24 0 0	
Ali Zedle ...	" Temporary ...	70 0 0	37 " ...	99 0 0	24 0 0	
an Das Sharma	" " ...	100 0 0	38 " ...	91 0 0	16 0 0	
Sahai ...	" 5th Class ...	50 0 0	39 " ...	91 0 0	16 0 0	
gh Farmer...	" " " ...	53 6 2	40 " ...	91 0 0	31 0 0	
Abid ...	" Temporary ...	70 0 0	41 " ...	99 0 0	minus 1 0 0	
Das Mehra ...	" " ...	50 0 0	42 " ...	75 0 0	25 0 0	
gh Thapa ...	" " ...	50 0 0	43 " ...	75 0 0	21 9 10	
Kundra ...	" " ...	50 0 0	44 " ...	91 0 0	31 0 0	
Olgho ...	Stenographer ...	210 0 0	45 " ...	75 0 0	25 0 0	†He has granted money
Oband ...	" ...	90 0 0	46 Stenographer ...	210 0 0	...	
han Roy ...	Draftsman Tempy. ...	150 0 0	47 " ...	150 0 0	60 0 0	
			48 " ...	150 0 0	...	
			49 Draftsman Tempy.	150 0 0	...	

QUESTIONS AND RESOLUTIONS IN THE CENTRAL LEGISLATURE.

54. **Rao Bahadur T. Rangaobariar:** Will the Government be pleased to state the number of questions put and Resolutions moved by :

- (a) Members of the Council of State,
- (b) Members of the Legislative Assembly, i.e., since the inauguration of the new Legislature, suggesting or recommending additional expenditure on account of establishment or other charges and the approximate amount of additional expenditure involved thereby?

The Honourable Mr. W. M. Hailey: I lay on the table a statement giving the required information.

Statement showing the number of questions and resolutions, moved by members of the Council of State and Legislative Assembly, since the inauguration of the new Legislature, suggesting or recommending additional expenditure on account of establishment or other charges and the approximate amount of additional expenditure involved thereby.

Departments.	QUESTIONS.		RESOLUTIONS.		Approximate cost involved.
	Council of State.	Legislative Assembly.	Council of State.	Legislative Assembly.	
Foreign and Political Department.	Nil.	Nil.	Nil.	Nil.	Nil.
Revenue and Agriculture Department.	Nil.	Nil.	Nil.	Nil.	Nil.
Commerce Department ...	Nil.	Nil.	Nil.	Nil.	Nil.
Financial Adviser, Military Finance.	Nil.	Nil.	Nil.	Nil.	Nil.
Industries Department ...	Nil.	Nil.	Nil.	Nil.	Nil.
Railway Department ...	74	223	Nil.	7	The approximate expenditure involved cannot be estimated without very great expenditure of time and trouble.
Army Department ...	4	31	Nil.	3	It is impossible to estimate the expenditure even approximately.
Public Works Department ...	Nil.	Nil.	1	4	Rs. 18.35 lakhs. (Sukkur Barrage and Canals Project). Not known.
Department of Education and Health.	Nil.	4	Nil.	Nil.	
Legislative Department ...	Nil.	Nil.	Nil.	1	Rs. 635 per diem on account of the equalisation of the allowances paid to Members of both Chambers.
Finance Department ...	Nil.	1	Nil.	Nil.	Not known.
Home Department ...	3	23	7	23	Rs. 30,000 on account of Press Laws and Repressive Laws Committee. Expenditure in respect of other questions and resolutions cannot readily be ascertained.

(Question No. 55 was withdrawn).

PROCEEDINGS OF THE ALL-INDIA HINDU SABHA, BRINDABAN.

56. **Rai Sahib Lakshmi Narayan Lal:** (a) Are the Government aware of the proceedings of the All-India Hindu Sabha, Haridwar and of that held in August last at Brindaban under the Presidency of Pandit Madan Mohan Malaviya?

(b) Are the Government going to take any practical steps in consonance with any of the suggestions for the protection and welfare of the cow, made in the aforesaid proceedings?

(c) Will the Government be pleased to state whether the railway lands by the sides of the railway lines are used for growing trees, plants or grass? Are they sold or let out? If so, what is the present annual income for the same? If nothing is grown what is the reason?

(d) Do the Government consider the advisability of growing grasses for fodder on the railway lands on both sides of the railway lines and selling or letting out the same for grazing purposes?

(e) Do the Government propose to consider the advisability of relaxing the Forest rules for affording better facilities for grazing purposes?

Mr. J. Hullah: (a) Government have seen the Resolution of the All-India Hindu Conference held at Harwar on the 10th April 1921, but not the proceedings of the Meeting in August last.

(b) Government have already asked Local Governments whether the export of any breeds of cattle should be stopped, and if such recommendation is made, will give effect to it, as was promised by the Honourable Member in the Revenue and Agriculture Department during the last session of the Council of State. They consider that there is no justification for the prohibition of the slaughter of cattle, but they are investigating the extent and conditions of the Burma meat trade. The improvement of cattle-breeds and the extension of pasturage are primarily matters for the consideration of Local Governments but the advice of the Imperial Dairy Expert is at the disposal of Local Governments, local bodies and private business firms and he is freely consulted by them. The Government of India have under consideration a proposal to establish an Imperial Dairy School, but any further development in this direction is a matter which is primarily the concern of Local Governments.

(c) In the Madras Presidency certain railway lands are being utilised for the cultivation of foodstuffs as a special case in order to meet scarcity. Railway lands adjoining the line are not, however, generally used for growing trees, plants or grass as an object in itself.

Such grass as does grow on the land is generally let out or sold.

It is not possible to give figures showing the income from the sale of grass as the practice of letting out grass right is by no means general, and, since the object is to keep down the growth of grass, only nominal rates are charged.

The reason for this attitude is that the land is required for *bona fide* railway purposes such as excavations, diversions, emergent repairs, etc. The growth of grass is discouraged as it attracts cattle and leads to accidents and danger to the travelling public, and in dry weather gives rise to danger of fires from sparks. Trees are similarly discouraged as they are liable during storms to be blown across the track or to foul wire circuits.

(d) For the reasons already given, Government do not propose to consider the suggestion as a general measure.

(e) Local Governments are principally concerned, but it may be stated that so far as is compatible with the maintenance of Forests as such every facility is at present allowed for grazing.

UPPER SUBORDINATE SERVICE OF THE SURVEY OF INDIA.

57. **Mr. Pyari Lal:** (a) Has the attention of the Government been drawn to the existence of discontent amongst the members of the Upper Subordinate Service of the Survey of India after the reorganization of their Service under Circular Order No. 392 (Administrative), dated the 15th December, 1920?

(b) What was the aim at the formation of this service and how are recruitments being made and what are the percentages of Indians and Europeans in the service?

(c) Is it a fact that the Upper Subordinate Service is composed of Indians only?

(d) Why was the new scale of pay for these poorly paid appointments given from 21st May 1920, whereas those for the highly paid appointments were given from 1st December 1919?

(e) What is the reason of the Survey of India Notification No. 938, dated 22nd April 1921, making certain changes in the list of certificates accompanying the application form just about a couple of months after the submission of a batch of memorials? Is it to lower the status of the service?

(f) Have memorials from many members been withheld by either party or administrative officers?

(g) Is it a fact that the Upper Subordinate Service of the Survey of India was formed on parallel lines to the Upper Subordinate Service of the Public Works Department and with the object of attracting the same class of men? If the reply is in the affirmative, will the Government be pleased to state why the enhancement of emoluments necessitated by the increased cost of living in one case has not been followed up in the other?

(h) What action has the Government taken to redress the grievances of members of this service?

(i) Do the Government propose to appoint a Committee of enquiry with a majority of non-official members to investigate and report on their grievances?

Mr. J. Hullah: (a) Yes.

(b) The Upper Subordinate Service was constituted in 1909 to take the place of the Sub-Assistant Superintendents, who had previously been classed with the Provincial Service. The Survey Committee of 1904-05 were of opinion that the arrangements of the Provincial Service should be such as to draw a clear distinction from the start between the men who might hope for eventual employment in the higher posts and those who could not hope to rise beyond the subordinate classes of work on which the majority of Provincial officers were then employed. The Committee therefore recommended that the Provincial Service should in future be divided into two classes with separate regulations for their recruitment, the members of the latter service being eligible for promotion to the former in exceptional cases. This proposal for the division of the service into two classes was accepted by the Government of India, and an Upper Subordinate Service corresponding to the Survey Committee's Junior Service was formed. It is intended to provide men capable of carrying out the minor triangulation, levelling and the more difficult classes of topographical surveying. All appointments are made by the Surveyor

General by selection from among candidates who possess qualifications similar to those required for admission to the Entrance Examination of the Thomason Civil Engineering College or by promotion from the Lower Subordinate Service.

(c) Yes.

(d) The revision of the pay of Classes I and II of the officers of the Survey of India Department was based on the recommendations made by the Public Services Commission in 1915. Proposals for the revision of the pay of the Upper Subordinate Service were not submitted to the Government of India till March 1920.

(e) The object of the change was to introduce a clearer definition of the term statutory native of India. It was not to lower the status of the service.

(f) The information is being obtained.

(g) The conditions of service in the two Upper Subordinate Services referred to are similar, and the same class of men is required in both. But the Upper Subordinate Service in the Public Works Department have to undergo a severe training at an Engineering College, while the Upper Subordinate Service of the Survey Department are appointed untrained. So long as sufficient well-qualified candidates are forthcoming for the Upper Subordinate Service in the Survey of India Department, Government do not consider it necessary to assimilate their emoluments with those of the Upper Subordinate Service in the Public Works Department.

(h) Government has now under consideration certain memorials dealing with grievances put forward by certain members of this service.

(i) No.

ARMY CANTEN BOARD IN INDIA.

58. **Mr. J. Chaudhuri :** (a) Is it a fact that one Mr. Morten has been brought out from England for organising Army Canteen Boards in India on the lines of the Navy and Army Canteen Board in England? Is it a fact that though not a regular member of the Army, the rank of Lieutenant-Colonel has been conferred on him? What is the ordinary pay of a Lieutenant-Colonel in India? What salary is Lieutenant-Colonel Morten drawing in India, and what was his office, position, and salary in England? Is his appointment in India permanent or temporary?

(b) What expenditure has been incurred by the Government of India up to now in connection with this scheme for establishment of Canteen Boards in India and what amount has been provided in the Budget for this purpose?

(c) Do the Government propose to establish the Canteen Boards out of Public funds, and then to make them over to private parties or firms?

Sir Godfrey Fell : (a) The scheme for the establishment of an Army Canteen Board (India) has been prepared with the assistance of Lieutenant-Colonel Morten. Lieutenant-Colonel Morten is not a regular soldier, but was employed during the Great War, in which he earned promotion to his present rank. He is no longer a serving soldier. He possesses special qualifications for his present work, as well as wide commercial experience. At the suggestion of the War Office, on whose recommendation he was engaged, he is paid at the rate of £2,000 a year and a bonus of £1,500. His appointment is a temporary one. The ordinary pay of a Lieutenant-Colonel in India, if in command of a regiment, is—British Service Rs. 1,600 per mensem, Indian Army Rs. 1,750 per mensem.

(b) No expenditure has been incurred by the Government of India. They have advanced money toward the preliminary expenses of establishing the Army Canteen Board (India), but this will be repaid as soon as the Board is constituted.

(c) Government do not propose to establish Canteen Boards out of public funds.

ARMY CANTEEN BOARDS.

59. **Mr. J. Chaudhuri**: Have the Government enquired whether the Indian Army Contractors are prepared to carry out improvements that the Army Headquarters propose to introduce by the system of Canteen Board? If not, will they be asked to carry out improvements now required?

Sir Godfrey Fell: The Government of India have no doubt that Indian Army contractors will be willing to carry out improvements. These, however, though very necessary, will not wholly meet the case. The reasons for setting up an Army Canteen Board (India) are fully stated in the reply to part (c) of Question No. 62 asked by Rai Bahadur Bakhshi Sohan Lal.

WARRANT OF PRECEDENCE.

60. **Mr. K. B. L. Agnihotri**: Will the Government please state the place, that has been assigned to the following persons in the Warrant of Precedence:

- (a) members of the United Provinces of Agra and Oudh Legislative Council;
- (b) members of the Bihar and Orissa Legislative Council;
- (c) members of the Punjab Legislative Council;
- (d) members of the Central Provinces, Legislative Council?

The Honourable Sir William Vincent: None of the persons mentioned have been given any place in the Warrant of Precedence by virtue of their membership of one of the Legislative Councils mentioned.

PERSONS EMPLOYED IN CERTAIN SERVICES.

61. **Mr. K. B. L. Agnihotri**: Will the Government be pleased to lay a statement on the table giving the following particulars:

(a) The names of persons appointed, to the Indian Forest, Medical and Engineering services:

- (i) During the year 1920-1921;
- (ii) During the current year up to 31st August 1921?

(b) Pay on which they were appointed?

(c) The educational and Technical qualifications they hold for such appointments?

(d) The educational and Technical qualifications necessary for such appointments?

(e) And in cases, if any, in which the persons appointed did not possess the necessary qualifications, the reasons for their appointment?

Mr. J. Hullah: Statements have been compiled and are being supplied to the Honourable Member.

DISCONTENT AMONG ARMY CONTRACTORS.

62. **Rai Bahadur Bakhshi Sohan Lal:** (a) Is the Government aware that the proposal to replace Indian Army Contracts by a Navy and Army Canteen Board in England has already created great discontent amongst the Army contractors as well as amongst the Indian merchants generally?

(b) Will the Government be pleased to lay on the table the opinions of the Commanding Officer and the Army Commanders who were either in favour of or against the establishment of a Canteen Board in India on the lines of the Navy and Army Canteen Board in England?

(c) Is it not a fact that the majority of these officers are opposed to the proposal under contemplation?

(d) Will the Government be pleased to lay on the table the correspondence that has passed between Colonel Morten and other officials on the subject?

(e) Is the system of N. A. C. B. to be introduced in India by way of experiment? Will the Government be pleased to state the reasons why such system should be introduced in India?

(f) Is the Government aware that the Indian Army contractors are quite prepared to carry out improvements that the Army Headquarters propose to introduce by the system of N. A. C. B.?

Sir Godfrey Fell: (a), (b) and (c). The Honourable Member is referred to the reply given to parts (b), (c) and (d) of Question No. 80, asked by Mr. Chaudhry, of which a copy is being laid on the table at the same time as this.

(d) Government are not prepared to lay on the table the correspondence, which relates only to matters of detail.

(e) The Army Canteen Board (India) is being set up as an experiment, but if, as the Government of India anticipate, it proves successful, they have no reason to suppose that it will not become permanent. The reasons for introducing this system are as follows. The existing system under which Army Contractors have run the canteens and supper bars for British troops has not proved satisfactory in many respects. It has resulted in food of very inferior quality and deleterious to health being supplied to the troops. The reports of the Officer-in-Charge of the Military Food Laboratory at Kasauli on samples drawn by Inspectors of Canteens afford ample proof of this statement. If the Honourable Member so desires, I will furnish him with a copy of such reports. The first consideration of the Government of India must be the health and comfort of the troops; and it is the clear right of the military authorities to set up such organization in matters of this sort as will result in the greatest benefit to the troops. In peace time, the British soldier draws part of his ration in kind, and in addition draws a cash allowance to enable him to purchase food to supplement the ration which he receives from Government. It is therefore essential that he should have clean and comfortable supper bars and canteens where he can be certain of obtaining pure food and liquor at reasonable prices. This has not been the case under the system which it is now proposed partly to supersede. In war, experience shows that it is essential to the morale and health of the soldier to supply him in the field with minor comforts and to ensure that these are in every way fit for human consumption. The well-being and contentment of a modern army depend very largely upon the efficiency of this service. Under

the conditions of modern war, the old-fashioned sutler or private trader cannot render the necessary service. In the early days of the Great War, the service in Mesopotamia was left to sutlers. It broke down entirely, and the failure of this system caused much discomfort and suffering to the troops, as well as loss of money. In the last Afghan war, again, it was found that contractors' service was inadequate and unsatisfactory. In order to have a proper organization for war, as well as for the reasons already stated, it is necessary to have an organization working in peace. In the United Kingdom, His Majesty's Government have decided to have a permanent peace organization of this kind, and the Government of India propose to adopt a similar system in this country. The Government of India propose to set up an Army Canteen Board which will, in the first instance, take over all canteens on the North West Frontier, including Baluchistan and Waziristan. At present only so many of the military districts will be run by the Canteen Board as will insure a working war organization. In other parts of India, contractors will be encouraged to co-operate to remove the serious defects in this system.

MESSAGE FROM HIS EXCELLENCY THE VICEROY.

The Honourable Sir William Vincent: Sir, I have received a Message from His Excellency the Viceroy which I wish to hand over to you, Sir, for communication to the Assembly.

Mr. President: His Excellency the Governor General thanks the Legislative Assembly for the expression of its warm and hearty welcome on his appointment as Viceroy and Governor General of India.

PROGRAMME OF GOVERNMENT BUSINESS FOR THE REST OF THE SESSION.

The Honourable Sir William Vincent: Sir, on the last occasion on which the Assembly met I promised to make a statement to-day as to the date on which the business of the present Session will terminate. The position is that there is a long list of business—as Honourable Members will observe for themselves—down on the list to-day, but I hope we shall get through it faster than would appear at first sight. The 27th and 28th of the month are allotted for the discussion of non-official business, and on the 29th, any residue of to-day's business, *plus* a very small amount of legislative business, and Mr. Majumdar's Resolution on political progress will be taken.

On the 30th, there are two Resolutions to be proposed by Government and I hope on that date to conclude the business of Government, but it may be necessary, to have one day more to finish all the business to which I have referred. I hope it will not be necessary to put in that additional day, but it may be.

Honourable Members will understand that these are provisional dates and that I cannot guarantee them, but I hope our forecast will turn out to be correct and that we shall be able to conclude the business of this Session by the end of this week.

Mr. President: I take it that the Honourable the Home Member will be able to consult the Members of the Assembly regarding that additional day.

The Honourable Sir William Vincent : Certainly, Sir, I only want to keep a day in reserve in case of urgent need.

Mr. W. M. Hussanally : May I inquire of the Honourable the Home Member whether any day will be allotted for non-official Resolutions that have not been taken up on account of their not being reached before the Session closes?

The Honourable Sir William Vincent : I am afraid the answer must be in the negative. If we have time, I have already engaged to give the first available opportunity for two Resolutions -- of great public importance, one by Sir Sivaswamy Aiyer and the other by Mr. Jammadas. I am not at all sure whether I shall be able even to help these Honourable Members by giving time for these two Resolutions which certainly have a claim on any extra time there is.

THE INDIAN FACTORIES (AMENDMENT) BILL.

Mr. A. C. Chatterjee : Sir I beg to present the report of the Joint Committee on the Bill to amend the Indian Factories Act, 1911.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move :

'That this Assembly do agree to the recommendation of the Council of State that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 Members.'

On the last occasion when this motion was made in this House, Honourable Members very reasonably complained that they had not had adequate notice of the motion or had sufficient opportunity of examining the Bill. I hope that that criticism will not be made now. The facts about this Bill have already been explained to this Assembly. It was prepared by a very strong Committee including a number of lawyers. Among the Members of that Committee were Sir George Lowndes, Mr. Justice Pigott, Mr. Justice Kumaraswamy Sastri, Mr. Sinha (now Lord Sinha) and Sir James Walker. The proposals of the Committee are explained in detail in their report and the other amendments which have been incorporated are explained in the Statement of Objects and Reasons. The Bill is really intended only to remedy defects in the law which 22 years of working have proved to exist. I do not think it involves any new principle of great importance. It was introduced by me when I was in the Council of State into that body on the 21st February 1921. The Council passed the motion that the Bill should be referred to a Joint Committee. On the 1st of March Mr. O'Donnell made a similar motion here, but I understand that as many Members had only received copies of the Bill a very short time before the motion was made, it was not accepted. There is no change whatever made in the Bill as then placed before the Assembly, and it has been re-circulated to Members. I hope that Members of this Assembly will agree that the most expeditious and best way of dealing with a Bill of this kind is the motion which I now make before this Assembly.

Mr. P. P. Ginwala : Sir, would I be in order in moving my Amendment of which I have just given notice at this stage? The Amendment* runs.....

The Honourable Sir William Vincent : May I rise to a point of order, Sir? I have only had notice of this amendment just now. It is one of great importance and I submit that I am entitled to longer notice to consider a matter of this kind.

Mr. P. P. Ginwala : I received the agenda only yesterday and I think I could not have given notice of the amendment earlier than this.

Mr. President : Does the Honourable the Home Member object to the moving of the amendment?

The Honourable Sir William Vincent : I really think that on a matter of such importance I should have time to take instructions from His Excellency and the other Members of Council. I must press the point.

Mr. President : The objection made by the Honourable the Home Member is upheld.

Mr. P. P. Ginwala : I will speak generally on the motion, Sir, and raise the point in a different form. The Honourable the Home Member is perfectly entitled to take this objection, though I understood, Sir, that it was ruled before that if the List of Business should not be in the hands of Members in time, amendments ordinarily like this would be allowed. However.....

Mr. President : The Honourable Member does not seem to have quite understood the facts. The ruling of the Chair does not over-ride the provisions of the Standing Order. Where a Member objects to the moving of an amendment owing to inadequate notice, the Chair, I think, is bound to uphold it where the circumstances are so important as those described by the Honourable the Home Member. I have allowed a good deal of latitude on the subject, but in view of the representation made to me by the Honourable the Home Member, I am afraid I cannot uphold the point made by the Honourable Member from Burma.

Mr. P. P. Ginwala : I shall put my point in another way, Sir. I may remind the House that this amending Bill comes practically after a quarter of a century, or nearly 23 years, and within that period many of the principles of the Criminal Procedure Code have become obsolete, and if they have not become obsolete, they certainly deserve re-examination with reference to the change of conditions. There is one point that I want to make perfectly clear to the House, and that is, that if this Bill is referred to a Select Committee in the form in which it was introduced in the Council of State, objection will be taken, and is likely to be taken, in the Select Committee that the examination by the Select Committee ought to be confined only to those provisions of the Code which are affected by the amending Bill. This is what actually happened in one Select Committee on which I was acting. And the reason

* The Amendment was :

' That the word ' and ' after the words ' Legislative Assembly ' be deleted and that the following words be inserted after the word ' members ' viz. :

' and have power to propose amendments to any provisions of the said Code which are not covered by the said Bill as introduced in the Council of State.'

[Mr. P. P. Ginwala.]

given to me was that the President on a former occasion had given a ruling that amendments to an amending Bill must be confined to the scope of the particular Bill. That, of course, so far as I understood, was perfectly correct with reference to that particular Bill, namely, the Indian Penal Code (Amendment) Bill, which referred only to one particular principle. But I do think that it is rather too much of an extension of that principle to apply it to a Bill which covers practically the whole body of an Act, and if the Select Committee is merely going to confine itself to the provisions of the amending Bill, I submit that the examination will be incomplete. In order to make my point clear, I will give a few illustrations. Take for instance, the provision with regard to the appointment of Special Powers Magistrates. Of course, some Honourable Members from some Provinces are more fortunate than ourselves and they do not have this provision applied to their Provinces. But there are a number of Provinces where these provisions are literally applied, and I think the time has arrived when it should be made impossible for the Local Government to appoint Special Powers Magistrates with power to try all cases which are not punishable with death and to award punishments which may extend to imprisonment for seven years, for the conditions have now changed, and every man ought to have a trial before a properly constituted court, by which I mean a Sessions Court or the High Court as the case may be. So far as I can see, there is no reference whatsoever to this provision in this amending Bill.

Then I will give another instance. Take Section 144 of the Criminal Procedure Code. This Section has been used recently for purposes for which it was never intended, and a careful examination of this Section is absolutely necessary. The point arises as to whether this Section ought to be used for the purposes for which it has been used, and if it is used, whether the District Magistrate ought to be the final authority or whether the matter ought to be brought up before the High Court, and in any case, whether an appeal should be allowed to the High Court when an order is made under Section 144 or not.

Take another provision, the provision about inquests.

This provision also has at times been misused, I would even say abused. In a case in which a particular person is accused of having committed an offence, this provision has sometimes been used and even such questions as the question of self-defence are inquired into at an inquest. That, I submit, is wholly objectionable and some provision ought to be made by which procedure by way of inquest is not made applicable to such cases but that such cases are inquired into by a court in the ordinary way.

Then, with regard to provisions relating to juries, I do not wish to be misunderstood on this point, but if you examine the provisions of the Code with regard to the panel of juries, you will find that it is not impossible for the jury to be packed.

Mr. President : Order, order. I am afraid I cannot allow the Honourable Member to go through the whole Code, Section by Section. I have allowed the Honourable Member to give four instances already.

Mr. P. P. Ginwala : I will finish with this point, Sir. On an examination of the provisions, you will find that it is possible for the juries to be

packed. There is no compulsion, so far as the High Courts are concerned, on the part of the Clerk of the Crown or any authority to summon the first jurors and original panel by lot. He may choose any men he likes and whom he probably knows, and out of them nine men are eventually selected, and the fact, therefore, still remains that it is possible for juries to be packed, though I do not say that it is often done.

Now these are the kind of principles which have not been dealt with at all by the amending Bill. I could have given scores of other instances of a similar character. The Bill deals with a number of details, but it does not touch many of the principles which have assumed considerable amount of importance since the Code was last examined as a whole. I would, therefore, ask this House to insist, if possible, upon enlarging the powers of the Select Committee or to make some reservation by which it may be possible either in the Select Committee or when the Bill as amended by the Select Committee comes before the House to raise questions which are not actually covered at present by the amending Bill. With these remarks I ask the House to convey to the Select Committee some instructions by which the object of these periodical amendments of important enactments may not be frustrated by the Select Committee merely confining its attention to the scope of the amending Bill.

The Honourable Sir William Vincent: Sir, what the scope and the duties of the Select Committee will be is a matter, I imagine, for the Chairman to decide when the Bill comes before it. I admit, there may be many Members who have strong views on particular Sections of the Code which are not included in this Bill. For instance, I know that they hold strong views on the subject of the trial of European British subjects. We are putting up a separate Committee to examine that matter, as the Assembly is aware. But this particular Bill is merely intended to deal with specific points which have been very carefully considered and which have been under examination for about 7 years in the Government of India; it seems a pity that the fruit of the labours of such eminent lawyers as sat on that Committee should be entirely lost because a motion of the present character is not accepted by the Assembly. If there are any other points or if it is necessary to undertake a more complete revision of the Code, the Honourable Member has only to propose a Resolution to that effect and it will be for the Government to consider what action should be taken. If a large number of Members of this Assembly wish to force a Resolution before the Assembly, there is a very simple way of achieving that object, a method which was quite reasonably and properly used last session. The point really is as to whether we are on this occasion to make any use of the valuable report which we have from these gentlemen or to start again afresh a roving committee of inquiry, which to my mind would delay the passing of this Bill,—a very useful Bill and a very valuable measure in many respects,—for another 5 or 7 years. I hope that on this occasion the Assembly will accept what is really a very harmless and useful Resolution.

Mr. President: The question is :

‘That this Assembly do agree to the recommendation of the Council of State that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 Members.’

The motion was adopted.

The Honourable Sir William Vincent : Sir, I move :

That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee :

The Honourable Dr. Tej Bahadur Sapru.

Rao Bahadur C. Krishnaswami Rao.

Mr. Harchandrai Vishindas.

Rao Bahadur C. S. Subrahmanayam.

Mr. J. Chaudhuri, and myself.

I can only say that in making the nominations I have attempted to select lawyers from different parts of India, men who are well acquainted with the provisions of the Code and according to my information (excluding myself) well qualified to deal with it.

Mr. President : It is assumed that the Honourable Member has got the permission of these gentlemen.

The Honourable Sir William Vincent : Inquiries have been made and these gentlemen have accepted the nominations.

Mr. President : The question is :

That this Assembly agree that the following Members of the Legislative Assembly be nominated to serve on the Joint Committee, namely :

The Honourable Dr. Tej Bahadur Sapru.

Rao Bahadur C. Krishnaswami Rao.

Mr. Harchandrai Vishindas.

Rao Bahadur C. S. Subrahmanayam.

Mr. J. Chaudhuri, and

The Honourable Sir William Vincent.

The motion was adopted.

THE EXCLUSION FROM INHERITANCE BILL.

Mr. T. V. Seshagiri Ayyar : Sir, I rise to move for leave to introduce :

'A Bill to amend the Hindu law of inheritance in certain particulars and to remove certain doubts.'

On the last occasion when I moved for leave to introduce a Bill relating to exclusion from inheritance of certain classes of persons, I pointed out the underlying principles which guided me in framing this and other measures relating to Hindu Law. It is unnecessary to go over the same ground on this occasion. Moreover, Sir, this Bill is a very harmless measure. I am trying to bring the law into conformity with what obtains in Bombay. In Bombay, interpreting the *Mitakshara*, the Bombay judges have come to the conclusion that relations whom I have mentioned in this Bill should take precedence over the reversioners, whereas in Madras and in the United Provinces, interpreting the same law, the judges have come to the conclusion, that they come after the reversioners. Sir, nobody can doubt that these relations who are very near to the deceased person should, if he were to nominate, undoubtedly have been fixed upon first before the reversioners are thought of. But unfortunately owing to the state of the law, it has been found by certain judges of the

Bombay, Madras and the United Provinces High Courts that these female relations should come later on. My present object is simply to bring the law into conformity with what obtains in Bombay. I have stated the reasons, Sir, very fully in the Statement of Objects and Reasons. Moreover, I may mention to the Assembly, that about 20 or 30 meetings have been held in Madras by ladies and they have pressed upon me the necessity of bringing in this Bill before this Assembly. Under these circumstances, I beg leave to introduce the Bill which stands against my name.

Mr. President : The question is :

‘That leave be given to introduce a Bill to amend the Hindu Law of Inheritance in certain particulars and to remove certain doubts.’

The motion was adopted.

Mr. T. V. Seahagiri Ayyar : I introduce the Bill.

THE PRESS LAW REPEAL AND AMENDMENT BILL.

The Honourable Sir William Vincent : Sir, I move :

‘That the Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers and to provide for the seizure and disposal of certain documents, be referred to a Select Committee consisting of the Honourable Dr. Tej Bahadur Sapru, Mr. P. E. Percival, Mr. N. M. Samarth, Mr. M. K. Reddi, Munshi Iewar Saran, Khan Bahadur Mir Asad Ali, Rai Bahadur J. N. Majumdar, Maulvi Abul Kasem, Rai Bahadur Pandit Jawahar Lal Bhargava and myself.’

I explained the principles underlying this Bill when I introduced it; indeed they are already set out at considerable length in the Report of the Press Committee. I do not think that the Assembly will have any doubt as to the general principles on which this legislation has been inaugurated. There are matters of detail—difficult matters of detail—which will have to be considered, as I said on a previous occasion, very carefully when we go to Select Committee. This will particularly be the case in regard to the printing of the editor's name on the front page of a newspaper. This proposal has been criticized a good deal and the Committee will have to examine the criticisms with the utmost care at their command, but, subject to that, I have not seen any criticism of what I may call the general principles of the measure, and I hope that it will commend itself to this Assembly. The Committee proposed to examine the Bill is, I think, a representative one on which there is a majority of non-officials and in which we have included one or two Muhammadans who have considerable knowledge of and interest in the subject under discussion.

I hope that the measure will commend itself to this Assembly.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, with the leave of this Assembly I do not propose to make any motion with regard to the Bill* which

* Bill to provide that when firearms are used for the purpose of dispersing an assembly preliminary warning shall in certain circumstances be given.

[Sir William Vincent.]

is next down on the List of Business. The Bill was introduced in response to a Resolution passed by the Council of State to give effect to certain recommendations which that body made to Government. Yesterday, however, I received a number of very important amendments on this Bill which I think are of such a character that the Government will have further to consider its position altogether in regard to this Bill. I notice also that the Mover of the amendments is not here and I think it might be equally convenient to my Honourable Colleague on the other side if the motion were not taken up on the present occasion if I can secure the leave of the Assembly to that course.

Mr. J. Chaudhuri: I understand that the Honourable Sir William Vincent does not introduce the Bill but postpones introduction. I have got certain objections regarding the amendment of Chapter IX of the Criminal Procedure Code, in such a hasty and haphazard manner. I may tell the Honourable Home Member that the Bill as passed by the Council of State purporting to provide safeguard against the Police firing on a crowd too hastily provides no safeguard at all and an amendment of this kind may do more harm than good. I intended opposing the motion of the Honourable Member for leave to introduce the Bill in this Assembly. If the Honourable Home Member's motion to-day amounts to a motion for the withdrawal of the Bill, I would not oppose. I would further suggest that as we are going to amend the Code of Criminal Procedure, we might take up this question then.

The Honourable Sir William Vincent: I do not understand if I have leave to withdraw this motion.

Mr. President: The Honourable Member has not moved his motion, and nobody can compel him to move it.

THE CATTLE TRESPASS (AMENDMENT) BILL.

The Honourable Sir William Vincent: Sir, I move :

'That the Bill further to amend the Cattle Trespass Act, 1871, as passed by the Council of State, be taken into consideration.'

- This is really a very short Bill and I had hoped a non-controversial one. It was considered and passed without amendment in another place on the 19th of September, and laid on the table in this Assembly on the 20th, when I gave notice of my intention to move that the Bill should be taken into consideration here.

The position is a very simple one. At present under Section 12 of the Cattle Trespass Act, the scale of fines which may be levied for cattle impounded is prescribed by law. This scale was fixed half a century ago and it is only under the conditions specified in the proviso, that is in case of habitual trespass, that a Local Government can double the fee. The Bill proposes to empower Local Governments to prescribe a scale or different scales for different places, as circumstances may demand. I believe it to be a very reasonable proposal. The subject is a provincial one, but at the same time it is convenient for Local Governments that legislation on a matter of this kind should be uniform. I may say that we have consulted Local Governments and that they agree that this course is convenient from the provincial aspect. An

examination of the Bill will indeed show that it does not detract in any way from the provincial authorities, and I hope that the Bill will commend itself to this Assembly.

The motion was adopted.

Mr. M. G. M. Ayyangar : Sir, there is an amendment of which notice has been given by Mr. Rangachariar and in the absence of Mr. Rangachariar, I wish to know if I have the permission of the Chair to move the amendment which stands in his name. But before I do so, I would, with your permission, Sir, make a small verbal alteration. In the printed copy of the amendment, it is stated that the words 'with the previous consent of the local legislature' should be added after the words 'time being.' I think it is a slip. The said words are to be added either after the word 'prescribed' or after the word 'Government' in paragraph 2 of clause (2) of the Bill.

The object of this amendment, as the Honourable Members will see, is to replace legislation by notification which is the one intended by the Bill by legislation by the local legislature, by giving power to the local legislature to decide the scale of fines to be levied from the owners of impounded cattle.

Under the existing Act, the scale of fines to be levied varies from one anna in the case of a ram, ewe, etc., to two rupees in the case of an elephant.

This scale is fixed in the existing Act itself. This scale which was fixed 50 years ago is now quite out of date. Even double the amount of fines, to levy which in certain cases and under certain circumstances power is given under the existing Section 12 may not be sufficient to feed the cattle impounded owing to rise of prices in recent times. It is quite true as the Member in charge of the Bill said in the other House that it is not possible to feed a horse now on 4 annas a day or even on 8 annas a day. It is therefore necessary to make suitable changes in the existing scale of fines.

But the present Bill in clause (2) gives the power of fixing the scale of fines to the Local Governments. The Bill recognises of course that different scales may be necessary for different provinces and that even within the same province different rates may be necessary for different local areas. This fact was not taken note of by the existing Act.

My point is that this power of legislation regarding the fixing of the scale of fines should not be given to the Local Government. Clause (2), paragraph 2 of the present Bill wants the Local Government to prescribe the scale of fines and then notify it in the official Gazette. Often-times Local Government may feel difficulty in finding out what exactly is the reasonable cost of feeding a particular kind of animal coming within the Act in a particular local area. It may therefore be that it fixes either a smaller or larger amount for a certain animal for a particular area. If the scale of fines is to be discussed in the local legislature (and local Legislative Councils consist of representatives from all local areas) it will be easy to find out the reasonable cost of feeding a particular kind of animal in any particular area. This will also avoid any complaint from the people concerned to the scale of fines fixed.

For these reasons, Sir, I submit, that the amendment should be made to clause (2) of the Bill.

Honourable Members may remember that the Government agreed to a similar amendment being made to clause (7) of the Bill to provide for the levy of customs duty on lac exported from British India where the question was

[Mr. M. G. M. Ayyangar.]

whether the said Act should be continued after the period of 5 years (the life given to the Act under Section 6 of the Act) by the Governor General in Council on the recommendation of the lac association or whether it should be extended by the Governor General in Council with the previous consent of the Indian Legislature.

I therefore hope and trust that the Government would accept this amendment also.

Mr. President : The Honourable Member has taken the wrong place in the clause to insert the words desired. If the Honourable Member inserts the words in the place indicated in the amendment, then it would mean that the previous consent of the local legislature will have to be obtained for every head of cattle on account of which a fine is to be levied. I presume the Honourable Member means that he wishes the prescribed scale not to be established without the consent of the local legislature. Therefore, I think he should insert those words after the word 'prescribed,' or perhaps after the word 'gazette.' That I leave to the Government draftsman to decide.

Mr. M. G. M. Ayyangar : I move, Sir, that the words be added after the word 'prescribed.'

The Honourable Sir William Vincent : Sir, I feel a little difficulty about changing the language of a Bill in this rapid way. It is entirely foreign to anything that I have been accustomed to in the Legislative Department.

Mr. President : The proposal is not to change the drafting of the Bill, but to insert the amendment in a place where it makes sense instead of leaving it at a place where it makes nonsense.

The Honourable Sir William Vincent : Very well, Sir. I am quite in the hands of the Mover of the amendment in the matter, but I submit to the Assembly that it is in any case really an unnecessary amendment. The position in regard to the Bill is entirely different, if I may put it, from the position in regard to the Lac Cess Bill; speaking from memory—if I make any mistake, Mr. Innes will correct me—I understand the question there was that the duration of the Bill was to be for a period of five years and after that if the duration of the Bill was to be extended the question was to be brought before the Assembly. But here we have a question of a Local Government fixing from time to time pound-fees suitable for different localities, and I suggest to the Assembly that the local legislature is a cumbrous machinery, if I may say so, for use for every petty change, such a change for instance as to whether you are going to charge 2 annas pound-fee for a goat or ten pice; the amount of delay, the amount of work that would come before the Legislative Councils on account of what I may fairly call a tuppenny-hapenny matter of this kind would be intolerable; surely this Assembly can trust Local Governments in a matter of this kind in which they are subject to the scrutiny of their own local Councils. Indeed Local Governments will proceed largely no doubt on the advice of District Boards and Municipalities in whose hands the direct control of pounds lies.

Then, there is another matter; how is the previous consent of the legislature to be obtained, under the amendment as drafted? I confess I cannot make it out. Is it proposed that the local legislature should pass a law every time for one sub-division or one district? Is not this rather an impracticable proposal?

If the Assembly really wish to examine the proposal in detail they will have to go back to the Government of India Act, and rules made thereunder when it will be seen that the only way there in which consent could be given would be, as far as I can see, by legislation or possibly by some form of Resolution.

As it is, however the local legislatures have full power to discuss any modification in the rules, any change that is made by the Local Government in the scale of fees ; and I think that the suggestion that in a very small matter of this kind, you cannot trust the Local Government which is always subject to the scrutiny of the local Council is unjustified (Mr. G. C. Nag : Yes, the district boards are consulted and besides the proceeds of the Act are enjoyed by district and local boards.) In a matter and in which as my Honourable friend behind me says, they will always move at the instance of a local authority—the Honourable Member is assisting me a great deal in a somewhat unusual manner. May I express the view the suggestion will not commend itself to the Assembly. I hope that the Amendment proposed by the Honourable gentleman opposite will be rejected.

Mr. W. M. Hussanally : I rise, Sir, to oppose this amendment which has just been proposed, for several reasons, some of which have just now been stated by my friend on the opposite side (Honourable Sir William Vincent). But he has not mentioned the fact that nearly all the cattle pounds in districts are transferred to either district boards or to municipalities ; so that any scale of fees settled by the district magistrate which he sends up to the Local Government for sanction necessarily has the consent of the district boards or municipalities concerned. Moreover, if a list of fees as recommended by this amendment is made for all India for different localities and sent up for sanction, I am afraid that it will be so tremendously long that I do not think any Member of this House would care even to look at it. It is such a matter of detail and the changes that will have to be introduced from time to time will be so small as the Honourable Sir William Vincent has just now pointed out, that it is hardly worth while occupying the time of this House over this matter when we have several other important subjects to deal with.

Rai G. C. Nag Bahadur : Sir, I oppose this amendment because in the first place the administration of the Act is under the control of the local Minister, and in the second place the proceeds which are obtained out of the operation of this Act go to support municipalities and other local bodies, and they are invariably consulted in the matter of levying fees under the Cattle Trespass Act. I do not think that the local legislatures should be bothered about this small matter of levying fees under the Act and so I oppose this amendment.

Rai Sahib Lakshmi Narayan Lal : Sir, the amendment that I rise to move is that in clause (2) of the Bill after the words 'time being' the words 'with the previous consent of the Legislative Council' be inserted.

The Bill provides that it shall be left to the discretion of the Local Governments to prescribe, in future, a scale of fees which may be different for different places, instead of the existing scale of fees for cattle impounded. The Local Government has already been vested by an amending Act with power to double the scale of fees in certain cases ; the Legislative Council is the best source of finding out in what place it is proper to increase the scale and to what

[Rai Sahib Lakshmi Narayan Lal.]

extent and so it is admissible that any increase in the existing scale of fees should be made with the previous consent of the local Legislature. This is a small matter but it affects mostly the poor classes of people especially the poor agriculturists whose interest will be better safeguarded by adopting this amendment and inserting the words mentioned therein; I hope Honourable Members will be pleased to support me unanimously.

Mr. P. P. Ginwala : Sir, I move that the question be now put.

The amendment was negatived.

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

The Honourable Sir William Vincent : Sir, I move that the Bill as passed by the Council of State, be passed.

The motion was adopted.

THE LAND ACQUISITION (AMENDMENT) BILL.

Mr. J. Hullah : Sir, I move :

'That in clause (3) of the Bill to amend the Land Acquisition Act, 1894, for the words 'Act of a local legislature' the words 'enactment for the time being in force' be substituted.'

As explained in the Statement of Objects and Reasons, the first part of new Section 54 inserted by clause (3) of the Bill, which allows an appeal to the High Court, and the High Court only, is necessitated by a ruling of the Bombay High Court, which held that where a claim under Rs. 5,000 in value has been decided by a Court of first instance, an appeal lies to the District Court in virtue of Section 16 of the Bombay Civil Courts Act, 1869, and the right of appeal given by Section 54 of the Land Acquisition Act is thus exhausted.

It has come to notice that the Bombay Civil Courts Act, 1869, is not an Act of a local legislature, but was passed by the Indian Legislative Council, and for that reason I have to move this amendment.

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : Sir, the amendment which stands in my name runs as follows :

'That in clause (3) of the Bill for the words from 'and subject also' to 'High Court' the following shall be substituted, namely :

'and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1909, and in Order XLV thereof.'

That clause 3 (2) of the Bill be omitted.'

I will briefly state the reasons which have induced me to bring forward this amendment. I gathered from the various amendments of which notice has been given by Honourable Members that the general desire was to provide that appeals to the Privy Council shall be subject to the same limitations, and to no more nor less than the limitations which now exist in regard to appeals

from decrees generally under the Code of Civil Procedure, and I thought the amendment which I now propose would be the simplest way of achieving that object. It will be noticed that several of the amendments relate to clause (2) and are intended to secure that the restrictions which may be imposed upon appeals which lie to His Majesty in Council shall not be made more stringent than in the case of ordinary decrees. It might perhaps be said that by the definition now inserted in clause (2) of the Bill that 'Every such award shall be deemed to be a decree' it is not necessary to provide for any appeal to the Privy Council inasmuch as from a decree of the High Court, an appeal would as a matter of course lie to the Privy Council under the provisions of the Civil Procedure Code. The reason for the amendment is that it is desirable to insert it *ex majori cautela*. It is for this very reason that clause (1) of the Bill contains a provision like this 'subject also to the provisions hereinafter contained to His Majesty in Council from that of the High Court.' It is for the same reasons that have suggested to the framers of the Bill the necessity for making special provisions for appeal to the Privy Council that it seems to me desirable to provide expressly for an appeal to the Privy Council. It is not necessary for me at this stage to make any reference to the amendments which stand below mine on the list. If the amendment I have suggested in part 1 of Section 54 is accepted, it will not be necessary to retain clause (2). I think these reasons will be sufficient to commend my amendment.

Mr. T. V. Seshagiri Ayyar: Sir, I have given notice of a similar amendment. I do not think it necessary to go over the ground covered by my Honourable friend, Sir Sivaswamy Aiyer, but there is one matter which I should like to mention and which I hope the Government will take notice of and that is, that until the Privy Council passed those two judgments, one in the Bombay case and the other in the Burma case, appeals from awards have been held to lie under the same limitations as appeals from any other decrees under the Civil Procedure Code. The Privy Council did not say that there should be any restriction in regard to the right of appeal from awards in land acquisition cases. What they said was that the language of the Land Acquisition Act was 'award', and against an award, there is no appeal. Therefore, they held that an appeal does not lie. Consequently it follows that the Privy Council did not intend to restrict the right of appeal in any other manner. If there is an appeal against similar decrees under the Civil Procedure Code, then under the Land Acquisition Act also, the same liberty should be given to appeal to His Majesty in Council. Therefore there is no reason or justification for restricting the power of appeal so far as the Land Acquisition Act is concerned.

Sir, there is only one other matter of drafting. I do not want that my amendment should be preferred to that of my learned friend. My Honourable friend has used the following language in his amendment: 'and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in Section 110 of the Code of Civil Procedure.' Section 110 contains the words 'decree or final order.' It is for that reason that I have made a slight modification in regard to this expression in my amendment. If you look at the alternative amendment, Sir, you will find that I say '(2). The appeal to His Majesty in Council shall *mutatis mutandis* be governed by Sections 109 and 110 of the Code of Civil Procedure, 1908', because I thought that if you use the word 'decree' in the amendment and you find the word 'order' in the Section, it would lead to confusion, but if you use the word '*mutatis mutandis*' that

[Mr. T. V. Seshagiri Ayyar.]

would certainly take away the objection. However, if the Government is accepting the principle of the amendment moved by my Honourable friend, it does not matter very much to me whether his is accepted or mine.

Mr. President: I would point out to the Honourable Member that the amendment moved by his Colleague from Madras excludes his amendment except for this fact, that his includes a reference to Sections 109 and 110 of the Civil Procedure Code.

Dr. H. S. Gour: Sir, while I am in general sympathy with the Movers of the two amendments, I think their object will be best served if they vote with me for the total repeal of clause (3) of the Bill, and I shall give my reasons in support of my view. The Privy Council have no doubt laid down that the award of a Land Acquisition Officer is essentially an award, and therefore not a fit case for appeal to their Lordships of the Privy Council. But in clause (2) we make it clear that an award shall be a decree within the meaning of the Code of Civil Procedure. Having done that, it must of necessity be subject to appeal to the High Court and to the Privy Council in accordance with the provisions of the Code of Civil Procedure. I have not overlooked the Statement of Objects and Reasons which have led to the enactment of clause (3). Honourable Members will find that in the whole of India except the Bombay Presidency all Land Acquisition cases are triable in the first instance by the District Judge, and we know from the Code of Civil Procedure that all appeals from the decrees of the District Judge lie to the High Court. But in the Bombay Presidency such cases are tried by the Assistant Judge and subject to pecuniary jurisdiction and valuation, appeals from the decrees of the Assistant Judge lie to the District Judge, and that has necessitated clause (3). Now I venture to submit, and I hope Government will accept my suggestion, that the position can be simply met by asking the Bombay Government to gazette the Assistant Judge as an additional District Judge for the purpose of trying cases under the Land Acquisition Act, and the anomaly which exists in the Bombay Presidency will then be removed, and all cases throughout India coming under the Land Acquisition Act will be tried by the District Judge, and be subject to appeal to the High Court and necessarily then, subject to the provisions of the Code of Civil Procedure, be appealable to their Lordships of the Privy Council. In this view, I submit, Sir, that clause (3) of the Bill may be completely deleted.

Mr. J. Chaudhuri: Sir, I am sorry I cannot agree with my Honourable friend, Dr. Gour, in this matter. It will be remembered that in the Civil Procedure Code provisions with regard to appeals to His Majesty in Council relate to the subject-matter of suits. The Land Acquisition Act is a special Act and proceedings under it cannot be called suits. So simply saying that an award under the Act amounts to a decree under the Land Acquisition Act would not necessarily imply that an appeal to His Majesty in Council would lie from such awards. I would, therefore, prefer that the amendment proposed by my Honourable friend, Sir Sivaswamy Aiyer, should be inserted in clause (3) of the Bill, because, then there will be no room for any ambiguity. So, I oppose my Honourable friend, Dr. Gour's suggestion and I support Sir Sivaswamy Aiyer's amendment.

Mr. P. E. Percival: Sir, I beg to oppose the amendment moved by Sir Sivaswamy Aiyer. I regret that I have to oppose the amendment of such a

distinguished Member of this Assembly ; but I am supported by the fact that all the Bombay Authorities who have been consulted on the subject, namely, the Bombay Government, the Bombay High Court, the Commissioner in Sind and the Judicial Commissioner of Sind are against the proposal. That is to say, they are against the proposal that an appeal should lie to the Privy Council on pure questions of fact. I would refer only to the opinion of the Judicial Commissioner of Sind, as he brings out a point which has not, I think, been mentioned hitherto. He says :

'There are ample safeguards of private rights, which can, under the existing law, be fought out in three courts (counting the Collector's as one), and to give a further right of appeal is merely encouraging litigiousness and speculation in a matter which it is desirable should be settled without undue delay.'

Sir, the question has been raised 'why should we make a difference in dealing with Land Acquisition cases, instead of treating them like cases under the Civil Procedure Code?' The answer to that objection is that the procedure throughout is different. In Land Acquisition cases you have first of all an investigation by the Collector. Against that award Government and the company concerned have no right of reference to the District Court. After the investigation by the Collector there is a detailed inquiry by the District Court, and again by the High Court. Surely it cannot be said that in the interests of justice there should be a fourth inquiry by a fourth tribunal on questions of fact, when that tribunal itself has said that it is not a suitable court to decide such questions of fact. Sir, I noticed that Honourable Members who have spoken so far on this debate have not made any reference to the opinions that have been obtained from the officers who have been consulted on this Bill. I am considerably strengthened by the opinions that have been received from the various officers in different parts of India. I have already referred to those in the Bombay Presidency and I will now refer to the authorities in other parts of India. Now, Sir, I have no doubt that the opinions to which the greatest weight will be attached are the opinions of the highest judicial authorities in the different major provinces, of the Privy Council, and of the Governments of these respective major provinces. Out of the judicial authorities, we find that the Privy Council, the High Court of Calcutta and the High Court of Bombay are against this proposal—I mean the proposal that an appeal should lie on pure questions of fact to the Privy Council. There is of course the opinion on the other side of the High Court of Punjab, the High Court of Bihar and Orissa and the Chief Court of Burma, while the other judicial authorities are divided in opinion. I submit, however, Sir, that we should take into consideration the fact that Bengal and Bombay are the chief industrial Provinces in India. Consequently the opinions of the Privy Council and of the High Courts of Calcutta and Bombay are also entitled to special weight in this matter. Next, if you refer to the opinions of the Governments of the respective provinces, you find that the preponderance of opinion against the proposal is overwhelming. That is to say, out of the nine major provinces, including Assam and the Central Provinces, there are only two, Burma and the Punjab, which are in favour of an appeal to the Privy Council on questions of fact.

The whole of the seven other provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa, the Central Provinces and Assam, are against the proposal that there should be an appeal to the Privy Council on questions of fact. I submit, Sir, that this Assembly, whatever their own views may be on this subject, will not disregard this strong preponderance of opinion against the proposal. Well, Sir, there is one other

[Mr. P. E. Percival.]

point to which I should like to refer, and it is this. Besides the weight that should be attached to the opinion of the Privy Council, there is the fact that we should be careful not to come into conflict with that august body. Referring to Prof. Keith's book on 'Responsible Government in the Dominions' I find, that when it was proposed on the previous occasion to alter the rules regarding appeals to Privy Council from the Dominions (the proposal did not apply to India), it was suggested to the Governments of the Dominions that a draft of the proposed legislation should be forwarded to the Judicial Committee of the Privy Council for any observations they might desire to offer on the subject. From this it is clear that the Privy Council like to be consulted if any alteration is made in the rules regarding appeals to the Privy Council. Now, Sir, the present amendment is, as we know, contrary to the opinion of the Privy Council; because it has been laid down, in the case to which reference has already been made, that the Privy Council is against appeals on questions of fact coming to them, and that the Privy Council is not a suitable body to decide the valuation of land in India. The Indian High Courts, it was stated, are more suited to deal with such matters. So, I submit, Sir, that it is not right that we should run the chance of a conflict with the Judicial Committee of the Privy Council on a matter in which the majority of the officers who have been consulted on the subject are adverse to the proposed amendment, namely, that there should be appeals on questions of pure fact to the Privy Council. For these reasons, Sir, I oppose this amendment and also the amendment moved by my Honourable friend, Dr. Gour, and support the Bill as proposed by Government and as passed by the Council of State.

Mr. J. N. Mukherjee : I venture to support the amendment put forward by my Honourable friend, Sir Sivaswamy Aiyer. Practically, the two amendments, the one coming from him and the other from my Honourable friend, Mr. Seshagiri Ayyar, proceed on the same lines. Now two objections have been raised to the amendment. One is of procedure emanating from my learned friend, Dr. Gour, who says that the amendment proposed would be simplified if the course suggested by him was adopted. The second one emanating from my Honourable friend, Mr. Percival, is an amendment on the merits, that is to say, whether the matter of an award given under the Land Acquisition Act, should be carried to the Privy Council on facts. Now, as regards the first objection, that of my Honourable friend, Dr. Gour, I submit that his method will not in all probability serve our purpose, because if the wording of the Civil Procedure Code be examined, it will be found that its phraseology is directed more towards different aspects of a suit than to anything else. Now, although in the case of the Land Acquisition Act, it has been provided that the trial of a reference case before a judge should proceed on the lines laid down in the Civil Procedure Code, a distinction has been drawn between a decree passed in a suit, and an award passed under the Act, by the Privy Council itself. So that, I think, a specific provision like the one proposed by my Honourable friend, Sir Sivaswamy Aiyer, is more likely to meet the situation than the course suggested by my Honourable friend, Dr. Gour. So far with regard to procedure. As regards merits, I must submit to the House that there are two sides to the entire question. One is the official side and the other, the people's side. It is the people alone who can understand the difficulties to which they are put by compulsory acquisition of land. This compulsory acquisition of land, it is to be

borne in mind, is by a purchaser who compels a person to sell his land at the price dictated practically by the purchaser, so that the official view very often fails to take notice of the difficulties of the seller. As a practical lawyer, I know of instances where a railway has acquired land on the principle that although it does not want the land immediately, yet it wants to acquire it because the price of land will go up in future, may be some 10 years or 8 years afterwards, and I have known that the land so acquired has been left for years together without being put to any use whatever after acquisition. It is not a question of price alone that is connected with compulsory acquisition of land, but it means a great deal more than that. I have known cases where a particular object has been put forward in the Gazette as the purpose for which the land is to be acquired, but in reality the object with which it was going to be acquired was something different. Now as regards what the Privy Council has said lately with regard to appeals under the Act, my submission to the House is, that that august body is not likely to know all the particular incidents which are sometimes connected with the acquisition of land in India, and therefore the people themselves, or rather their spokesman, the Members of the legislature in the country should concern themselves very carefully with the circumstances attending all compulsory acquisition of land. The Privy Council, as a matter of fact, entertained appeals from High Court decrees passed under the Land Acquisition Act for a long series of years. The first note of dissent was heard, I think, in the Burma case. As regards Bombay, the local Acts there, are different from the local Acts in other parts of India and in Bengal. It would not do for anybody to say that the Privy Council as a rule raised notes of dissent in connection with appeals to that tribunal in Land Acquisition cases. My submission to the House is, that as a matter of fact for a long series of years the Privy Council did entertain appeals in Land Acquisition cases just as in any other case, from decrees in ordinary suits passed by the High Court. It is therefore absolutely necessary, that there should be this precaution, that in matters of importance, appeals should be taken up to the Privy Council, as provided by the Civil Procedure Code, and that we should obtain the opinion of a detached body like the Judicial Committee, which is not concerned with the politics of India so far as the executive side of the question is concerned. I therefore support with all my heart the amendment put forward by my Honourable friend, Sir Sivaswamy Aiyer.

Mr. B. Venkatapatiraju : Sir, the Honourable Mr. Percival has raised an objection to this amendment on the ground that 'Why should on mere questions of fact an appeal should be allowed to the Privy Council.'

The Honourable Member should have noticed that there are certain other restrictions besides, namely, the value must be Rs. 10,000, or the High Court should certify that it is a fit case or that there should be a substantial question of law when there is concurrence of judgment on fact. These are the three limitations which are placed and we naturally see in the matter of land acquisition cases several cases arise where out of a big block a small portion is taken. It may be of small value, but the High Court may certify it as a fit case. Therefore, the only question is whether the people's interests are better safeguarded by providing under the Civil Procedure Code for an appeal to the Privy Council. I think the amendment of Sir Sivaswamy Aiyer is a very reasonable one, and I hope the House will accept it.

Rai Bahadur Pandit J. L. Bhargava : Sir, I also support the amendment moved by Sir Sivaswamy Aiyer. I need not repeat the arguments which

[Rai Bahadur Pandit J. L. Bharghava.]

have already been advanced to justify the amendment in question. There is no reason why there should be any distinction between the appeals allowed under the Civil Procedure Code and those proposed to be allowed under the Land Acquisition Act.

Lala Girdharilal Agarwala : Sir, I also support the amendment moved by my Honourable friend, Sir Sivaswamy Aiyer.

There is no reason why appeals should not be allowed in such cases where a question of principle is involved, although the amount may be below Rs. 10,000. In all civil cases there is provision in the Code of Civil Procedure that appeals can be preferred to the Privy Council even if the value is below Rs. 10,000, if it is otherwise certified to be a fit case for appeal to His Majesty in Council. In our courts there has been one important case on the subject of encroachment of land where an appeal was allowed to the Privy Council though the value of the property in dispute was only Rs. 900, namely, the well known case of Seth Baniram. So I submit that the opportunity should not be lost by omitting from the Statute Book a provision which applies to all civil cases and therefore I submit that the amendment should be accepted.

I may submit one thing more, that we are going to have, sooner or later, a Privy Council in India, and in that case the Judges who will sit on the Privy Council can very well be able to appreciate the questions of fact in all cases of appeals.

The amendment was adopted.

Sir P. S. Sivaswamy Aiyer : The next amendment is a consequential amendment.

Mr. President : The question is that clause 3 (2) of the Bill be omitted.

The amendment was adopted.

Mr. President : The question is that clause (3) as amended stand part of the Bill.

The motion was adopted.

Mr. J. Hullah : I move, Sir, that the Bill, as amended, be passed.

The motion was adopted.

THE MUSSALMAN WAQFS REGISTRATION BILL.

Mr. Abul Kasem : Sir, I beg to move for leave to introduce :

'A Bill to provide for the registration of Waqf Estates and the proper rendering of accounts by the *Mutwallis* of such estates in British India.'

The reasons for the introduction of this piece of legislation I have given both in the preamble as well as in the Statement of Objects and Reasons, and I need not repeat them here. It is well known not only to Mussalmans but to others as well that it has been the practice of pious Mussalmans to make dedications for public charities frequently, but, unfortunately, those who are appointed as the trustees of these estates or who succeed to the office of trustees more often than not treat them as their personal property, misappropriate them

and squander them away, and it is a fact that very large number of waqf properties are extinct on account of the misappropriation or the mismanagement of these *Mutwallis*. Sometimes, after the *Mutwallis* have enjoyed the property and treated it as personal property, they go to the length of selling it to non-Mussalmans, and an absolute stranger without knowing anything purchases the property, and, after the property has been purchased and taken possession of, some Muhammadans get together and put it a claim, that being a Waqf property, the *Mutwallis* had no right to transfer it. Unnecessary litigation, I may add, ensues with the result that if the court holds that the purchaser is a *bona fide* purchaser, the Mussalmans lose a property dedicated for public or charitable purposes, and, if the court holds that the *Mutwallis* had no right to transfer the property, then the poor stranger, who purchased it in good faith, loses his money. To avoid all these difficulties and to see that these estates are properly administered, it is proposed to have these Waqf estates properly registered and that the *Mutwallis* may be called upon to render accounts for public inspection. In this case it is not proposed to interfere with any provisions of the Muhammadan law, or customs, or vested interests. What the Bill aims at is the enforcement of the provisions of the Muhammadan law itself, to have supervision over the *Mutwallis*; and nothing more is intended.

I may add that not being a lawyer myself, I cannot claim that the Bill has been drafted in a satisfactory manner; in fact it is based mainly on the Bill which was drafted by my friend, Maulvi Fazlul Haq, for introduction in the Bengal Legislative Council. He was not allowed to introduce it there because it was said that it being an All-India question should be introduced in the Imperial Legislative Assembly. I hope and trust, that with the aid of distinguished lawyers in this House it will be so amended or the defects of it may be so remedied and rectified that when it comes out as an Act, it will come out in a way which will be satisfactory to all parties concerned. I can assure the House that this is not an attempt to interfere with the vested interests of any one, whether he is a *Mutwalli* or trustee or not. We only want to safeguard the interests of these trust properties.

With these words, Sir, I beg to move that leave be granted for the introduction of this Bill.

The Honourable Sir William Vincent: Sir, I ought at the first opportunity to make clear the attitude of Government on this Bill, because in the first place the management of charitable and religious trusts is a provincial transferred subject, and therefore the sanction of the Governor General was necessary to the introduction of this Bill, as well as under another sub-section of the same Section of the Government of India Act and in the second place because there is another matter of great importance; hitherto it has always been the practice of the Government of India at any rate for the last sixty years to keep their officers entirely free from any connection with the management of these religious trusts; Government officers, in other words, have not been allowed, save in very few cases, to take any part in the management of such trusts, but if Honourable Members will look at clause (16) of the Bill, they will see that under this clause the Collector of the District is *ex-officio* President of the District Committee which has considerable power over these trusts. Now, these are *prima facie* objections of some weight to the Bill, but at the same time it has been represented to us that the Muhammadan community were very anxious that the Bill should be introduced, and the Government of India will

[Sir William Vincent.]

not therefore oppose this motion for introduction; it must however be quite clearly understood that they reserve to themselves full liberty later to take any attitude towards this Bill which subsequent circumstances may necessitate. We shall consult Local Governments, particularly really the reformed portion of the Local Governments, as to what their wishes are, and we will also have a full opportunity of ascertaining what public opinion is. The Honourable Member referred in his speech to a Bill introduced by Mr. Fazlul Huq in Bengal; it is quite true that at that time the question was an All-India one; but a good deal of water has passed under the bridges since then and it is now a provincial transferred subject.

Mr. W. M. Hussanally : Sir,

Mr. President : On the introduction of a Bill, the rules provide for a speech in favour of the Bill by the Mover and for a short speech by any one who intends to oppose the Bill. The Honourable the Home Member did not exactly oppose the Bill, but he gave his reasons for taking up a guarded attitude with reference to it.

The motion was adopted.

Mr. Abul Kasem : I beg to introduce the Bill.

RESOLUTION *RE*: LIMITATION OF HOURS OF WORK IN THE FISHING INDUSTRY.

The Honourable Mr. C. A. Innes : Sir, before I deal specifically with the first Resolution which stands in my name, I ask your permission to make a very few remarks by way of introduction. I have not very much to say, for I have already placed all my cards on the table; I have circulated to all Members of the House a bulletin in which all the official correspondence regarding the Genoa Seamen's Conference has been published. What I wish to explain is that there are two important matters discussed at this Conference which I am not placing before the House to-day. The first is the question of the limitation of hours of work on board ship. The Conference passed no draft convention and no recommendation on that subject and so there is nothing which I can place before the Assembly. But the fact that the Conference failed by a fraction of a vote to adopt the principle of an eight-hour day is, we think, bound profoundly to influence the future of this question. I understand that a settlement at Home may be arrived at by consent, and that negotiations on the subject are still proceeding. We propose to keep in very close touch with those negotiations and as soon as we know what they propose to do in England we will no doubt take up the question again in India.

The other question which I am not placing before the House is the question of the limitation of hours of work in inland navigation. This is a very complex subject and opens up many difficult questions; and the Conference recognised this fact by allowing specially a period of two years for Members of the International Labour Organisation to report progress in. We have therefore till July 1922 to consider what action we propose to take and we propose to take our full time. It is by no means clear to us, even assuming that a limitation of hours of work in inland navigation is theoretically desirable, how that limitation can be enforced in practice. We propose to direct our inquiries to that point, and the House will have another opportunity of considering the question.

Following the precedent of the action taken in regard to the Washington Conference, we are placing all the remaining recommendations and draft conventions before the House for its consideration. The rules allow us at the most 18 months to consider these draft conventions and recommendations, and that is the reason why we are compelled to take this opportunity of placing the matter before the House to-day; for officially the Genoa Seamen's Conference came to a close on the 10th of July 1920.

I now turn to the first Resolution which stands in my name, which is to the effect that:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendation concerning the limitation of hours of work in the fishing industry adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

This recommendation was to the effect that each Member of the International Labour Organization should undertake legislation limiting the hours of work of all workers employed in the fishing industry in the direction of an eight-hour day or a 48-hour week and that in framing such legislation organizations of employers and organizations of workers should be consulted. I do not think that I need say very much about this particular recommendation; I doubt myself whether it will be applied in any country in the world, and I am quite certain that at any rate at present we could not apply it in India. We have no organisations of employers or of workers to consult. Deep-sea fishing in India is in its infancy. Such sea fishing as is carried on is almost entirely in-shore fishing; it is carried on in very primitive boats and with very primitive appliances. The fisherman, although they may be financed by merchants, usually remunerate the men they employ by a share in the catch. Every maritime Local Government is unanimous in holding that it would be entirely premature for the Government of India to take any action on this recommendation; and I am quite sure that all Members of this House who like myself come from maritime provinces and who are acquainted with the conditions in which sea fishing is carried on in India will agree with me that no other conclusion is possible.

The Resolution was adopted.

RESOLUTION RE: ESTABLISHMENT OF NATIONAL SEAMEN'S CODE.

The Honourable Mr. C. A. Innes: Sir, I next move that:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendation concerning the establishment of National Seamen's Codes adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

Here, again, Sir, I do not think I need say very much. We take the view that the codification of our numerous merchant shipping Acts must take precedence over the establishment of any Seamen's Code. That question has been under consideration for some time and I understand that some progress has been made in the Legislative Department. When the codification is complete, it will to a very large extent serve the purposes of a Seamen's Code, and at any rate at present we think that no action need be taken on this particular recommendation.

The Resolution was adopted.

RESOLUTION *RE*: UNEMPLOYMENT INSURANCE FOR SEAMEN.

The Honourable Mr. C. A. Innes: Sir, the third Resolution on the agenda standing in my name runs as follows :

' This Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning Unemployment Insurance for Seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920 '

This is another Resolution with which I do not propose to trouble the House with any lengthy speech. The general question of unemployment insurance in India was considered in this Assembly in February last in connection with the recommendations of the Washington Conference that step should be taken to establish an effective system of unemployment insurance in India.

In the course of the debate on the 10th February last, the House was informed that the Government of India, and all Local Governments were unanimous that no system of unemployment insurance in India was practicable in this country at present, and this decision also applies in our opinion to the question of seamen's labour. And that for two reasons. Indian seamen usually combine to a very large extent, agriculture with their main profession. The second reason is that we have no machinery at present by which we could make a system of unemployment insurance effective.

Mr. K. Ahmed: I rise to oppose this Resolution which has just been moved by the Honourable Mr. Innes, and in doing so I should like to say that it is high time that we should give effect to the terms of the Resolution which was passed in June of last year by the General Conference of the International Labour Organisation of the League of Nations at Geneva. If this Assembly accepts a Resolution of this character as it has been moved by my Honourable friend, Mr. Innes, it will be a serious matter and be a great shame in regard to unemployment insurance for the seamen of this country.

I listened with great pleasure to the first Resolution which the Honourable Mr. Innes already moved and which this House accepted, in regard to the limitation in the hours worked by the fishing industry. But, Sir, certainly in a case like this, I think, that to pass a Resolution saying that no action should be taken on the recommendations of the Geneva Conference would not be fair to the Indian seamen, and I believe that my Honourable friends, Mr. Rhodes and Sir Frank Carter, who are so well known in the shipping world especially in Bengal, will bear me out in what I say. Sir, is it not desirable that we should adopt a system of unemployment insurance for our Indian seamen? When I look at the picture of the state of the seamen in Eastern Bengal—the province from which I have the honour to come—I see that a system of unemployment insurance would be a great boon there, as well as in the other maritime ports of this country. When you come to know that those seamen only commence life on about Rs. 15 a month, a life which is one of the most, if not the most arduous, you will recognise that a system of unemployment insurance is necessary. Many of the seamen come from the District of Chittagong, Tipperah, Dacca, Noakhali and Faridpur as well as some districts in Assam.

I therefore beg the House, Sir, to oppose this Resolution that we should take no action in regard to the recommendations of the Genoa Conference, and I hope the House will not only oppose it but reject it.

Mr. B. Venkatapatiraju : Sir, I think the Honourable Member should not have used the word 'shame' if the House does not adopt his suggestions. It is not Parliamentary language.

Mr. President : I did not hear the Honourable Member use that word.

The Honourable Mr. C. A. Innes : I am afraid I was in much the same position as yourself, Sir, because I found it very difficult to hear what the Honourable Member had to say. It would have helped me if Mr. Ahmed had indicated precisely how he proposed to make his suggestions effective if this House adopted them.

As I tried to point out when I first spoke on this recommendation, the principle of unemployment insurance has not been accepted in India generally. That being so, I think it would be a mistake to accept it on a side issue in respect of seamen only. I should like to point out to the House that all questions of labour, especially seamen labour, are novel in India and I think it would be a mistake for the House to allow itself to be hustled into a hasty, ill-considered decision which gives away an important principle. I also endeavoured to point out in my opening speech that there were two main reasons of a practical nature why we did not wish to take any action in regard to this recommendation, and I may state in passing that because we decide now to take no action on this recommendation, it does not follow that we shall never take any action. The reasons I gave in support of Government's attitude, were firstly, the well-known fact that Indian seamen combine to a large degree their seafaring profession with the profession of agriculture, so that when they are unable to obtain employment on ships they can always go back to their villages and find employment in the fields. Secondly, it would be premature for the Assembly to take action on this recommendation because if they did so, we could not make that recommendation effective. We have no means at present of making it effective. We have no machinery.

Mr. President : The question is :

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning Unemployment Insurance for Seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

The Resolution was adopted.

RESOLUTION *RE*: MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

The Honourable Mr. C. A. Innes : I next move, Sir, that :

'This Assembly recommends to the Governor General in Council that he should ratify the draft Convention fixing the minimum age for admission of children to employment at sea adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, subject to the following reservations :

- (a) that it shall apply only to foreign going ships and to home trade ships of a burden exceeding 300 tons; and
- (b) that nothing in the draft Convention shall be deemed to interfere with the Indian custom of sending young boys to sea on nominal wages in the charge of their fathers or relatives.

[Mr. C. A. Innes.]

The main feature of this draft Convention, Sir, is that it prohibits the employment of children under 14 years of age at sea, and I think that the House will cordially agree with the Government of India that this draft Convention should be ratified. We have thought it necessary, however, to suggest that two reservations should be made. In the first place, we suggest that the draft Convention, if it is ratified, should apply only to foreign-going ships and to home-trade ships of a burden exceeding 300 tons. The explanation of this stipulation is contained in Section 26 of the Indian Merchant Shipping Act of 1883. Agreements with seamen are obligatory at present only in respect of seamen engaging to serve on ships of the classes which I have mentioned, and it is only when agreements are required that we can undertake to enforce the Convention. We can enforce it because the agreements are signed in the presence of the Shipping Master. When agreements are not necessary, as in the case of small ships, usually sailing ships engaged in the coasting trade of India, we could not enforce the Convention, and that is why we propose this reservation. We think it wrong on principle to ratify the draft Convention in a form in which we could not undertake fully to enforce it. The other reservation which we propose is intended to safeguard the present practice whereby sea-cunnies, serangs, tindals and other Indian seamen are allowed to take with them on board ship their young sons or nephews. These boys serve as deck-hands on nominal wages, and it is a sort of a form of apprenticeship. We are informed on all sides that this practice is regarded by Indian seamen as a great concession and a privilege, and we see no reason why at present we should interfere with it.

Mr. K. P. L. Agnihotri: Sir, the amendment which I propose to make to this Resolution moved by the Honourable Member in charge of the Commerce Department is that '100 tons' be substituted in place of '300 tons' and add after the word

Mr. President: The Honourable Member had better take his amendments one by one. They deal with different points.

Mr. K. B. L. Agnihotri: I will take the first point, Sir. In clause (a) substitute '100' in place of '300' and after the word 'tons' insert the words 'and to steamers, and other vessels driven by electricity or motor power.'

Sir, the object of restricting employment of children as seamen on board the ships is very salutary. By the employment of children on board the ships, their growth is stunted, their development is impaired, and their physique and health also suffer, and they do not get any proper opportunity of receiving proper education, and when they grow up, their efficiency naturally diminishes. The charge that is laid against the Indian seamen is, that by reason of their inferior physique they are not so efficient as British seamen and that they cannot work as much or turn out an equal amount of labour as any foreign or British seaman can do. It was so far I think with these objects that the restriction of the employment of children was introduced.

Now, under the Apprentices Act of 1850,—as will appear from the pamphlet issued by the Government of India,—we find that apprentices are permitted to be employed from the age of 10, and though instructions have been issued by the Government of India not to employ children below

the age of 16, still we find from the report of the Madras Government on page 58 that boys of tender years are frequently employed on board the ships. That shows that in spite of the executive instructions issued to the contrary this vice still remains, and it is therefore necessary to restrict the age and ratify the Draft Convention. The Honourable Mr. Innes has proposed that the restriction should be relaxed in the case of ships of less than 300 tons, and the reason for that, so far as I could understand is, that such ships are owned by private families or members of the same family or by one man and it is their children that generally work on board these ships, and if we were to include the ships below 300 tons, within the provisions of the Draft Convention, it will cause great hardship to these poor people. But on this very reason I beg to propose my amendment. At the present day it is hardly probable that any poor family of seamen who have to employ their children can own a ship of 300 tons; and one of a burden of 100 tons even is rather beyond their purse; it is, therefore, necessary to reduce the tonnage. We also find in practice that ships over 100 tons are generally owned by well-to-do persons, individually or in partnership with others and who are not under any necessity to employ their children on board the ship they own. The result is that these young children for whose benefit we are introducing this Resolution to ratify the Draft Convention will have to suffer nevertheless and will often be exploited by the traders and foreigners.

The second amendment which I propose is, that the restriction should also extend to ships which are propelled by electricity or any other motor power. The same principle which I have just enunciated in the case of ships of a burden of more than 100 tons will apply equally in the case of ships driven by electricity or any other motor power. The electric driven or the motor power driven ships will not cost less than about Rs. 3,000 or Rs. 4,000 at the lowest and the poor seaman, in whose interest we are introducing this clause, will not be in a position to purchase such ships and to benefit thereby. Therefore I propose by these amendments to extend the restriction of the employment of children in ships of a burden of over 100 tons and to ships propelled by electricity and other motor power.

Mr. President : Amendment moved :

'That in clause (a) of the Resolution the word '100' be substituted in place of '300'.'

The Honourable Mr. C. A. Innes : I am afraid, Sir, that Mr. Agnihotri fell into the mistake of trying to anticipate the arguments I was going to use in support of this reservation, and of demolishing those arguments. The trouble is, Sir, that he has demolished a number of arguments which I never used and never had any intention of using. What I said, Sir, was that I thought that this House would object on principle to our ratifying the Convention in a form in which we could not undertake to enforce it. I think that this House will agree with me that we ought not to go in for what for lack of a better term I might call eye-wash legislation.

As I tried to explain in my previous speech, the only reason why we have suggested this reservation is that it is only in respect of foreign-going ships and home-trade ships of a burden exceeding 300 tons that agreements between the master and seamen are required. It is only when those agreements are required that we can undertake to enforce the convention, because those agreements are signed in the presence of a shipping master. We all agree, I think, that it is desirable to limit the age of children serving on board ship, but, Sir,

[Mr. C. A. Innes.]

that is no reason why we should commit ourselves to a convention which we cannot enforce. I hope, Sir, that the House will reject Mr. Agnihotri's amendment.

Mr. President : The question is that this amendment be made.

The motion was negatived.

Mr. President : Amendment moved :

'That in clause (a) after the word 'tons' insert the words 'and to steamers, and other vessels driven by electricity or motor power.'

The Honourable Mr. C. A. Innes : In regard to this amendment, Sir, I have only to say that Mr. Agnihotri has not taken the trouble to study the Act. Section 3 of the Indian Merchant Shipping Act of 1883 defines a ship as follows : Ship includes every description of vessel used in navigation not propelled by oars and, as I understand, that Mr. Agnihotri comes from an inland province, perhaps I can assure him that steamers and other vessels driven by electricity or motor power are not propelled by oars.

Mr. President : The question is that that amendment be made.

The motion was negatived.

Mr. President : Amendment moved :

'That in clause (b) the words 'or relatives' be omitted.'

Mr. K. B. L. Agnihotri : Sir, the amendment which I propose in this clause is that the words 'or relatives' be omitted. It is stated by Government that the sons of serangs, sea-cunnies and other seamen go with their fathers and work on board the ships under their protection, and that it would be a great hardship to those people if their sons are not permitted to work on board the ships. It is also said that the fathers can very well look after the feeding, clothing and nourishment of their children and therefore the children under the prescribed age will not generally suffer. My reply to that, Sir, is that our country has not yet so far advanced that fathers in poor circumstances would take proper care of their children. In our every day life we come across fathers who even go against the interests of their children ; who would like to live on the wages and earnings of their young children and some in poverty even sell their children. Owing to these reasons and out of ignorance some fathers often employ their young children on board the ships to get some larger income for the maintenance of their families and of themselves. And the provision instead of being a salutary one, is more liable to be abused ; but I also admit that the removal of such a provision will also cause great hardship and will be a very drastic and radical change. The word 'relatives' as we understand in India is a very wide term, even a person who is connected up to the fourth or the seventh generation is also regarded as a relative. Among Hindus, kinsmen of distant connections can also come within the term 'relatives.' The word 'relatives' in the provision would give an opportunity to every person coming from the same village as the child or every man howsoever distantly-connected to exploit those children, whose interests are to be protected by this Resolution. I therefore propose that the word 'relative' being very wide might either be restricted to the members of the same family or be deleted.

Mr. J. N. Mukherjee : Sir, I ask the Honourable Mover if he has any objection if the word 'near' is put before the word 'relatives'. That might obviate the objection which has been raised.

The Honourable Mr. C. A. Innes: Personally I do not regard the matter as one of any great importance. The only reason why we made this reservation was that it was represented to us very strongly that Indian seamen looked upon the system of apprenticeship as a very great privilege. We specially put the point before the Genoa Seamen's Conference and though the Report of the Proceedings does not refer to it, we were assured that they took no exception to the practice. That is the only reason why we made the reservation.

The whole question is a matter of small importance and I am quite prepared if it would please the House to accept Mr. Mukherjee's amendment and insert the word 'near' before 'relatives'. This I think would meet Mr. Agnihotri's point.

Mr. President: The question is that leave be given to the Honourable Member to withdraw the motion to omit the words 'or relatives'.

The motion was adopted.

Mr. President: The question is that the word 'near' be inserted after the word 'or' in the last line of the Resolution.

The motion was adopted.

Mr. President: The question is that the Resolution, as amended, be passed.

The motion was adopted.

RESOLUTION *RE*: UNEMPLOYMENT INDEMNITY CASE OF LOSS OR FOUNDERING OF A SHIP.

The Honourable Mr. C. A. Innes: I next move, Sir, that :

'This Assembly recommends to the Governor General in Council that the Draft Convention concerning unemployment indemnity in case of loss or foundering of a ship adopted by the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, should not be ratified, but that inquiries should be undertaken whether the law should not be amended so as to provide (1) that any Indian seaman whose service is terminated before the period contemplated in his agreement by reason of the wreck or loss of his ship should be entitled to his wages until he is repatriated to the port of his departure from India, and (2) that he should be paid compensation for loss of his personal effects up to the limit of one month's wages.'

This Resolution, Sir, raises a very difficult point and I will first endeavour to briefly explain the law on the subject. Section 25 of the Merchant Shipping Act of 1888 prescribes that the master of every ship, except ships of a burden not exceeding 300 tons engaged in the home trade shall enter into an agreement with every seaman he engages. Section 29 prescribes that when a lascar is engaged for a voyage which ends at a port not in British India his agreement shall contain a stipulation that other fit employment should be found for him on board some other ship bound for the port at which he was shipped or that he should be provided free of charge on such terms as may be agreed upon with a passage to some port in British India. If a ship is wrecked, Section 51 of the Merchant Shipping Act of 1859 states that the wages of seamen on board that ship cease from the date of the wreck. Chapter III of the Indian Merchant Shipping Act of 1880 however makes provision for the subsistence and conveyance home of an Indian seamen ship wrecked on the Indian coast and there are similar provisions in the English Merchant Shipping Act.

[Mr. C. A. Innes.]

of 1894. Now the most important part of the Draft Convention which we are now considering is Article 2. This Article states that in every case of loss or foundering of a vessel, the owner or person with whom the seaman has contracted for service on board a vessel shall pay to each seaman employed therein an indemnity against unemployment resulting from such loss or foundering.

The indemnity is to be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under the Convention to any one seaman may be limited to two months' wages. There is some difference of opinion among Maritime Local Governments as to whether this particular Convention should be ratified or not, and the solution which the Government of India propose for the consideration of this House is in the nature of a compromise. We suggest, for reasons which I have already explained, that we should not commit ourselves at present to the principle of an unemployment indemnity and we think that in lieu of ratifying the Convention, an examination should be undertaken of the law on the subject in the direction which I have mentioned. We suggest that this is a reasonable solution of a difficult question. If it proves practicable, it has obvious advantages over the proposal of the General Seamen's Convention. The objection to an indemnity against unemployment is that it would be extremely difficult to work it in the present circumstances of India. We have at present no Labour Exchanges and no Employment Offices, and as I shall show in dealing with the next Resolution it is rather doubtful whether we could usefully establish such Labour Exchanges for seamen at present. This being so, we have no ready means by which a shipwrecked seaman on his arrival back in India can be registered for employment. If, therefore, we ratify the Draft Convention as it stands, and introduce the system of unemployment indemnity, what we fear is that the system would lead to constant disputes between seamen and ship-owners. It will be necessary for the seamen to prove for precisely how long he had in fact remained unemployed and that he had attempted to find employment. We think that a procedure of this kind would lead to disputes, delays and, possibly, law suits, and we have arrived at the conclusion that in the interests of the seamen themselves it would be better to arrange, if possible, that in the event of the wreck or loss of their ship, they should be paid their wages till the date of their repatriation to India *plus* a sum in compensation for loss of personal effects. The effect of this proposal, if it proves practicable, is that these seamen on their return to India will be entitled to a definite lump sum down. They will not be put to the trouble of proving that they had tried to obtain employment on another ship and had not succeeded in doing so. It is quite possible that the principle of an employment indemnity will, sooner or later, be accepted in India but, as things are at present, we think that it would be premature to endeavour to introduce the system in the absence of machinery properly to work it, and that it is better to ensure the seamen a lump sum in the shape of wages from the date of wreck till the date of return, *plus* compensation for the loss of personal effects.

Mr. K. B. L. Agnietri : Sir, I beg to propose an amendment to this Resolution which will be as follows :

Omit the word ' not ' before the words ' be ratified.'

Substitute the words 'and the inquiries' in place of the words 'but that inquiries.'

Insert the words 'even if the period be longer than two months' after the word 'India.'

The effect of my amendment will be, Sir, that we shall ratify the Draft Convention of the General Conference and that we shall also ask the Government of India to make an inquiry whether it would not be advisable for us to extend that period beyond the time limited by the Draft Convention.

My object in moving this amendment is, Sir, that the seaman who get stranded after the wreck or foundering of their ships, should not go unprovided for, and some compensation should be allowed to them for the resultant unemployment due to that wreck or foundering. Moreover, this ratification would not even work hard on the owners of the ships or the proprietors, the reason being that the owners can very well insure against such risks while the poor man cannot insure against the risk of his unemployment. It is therefore absolutely necessary to ratify the Convention immediately. If we refer to Section 51 of the Indian Merchant Shipping Act, we find that such a seaman loses his wages from the date of the wreck and according to that Section it will really be very hard on the poor seaman to be deprived of his wages for the period of unemployment for which he was not at fault at all. It must also happen that such wrecks are very rare and probably the time used for the repatriation of such men would itself be more than a month or even two months. It is also possible that by such wreck or foundering of the ships the personal effects of those seamen may be lost. In order to meet the cost of those personal effects and the result of unemployment, it is not very hard or harsh to impose on the owners of the ships the condition to provide for their wages to the extent of two months' wages. If we look to the case of ordinary servants, we find that if we were to dismiss a servant we shall have to pay him one month's pay in advance. And when the Government of India by this proposed Resolution are willing to pay or compensate him for one month's pay for the loss of his personal effects there is no valid reason why they should not pay him for the two months' wages in a lump sum. Therefore, I beg to urge that the conditions laid down by the Draft Convention are absolutely just and fair, and should be ratified.

Sir, I may also submit that the point raised against it is, that Indian seamen, when they have some money, do not generally seek employment and go away to their homes. The same reason is equally applicable in the case of British seamen and other seamen. This Draft Convention was accepted by almost all the Members of the League or the General Conference. There is no reason, then, why our seamen should be deprived of these two months' wages. Even the Bombay Government has suggested that it is a very satisfactory and reasonable condition and it should be ratified. Moreover, it is also possible that shipwrecks may occur at such a period when such seamen may not be able to get labour on the land or in their villages or in round-about cities, and, in those cases, they will certainly have to undergo a great hardship. One of the objections which the Honourable Member in charge has just put before us is that by ratifying this condition we shall have to ratify the other condition of the Draft Convention which deals with the employment of seamen. I do not find what objection there could be to that. The Honourable gentleman has given us certain reasons as to what

[Mr. K. B. L. Agnihotri.]

are the objections to ratifying that Convention, but I shall deal with it later on when we come to that Resolution.

Under these circumstances, I beg to submit that it will not at all be a hardship on the owners and proprietors of ships, if a seaman is given wages for a period of two months and therefore we should ratify the Draft Convention of the Genoa Conference.

A further amendment which I propose, Sir, is that 'even if the period be longer than two months' be added after the word 'India.' The reason for amendment is this, that shipwrecks are very rare; sometimes these seamen may be stranded in distant parts of the world and it is just possible that the time taken to repatriate them be more than two months; and if we confine the compensation to the extent of two months' wages, it will go a little too hard for these poor men. Therefore, I urge that after ratifying this Draft Convention, we should also request the Government of India to make further inquiries as to whether the wages for these poor men should not be allowed for the period of over two months prescribed.

The Honourable Mr. C. A. Innes : Sir, as the Government of India said in the letter which circulated these Draft Conventions and recommendations to the Local Governments, the proposal of the Genoa Seamen's Conference regarding unemployment indemnity has much to recommend it. It is quite true as Mr. Agnihotri has said that wrecks are not very common and that ship-owners can insure against a risk of this kind. But Mr. Agnihotri has not dealt with the objection which I took to ratifying this proposal to introduce a system of unemployment indemnity. My main objection was based on practical reasons, viz., that as things are at present we could not properly work the system. We have no employment bureaux at present; and even if the House desires to accept the next Resolution, it will take a long time before we can establish such things and get them going. That is my main objection; we cannot work this system of unemployment indemnity and we fear that if we ratify the Draft Convention at present we shall merely set up disputes between owners and seamen, disputes about matters of fact; if we introduce a system of unemployment indemnity we must have some machinery by which these seamen can register for employment as soon as they return to India and can be in a position to prove that they have in fact been unemployed and that they have tried and failed in fact to get employment. Mr. Agnihotri has not dealt with that objection which is a practical objection. The next point I have to make is the point to which I have already referred in this debate and which is familiar to all. These seamen, as I have said before, when they come back to India in the ordinary course, they do not immediately try for another ship. Some of them may apply for employment on another ship, but a great many of them employ themselves for a shorter or longer period in agriculture. A further objection I have to point out is that Mr. Agnihotri is trying to hustle this House into the acceptance of a very far-reaching principle. The reason why unemployment indemnity in the case of loss or wreck of a ship is on the face of it a fair and reasonable proposition is that the loss or wreck of a ship takes place by act of God. If we admit this principle in respect of seamen, we must extend it to others also; there is another calamity which takes place by the act of God, namely, famine. Are the landlords prepared to look forward to the time when

they will be compelled to have a system of indemnity for unemployment arising out of famine in respect of their agricultural labourers? I suggest, Sir, that the House will be well advised to go slow in this matter, and to accept what I think is the very reasonable proposal we have put forward. It is a proposal which was conceived in the best interests of the seamen themselves. We do not want these seamen when they are repatriated to India after a wreck to be landed in with serious disputes with their owners; we want them to get a definite lump sum of money down, their wages from the date of the wreck in addition to their subsistence allowance and compensation for the loss of their personal effects. I advise this House very strongly to hasten slowly in matters of this kind. I think that our proposal makes a good beginning and that we can leave future developments to the future.

The amendment to omit the word 'not' in line 4 of the Resolution was negatived.

The amendment to substitute the word 'and' for the word 'but' in the 4th line of the Resolution was then negatived.

Mr. President : A further amendment has been moved that in line 8 of the Resolution after the word 'India' the following words be inserted 'even if the period be longer than 2 months.'

The Honourable Mr. C. A. Innes : May I point out, Sir, that this amendment is quite unnecessary? In the Resolution, as it is now worded, we do not limit the period in any way at all; we merely suggest that an inquiry should be made whether the law should not be amended so as to provide that any seaman whose service is terminated before the period contemplated in his agreement by reason of the wreck of his ship should be given his wages until he is repatriated. We have not suggested any limit of time and I see no necessity to insert the words suggested by Mr. Agnihotri.

The amendment was negatived.

The Resolution was adopted.

RESOLUTION *RE*: FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN.

The Honourable Mr. C. A. Innes : I move, Sir, that :

'This Assembly recommends to the Governor General in Council that the Draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist and whether those abuses are susceptible of remedy.'

This Draft Convention, Sir, recommends that the business of finding employment for seamen should not be carried on by any person, company or other agency as a commercial enterprise and that fees shall not be charged by any one directly or indirectly for finding employment for seamen on any ship. Article 3 runs :

'Any person, company or agency at present carrying on the work of finding employment for seamen as a commercial enterprise for gain to continue temporarily under Government license and supervision :

provided that all practical steps be taken to abolish the practice of finding employment for seamen as a commercial enterprise as soon as possible.'

[Mr. C. A. Innes.]

Article 5 prescribes the organisation and maintenance of an efficient and adequate system of public employment agencies. The above are the most important provisions of this Draft Convention. Broadly speaking, the Draft Convention is directed against crimping in any shape or form, and this is an object with which I think every one will sympathise. Our law on the subject is contained in the Merchant Shipping Act of 1859. Section 18 of that Act authorises a Local Government to grant a license to fit persons to engage or supply seamen on such terms as may be thought proper. Section 19 constitutes it an offence either to supply seamen without a licence, or the employment of unlicensed persons for the purpose of obtaining seamen. Section 20 makes it an offence to demand or receive money either directly or indirectly from seamen in return for finding them employment.

Now, the most important point for decision is whether we should abolish our system of licensed shipping brokers and create a system of public employment agencies, and the conclusion we have arrived at after consulting Local Governments is that we require further information before we are in a position to make any confident proposals for the consideration of the House. I am prepared to admit that the system of licensed shipping brokers is theoretically wrong. It is true that the shipping brokers are paid by the ship-owners and not by the seamen, but the system is not in accordance with the principle laid down by the Conference that no fee shall be charged either directly or indirectly by any person for obtaining employment for seamen. But the real question we have to consider is whether under present conditions we could usefully abolish the licensed brokers in favour of employment agencies and whether employment agencies would remedy such abuses as are now suspected. The Governments of Bengal and Bombay are the Governments chiefly concerned for it is only in Calcutta and Bombay that seamen are engaged in great numbers—have answered this question in the negative, but on a separate reference from the Government of India they have both agreed that there is a case for inquiry, and that is the proposal I wish to put before the House. I suggest that before this House comes to any final decision in the matter, any final decision on points that are very difficult and very thorny, I suggest that there ought to be a preliminary inquiry in order that all the facts may be made known.

I am not prepared to commit myself too far in regard to the existing system, because it is a subject on which different people hold different views. As far as I know, the licensed shipping brokers are respectable men. I believe that complaints have been made in the past that they were in the habit of taking money from seamen in return for finding them employment, and on more than one occasion formal inquiries have been made into these complaints but without any result, either on account of the vague and unsatisfactory nature of the complaints or because those persons who made the complaints were afraid to come out into the open and substantiate them. My information is, that it is doubtful whether there is any reason to suppose that the licensed brokers take money from seamen. If money is taken at all, it is taken by the serangs, and here I might explain briefly to the House what the practice is in Calcutta in regard to the engagement of crews. When a ship is in need of a crew, the chief officer, chief engineer and the chief steward select, respectively the deck serang, the engine room serang and the butler. They select men whom they know and with whom they have sailed before

and such serangs frequently sail for years together under the same officer. Each serang obtains his own crew, and it is worthy of remark that very often a crew will refuse to sail on a ship except under its own Serang. The crew, if accepted by the three ships' officers I mentioned just now, sign on in the presence of the Shipping Master, and when the men sign on it is the custom to give them each an advance of one month's pay. According to my information, it is here that the shipping broker licensed under Section 18 of the Act of 1859 comes in. As I understand the position, he has little to do with the actual recruitment of the seamen; indeed, he could not recruit them except with the assistance of the serang. His main function appears to be to advance the seamen the one month's wages, and he stands to lose his money if an or any of the crew fail to turn up on board the ship. He makes this advance in return for a commission of 7½ per cent from the owners on the amount disbursed. The advance is paid in the presence of the Shipping Master direct into the hands of the seamen, and it is probable that each seaman does pay a *dustur* to the serang. Nobody can prevent him from doing this. All we can do is to see that the money is paid into his own hands. The system is of course a peculiar one and may be wrong in principle, but it is a natural growth and has one advantage, namely, that it does not require the presence in Calcutta of seamen waiting for a ship. They can go back to their villages and keep in touch with their serang. A further advantage and it is an important one—is that the system encourages team work on board ship. If the description of this system is correct, it will be seen that if money is paid at all by the seamen, it is to the serang and it is a point to remember—that even if we establish public employment agencies, it is extremely doubtful whether we shall be able to abolish the serang or prevent the seaman from paying away a part of his wages to the serang.

All these remarks of mine are purely provisional. I have laid the proposition before Honourable Members that before this House can come to any confident decision on this very difficult question of the right method in which to recruit seamen, it is necessary that we should have further information, and I suggest that the House should agree to my proposal that we should appoint a small Committee to examine the methods of recruitment for seamen in Calcutta and in Bombay. In accordance with the pledge given in February of last year, no action will be taken on the report of that Committee without giving this House an opportunity of considering the report.

Mr. K. Ahmed : Sir, I rise again, to oppose this Resolution. There is a story I heard a long time ago to the effect that if you wish to build a house you must go to a builder or an architect first. Now, Sir, the Government are going to do just the opposite, they are going to construct their house first and then approach the builder or the architect afterwards. Sir, this is a subject that requires very careful examination. The Honourable Mr. Innes has actually asked us not to ratify the Draft Convention for establishing facilities for finding employment for seamen, and that was the Draft Convention which was adopted by the General Conference of the International Labour Organization held at Genoa on the 15th June 1920. At that Conference there were representatives of the Government if not of the people. That Draft Convention was passed by the Geneva Conference and what are we here for to-day but to give effect to their recommendations. What the Honourable Mr. Innes has told us is in other words that the Government are not satisfied with that Draft Convention.

[Mr. K. Ahmed.]

Is this not a conspiracy of the Government of India to oppose what the advanced Nations of the West have considered it a great boon for the amelioration of the condition of the seamen in general. If it is good for the seamen in Europe, it is also, I submit, good for the seamen in India.

We are asked to agree to the Resolution that has been proposed by the Government of India. It is quite clear to us that it is for the benefit of Indian seamen that facilities should be provided for finding out employment for them in the country. It is certainly very essential to them. But I am sorry that the Government of India think to-day that it is not so, and want to keep the middleman, that is the broker, who is called the licensed broker. Hitherto, they have been essential to the Government of India to procure the services of seamen, and they have been getting remuneration in some way or other. We have been told that the remuneration they expect to get is not much for the kind of trouble that they take to find out Indian seamen, to bring them and get them employed in the sea. The Honourable Mr. Innes has cited certain Sections of the Merchant Shipping Act. He has also told us that anybody who gives illegal gratification for procuring the services of seamen will be punished, as well as the man who takes it. But, Sir, if my Honourable friend, Mr. Innes, were to go to the town of Calcutta towards the Presidency Magistrate's court, he will find innumerable sources of proving a number of cases of taking illegal gratification. Sir, there have been a number of petitions made to the Government of India during the years that have gone by to redress the grievances of these poor Indian seamen, and yet the Government of India have not done anything. Sir, we thought that the world was progressing, and the Genoa Conference of the 15th June of last year considered and thought that we were in an advancing world. But here, Sir, the Government of India think that it is not so. They had sent their representatives to the Genoa Conference. They considered the matter there, but yet the Government of India say that they are not satisfied with the Draft Convention, and that they will not give effect to the Resolution which was passed there. Was there a single word spoken by the so-called representatives who were sent there to represent the Government of India and the people of this country, a single voice raised against this Resolution which was accepted by the League of Nations? But to-day, Sir, it is something surprising, something extraordinary, that though the Resolutions were passed for the benefit of India, and for the benefit of Indian seamen, the Government of India comes as an obstacle, not to facilitate action in the right direction of the Resolution but to oppose it. Sir, I venture to put forward this objection and I hope that the House will remember this and will not certainly support this Resolution.

Mr. R. A. Spence: I move, Sir, that the question be now put.

Mr. President: The question is that :

'This Assembly recommends to the Governor General in Council that the Draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 16th day of June 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist and whether those abuses are susceptible of remedy.'

The Resolution was adopted.

MESSAGE FROM THE COUNCIL OF STATE.

Mr. President: A Message has been received from the Council of State. The Secretary will now read it.

Secretary of the Assembly: Sir, the first Message received from the Council of State runs as follows:

'I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring its concurrence in the Resolution to the effect that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 16 Members, was considered by the Council of State at its meeting to-day, and that the Resolution was concurred in by the Council of State. The following Members of that body were nominated to serve on the Joint Committee, namely:

*The Honourable Sir Alexander Murray.
The Honourable Mr. Lalubhai Samaldas.
The Honourable Mr. Sethna.
The Honourable Mr. Moncrieff Smith.*

*The Honourable Mr. Chettiar.
The Honourable Mr. Bhurgri.
The Honourable Mr. Khaparde, and
The Honourable Mr. Froom.'*

Secretary of the Assembly: The second Message received from the Council of State is as follows:

'I am directed to inform you that the Council of State have, at their meeting of the 26th September, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 15th September, 1921:

- (1) A Bill further to amend the Indian Marine Act, 1887;*
- (2) A Bill further to amend the Indian Works of Defence Act, 1903.'*

Mr. President: I propose to take Resolution No. 7 after the adjournment. This House now stands adjourned till 2-45 P.M.

RESOLUTION *RE*: ENHANCEMENT OF PENSIONS OF CIVIL PENSIONERS.

Lieut.-Colonel H. A. J. Gidney: Sir, the Resolution which stands in my name reads as follows:

'This Assembly recommends to the Governor General in Council that he may be pleased to consider favourably the claims of civil pensioners for an enhancement of pensions, specially that class drawing an annual pension of between Rs. 5,000 and Rs. 540, and further recommends that the Government be pleased to appoint a Committee from among the Members of this Assembly to inquire into and report to what extent enhancement should be given to such pensions, and, till such report is made, to afford an 'ad interim' relief.'

In representing this Resolution for the generous and sympathetic consideration of this Honourable House, I feel it is incumbent on me to briefly survey the past history connected with the grant of civil pensions.

Sir, the Resolutions that are usually presented to this Honourable House can be divided into three categories. There is the Resolution on which both this House and the Government find themselves in thorough agreement, and there is the Resolution on which this Honourable House and the Government

[Lieut.-Colonel H. A. J. Gidney.]

find themselves in total disagreement. These two kinds of Resolutions present no difficulties and are dealt with with alacrity. The Resolution, which I bring before this House to-day, belongs to the third category and is one which I feel sure will receive the sympathy and support of this Honourable House but, which Government, I have no doubt, will oppose on the ground of insuperable financial difficulties.

Sir, civil pensions may be broadly divided into three classes; (1) those for the Indian Civil Service, with which I have no concern, (2) those for the 'uncovenanted services,' and (3) those for the 'subordinate and menial services.' It is to the two latter classes that I wish to draw your special attention and, in doing so, I desire to make it quite clear to this Honourable House that I am not championing the cause of any particular community amongst the pensioners, for in my Resolution I include every community in India and I would add that there are many more Indians than non-Indians who are affected by the present inadequate rates of pension. At the outset I may be permitted to state a few well recognized and accepted facts for the benefit of this Honourable House, *viz.* :

(1) 'Pension' has been interpreted as 'deferred pay,' to which every officer in India contributes during his public service; that it is an officer's income during his lifetime, and on his death should, in equity, become part of his estate. The accumulated profit arising from such contributions and accruing to Government as a result of death, prior to, or soon after an officer retires is therefore large and those who suffer in consequence are the widows and children, who in most cases are left insufficiently provided for owing to the officer's inability to make a suitable provision during his lifetime, due to the receipt of an inadequate salary, which is especially the case in the lower grades. It follows then that the appropriation by Government of an officer's deferred pay after his death cannot be regarded as equitable or just, nor can the Government's declaration that pension is a burden on the public revenue be accepted as strictly correct in its integrity. As an example, let me quote the case of an officer who has served Government for, say, forty years. His accumulated deferred pay would amount to a large sum which he can never hope to realize during the remaining years of a normal life after retirement, spent in an insalubrious tropical country which does not bid for longevity. I wish this Honourable House to remember that if Government service were not pensionable, Government would be compelled to pay their temporary servants much higher rates of salary. One is therefore entitled to ask Government, in connection with their plea of financial inability to sanction an enhancement of pensions, what becomes of deferred pay *undrawn* by pensioners?

(2) The cost of living in India has enormously increased during the past few years—more than 100 per cent and, as a result of this, pensions that were fixed and determined with reference to the conditions that prevailed in by-gone years, are now found to be utterly inadequate when those conditions have completely changed. I opine if the granting of pensions is a recognition on the part of the Government of a duty it owes to its superannuated servants, that duty, I submit, is very imperfectly discharged when they are allowed to fall into a condition of poverty and suffering, without adequate assistance being rendered to them by the Government they had so long and faithfully served.

Pensions being in the nature of deferred pay, I submit, that the pensions now drawn by these servants of Government do not represent the same value as they did when they retired; not even by a half—and, in equity and justice, Government should grant them such relief as will bring their pensions up to the same value as they were then. The lot of these pensioners, so intolerable before, has become still more intolerable by the heavier taxation of all kinds that has come into force from the beginning of the official year. Inasmuch as it imposes a greater burden on the already sorely stricken and impoverished pensioners who, as the consumer, will ultimately have to pay the tax of the tradesman, who will put the tax he has to pay, and a good deal more, on to his goods, and this, as a matter of fact, is what is already being done by tradesmen all over India, but, while the additional burden imposed by this taxation is capable of being borne by those whose salaries and pensions have been raised expressly with the object of enabling them to meet the increased cost of living, it must press with crushing and resistless force on the pensioner who has no possible means of eking out his scanty income and cannot adjust himself to the new conditions which have only aggravated his sufferings.

(3) It is the moral obligation of Government to aid a pensioner who, in terms of Rule 9 (2) of Appendix No. 10 of the Civil Service Regulations, is required to maintain himself in accordance with his station in life, which it is now impossible for him to do, owing to the value of the rupee being diminished by more than half its original purchasing power.

(4) It is also the primary duty of Government to save its pensioners from privation and distress.

(5) It is a recognised fact that all pensioners are under the disciplinary control of the Government of India, inasmuch as, in certain circumstances, their pensions might be alienated or wholly or partially forfeited.

(6) The standard of living in any class of pensioner must be presumed to have been determined by the pensions of that class, and if the abnormal economic conditions that now prevail make it impossible for that standard to be maintained in any one class, they must make it impossible in all classes.

(7) Pensioners pay income-tax, and, *vide* Articles 520 and 521, Civil Service Regulations, the re-employment of pensioners is fettered and penalised.

I must also inform this Honourable House that the Islington or Royal Services Commission, which commenced its inquiry so long ago as 1912, and the execution of whose recommendations was, for various reasons, delayed till 1919, definitely stated that the *then* rates of pension were inadequate. And this recommendation, I may mention, was *pre-war* and had nothing whatever to do with the abnormal conditions which prevail in India to-day. With this preamble I shall now ask this Honourable House to bear with me while I try to trace how the present position has developed. The original rates of pension were fixed many years ago and were standardized in consonance with the *then* value of the rupee and terms and conditions of living. From time to time slight additions were sanctioned to the salaries of certain classes of Government servants, but it was universally felt, especially amongst those officers of the Civil Service, other than the Indian Civil Service, that their pensions were utterly inadequate.

This resulted in the submission of various memorials to the Government of India, which were either evaded or partly met by an increase being granted

[Lieut.-Colonel H. A. J. Gidney.]

in certain rare cases where exceptionally meritorious services were performed. The *cumulative* effect of all these memorials led to the appointment of the Islington Commission in 1912. I use the word 'cumulative' with great emphasis and for reasons to which I shall later on refer. This Commission, amongst various other findings, pronounced the *then* rates of pension as inadequate and offered certain suggestions and recommendations not only as regards salaries, but also as regards pensions. Most of these dealt with the higher services which were of a very liberal, and I would add, in some cases, a generous character. I would now ask this Honourable House to take careful note of a certain memorial which was submitted to the Government of India by certain Public Works Department officers in the Punjab in 1913, for this forms a most important point. I would also ask you to note that this very memorial was submitted after the Islington Commission had commenced their deliberations. In this petition, the memorialists, fearing that there might be a long delay in giving effect to the recommendations of the Islington Commission, asked for an assurance from the Government of India that their claims, to any enhanced rates of pension, would not be overlooked. This assurance was given by the Government of India and the 23rd of July 1913 was the 'time-bar' which the Secretary of State admitted. Well, as we all know, the war started in 1914 and, though the report of the Islington Commission was completed in 1915, yet for national reasons, its publication was postponed till 1919, when orders were issued on the subject. It would only weary this Honourable House if I were to enter into the labyrinthine findings and recommendations of this Commission, except to broadly say that the higher services were the principal beneficiaries, both as regards the enhanced salaries and pensions. From this report it will therefore be seen that July 23rd, 1913, was the date from which retired officers were allowed to participate in these enhanced rates of pension. I shall now draw your attention to the Government of India, Finance Department, Resolution No. 1085-E. A., dated the 15th November 1919, which sanctioned an improved scale of pension, from the 1st April 1919, to all *gazetted* officers in certain of the Civil Services in India whose ordinary maximum pension was Rs. 5,000 a year. Since the publication of the Secretary of State's orders on the Islington Commission various memorials have been submitted, from time to time, both in this country and in England, protesting against some of its findings. In England the matter has been forcibly represented to Members of the House of Commons, and two influential deputations have already waited on the Secretary of State on the 18th May 1920 and the 6th April 1921. These deputations rightly based their claim on the admissions made by the Islington Commission regarding the inadequacy of the pension of certain higher appointments. They did not plead *in formā pauperis* but rightly took as their stand point *pre-war* and not *post-war* conditions, though the latter, they added, had accentuated the conditions of the former period. These deputations objected to and forcibly pointed out the injustice of arbitrarily fixing the time-bar of enhanced rates of pension to July 23rd, 1913, and asked that all officers who retired prior to this date be also allowed to participate in the enhanced rates of pension. They pointed out, and very rightly so, that the pledge given to the memorialists of July 23rd, 1913, by the Government of India should have included those memorialists who had frequently petitioned, in similar terms, years previous to 1913, and emphasised the fact that the Islington Commission and the pledge given by the Government of India were the direct outcome of

the cumulative effect of all the memorials that had been submitted on the pension question since 1900 and even before that date. They submitted that what applied to those officers who retired on or after July 23rd, 1913, should, by all the canons of justice and equity, apply with equal force to those officers who had retired previous to that date. These deputations were unsuccessful in their endeavours but at the last deputation, namely, that on the 6th April 1921, the Secretary of State pronounced that the matter would be reconsidered '*both here and in India*'. I would here ask the Finance Member to be good enough to inform this House whether he has received any communication to this effect from the Secretary of State, and, if so, what action it is proposed to take on it. This, Sir, is how far the campaign in England has gone.

I now turn my attention to the action taken by pensioners in India. And, at the outset, I must make it quite clear that whereas the activities in England mainly concern the superior services, those in India deal almost exclusively with the subordinate establishments. After the issue of the report of the Islington Commission, and finding themselves unfavourably positioned, the pensioners in India formed themselves into various Associations; for example, those of Bangalore, Sind, Punjab, Bengal, Burma, Bombay, Allahabad, Mussoorie, Dehra Dun, Hyderabad, Dinajpur, Dacca, Ahmedabad, Broach, Kaira and other places throughout India and Burma. These bodies strongly represented their grievances to their respective Local Governments and the Government of India, and have frequently petitioned the Viceroy, with what result I shall show later on. To enable this Honourable House to clearly understand their grievances, it will be necessary for me to refer at some length to two letters which have been issued by the Finance Department of the Government of India as they have an important bearing on the matter under consideration. The first letter which I have already alluded to is No. 1085-E.A., dated the 15th November 1919, which sanctions an improved scale of pensions to those officers whose ordinary maximum pension was Rs. 5,000 per annum, and which was given effect to from the 1st April 1919. The second letter, which was issued from the same source and after consultation with the various Local Governments, is No. 55-C.S.R., dated the 14th January 1921, was the outcome of repeated Memorials submitted by the Indian pensioners. In this latter letter, the Government of India was pleased to sanction a small increase to only those whose pensions were Rs. 45 per mensem and below, or Rs. 540 per annum and below. For the edification of this Honourable House I would add that this concession represented an all-round *paltry* increase of Rs. 3½ per month per pensioner, and subject to reconsideration after three years. It will thus be seen that the Government of India by enhancing the pensions of those in receipt of Rs. 5,000 per annum and Rs. 540 per annum tacitly admitted the inadequacy of the old rates of pensions. I would particularly draw the attention of this Honourable House to the fact, and emphasise it strongly, that, while the increase granted to pensioners of the higher class, *i.e.*, Rs. 5,000 per annum, as also to Chaplains, is with retrospective effect from 1st April 1919, the paltry increase granted to those of the lowest classes is not.

It will no doubt surprise this Honourable House to learn that the Government, whilst giving effect to these increases, did not afford any relief to the large class of pensioners who occupy a position midway between these two limits, that is, those pensioners whose pensions are below Rs. 5,000 and above Rs. 540 a year, and, it is this class of pensioners who throughout the length

[Lieut.-Colonel H. A. J. Gidney.]

and breadth of India and Burma, who are to-day appealing against this act of gross injustice and inequity on the part of Government in their attitude towards them. In other words Government has given more to those to whom much has already been given and withheld all relief from those whose necessities are infinitely greater. It is unnecessary for me to point out to this House that if the present economic condition of India is felt by the two classes who have received an enhanced rate of pension, it must be equally felt and, in some cases, more so, by the middle class who have been in their old age left inadequately provided for. All have rendered loyal service in their various spheres of life. All feel the pinch of life at the present time. Most of them have had compulsorily to retire owing to the time limit, and, I submit, that it is the bounden duty of Government to treat *al'* alike and not to make such an unfair and invidious distinction of treatment. I could, if I liked, portray a picture to this House of the hardships that are to-day endured by these old, infirm and, in most cases, decrepit servants of Government, but I feel sure that the House will bear with me when I say that this body of men are, to-day, living in absolute destitution, deprived in their old age of the comforts of life, unable to threaten or force the hands of Government with strikes, unable to compete in the strenuous present day competition of life, unable to adequately feed, clothe, and educate their families, in short, are unable to make their voices heard in the country of their birth and have, perforce, to silently endure these privations. Need I add that many of these people are, to-day, bed-ridden, blind, deaf, maimed, with families dependent on them, and spent a large part of their meagre pensions in paying for medical aid to maintain their failing health. I say, is it not galling to these old faithful servants of Government to realise that the very same posts that they held, a few years ago with distinction, are, to-day, occupied by men in receipt of twice their salary with better prospects and a liberal scale of pensions, while they are driven to a state of penury and are so incapacitated by infirmity as to be unable to supplement their meagre pensions? Their cup of righteous indignation is now full to overflowing and it is up to Government to give them a generous relief as soon as possible, in recognition of their long, loyal and, in most cases, meritorious service in the administration of the British Government of India. I know from personal experience and observation that these poor pensioners are, to-day, reduced to a condition which is almost indescribable. I feel sure if Honourable Members could look into their households and see the state of affairs which exists there to-day it would reveal to them a condition which is incredible. The pensioner, whose cause I am pleading, is certainly right when he sums up the present situation in something like these terms: 'If Government can find the money to give a man who is doing exactly the same work I was doing ten years ago, in the same office, nearly double the pay I received after 20 years' service, then, it is all nonsense when they say they cannot find money to pay me the pension I have earned; all I want is my 'deferred pay' at the current rate of exchange—that is all.' And the man who puts it in this matter-of-fact way is talking sense all the time! In short, one is entitled to say that, whereas the present Government official is surrounded with joy bells, for the class of people on whose behalf I am appealing the funeral bells are always tolling.

Sir, I have tried to portray to you, briefly and *inadequately*, a true and faithful picture of the utter misery and privations in which Government has allowed their old and faithful servants to exist. Is this a credit to any

Government, especially when I inform this Honourable House of the *magnanimous* manner in which the other Governments have treated their pensioners? I would here state that the Ceylon Government, the Straits Settlements, the Egyptian Government and the Colonial Governments have awarded their pensioners liberal increases on their old scales of pension, and with *no* time-bar, such as the Government of India, in their *magnanimity* have been pleased to order. Is this a treatment of which any Government would be proud? Does this become the dignity of the British Government? Even an impoverished Indian State would not treat its pensioners in so parsimonious a manner.

This Honourable House will no doubt want to know what this is going to cost the Government of India, and doubtless the Finance Member in his reply, will state that the expenditure involved will be so appalling, that no Government will be able to stand the financial burden. I fully expect this reply but, before this Honourable House accepts it, I feel I must draw its attention to certain points. I think Honourable Members will agree with me that if the higher and lower pensions have been increased, the intermediate class should have their pensions augmented. Ordinary justice demands this and Government *must* find the money, whatever it comes to. This may sound rather mandatory on my part and, at the same time, some of the Honourable Members may be inclined to view it as impracticable. I have tried in vain to ascertain the exact numbers of pensioners in India and Burma, whose pensions come within these two limits and what it would cost. However, I would like to make a few remarks on this point. In estimating the probable cost to Government, one must remember the following facts: (1) the average length of time that pensioners, as a whole, to-day draw their pensions is, I am told, about five years. I understand that this is the average, so far as the Indian Civil Service is concerned. I may be wrong, in fact the Honourable the Finance Member will no doubt tell you that I am hopelessly wrong. Anyhow, considering that most, if not all, of these pensioners are from 55 to 58 years of age and more, I think 8 years would be a safe figure as the time for which these pensions would be drawn. Remember, you are dealing with a body of old men who have given their whole lives in the service of Government and most of them are aged and infirm at this period of life. In fact, it may be said that for these pensioners the funeral bells are always ringing. They are disappearing very fast and the liability to the Government of India on their account will rapidly decrease year by year. It will, therefore, be apparent to this House that the cost to Government will be practically *nil* after 5 to 8 years, for those who ask for relief now are a rapidly diminishing body and cannot possibly continue long to be a burden to the State. It must also be remembered that to meet this additional burden of increased salaries and pensions to the present-day Government officials, the Government of India have incurred a debt which has helped to make a deficit of 19 crores in the last budget. This deficit has been met by increased taxation on incomes, and increased import duties, both of which these poor pensioners are subject to, for pensioners, like others, are liable to the enhanced taxation and they, too, contribute to the additional revenue required to meet the additional expenditure. In other words, these impoverished pensioners have to pay to keep these Departments going at their present enhanced rates of salaries and pensions. Is this fair? Is this British justice? I call it a scandal and a state of affairs of which any Government should be ashamed.

I wish to draw the attention of this Honourable House to the reply given by the Honourable Finance Member to a question put by Maharaja Sir

[Lieutenant-Colonel H. A. J. Gidney.]

Manindra Chandra Nandy on 20th September 1920 at the Imperial Legislative Council :

' It will thus be seen that the extremely laborious task of revising the pay of all ministerial subordinate and menial establishments throughout India for granting substantial temporary relief is nearing completion and that the total additional cost of the measures already sanctioned or agreed to in principle, amounts to 9 crores. These figures do not indicate that either the Government of India or the Provincial Governments, on the whole, have failed to recognise the importance of giving relief to non-gazetted establishments as well as to the Imperial and Provincial Services or that they have dealt with the problem in a spirit of illiberality.'

I accept the spirit of liberality displayed in this, but, remember this expenditure was incurred at a time when the strictest economy was *demanded* of all Governments, and the hands of Government were practically forced by repeated memorials accompanied by distinct threats of strikes, etc. In the face of this I now ask, Is it fair; Is it just for Government to adopt an attitude of financial retrenchment in the case of its helpless, aged, and retired servants? It is the work of these good and faithful servants which has enabled the Government to carry on and consolidate the administration of the country, as is evidenced by the work that is being continued in the four walls of this Honourable House by us this very day. I ask if it is fair to grant increases to the present-day workers and to deny an extension of that relief and help to their worn-out predecessors when the hardships of both are identical, indeed, when those hardships bear more heavily on the latter, a class whose lives are embittered by their efforts to keep out of debt?

The Honourable the Finance Member may contend that it is the smallest pensioners who stand most in need of relief. If this is so, I ask, in the name of all that is fair and just, why did Government find it necessary to make haste to increase the pensions of those former high placed officials whose handsome salaries, when in service, and large pensions, after their retirement, effectually protected them from privation.

The Government of India, before they thought it fit to hand over the reins of Government, be it only in part, to an elected Indian majority, took good care to enhance the salaries and pensions of their higher officers on a magnanimous scale, and left it to the Legislature to deal with the pensions of the subordinate staff.

The Honourable Member in charge of Finance may say that this is an impracticable Resolution, that the Local Governments will not be able to bear the burden of this financial strain on their already paralysed finances. To him I would say, if this is so, why did you, so recently as 18th June 1921, sanction an enhanced rate of pension for the Indian Ecclesiastical establishment with effect from 1st April 1919? I freely admit that to increase the pensions of *all* pensioners would impose a heavy financial burden on the country, but, strangely enough, financial difficulties were not thought of when enormous expenditure—unjustifiable, I think, in many cases—was incurred immediately after the war, at a time when the strictest economy was called for, and is still being incurred regardless of public opinion—and which lavish expenditure has helped to make a deficit of 19 crores with which this very Government is faced to-day. No, Sir, it is *too late* for Government to plead financial difficulties as an excuse

when the pensions of some of its retired officers—those who least needed to be helped—have already been liberally increased—when in all departments the salaries of those in service, and more especially of the higher officials, have been very considerably raised—and a new scale of pensions has been sanctioned for the benefit of those who will retire hereafter, when those who now ask for relief, but are left out in the cold, have passed beyond the need of pensions. A tender solicitude for the wants of those who are now in active service may be right and proper, but this need not be joined to a callous indifference to the wants of those, who in their day, rendered faithful service to Government and are now, in their old age, in a condition of utter helplessness. What I ask of the Government is, that the same treatment that has been meted out to some, be meted out to all the pensioners.

Government quite easily raised the money required for the present-day enhanced salaries and pensions which, let me add, the present Legislative Assembly is now called upon to obtain and which is a recurring and permanent expenditure. Is it too much for me to ask Government to resort to the same means, and obtain more money to meet its moral and legal obligation to its retired helpless servants, money that will only be needed for another 5 or 8 years and decreasing each year?

These pensioners have borne the burden of the day, have laid the very foundations and maintained the structure of British supremacy in India for so many years. I say it is these very pensioners who have built up the first storey of this rest-house, i.e., the present Government of India, which we are to-day attempting to administer. Are we now to tell these pioneer and faithful workers that there is no admission for them? Are we going to desert them in their hour of need and distress? It is a bad day when the country cannot afford to do common justice to its old retired servants.

I know that the condition of the finances of India to-day is not encouraging to any one who asks for any concession from the Government, but I would respectfully submit that financial conditions are passing. They fluctuate and change as do the winds. But *equity* and *justice* do not change. My claim is a matter of *equity* and *fairness*. If the Government of India had treated all pensioners alike, if it had said 'From this day forward, those who retire shall have an enhanced pension but none of those who have already retired,' well, it would have been a bitter disappointment to a large number of pensioners but, then, there would not have been that inequality in dealing with equal claims of which the pensioners now complain.

I know it is sometimes said, 'We must draw the line somewhere.' Well, nature herself has drawn the line. You need not go far back at all events you know what the limit is likely to be. No veteran from Queen Anne's time or pre-Mutiny days is likely to turn up and claim an enhanced pension, and, I submit, if the Government of India had trusted to the natural limitations of human life, it would have kept on safe ground.

I want the Government of India to recognise the administrative disadvantage of having in existence, a body of men of their own creation who, to the end of their days, will nourish and make the most of a grievance which it has inflicted upon them. It is not to the credit or advantage of any Government to have men, to the very last, cherishing and making the most of a grievance

[Lieut.-Colonel H. A. J. Gidney.]

of this nature. It is this inequality of treatment, this difference between high and low, between the great and the humble, this favouritism to those who are scarcely in need and this heartless indifference to those who are sorely in need, that creates a bitterness of feeling that must tend to alienate the affections of those whose loyalty and support would mean a great deal to Government in the troublous times that are coming. I ask the Government of India to bear that consideration in mind but, above all, I ask it to look at it from the point of view of intrinsic justice as between all classes of His Majesty's servants in India. For if relief is denied to such a class, the natural result would be the extinction of the poor, and no modern Government, and certainly no modern democracy, could possibly view this result with approval and equanimity.

In conclusion, I would beg of the Members of this Honourable House to remember that I am pleading the just cause and dues of a body of His Majesty's subjects who are unable to raise their voices and, in arriving at a decision on my Resolution, to weigh most carefully all the points I have tried to bring out and to ask themselves, how they would feel; how would they act, if they were placed in a similar position after rendering faithful, loyal and meritorious service for from 30 to 40 years. I ask them not to be, in any way, influenced by what the Honourable the Finance Member says. If the Finance Member says, my Resolution is financially impracticable, let this Honourable House retort with one voice: 'Then retrench your expenditure but, in the name of justice, in the name of humanity, in the name of God, do not let your old and faithful servants live and die in abject poverty and starvation' I can only press upon this Honourable House as well as on the Honourable the Finance Member the truth of the well-known quotation '*Securus judicat orbis terrarum*,' viz., 'That which is approved of (or accepted) by the whole world is correct,' irrespective of what the Honourable the Finance Member or the Government of India say to the contrary.

The Honourable Mr. W. M. Hailey: Colonel Gidney has assumed that his Resolution would be opposed by the Government, but would receive the sympathetic support of this House. This first part of his supposition is correct; I am reluctantly compelled to oppose this Resolution. Reluctantly, I say, Sir, because I am as conscious as he is of the hardships of many of our old servants; I am as conscious as he is of the great work which they have done for Government, but I must nevertheless oppose his proposal. Whether it will receive the sympathetic support of this House will depend upon the case I put before Honourable Members in regard to this question.

I shall begin by giving a history of the case regarding our treatment of pensioners. Colonel Gidney has given us his version of the facts and I must supplement them in some instances and in others I must correct them; for I think that a clear statement of the case will do much to remove grievances that are no doubt felt in many parts of the country as to the course that has been taken by Government in this respect; and will also, I hope, remove some of the prejudice that Colonel Gidney has endeavoured to create against Government in regard to the treatment of our pensioners. Now, Sir, our pensions for the Uncovenanted Service I shall like him neglect all pensions that depend on a statutory basis are calculated on what is known as the system of sixtieths; that is to say, that for each year of service, an officer of Government receives as pension one-sixtieth part of his pay. The effect of

this is that after 30 years' service—which we may take as the normal period of service—he is entitled to a pension of half his average pay. But this has never operated in full; there has always been a fixed limit; the maximum limit in the case of officers of the uncovenanted Service was Rs. 5,000. Honourable Members will see at once that this operated against all pensioners who drew pay of over about Rs. 900 a month. Thus, as the result of the application of the maximum limit, an officer drawing Rs. 2,000 a month, instead of receiving a pension of Rs. 12,000 a year, would be restricted to a pension of Rs. 5,000 a year. There was at the same time an additional pension of Rs. 1,000 for holders of certain high administrative posts. Now, as Colonel Gidney has said, when the Public Services Commission reported, they stated that these pensions were inadequate. But I must correct, or rather perhaps supplement his statement by quoting the exact terms of the report of the Commission. They are very important for my present purpose. The Commission reported as follows :

'In this connection it has been represented to us that the maximum ordinary pension now payable to officers, namely, Rs. 5,000 a year, was fixed so long ago as 1855 and that this figure was adopted as the equivalent of £500 at the then rate of exchange. Now, however, that pensions are converted into sterling at the rate only of 1s. 9d. to the rupee, the ordinary maximum pension of to-day is worth £32-10s. less to the officers who draw it in sterling than the amount originally intended. As in the case, however, of salaries we attach little importance to arguments founded on a comparison between present and past conditions. What affects us more is the consideration of the amount needed to make Government service reasonably attractive to recruits.'

The last is the point on which I wish to lay emphasis. They went on to say that it was only in the case of highly placed officers that they saw ground for reasonable complaint :

'The higher an officer's rank in the service, the greater becomes the difference between his actual pension, as determined by the maximum limit, and the pension he would have received if it had been determined in accordance with the scale of sixtieths without any maximum limit.'

I will ask the House to notice the passage which follows :

'Apart from this general consideration, we are impressed by the strong feeling of dissatisfaction with the present limits which is everywhere prevalent and we are satisfied that from the point of view of recruitment some improvement of the existing conditions is needed.'

What therefore they recommended was an increase of pension, or rather a raising of the maximum limit which we had applied to pensions, and they recommended it in the interests of recruitment and nothing else. When the case came finally to be decided, it was settled that the maximum limit of Rs. 5,000 should be increased to Rs. 6,000 and the additional pension of Rs. 1,000 which was given to holders of certain high administrative posts was increased to a total of Rs. 2,500. For a somewhat lower grade of administrative posts the additional pension was fixed at Rs. 1,500. Then arose the question as to the date from which this new scale of pension should be introduced. Here Colonel Gidney has given the facts correctly. He said that when we came to look into the matter, we found that the Government of India had in 1913 given a pledge that certain officers who had memorialised Government should not find themselves penalised should at any subsequent date the general scale of pensions be improved as a result of the report of the Public Services Commission. It was purely in satisfaction of that pledge that we gave the benefit of the higher limit with retrospective

[Mr. W. M. Hailey.]

effect from 1913. If it had not been for that pledge, we should have introduced the new scale of pensions, which as I have said were recommended purely as an improvement in recruitment conditions, from 1919 only. I wish in this connection to give at length the reply which Mr. Montagu gave to the pensioners who approached him in England with the request that the benefit of the higher limit should be introduced with entire retrospective effect, that is to say, should be given to all pensioners on the list. He said.

The revised rates were based on the necessity for improving the attractions of recruitment and not with the intention of settling the grievances of those in the service or of giving increased rates to those who had already performed their contract with Government.

He went on to point out that revised rates of pay or pension are given from the date that the decision is arrived at, a decision which is inseparable from the ordinary conditions of service and that it would have been a perfectly logical development of the ordinary rules of public service if the new scales of pension had been dated from the moment the decision was taken. 'Retrospective effect from 1913 was given because in July 1913, the Government of India had informed certain officers of the Public Works Department who had memorialised on the subject of their pension, that should the pension rules be revised in consequence of the memorials submitted by them or as the result of the recommendations of the Commission, the positions of the officers who had retired by then would be taken into consideration.' Colonel Gidney has referred to the fact that the memorialists again approached the Secretary of State and he has asked me to inform the House what has been the effect of that further representation to him. In that respect, Sir, I can only say that the case now stands exactly where it stood when Mr. Montagu gave his former reply to the memorialists.

That, Sir, explains the case of the higher placed pensioners. But let me remind the House that Colonel Gidney is not correct in saying that we have improved the pensions of all those who drew the higher scale. We have simply given the benefit of the higher maximum in the case of those who retired after 1913, and have given that benefit with effect from 1919. I come now to what he has called the lower end of the line. Last year we received numerous memorials from pensioners in India. We were particularly struck with the fact that pensioners on a very low scale of pension were suffering severely from the increased cost of living in the country. Let me remind the House that we have in India altogether some 2,80,000 pensioners. No less than 13,000 of these pensioners were drawing what is known as the inferior scale of pension, namely, Rs. 4 a month. It is perhaps natural that in the circumstances our attention was directed mainly to the men who were drawing what could in no circumstances be described as a bare subsistence wage. We consulted the Local Governments as to what could be done for this class. The Local Governments professed, as every Local Government in the circumstances would be bound to profess, very great sympathy with this class, but they pleaded that financial difficulties stood in the way of their giving any largely increased scale of pensions even to the lower grade of pensioners. The difficulty of course was to fix a suitable maximum, up to which relief should be given. The Government of Burma suggested that Rs. 50 would be suitable; Bihar and Orissa, Madras and the Central Provinces suggested Rs. 40; the Punjab suggested Rs. 35, and Bombay suggested Rs. 30. We eventually drew a line between these various recommendations and fixed the maximum

at Rs. 45. All pensioners who drew up to Rs. 10 got an increase of Rs. 2 ; those from Rs. 10 to Rs. 20 got Rs. 3 ; from Rs. 20 to Rs. 30 got Rs. 4 ; from Rs. 30 to Rs. 40 got Rs. 5 and those drawing over Rs. 40 were brought up to Rs. 45. That, Sir, was the utmost which we felt, in view of the representations of the Local Governments, that we were able to do at the time. As you will see, Sir, we went in some cases further than what certain of the Local Governments had themselves suggested.

That is the history of the case. And now, Sir, let me go, though at no great length, into our obligations in this respect. Is there really a claim on the merits? I am very anxious that nothing I should say here should lead any one to suppose that Government do not feel to the full all that Colonel Gidney has said in regard to our pensioners. I certainly dissociate myself from the hard words he has used in regard to the callousness of Government and its general extravagance. I may point out to him that of the deficit of 19 crores which this Assembly implemented last March an expenditure of no less than 10 or 11 crores was due to the fact that we had surrendered that amount to the Local Governments to enable them to finance their own establishments and the progressive requirements of their own administrations. I am not going to dwell on that point. Let me only repeat emphatically that Government does feel the hardships and does appreciate the good work of its old and well-tried pensioners. But when we come to discuss the merits of the case for an increase of all existing pensions, I must disagree with Colonel Gidney. Let me read here the words which the Chancellor of the Exchequer in England used in reply to a similar representation in which the case of pensioners on the English list was forcibly placed before him. This was the reply he gave :

‘ Their case is a hard one. They are suffering from the same causes and in the same way as every person with a small fixed income in this country. I have received a deputation about it and I told them that I could not reconcile it with my duty as Chancellor of the Exchequer to charge in their case upon the tax-payer at large a misfortune which is common to all who are similarly situated.’

It is true, Sir, that something was subsequently done for pensioners in England. But I would invite the attention of the House to the scale on which this was effected. Parliament granted an increased pension to all those Government servants who, if unmarried, had a total private income, including their pension, of not less than £150 and if married, a total private income of £200. That is to say, Parliament took into consideration not only what pension its former servants were drawing but also what private resources they had. That was the limit to which Parliament felt itself able to go. In other words, they did very much what we ourselves did in this country ; they took the lowest scale of pensioners, and gave them such small relief as they found financially possible.

Now, Sir, Colonel Gidney has told us in words which, I may say, somewhat astonished me, that we were really appropriating the accumulated savings of pensioners. What he said was this : ‘ Pension is deferred pay to which every officer contributes during his service. What has Government done with those accumulated funds? Government has no right to appropriate for other purposes an officer’s deferred pay.’ Sir, I deny entirely that these officers have contributed during their service directly or indirectly to any fund which Government could have, or has indeed appropriated to other purposes. What is the rationale of our pensionary system? We give pensions to Government

[Mr. W. M. Hailey.]

servants on two grounds, firstly as an inducement to recruitment and secondly, to secure certain administrative benefits. By giving a pension we believe that we are able to set a better class of recruit than we should if we gave no guarantee of a minimum means of livelihood after the employee had left our service. Again, by holding out the chance of securing a pension we endeavour to secure that while a man is in our service, he should remain honest and devoted to the cause of the public he serves. That is the reason why we give the pension, and I maintain that when a man has begun to draw his pension the contract between us is over. I maintain that no local body, and no private employer would admit, when once an employee has left his service and has commenced to draw his pension, that that employee had any further equitable claim upon it or upon him. I would admit, at the same time, Sir, that he may have a claim to sympathy, but the extent to which the employer can satisfy his feelings of sympathy in this respect is and must be subject to financial considerations. In this case, who will have to pay? It is all well for Colonel Gidney to twit the Finance Member with the certainty that he would bring forward the argument that relief of the pensioner is financially impossible. I reply to him that he has not considered the direction in which responsibility for payment will lie; for if this Assembly were to pass this Resolution and if Government were to accept the suggestion that it should immediately increase all pension rates, then it is not the Central finances which would have to bear the burden but the Local Governments. Let me give the House the proportion in which civil pensions are borne by the Central and by the Provincial finances. Out of a total sum paid in India of 2 crores and 38 lakhs on the civil pensionary charges, the Central finances bear only an expenditure of just over 16 lakhs. The whole of the rest of this expenditure, and the House will agree that it is not inconsiderable, is borne by Local Governments. My figure, as I am reminded, includes of course only civil pensions. If we increase civil pensions, we shall of course have to do something at the same time for military pensions, but I leave that question on one side for the moment, because my main argument is this, that when out of 2 crores 38 lakhs expended on civil pensions, we ourselves are paying only between 16 and 17 lakhs, we have no right to lay down, over the heads of Local Governments, a general increase in the rate of payments drawn by all civil pensioners. The House knows very well the limits of our own finances in this respect. I quite agree that if we made a moderate increase in the intermediate grades of pensions, that need not necessarily be an excessive burden on the Central finances. Though I think they are already sufficiently burdened, it might be possible to raise the additional money. I maintain, however, that it would place an unjustifiable burden on Provincial finances. There are many Local Governments (I may instance that of Bengal) who are now faced with the necessity of revising yet again the pay of their ministerial and subordinate establishments. They are meeting great difficulties in doing so; and it must be for the Local Government to decide as between the two alternatives, namely, whether they will spend more on their pensioners or will meet the expenditure necessary to improve the pay of their ministerial and subordinate establishments. Remember this, that when we spend money on improving the pay of men still in our service, we hope to get an immediate return for the outlay. If owing to financial considerations we have to refuse to pay our existing establishments and especially our subordinate establishments a living wage, we cannot secure their honesty; and we cannot secure their good work.

Therefore, Local Governments must choose for themselves between the alternatives of increasing pensions and maintaining or improving the pay of their own existing establishments. That, Sir, then is the problem. As I have said before, I do not wish to take up an attitude which may seem to exhibit a lack of sympathy with those of our pensioners who are suffering from current high prices, but I am bound to put before the House the difficulty in which they are now placed. If they support this proposition they may be placing on the Local Governments a burden which these Governments have previously stated they may be unable to support, and which indeed I have no reason to suppose they will be able to support in future.

Mr. B. Venkatapatiraju : Sir, the pensioners really deserve sympathy. I agree with Colonel Gidney that it is rather unfair that those whose pensions are below Rs. 45 should get an increased pension, but not those on pensions ranging from Rs. 540 to Rs. 5,000 per annum. That is the state of things. At the same time, I must say that I cannot agree with all the arguments adduced by the Honourable Mr. Hailey, the Finance Member, in supporting an indefensible case. But I am going to oppose the Resolution of Colonel Gidney on the sole ground that we are not financially able to meet it and it is not fair on the part of this Assembly to throw a burden on the local Legislatures and on the Local Governments without consulting them, without taking their consent, but asking them to pay. It is easy for us to say that some one else should pay, when we know, as a matter of fact, that almost all the Local Governments are spending more than their revenue. I am sure of Madras which is running at a deficit after exhausting all their reserves. Of course, pensions are well earned but pensioners are not entitled to claim more. They have neither legal nor equitable claim, but I ask what should be the legal or equitable claim of those who have retired after 1913, for the same rule applies to them and they ought not to have been paid. Without making any distinction, we know that in Ceylon and in the Colonies some increase of pensions were given and, when the question was asked in the House of Commons, the Secretary of State stated that some relief would be given, not with reference to particular individuals but with reference to all these persons.

Now, the simple question is, if it is possible to afford relief, as suggested by Colonel Gidney, by retrenching expenditure, and not burdening the people, it is a fair thing that ought to be done and these pensioners should receive some additional pension, not as a matter of right, not as a matter of legal claim, but only as a piece of generosity because, as the Government are protecting so many people, they are bound to protect their own pensioners who have served the State for a long time fairly well and who deserve some help at a time when they are in a poor condition. But, if it means an additional burden on the general taxpayer, we, who represent the general taxpayer and not pensioners, must say why should we be generous at the expense of the general taxpayer. Because you are providing some increased pension to those whose pension is Rs. 540 and below per annum, it is proposed to increase it for those whose pension is above Rs. 540 per annum. But how many millions of people are there in India whose income is less than Rs. 40 a month. Why should not the Government also have some system as in other countries of giving old age pensions. We cannot give pensioners any increase in their pensions because our financial condition will not permit it and so we must be satisfied, as the Honourable Mr. Hailey says, with expressing our sympathy with them : they deserve some help but we are not in a position to help them at this stage.

Mr. Abdur Ra'im Khan : Sir, I was surprised to hear two Honourable gentlemen offering their sympathy to these poor pensioners. I think, Sir, they do not deserve sympathy; they deserve money; they want money and they require money very badly. I cannot understand why when the present scales of pay have been increased why should not that sense of justice be exercised here also.

Another point I wish to bring to the notice of this Honourable House. We admit that these gentlemen have spent their best days in the service of this Government. Their sunny days are over and their wintry days are setting in; they have not long to live on these pensions; they are not strong enough to earn for themselves, and, if some enhanced pensions are not given to them in these present famine days and high cost of living we will be shortening their lives and I appeal to this House to say whether we will not be guilty under either Section 302 or Section 304 of the Indian Penal Code.

Then, again, I am going to support this Resolution because we in the East have the special privilege and pride of all the religious qualifications in us, in other words, I may say that all the religions had their birth in the East, and it will be a reflection on us that in the case of these deserving people we should be so prejudiced that we should not look to their interests because we have no money. What is charity and what is deserving charity? Deserving charity means that it should be a burden on our pockets, whether it is private or whether it is public. So I say this would be a reflection on the sense of this Assembly and it would also be a reflection on our benign Government if we do not consider these cases sympathetically. Sir, when people in their old age know they are not respected and looked after, how can you expect young men to volunteer their services. How will they know that Government is going to be grateful to them in future when we are now showing our sense of ingratitude to those who have been loyal and faithful to us. It is with the sense of justice, with a sense of equity, and with a sense of well deserved charity that I have pride and pleasure in supporting this noble Resolution.

Rai Bahadur Bakshi Sohan Lal : Sir, I rise to support the Resolution moved by Colonel Gidney. The lowest grade of pensioners, those who are receiving Rs. 540 a year or Rs. 45 per mensem, have been allowed some increase though it is very inadequate. Then, the highest grade of pensioners, that is, all gazetted officers who are receiving more than Rs. 5,000 per annum pension, have also been given increases on a very liberal scale. This class of pensioners includes all the European Service men and a large number of Europeans and some few Indians too. But there does not appear to be any reason why these middle-grade pensioners whose pension does not exceed Rs. 5,000 have not been allowed any increases at all. These pensioners include Provincial Service men; most of them are Indians and non-gazetted officers and officers belonging to the Subordinate Services, most of whom are Indians also. In my humble opinion, these are the persons who have been hit hardest by the rise in prices in these days; in their days of service their pay was hardly sufficient to maintain them and their families and to meet all requirements, and they could not save enough to depend upon in their retirement; and there are persons who have served Government during the whole of their lifetime; they are prepared to serve even now if they can be taken back into service, and they can be depended upon for service in India. But instead of considering their case first for enhancing pensions, the case of those persons has been considered whose salaries were quite fair enough to enable them to

save something to rely upon in their retirement, and most of whom had left this country in order to pass the remainder of their life in Europe or the Colonies of America. I most respectfully submit that by enhancing the pension of such pensioners, this Assembly and the Government have committed themselves to provide enhancement for the middle-grade officers whose pensions are very small—not exceeding Rs. 5,000—and whose salaries were hardly sufficient to maintain themselves and their families in comfort when in service. With these few words I recommend that the Resolution be passed.

Mr. E. L. Price : Sir, I should like to associate myself with all that has fallen on behalf of unfortunate people, not only pensioners but in all states of society and in all grades of life—who have been hit hard by the rise in prices ; in other words by the loss in the purchasing power of money, not only of the rupee but of all money. Giving full credit to the pensioners for their past services, giving them our fullest sympathy in their present difficulties, which again, I remark, are not confined to them, but prevail throughout all sections of society—I practically know no one myself who has not had to go carefully, more carefully : putting all that aside, let us come down to the business proposition put before us by Mr. Hailey. The pencil note I have got down—I hope it is correct—shows that the total amount of pensions payable in India amount to Rs. 237 lakhs, and the amount payable by the Government of India out of that is a matter of Rs. 16 lakhs ; that means that the Government of India is paying only 7 per cent of the whole, and the Provincial Governments are paying as much as 93 per cent. I am taking the Honourable the Finance Member's figures as I got them down—I hope I have not made a mistake. Now, if this proposition involves an increased payment, are we in a position to pass such a Resolution ? Because I take it that this 7 per cent which the Government of India is paying is on account of super-annuated servants in Coorg, in Ajmer and so on

The Honourable Mr. W. M. Hailey : And the Post Office.

Mr. E. L. Price : And the Post Office, whereas of course the Provincial Governments are paying their own men. I take it that these people covered by Coorg, Ajmer and the Post Office are not the people on behalf of whom Colonel Gidney is speaking. I know myself—I have been inundated by these petitions ; they are all founded on one that came from Bangalore—that of course may include ex-Government officers from Coorg ; but the thing that rather surprised me was—I am told that it is only a quotation, but it certainly seems to me from whatever source it came, a most objectionable quotation—that in the petition to the Viceroy which they circulated was the expression that 'the revenues of India are capable of great expansion' or something like that. Well, Sir, I must deny that. My own feeling is that though the standard of taxation is far lower than the standard of taxation obtaining in any European country, conditions being what they are unfortunately, the standard of taxation in India has already risen to the very limit that the people can or will stand ; and I look with the greatest jealousy on any expenditure on anything at all that will raise the cost of taxation higher and throw a greater strain upon the patience of the people. But to come back to this business—pass this Resolution, decide that enhanced pensions should be given on this basis—you are paying from the Government of India 7 per cent and from the Provincial Governments 93 per cent—increase all those pensions by 50 per cent and it will cost the Government of India 8 lakhs and it will cost the Provincial Governments Rs. 118 lakhs. Now, I put it to this House that

[Mr. E. L. Price.]

it is not possible for this House to saddle the Provincial Governments of India with a further annual expenditure fifteen times as great as they are assuming themselves.

Dr. H. S. Gour : Sir, the main gist of the Honourable Mover's Resolution seems to be that because the pensions of all persons drawing above Rs. 5,000 per annum has been raised and the pensions of all persons drawing below Rs. 45 a month has been increased, therefore this intermediate class who draw a pension of between Rs. 45 a month and Rs. 5,000 a year should also be raised; and the main argument advanced by the Honourable Mover was that there was no reason whatever for making a distinction between these middle classes and the classes for whom relief has already been given. To this the Honourable the Finance Member replies that the class of persons above Rs. 5,000 stand on a different footing, and that it was with a view to promote recruitment that their pensions were increased. Let us examine this argument. The increase was made in the case of pensioners on and from 1913 who were drawing larger sums than the maximum of Rs. 5,000 pension.

In other words, if their half salary went towards their pension they would be getting far more than 5,000 rupees which was the maximum pension. Now, I submit that the reasons the Honourable the Finance Member gave for increasing those pensions are singularly unconvincing and, I venture to point out, self-contradictory. If the Government wished to stimulate recruiting, the first thing the Government should have done was to say that this class of people should be drawn and these posts should be filled by persons drawing a higher salary, and on their retirement higher pensions will be given to them, but I ask you, what justification is there for giving persons already on the pension list an increased pension? The Honourable Mr. Hailey will say 'to set a very good example to the new recruits.' My reply is that if that is an argument for the purpose of promoting recruiting, then it is equally a good argument for giving effect to Colonel Gidney's Resolution. What is sauce for the large official is also sauce for the middle class official.

The Honourable the Finance Member seems to have entirely overlooked the real issue in the question; if one reason justifies an increase in the pension of one class of Government servant, that very reason justifies an increase of pension of the other class. I, therefore, submit that the apology from the Honourable the Finance Member for justifying what is regarded by this country as a wrong act on the part of Government in increasing the pensions of those highly placed and highly salaried officials is one that cannot be justified on any logical grounds. But is there any reason why we should not put the middle class pensioners on the same footing? The Honourable the Mover cheers me for my previous statement; I am afraid he will not be sorry to hear what follows. Though the reasons given by the Honourable the Finance Member are, as I have already said, entirely unconvincing, we ought to approach this question not from any standard of sentimental philanthropy. We have placed our eyes on one side of the question and seen 10,000 pensioners who are crying for relief, and on the other side there are 350 millions of the population who are equally crying out for relief. I think the Honourable the Mover realises the distress of which he complains on behalf of the pensioners is not confined only to that class. It is a distress which is world wide, it is an economical and universal distress, and if the pensioners have suffered on account of

the economic strain, we know at any rate that the rest of the community are not free from the same destitution.

Now I would ask the Honourable the Mover this. Does he consider it to be fair, does he consider it to be just and, to use his own expression, does he consider it to be equitable, that he should put his hand into the tax-payer's pockets for the purpose of relieving those destitute pensioners? By doing so would he not add to the destitution of the tax-payer? Would he not increase the discontent among the 815 millions of people who would exclaim that pensioners or no pensioners, we all suffer from this economic strain and trouble. Now, Sir, this is a question which we cannot pass over, this is the question with which we are faced to-day; and another question I would ask the Honourable the Mover to seriously consider is the question whether we should be justified in voting other peoples' money? The Honourable Mr. Hailey has told us that out of 2 crores and 37 lakhs of rupees, the Government of India is responsible for not more than 16 lakhs of rupees, and if he were to accept the Honourable Member's Resolution, it would have the effect of straining the already over-strained finances of the Provincial Governments, and I therefore ask the Honourable the Mover to seriously consider whether it is fair to ask for the vote of this Assembly for the purpose of adding to the strain of Provincial finances which are already over-strained. My Honourable friend, Mr. J. Chaudhuri, speaking presumably for Bengal, will explain that Bengal is at the present moment on the verge of bankruptcy; and I would say that the neighbouring Province of Bihar is no better off. We have already a Resolution from a responsible Member from the Southern Presidency asking the Central Government to give them relief, and I am perfectly certain that if this additional burden is thrust upon the Provincial finances, you will be jeopardising the Reforms in a very serious way. The expenses of the Provinces have gone up by leaps and bounds. The limit of taxation has already been reached, and whatever may be the sympathy that we can extend to the pensioners who are destitute, I feel that we have nothing else to give, and in justice to the tax-payer, in justice to the Provinces, and regarding our own responsibility to both, I am afraid that we cannot do what the Honourable the Mover asks.

Mr. R. A. Spence: Sir, I am very glad indeed that the question of an increase for old pensioners of Government has been raised in this House as I am perfectly certain that we all have a great deal of sympathy with this class of pensioners of whom the Honourable Colonel has spoken, and we are very glad to have heard from him and from the Government a full appreciation of the services which they have rendered in days gone by. I know, speaking as one who comes from Bombay where there are a great number of pensioners whose case Colonel Gidney is pleading, that their troubles are great. But, as my Honourable friend, Mr. Price, has already pointed out to this House, their distress is one which does not only fall on them, but on the great majority of people in India. I really do consider—although I am full of sympathy for them, that in view of the figures given us by the Honourable the Finance Member, that this House should not support the Resolution. Personally speaking I should have really liked to have supported the Honourable the Mover—my sympathies are with the pensioners, but I do not think it is for this House to pass the Resolution in view of the fact that the majority of the money required to relieve the distress of the pensioners would have to come from Provincial sources. I should like to see this question brought up in every

[Mr. R. A. Spence.]

Legislative Council in the Provinces, I should like to see these very unfortunate people get an increase in their pensions, but I must admit that I do not consider it is this House which should give it. The Honourable the Mover in the course of his speech has referred to the increases in pay recently given to various Departments of Government and he quoted one amongst them, namely, the Ecclesiastical Service and said that in the case of that service retrospective effect had been given. Well, a member of that Service told me that his wish was that retrospective effect should not have been given, and the shorter the period the better for him because he expected to receive a nice little cheque for 1,500 from the Accountant General who however sent him a debit note and the result of the retrospective effect was that he had to pay to Government about 500 rupees in respect of his House allowance which had been cut, also, with retrospective effect, so these increases have not benefitted all the people about whom the Honourable Colonel has spoken.

I am sure, if it will be of any comfort to the pensioners, that they will be glad that this House was able to give expression to its sympathy with them and its desire to do them good, and that this was unanimously the opinion of this House, but I think the Honourable Member must admit in view of what the Honourable the Finance Member has said, that it is rather difficult for this House to pass his Resolution.

Mr. Jamnadas Dwarkadas : Sir, the strongest argument that the Honourable Mover has in support of his Resolution is that while people who belong to the higher scale have been treated with greater sympathy, people who really deserve more sympathy than they, are being neglected. The answer given to that argument by my Honourable friend, Dr. Gour, is that the Government was not justified in showing that special sympathy to those belonging to the higher scale. I entirely agree with my Honourable friend, Dr. Gour. But I also wish to point out to the Honourable Mover that if it had been in the power of this House to express its opinion effectively on the action of the Government in showing special sympathy to the higher class, I have no doubt that this House would have unanimously defeated the Government on that point. Now, if a wrong has been committed because this House has no power to express its opinion on the question, one wrong by the Government cannot justify another wrong both by the Government and this House together. As a matter of fact, however much we may sympathise with the destitute condition of these middle class men, as they have from the point of view of law and from the point of view of equity no legal claim to our special consideration, I think it will be a lesson to those who have without consulting this House treated differentially another class of people not to repeat this experiment in future. We have no right to tax the generosity of the tax-payer and at his expense let the middle class men reap the advantage. I submit, Sir, that this House ought to reject the Resolution.

Dr. Nand Lal : Sir, I am in full sympathy with the pathetic appeal which has been placed by Colonel Gidney before us. The reasons which have been advanced by him are very convincing and it is extremely difficult to meet them. But Colonel Gidney must not feel proud that I am quite prepared to give him the money. This is my lip sympathy. I am extremely sorry that we are feeling very much handicapped. Our financial circumstances are very much embarrassed and we cannot issue a warrant against Provincial Governments. No jurisprudence will admit this argument that we may ask the

Provincial Councils to come to the help of all these pensioners. I am afraid we are not competent to do so. I think Colonel Gidney might have very reasonably advised his clients to make a petition to the Provincial Councils. So far as Colonel Gidney's information is concerned, I think he has not got sufficient knowledge of all the Provincial Governments' decisions in this matter. Perhaps he is basing his argument on the information or on the reply given by the Government in whose Province he lives. I daresay the arguments advanced by the Honourable Mr. Hailey, the Finance Minister, are not convincing. But, as Mr. Jamnadas Dwarkadas very ably put, if this mistake was made, there is no reason why we should allow the same mistake to recur. I think that the Government of India and the whole House combined are in sympathy with the terms of the appeal, but since we have not got sufficient money to help these pensioners, therefore, we are sorry we cannot support this Resolution which has been placed before this House.

Mr. S. M. Zahid Ali Subzposh : I move, Sir, that the question be now put.

Lient.-Colonel H. A. J. Gidney : Sir, I have listened very attentively to the various remarks made by the supporters and non-supporters, or I would say more appropriately, the co-operators and non-co-operators of my Resolution. I wish to take this early opportunity of thanking the Honourable the Finance Member for the very gracious words of appreciation on behalf of Government, which he has used in regard to the past services rendered by these old servants of Government, and coming, as it does from him, I have no doubt it will help to make them feel a little happier. The Honourable the Finance Member has placed before this House, figures, which I noticed, my Honourable friend, Mr. Price, has laid such stress on. The Honourable the Finance Member has told us, that pensions are paid, both by the Government of India and the Local Governments. He has also told us the total cost of these pensions, which he has not divided and debited to the Local Government and the Imperial Government. But he has not enlightened this House on the most important point that the House and I want information on, that is, how many pensioners receive a pension of Rs. 5,000 and above, and how many receive Rs. 540 a year and below, and how many are in the middle class, whose cause I am here to-day pleading? I may be wrong in understanding the Honourable the Finance Member's figures, but I have not been able to trace any effort on his part to show separately, what are the pensions given to the three divisions. He has told us what the cost is, to the Local Governments, and to the Imperial Government for these three divisions, and has drawn a picture as to what it would cost if increased pensions are to be granted. I want to know what are the pensions, separate amounts given to these classes?

Then, Sir, the Honourable Mr. Price made a statement which I thought was rather an elastic one, suggesting an enhancement up to 50 per cent. I am not asking for an enhancement of 50 per cent. of pensions, but a relief so as to make the difference between comfort and discomfort, or starvation, and a diet that these pensioners can live on.

Mr. E. L. Price : On a point of personal explanation, Sir, I did not suggest an increase of 50 per cent. I only took an increase of 50 per cent. in order to illustrate what the proportionate cost would be to the Government of India and the Provincial Governments as a reason for not touching the subject.

Lieut.-Colonel H. A. J. Gidney : I thank the Honourable Mr. Price for his explanation, but I still take the same attitude. Why did Mr. Price suggest such an absurd percentage of 50 per cent? I never asked for that. The House I submit has been influenced by the extravagant figure of 50 per cent. Has Government given 50 per cent. to the higher pensioners? What have they given to the lower pensioners? Rs. 5 for Rs. 40, or Rs. 3½ per man per mensem. Does that work out to 50 per cent? I submit the House has been influenced by what Mr. Price has said. I am not asking for any extravagance. I am not asking for luxuries but for absolute necessities.

Then the Honourable the Finance Member adduced the old hackneyed reason, which was given by Mr. Montagu as to why pensions were increased, and that was, for the sake of recruitment. I was aware of that, because I have read Mr. Montagu's reply. I do not agree with either the Honourable the Finance Member or the Honourable Mr. Montagu on this point. I would like the Honourable the Finance Member to tell us whether he has sent a reply to the Secretary of State regarding the statement made by the Honourable Mr. Montagu to the last deputation of M. Ps., who waited on him. Why should the matter to-day stand as it was when Mr. Montagu gave his reply to this deputation? He has not adduced any reason to this House. Then, he referred to the increased pensions that were sanctioned in England, as a result of the agitation that was made there. The Finance Member admitted that pensions had been increased in certain cases in England. I ask, if in England, why not in India? My friend, Mr. Price, talking purely as a business man, has said to this House, that income-tax has reached its limit in this country.

Mr. E. L. Price : May I rise to a point of personal explanation? I did not say that the income-tax had reached the limit, I said that taxation generally had reached the limit, without mentioning income-tax.

Lieut.-Colonel H. A. J. Gidney : To talk of taxation as a whole, is only a generic way of including income-tax in it. If it has reached its limit in India, I ask him, does he know what it has reached in England? Yet, in spite of this, the pensioners in England have had their increases, i.e., for unmarried men drawing a pension of less than £ 50 annually and, if married, £200. Then again another reason brought forward by the Finance Member was, that if this enhancement were given to civil pensioners, the same would be claimed by military pensioners. I am not pleading the cause of military pensioners, they stand on their own footing, and I do not think this should be brought into this argument at all. The Finance Member has also remarked on the expense that will have to be incurred by the Local Governments. Now I would like to know, whether the Local Governments were consulted, and whether they had any voice in the settlement of the enhanced pensions that have been given. Remember the Local Governments as they are to-day, are not the same as they were, when the Royal Services Commission sat, and recommended an enhancement of pay and pensions. I should like to have got some information as to what the Local Governments had said on this matter. My Honourable friend, Mr. Venkatapatiraju, talked about the burden of these increased pensions falling upon the tax-payer. I am well aware of this. But I would like to remind him that these pensioners, whose cause I am pleading, are also tax-payers and that the taxation will, and does fall, on them also. Then my Honourable friend from the North-West Frontier Province wanted to accuse the Government of murder, as the denying of these increased pensions would have the effect of shortening the lives of these pensioners.

I agree with him in his charges, as it practically amounts to that. Then my friend, Mr. Price, talked of sympathy. It was very kind of him to associate himself with the remarks of the Honourable the Finance Member about sympathy. But, in these days, one cannot live on a diet of sympathy, or, as Dr. Nand Lal called 'Lip sympathy.' No amount of sympathy can help to relieve the distress of the pensioners, whose cause I am pleading. They do not want mere lip sympathy. I have heard this to-day *ad nauseum*. Mr. Price also spoke of a certain percentage of the cost falling on the Imperial Government, and a certain percentage on the Local Governments. Here again I am at a disadvantage, because the Finance Member has not given us the information, which I think this House would like to have got, and, which I particularly asked for, and wanted. I know that this would have entailed an enormous amount of labour, but I think that it would have put an entirely different complexion on my Resolution and the views of the House on it, had he told us what was the amount of pensions paid to the middle class of pensioners, who had not received any enhancement. I am not asking you to paralyse your Exchequer. If Government gave some slight increase to the middle class pensioners, then, I submit, something would be better than nothing. Then again my friend, Mr. Price, talked about a certain memorial, which was sent from the Bangalore Pensioners Association, in which it was stated, that the revenues of India were capable of great expansion. Now I prefer, if I were given the choice, to take the opinion of the Secretary of State on this matter. What these memorialists have stated in their petition, is exactly what the Secretary of State replied to the deputation that waited on him, and as a side issue, let me add, however large the revenues of this country are increased by putting an import duty on silver, as was suggested by Mr. Price in his Budget speech at the last Delhi Session, yet, I consider, that I would rather take the opinion of the Secretary of State on this matter. Then my friend, Dr. Gour, in sympathising with my Resolution, twitted me somewhat, and jeeringly asked, 'How can you propose to relieve these destitute pensioners when 350 millions of people are undergoing an acute economic strain and distress.' Now, my reply to my Honourable friend is, that I do not want sympathy. I only want the Government to observe the laws of ordinary equity and justice. He then referred to the universal economic distress. I wonder whether he will put forward the same view before this House, when he proposes in a day or two, his Resolution for the removal, of the present Capital from Delhi to the Central Provinces. It will be interesting to hear his views on this matter, then, I feel sure he will hold different views of the financial condition of India, and the economic distress will not be so universally distributed as he now tries to make it out to be. I think that argument is a very weak one. He says, that if my Resolution were carried, it will affect every one of these 350 millions. I do not suppose he wants us to believe, that every one of these pays taxes. Let me ask him, who will pay for this new Capital when his Resolution comes up? I also wish to thank the Honourable Mr. Spence for his expressions of sympathy, but there is such a lot of sympathy in his speech, and so little of justice and equity, that it forms an incompatible mixture, so far as the needs of pensioners are concerned. As my Honourable friend knows, I want a practical amalgam of both. Then my friend, Mr. Spence, said, that he would like to see this matter represented to Local Governments, and Dr. Nand Lal rather tried to belittle my information on this matter. But I may tell him, that all the Local Governments have already been approached by the various Pensioners Associations.

Mr. E. A. Spence : I referred to the Provincial Councils.

Lieut.-Colonel H. A. J. Gidney : I thank you. Mr. Spence said that he would like to see the Local Governments give these increased pensions. He, therefore, really supports my Resolution. Then, my friend talked about Chaplains. They have my entire sympathy. At the same time, I have brought forward their case as an argument against the Finance Department pleading Financial inability, because whilst they refuse the plea of pensioners, recently gave an increased pay and pensions to Chaplains.

Sir, in spite of the remarks I have heard to-day in regard to my Resolution, I still stand unshaken and unconvinced. After all, you can only have but one result in the battle of justice *versus* financial inability, and which the Honourable the Finance Member refers to, as financial impotency, which alone prevents the Government from agreeing to my Resolution. All I want this House to do, is to bear with me, whilst I plead the cause of these poor humble, starving, pensioners, and if it is not prepared to accept my Resolution in its entirety, to at least accept it to the extent that a Committee be appointed to inquire into the needs of these pensioners and grant them whatever relief it finds necessary and possible and until such time as that is done to sanction them an *ad interim* relief, however small it may be. I plead with this House not to reject this Resolution simply on the ground of what the Honourable the Finance Member has said. It is the only ground that he could possibly put forward. I admit that it is an all powerful ground, and confronts one at every turn, but, can this plea weigh against the justice, and equity which the claims of these pensioners demand? Personally, I opine, that nothing that the Finance Member or the House say, can alter the injustice meted out to this middle class of pensioners who have received no enhancement in their pensions. Whilst the higher and lower pensioners have received it. Give this class, I plead some relief, be it ever so small an amount. Let the Committee sit, and I am sure the pensioners will be quite prepared to abide by their decision, be it for them, or against them. In conclusion, I again commend this Resolution for the acceptance of this Honourable House, and in doing so, I plead of you in the name of justice, in the name of equity, in the name of God, do not let these old, and faithful servants of Government live and die in a state of abject poverty and starvation.

The Honourable Mr. W. M. Hailey : I have had an uncongenial and not very popular task this afternoon. I do not wish to add to my unpopularity by detaining the House longer, but the debate shows that there are still two or three misapprehensions which it is my duty to remove. It is not a fact that a pensioner retiring at the age of 55, which is the date of our superannuation pension, can only expect five years of life. The annuity tables will give him about 12 years of life. I am glad to see certain Members of this House are congratulating themselves on having received a new lease of life! Nor is it a fact, as Mr. Sohan Lal said, that we have granted increased benefits to Indian Civil Service pensioners. What was done in that case was to relieve the members of the Indian Civil Service from the payment of the 4 per cent. contribution towards their annuity. The benefit of that concession will only begin to accrue from 1919, and will benefit most of those who are now entering the service. No Indian Civil servant who is now in receipt of pension and who retired before 1919, will receive any benefit whatever from the fact that we have relieved the service from the payment of this 4 per cent. contribution. That misapprehension, if uncontradicted, might cause a serious prejudice in the

minds of this Assembly, and I must emphatically call attention to the true facts.

My third point is this. Several Members of this House, Dr. Gour, Mr. Jannadas and Colonel Gidney himself, were unable to reconcile what they described as our attitude of favouring the higher class of pensioner at the expense of the middle class. Now I took the trouble to explain to the House fully, even at the cost of wearying it, exactly what we had done with regard to the upper class of pensioners. The ordinary rule would have been, that when we raised the maximum to which the higher class of pensioner could achieve, we should have done so without retrospective effect, that is to say, no existing pensioner would have received any benefit whatever from the improved terms; but, because we were under a pledge owing to the issue of a letter from the Government of India, we had to give to certain pensioners who had retired since 1913 the benefit of the increased pensions from 1919. It was purely in satisfaction of that pledge that we gave the upper class pensioner the benefit of the new maximum from 1919 and we gave it only to those who had retired since 1913. Nobody who retired before 1913, whatever pension he was drawing, whether Rs. 5,000 or below Rs. 5,000 per annum, received any benefit whatever from the new rates. I wish to make that perfectly clear. We would have given no retrospective effect whatever, we would have given no benefit whatever, to any class of existing pensioners, if we had not been under the obligation to fulfil the promise which was given in the Government of India letter to which I have referred. Now, Sir, our critics may bring it up against us that we have benefited certain pensioners who retired between 1913 and 1919, but we did not do so with the deliberate intention of improving the condition of the upper class pensioner as against the lower class pensioner. We did so simply in satisfaction of a promise which we held to have been given. If we had not implemented that promise, I have no doubt there would have been many Members of this Assembly who would have brought against us another and even graver charge, namely, that of bad faith.

I must hold, Sir, to my former argument that as pointed out by Mr. Price and fully appreciated, I think, by this House, the great bulk of the expenditure proposed by Colonel Gidney would fall not on ourselves but on the Provinces. Colonel Gidney has reproved me for supplying him with insufficient information as to what the cost of his proposal would be. I am unable, Sir, to supply him with information on the point for a simple reason. If this Resolution had suggested raising these pensions by any definite sum, my Department could have calculated it for me, but, as he has merely based his proposal on the ground that we should give sufficient to make a difference between an insufficient and a reasonable means of livelihood, I am unable to calculate the cost. I can only repeat to the House the one certain figure which is in my possession, that out of the total of 238 lakhs of Civil pensions paid in India we ourselves only pay between 16 and 17 lakhs. That is the substance of my argument. I hold that it is not competent for this Assembly to ask us to place on Local Governments a burden which possibly they would neither be able or prepared to undertake. There is, Sir, in hunting circles in England a well-known amusement to enjoy a day's hunting on a friend's horse and with your own spurs. That is no doubt the cheapest and most pleasureable way of getting a good day's hunting; but it is not a class of amusement which I can commend to the conscience of this House.

The Resolution was negatived.

LAST DAY OF THE SESSION.

Mr. President : The Honourable the Home Member made an announcement regarding business this morning suggesting Friday as a business day for a sitting. Friday may not be the most convenient day; but, if it is the desire of Honourable Members to finish business by Friday evening, so that those who may wish may leave Simla by Saturday, a sitting will be held. I may point out that there is one difficulty of which Honourable Members are all aware which complicates the problem of the Friday sitting. There is the additional difficulty that that is the usual day set apart for meetings of the Executive Council, and on that particular issue I imagine Members want the presence of the Executive Council here. There is the further point that arrangements have to be made for a conference between Members of both Houses and Members of Army Headquarters on questions arising out of the Territorial Force. That Conference has been set down provisionally for 11 O'clock on Friday morning, and, if the Executive Council were to meet at the same time, then the only time at which a sitting of this House could be held would be about 2 or 2-30 in the afternoon, in which case, in order to finish business, it would have to sit late on Friday evening. I am prepared to hear opinions on that subject.

The Honourable Sir William Vincent : May I suggest, Sir, that in view of this meeting, we should meet at 2 O'clock on Friday and sit a little late on that day?

Mr. President : That is the arrangement provisionally made; a definite announcement will not be made until we adjourn on Thursday.

The Assembly then adjourned till Tuesday, the 27th instant at 10-30 A.M.