

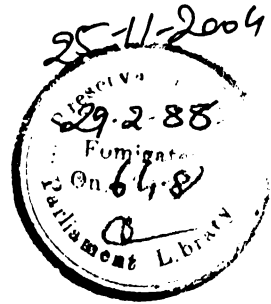
THE  
**COUNCIL OF STATE DEBATES**  
**(Official Report)**

**Volume IV, Part I**

***(From the 30th January to the 25th March 1924)***

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**FOURTH SESSION**  
**OF THE**  
**COUNCIL OF STATE, 1924**



DELHI  
GOVERNMENT CENTRAL PRESS  
1924

	PAGES.
<b>WEDNESDAY, 12TH MARCH 1924—</b>	
Questions and Answers ... ..	529—530
Message from the Legislative Assembly ... ..	530
Indian Tolls Bill ... ..	530—535
Resolution <i>re</i> establishment of pioneer sugar factories and the pro- motion of sugar-cane cultivation (Adopted as amended) ...	535—557
Resolution <i>re</i> deletion from the Statute-book of the ratio of two shillings to the rupee. (Not moved) ... ..	557
Resolution <i>re</i> transferred subjects in the provinces (Not moved) ...	557
<b>THURSDAY, 13TH MARCH 1924—</b>	
Session of the Legislature at Simla in May ... ..	559—562
Sea Customs (Amendment) Bill. (Passed) ... ..	562—564
Indian Tariff (Amendment) Bill (Passed) ... ..	564—565
Statement of Official Business for Tuesday the 18th March ...	566
<b>TUESDAY, 18TH MARCH 1924—</b>	
Member sworn ... ..	567
Questions and Answers ... ..	567—576
Questions and Answers <i>re</i> Rules under Section 67 of the Government of India Act ... ..	571—576
Bills assented to by His Excellency the Viceroy ... ..	576
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting (Adopted) ...	576—582
Indian Finance Bill ... ..	576, 582—583
<b>WEDNESDAY, 19TH MARCH 1924—</b>	
Questions and Answers ... ..	585—591
Message from His Excellency the Governor General ... ..	591—592
Indian Finance Bill laid on the table ... ..	592—593
Resolution <i>re</i> restrictions and disabilities on Indians in South Africa (Adjourned till 20th March) ... ..	593—613
Message from the Legislative Assembly ... ..	613—614
<b>THURSDAY, 20TH MARCH 1924—</b>	
Bill laid on the table ... ..	615
Resolution <i>re</i> restrictions and disabilities on Indians in South Africa. (Adopted) ... ..	615—635
<b>MONDAY, 24TH MARCH 1924—</b>	
Member sworn ... ..	637
Questions and Answers ... ..	637—648
Bills assented to by His Excellency the Viceroy ... ..	648
Indian Finance Bill ... ..	648—716
<b>TUESDAY, 25TH MARCH 1924—</b>	
Indian Finance Bill (continued)—(Passed) ... ..	717—732
Indian Income-tax (Amendment) Bill (Passed) ... ..	732—736
Amendment of Standing Orders ... ..	736—737
Valedictory remarks of the Honourable the President ... ..	737—739
Adjournment of Council to 27th May 1924 ... ..	739

# COUNCIL OF STATE.

*Tuesday, the 25th March, 1924.*

The Council met in the Council Chamber at Eleven of the Clock, the Honourable the President in the Chair.

## INDIAN FINANCE BILL—(contd.)

**THE HONOURABLE THE PRESIDENT:** The Council will now resume the adjourned debate on the Finance Bill. We have already added clause 4 to the Bill. The next clause is clause 5.

The question is:

"That clause 5 do stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

**THE HONOURABLE THE PRESIDENT:** The question is:

"That clause 6 do stand part of the Bill."

**THE HONOURABLE SAIYID RAZA ALI** (United Provinces East: Muham-nadan): May I rise to a point of order, Sir? The Bill, as Honourable Members are aware, is a certified Bill. Having regard to the language of section 67B, clause (b) of sub-section (1), of the Government of India Act, it is extremely doubtful whether these amendments are in order. The language of that clause is:

"If the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor General, shall become an Act."

The result of this is that it is not open to any Member to carry an amendment successfully which may be incorporated in the Bill itself. That being so, it is a matter for consideration whether we should discuss any amendments which, in effect, have no chance of being incorporated in the Bill itself. In view of these facts I hope you will be pleased to give us a ruling as to whether these amendments are in order and whether we can bring, discuss and pass them, if necessary.

**THE HONOURABLE THE PRESIDENT:** I have to point out, in the first place, that we did actually discuss amendments yesterday. Therefore the Honourable Member is a little out of time. Secondly, I laid it down when a recommended Bill that was brought forward in the House that it was open to the House to move and pass amendments. But the Honourable Member, since he has asked me for a ruling, would probably like some more detailed reason for the ruling I gave previously. He will find, if he turns up the old proceedings, that this point was raised before. It is perfectly true that, if His Excellency exercises his power, the amendments will have no effect. The fact of the Bill being passed not in the recommended form does not however fetter His Excellency. There is nothing

[The President.]

to compel him to exercise his power. He still has discretion, and it may be that he will not proceed to exercise it. He might consider the Bill if amended by the Council of State was in such a form that he might decline to exercise his power. Government therefore might desire to withdraw the recommended Bill and re-introduce the Bill with the amendments made by the Council of State. In any case therefore the power of amendment is not, as the Honourable Member thinks, a mere formality. There is nothing whatever to prevent this House from dealing with the recommended Bill exactly in the same way as any other Bill. There is no discrepancy between the Statute and the procedure which we are adopting. I might add that the Honourable Mr. Karandikar has not yet moved his amendment. So the point of order is premature.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muham-madan): Sir, I am about to take a course which may be inconsistent with the situation through which we are passing. I was not unmindful of the operation of section 48 of the Income-tax Act, but, in view of one circumstance which affected the poorer people, I wanted to see that there was no difference between certain firms, certain companies and those which are dealt with in "A". The Honourable Mr. McWatters has taken the instance of the rich man who may have occasion to so benefit by the operation of section 48; but I am going to take the instance of the poor man who invests his money in a firm which is effected by "B". Supposing that his earnings as a shareholder in a company or firm were less than Rs. 2,000 he would still be amenable to the payment of one anna and six pies in the rupee. That was one of the considerations which induced me to put in this amendment. I just wanted to explain the circumstances under which the amendment came to be tabled; but, having regard to what has transpired, I do not propose to move this amendment.\*

THE HONOURABLE LALA RAM SARAN DAS (Punjab: Non-Muham-madan): Sir, as we are considering the matter of income-tax I wish to put before the House a few observations. One of them is that under the present rules income-tax is assessed on the annual rental value of houses and not on the actual collections of rent. This puts a great hardship particularly on the poor and on widows. For example, if a widow owns a house, upon the rental of which she has to support herself and family, and the annual rental amounts to Rs. 8,000 a year, and supposing the tenant pays nothing and runs away with the rent, it would be a great hardship for the widow to pay income-tax on the Rs. 8,000. This is really a hardship, Sir, because the income-tax ought to be assessed on the income which actually accrues and not on the income supposed to accrue. The item allowed for repairs to house property is found to be very insufficient and provision should be made accordingly. Whenever the houseowner can prove by documentary evidence that the cost of repairs has been more than what is generally allowed for, an increased amount should be allowed. (A Voice: "The amendment has been withdrawn!")

THE HONOURABLE MR. A. R. L. TOTTENHAM (Member: Central Board of Revenue): Sir, in regard to what was stated by the Honourable Mr.

\* "That in Schedule III to the Bill, the following words be omitted, namely:

(i) 'A. In the case of every individual, every unregistered firm and every Hindu undivided family—'

(ii) 'B. In the case of every company, and every registered firm, whatever its total income ..... One anna and six pies in the rupee.' "

Karandikar, I should like to point out that he is mistaken. In the case of the hypothetical poor man whose taxable income is below Rs. 2,000, and who has invested his money in a firm, he will get a refund of the whole rate of one anna and six pies if he applies for it.

With regard to the other question raised by another Honourable Member, his objections are rather vague and hypothetical, and I am not quite sure that I am in a position to discuss them, but I should be glad to discuss them with him privately at any time. We are anxious to remove all such grievances. I am inclined to think that in the case that he suggests, where a man derives an income from house property, we might in certain circumstances allow rents that were really bad debts to be written off if found to be really irrecoverable, and allow a deduction. I cannot say more than that at present. I am prepared to discuss the matter personally with the Honourable Member and hope to give him satisfaction.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): I would like to ask Mr. Tottenham on what principle income-tax is derived from rents of houses when people have to pay house tax to municipalities.

THE HONOURABLE MR. A. R. L. TOTTENHAM: I am afraid I do not understand the question.

THE HONOURABLE MR. G. A. NATESAN: I consider it a very great hardship that people who own houses should be asked to pay income-tax on the rents derived from the houses when the municipalities of the town also ask them to pay house tax. I should like to know what is the justice of his claim.

THE HONOURABLE MR. A. R. L. TOTTENHAM: I gather that the Honourable gentleman's point is that the municipality should be allowed to tax this source of income and the Central Government should not.

THE HONOURABLE MR. G. A. NATESAN: Exactly. I consider it is wrong to ask a man to pay both the municipality and also to the Central Government.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): May I point out, Sir, that every citizen owes an obligation to the State as well as to the municipality within the jurisdiction of which he may be residing. There are the Central revenues which it is necessary to collect in order to carry on the Central administration. There are also the municipal revenues which it is necessary to collect in order to carry on the municipal administration. And therefore, if such a citizen has to discharge both those obligations, I see nothing extraordinary or unusual or inequitable in that.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Another very hard case, Sir, is that in places where there are private canals the income is taxed, but taxed in this way that the officer once long ago during the settlement decided, namely that each crop irrigated would bring in so much produce and should be taxed at such and such a rate. The rates for grain have been changed, and sometimes the crops irrigated do not mature at all; but one has to pay income-tax all the same. In the same way, before the war, they fixed the clearance of the canals at some figure. Since then one has to pay three or four times more, and even then the same rate remains. So just as my friend here (the Honourable Lala Ram Saran Das) says, all that we want

[Colonel Nawab Sir Umar Hayat Khan.]

is that Government should see the properly kept accounts and see how much we have gained and how much we have spent. But instead of doing that, they go on sticking to the same rate fixed before. I think something ought to be done so that in future the actual income and actual expenditure really ought to be taken into consideration.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Sir, I am myself a landowner and own a considerable area of irrigated land, and I do not remember ever having paid income-tax on my income derived from the land.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: I have paid myself. I said private canals, and not Government canals.

THE HONOURABLE MR. A. R. L. TOTTENHAM: I am astounded to learn that the Honourable Member has been paying income-tax on agricultural income. If he will explain to me personally the circumstances in which such an atrocity was committed, I will look into them.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN: That is the case.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 6 do stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

The question is:

"That Schedule I do stand part of the Bill."

The motion was adopted.

Schedule I was added to the Bill.

The question is:

"That Schedule II do stand part of the Bill."

The motion was adopted.

Schedule II was added to the Bill.

The question is:

"That Schedule III do stand part of the Bill."

The motion was adopted.

Schedule III was added to the Bill.

The question is:

"That the Preamble do stand part of the Bill."

The motion was adopted.

The Preamble was added to the Bill.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary): Sir, I beg to move that the Bill be passed.

THE HONOURABLE SAHYID RAZA ALI (United Provinces East: Muhammadan): Sir, the motion before the House raises an almost entirely political issue, though the financial considerations arising out of the same are by no means unimportant. Postponing the consideration of the financial questions for a few minutes, let us see what is the political issue that is involved. Sir, under the Government of India Act, 1919, even if we reject this measure, it will become an Act on signature by the Governor General. One of the aspects of the question that we have to consider is, whether we should leave the Governor General and the Executive to bear the entire responsibility for the present measure, or whether we should be prepared to share that responsibility along with the Governor General and the Executive. Sir, as I have mentioned, the moment a Bill is certified, the ultimate responsibility passes on to the Executive from the Legislature. If we, I mean the elected and non-official Members of this Council were opportunists, the best course we could adopt would be to refrain from taking part in the discussion of this measure or voting on it, thereby leaving the sole responsibility to the Executive. On the face of it, Sir, that would offer a great advantage, if advantage it can be called, to us, inasmuch as that would save us from being subjected to those fierce attacks for which we must be prepared as soon as it is announced that this Bill has been passed either unanimously, which I hope will be the case, or with one or two dissentients. But, Sir, that would be a case of our playing the roll of opportunists and acting in a cowardly manner, which I am sure would be extremely distasteful to the convictions of the elected and non-official Members of this Council. Sir, the situation is too grave for us to let this matter be fought out between the Executive and the Assembly. If the Assembly in throwing out this measure had been actuated by any financial considerations or influenced by motives which would not raise a vital question of policy, it would have been open to us to divide this Council on that issue, and to consider the grounds on which action was taken by the Assembly. As it is, Sir, we know that, though they have purported to act on considerations of general policy, yet in fact they have not done so, but have acted in pursuance of a policy with which a section of that House entered the Assembly, and they have thrown out this measure without going into the merits of the case. Sir, I admit that the merits of the case in the present case are broad enough to cover political as well as financial considerations. I for one do not fight shy of arguing the broad political questions. Yet, it seems from the published reports, so far as they have reached Honourable Members of this House, that the sole consideration why this measure was rejected by the Assembly was because they, in pursuance of the ticket on which they had entered the Assembly, considered it their duty to start on a campaign of obstruction and wrecking. I must confess that one of their leaders tried to improve upon the situation by pointing out that the reason why they were taking this action was not because they wanted to persist in a campaign of obstruction and wrecking, but because no adequate response had been forthcoming from the Government side to the demand of the Assembly. Sir, that appears, if I may say so with great respect for that speaker, to be the thin end of the wedge. In fact the whole course of discussion would go to show that this plea was taken by the Swarajist Party and their allies with a view to save themselves from the objection to which their conduct would obviously be open. Sir, on the broad political issue raised, it is quite clear that so far as the demand, the political demand, is concerned, there is no

[Saiyid Raza Ali.]

difference of opinion between the various parties that are to be found in the Indian political field. Every party demands that there should be a further political advance. Whether we take into consideration the wishes of the Swarajists or of the Independents or again of the Liberals, who are sometimes also called Moderates—I do not know which is their proper label—or of the party which used to be called the Home Rule Party and which has been led for many years by Mrs. Besant, one thing emerges quite clearly out of those demands, namely, that no section of the Indian community is satisfied with the present Government of India Act, and every section is convinced that the time has come when effective steps should be taken to have another instalment of reforms. In enumerating the various parties into which political India is divided, I have purposely refrained from mentioning the No-Change Party, which, I must acknowledge, consists of many men of influence and which again is very large in its numbers. Sir, the reason why I have not mentioned this party is that they do not want to have anything to do with Government. They think—and they make no secret of it—that the present Government is too wicked to be approached by them with a request for further political advance. Now, Sir, that is the demand of the country. Now, let us see what is the attitude of Government. The attitude of Government, so far as I have been able to judge—and I on my part have given some thought to the question—is not one which would evoke feelings of enthusiasm or even of satisfaction in any Indian heart. Sir, let me make it quite clear that I am not unaware of the difficulties with which the task of Government is beset. The Government of India have their own difficulties as His Majesty's Government have theirs. But when due allowance is made for all these matters, still it is quite clear that the policy that the Government of India have been following is a hesitating and halting policy. Sir, nobody wants the Government to make an announcement that, with effect from such and such a date, such and such a measure of reform will be enforced in this country. But, Sir, certainly the time has come when the Government of India should take its courage in both hands and be prepared to meet the public demand in a courageous manner. Sir, the effect of this policy pursued by Government has been to alienate the sympathies of its friends, to force those, who have not made up their minds as to whether they ought to throw in their lot with the Swarajists, into the arms of the Swarajists and to make the whole political situation in the country extremely intense. Sir, for one minute I ask Honourable Members just to look at the position of the Swarajist Party itself. I say so, because I am not in the danger of being misunderstood, having parted with the Congress party in the second week of September 1920 when the split came over the non-co-operation resolution passed at Calcutta. Sir, this party in spite of the professions in which it indulges is, as far as I have been able to judge, anxious to bring about that co-operation, that responsive co-operation as enunciated by the late lamented Mr. Tilak, in which it would be possible for them to work with Government under certain conditions. This House can judge for itself that the conditions are by no means impossible of attainment. Yet, when Government take up an attitude of absolutely or very largely—perhaps it would be a better term—ignoring their desires and their requests, the result is a natural weakening of the position of the Swarajist party who, I think, are after all a constitutional party in India, and forcing them into the arms of the no-changers. That, Sir, in itself—I say this with due deference—is no



small danger. Sir, we know what the attitude of the no-changers is. To show their attitude, I would read out only three lines from a certain interview that was granted only four five days back by the leader of the no-change party; namely, Mahatma Gandhi, to a certain correspondent. In the course of that interview Mahatma Gandhi said :

"When India becomes irresistible, I have no manner of doubt that any Government whether Labour, Conservative or Liberal, will fall in with India's demands."

We also know that since his release Mahatma Gandhi or his followers have not had anything to do with the efforts that the Swarajists are making to bring about a change in the constitution of the Indian Government.

Sir, I have not the least doubt that the Assembly have committed a grave blunder in throwing out this measure. Yet, let there be no mistake about it that their action and the action of those who entered the Assembly on the Independent ticket and who sided with the Swarajists when this measure was before the Assembly shows that what was at the back of the minds of those who have thrown out this measure was a feeling of extreme dissatisfaction and discontent with the attitude taken up by the Government of India. It is difficult to understand the attitude of the Independent Party on this measure except that it might be said perhaps in extenuation, if I may say so, of what they have done, that they have considered it their duty to enter a protest against the Government's attitude on the Resolution demanding a Round Table Conference. But, as I pointed out in the beginning, the attitude of the other House is not calculated, according to my judgment, to advance the cause of constitutional reform. I for one have been no sparing critic of Government's actions from time to time. But let me say that during the past year or so, the attitude of Government has not been one which we can characterise as wholly unsatisfactory. There was a time—and unfortunately that time was not in the remote past—when the Government considered it inconsistent with their prestige to take into consideration the current of strong public feeling on a number of questions. Fortunately, that is not the case at present. Whether we take into consideration the Nagpur Satyagraha campaign which, it must be acknowledged, was brought to a happy close by an anxious desire on the part of the Government to terminate it, or whether we take account of the withdrawal of the punitive police from Borsad in the Bombay Presidency, it will be seen distinctly that a change for the better has lately come in the angle of vision, if I may use that term, of the Government of India. We cannot in this connection also forget the release of Mahatma Gandhi for whom, howsoever we may differ from him on a number of questions his countrymen have the greatest respect and esteem. Even the policy pursued by Government in the course of this very Finance Bill which is before this Council would go to show that the Government are quite prepared to take into account public opinion. Sir, while recommending the Bill, it was quite open to the Governor General to have stuck to the terms of the original Finance Bill. Yet, I must acknowledge, that being influenced by the educative criticism that was offered on the Bill, both here and in the Assembly, the terms of the Bill were very considerably modified. Take, for instance, the question of the salt tax itself. In response to public demand it was reduced from Rs. 2 to Rs. 1-4. I do not agree with my friend the Honourable Mr. McWatters when he spoke on the Bill as it has come to us in somewhat apologetic terms. He need have offered no apology for the Finance Bill as it is. The Government of India are rather entitled to be congratulated on being responsive and, in consequence of that response, having amended

[Saiyid Raza Ali.]

the Bill on essential points. Then, again, Sir, we know that only the other day Lord Olivier made a very sympathetic announcement in the House of Lords. True, that announcement does not hold out any very definite hopes. Yet it is an announcement which we could not have expected from his predecessor three or four months back. The announcement is one which is full of sympathy for India and is extremely conciliatory in its tone. On the question of the status of Indians overseas we also know that the Government of India have put up a very brave fight. Only yesterday, Sir, an important statement was made by the Leader of the House. He referred to the scope of the reply that was given by Mr. Richards, the Under Secretary of State, in answer to a supplementary question. I am very glad to find that after all His Majesty's Government have not closed the door upon us for an indefinite period. Rather from the terms of that statement it appears that the Secretary of State will at no distant date be prepared to consider—reading between the lines, if I may say so,—the question of further political advance. Sir, I am for passing this Bill because I have faith in the sincerity of Lord Olivier and the Labour Party. I must also say that I have faith in the justice of Lord Reading who has been at the helm of affairs during the past three years, a very critical period indeed. We also know, Sir, that there is going to be a change in the personnel of the Government of India. Perhaps you are aware, Sir, that a new Member is going to join the Government of India and hold charge of the important department of Home affairs (Hear, hear.) There is no reason to doubt, Sir, that the Government of India, constituted as they will be, would be able to improve the situation and bring about a better understanding between political leaders and themselves. With this change in India and Lord Olivier at the head of affairs in England, I for one have hopes that everything will be done to take steps towards further political advance. Sir, let us not judge the action of the other House too severely. When feelings run high, when passions are excited, people do things which they would not do in their calmer moments, and this applies not only to the Swaraj Party but perhaps equally well to other people whether they are officials or non-officials. Sir, as the immortal Akbar, a well-known poet of Allahabad, has said :

*“Jo na hona chāhie jab tak na ho.  
Kis tara woh ho jo hona chāhie.”*

“Till that happens which should not happen, how can that happen which ought to happen?”

I admit, Sir, that the action taken by the other House is unjustified. Not only is it unjustified but it is action which is extremely dangerous, which instead of advancing our cause is calculated to retard it. But, Sir, as I have said, in excitement people do things which they would not do in their calmer moments, and if in the process of our political evolution it is necessary to pass through these stages, I for one, Sir, shall not be sorry that the Assembly has thrown out and we have passed this Bill.

THE HONOURABLE MR. J. R. MARTIN (Bombay: Nominated Official): Sir, I apologise for rising at this stage. I meant to rise yesterday and tried to catch the President's eye, but, could not, as I am not so expert or experienced in the art of catching the President's eye as my friend on the right. If I failed to do so I have no doubt that I am at fault. I shall attempt at this stage to be brief and I only wish to refer to one point and,

to try to draw one moral from the present Bill and its consequences. The moral is one to which the Honourable the Finance Member referred yesterday. He passed over it lightly. In my opinion it is now not only a question of when the Provinces are to get relief from Provincial contributions, but whether they are to get relief at all. The Honourable the Finance Member expressed his disappointment at the fate of his constructive proposals. It was proposed in the original Bill to lighten the Provincial burdens: this proposal has now only an academic interest, and the lesson which I read is one which I hope will not lead to provincial jealousy but to provincial unity. The contributions are dependent upon the realisation by the Government of India of a surplus, and this again is dependent on a reduction of expenditure while taxation is maintained. Sir, three years have passed since the present financial system came into operation. It enables us, with the fate of the original Bill before us, to see something of the possibilities of this year and the next. We find, Sir, that in the following year there will be initially a deficit of over two crores. It may be, as suggested, that the Honourable the Finance Member has something up his sleeve. We can hardly take that into account before it is brought down. The reduction in Provincial contributions will not take place for the next two years and five years will then have elapsed without any steps whatever having been taken towards the reduction of Provincial contributions. Sir, I would ask whether in this matter the interests of the Government of India are not as vitally concerned as those of the Provinces. The Finance Member has himself indicated this. He talked of a threatened proposal which would do a definite disservice to the interests of Indian finance, and he said it was important to the interests of India as a whole to make a beginning in dealing with the running sore of Provincial contributions. Sir, it is perhaps unnecessary to say at this time of day that of the various rude blows which the reforms scheme has received and of the great handicaps under which it has laboured, the restricted finances of the Provinces have been one of the most serious. I need not refer to the handicaps under which the Ministers have laboured. They were entrusted with subjects which concern social and industrial and educational activities and they have found progress almost impossible. They have been unable to make bricks without straw, and when the time came to render a return to their constituents, the account has not been approved and they have gone down before the attacks of opponents.

I would like to refer to another point in connection with the same financial settlement. It has been repeatedly pointed out by the Provinces that the original scheme was unsatisfactory and unworkable. We have now the experience of three years and we can see two years ahead. Experience has fully confirmed all the fears put forward as regards the results of that settlement. The contributions have not been reduced and are not likely to be reduced in the very near future. We find that the prognostications of the framers of the scheme have not been fulfilled as regards the elasticity and the capacity for expansion of the resources of taxation and income which were left to the Provinces. It has

12 NOON. been shown by a Colleague of mine in another place that in one Province, which I shall not mention, the figures of revenue calculated in the scheme which was framed, and accepted in its changed form, were almost 25 per cent. above those realised in practice. This is not one year's experience; it is based on five years' figures. If the estimates of the Financial Relations Committee had been correct, the Province in

[Mr. J. R. Martin.]

question would have had in five years over 11½ crores more to spend, and similar riches to follow in future years. I need not point out what a difference it would have made to the Province itself and to the Ministers of the Provinces if they had had this money and could have spent it on the oft-quoted "nation-building" services. Sir, the framers of the settlement were, to use a recently quoted phrase, reasonable men. They based their proposals on the best data available at the time, but their calculations have not been realised and their anticipations unfortunately have not been correct. The problem which was put before them for solution was one of assigning to the Provinces sources of revenue which would expand and which would give to those running the Provinces a possibility of advances in various directions. On the other hand the revenues which were assigned were more than the Government of India could afford to give up at the time, and therefore certain contributions were to be made from the Provinces. In another respect to, that is as regards the expansion of revenues and the reduction of contributions in the future, the expectations of the framers of the scheme have not been fulfilled. The settlement which was made at the time is not like the laws of the Medes and Persians, unchangeable. It has already been changed, and the framers of this settlement themselves anticipated that it would be in part changed. They said it would be impossible permanently to exclude Local Governments from some form of taxation, on the industrial and commercial resources of their Provinces. They said that an equitable distribution could be found of the total taxation of the country, but that for this purpose the statistical information available was not adequate. They pointed out that there were practical difficulties, and then went on to propose the best scheme they could propound at the moment. Sir, we have had three years further experience, and we can now see that the present scheme will not come into real operation for two years more. Is it unreasonable to ask the Government of India that they shall now take the steps necessary to revise this scheme in the light of experience, and in the light of better data than were available at the time? Sir, I hope I have made it clear that I speak in no spirit of provincial particularism. I submit the interests of the Provinces and the Government of India are equally involved. They are at one in this matter. I submit that experience has shown that the expectations of this provincial settlement, of the financial relations scheme, have not been fulfilled both in respect of the growth of revenue and of the expectations of the early reduction of Provincial contributions, they have not been fulfilled and are not likely to be fulfilled. Now, Sir, it may be said that this is a very negative criticism and it may be asked, where does it lead? I admit I do not suggest any solution of the problem; all I desire to do is to show to this House and to Government that the problem exists and that the solution of it which appears in the Devolution Rules is no solution at all. The first necessity, the real necessity, is to realise that a change is required. Once the urgency and importance of the problem is admitted, the machinery for investigation and for its solution will not be hard to find. In my opinion it is both urgent and important, and without a fair and equitable and speedy solution of it the reforms scheme and the future of the constitutional needs in India are and will be prejudiced and endangered.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): Sir, at this stage when the motion before the House is

that the Bill be passed, I do not propose to detain Honourable Members with a long speech. Briefly, I do not like this Bill, but I am going to vote for it. I doubt if any of the Honourable Members in this House like the Bill, but I think they also will vote for it, because can we stand aloof and leave it to the Governor General in Council to be the only one to proclaim that, in order to carry on the administration of this country, it is necessary to have revenue? The original Bill, as we know, was refused consideration in the other House. If then it had been introduced in this House and passed with or without amendments, it would have had to go back to the other House, if I understand the procedure aright. No doubt it would again have been thrown out. Therefore there was nothing left but for His Excellency the Governor General to present the Bill a second time in the Assembly in a recommended form; and unfortunately the original Bill, which, at any rate, was a better one than this one, had to be cut down, in the process of being changed to a recommended one. That has been explained to us by the Honourable the Finance Secretary and we have before us a colourless Bill showing no advancement in the financial administration of this country.

In discussing this matter recently with a friend of mine in the other place, he said, "The Assembly has been stupid; they have achieved nothing." I am afraid I do not agree with him. I agree that they have been stupid, but I think they have achieved a good deal, but I wonder whether they are proud of their achievement. They have thrust upon us a Bill which I have described as colourless and which provides for no advancement in the financial progress of this country, but a Bill which, as I said in my opening remarks, of necessity we shall all vote for. The Honourable Saiyid Raza Ali in referring to the Members of the Assembly recommended that men in moments of passion were carried away and said and did things and voted in a manner, which they would not do in their cooler moments. I can only hope that they feel cooler now. Sir, I support the passing of this Bill.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): Sir, just as in the life of a man so in the life of a Bill there are something like three stages, the first is that of birth, the next is that of education and the third is naturally his work in the world. This Bill, we know, came in here and was introduced. That was its birth and all the figures have been given without reference to papers and from memory; so it came in all right. As regards education, there are kind masters and hard masters. Some prefer to teach by beating, while others prefer to teach by kindness. So, the discussion stage is the education stage of a Bill as I call it. And the third stage now is that we are sending it out to the world. This I call the stage of benediction. I am a Brahmin and believe myself to be a very superior person, and I will give the Bill my blessing as it goes round in this stage of blessing. In this stage, there are three points that I should like to take up for my purposes. The Right Honourable Srinivasa Sastri did make, what I consider, a sort of analysis and recommended the Bill on one point. It came to this that without criticising anybody and sympathising with everybody he considered that this Bill should have been passed, because the Labour Government had not had time and have not the power just now to help us. Therefore, as a measure of expediency we should have passed this and helped our friends in England. There were other speeches to which I

[Mr. G. S. Khaparde.]

do not want to refer. But my friend Saiyid Raza Ali, who is not now in his place . . . .

THE HONOURABLE SAIYID RAZA ALI: I am very much in my place.

THE HONOURABLE MR. G. S. KHAPARDE: I beg his pardon. He at one time appeared to go back to the old formula, the old formula which was earlier than the birth of this Council, and that was to rally the Moderates. He thought it was just as well to rally the Swarajists. That is what he said it would come to, excusing everything else. Well, personally for myself, I have a third and a higher point. The policy that I am going to mention is also found in the famous declaration of 1917. The last paragraph of that declaration says that all the progress will depend upon how the trust now reposed is carried out and how it is not carried out. That is what we call responsive co-operation, and that is the school I happen to belong to, and it is a small school and generally it is a school to which all people, including some of the no-changers have come to. Mine is the oldest school, namely, of responsive co-operation. And in that declaration, the British Government and the Home Government declare: "Look here, we are going to do something for you, and the speed at which we proceed and the way in which we do it will all depend upon how you respond to our call. If you help us, we shall help you and the thing will go on and progress. If you choose to obstruct and if you choose to be carping and try to be very critical, we shall in turn be critical and see whether you deserve to get more." That is what, plainly speaking, the declaration means. That is to say, they committed themselves to a policy of responsive co-operation. I and a much higher person who is not now in this world fully proclaimed this policy of responsive co-operation. We said, "If you are going to do it, we are very glad. We shall also do our portion with great pleasure. If you want our help, we shall help you", and the thing went on. A different policy has come in now, which I do not want to criticise, because I do not happen to share those feelings and I do not appreciate it. Perhaps I would be doing injustice if I talked about it. As it was pointed out by the Honourable speaker who spoke before me, they succeeded in doing one thing anyhow and that is a very good Bill has come in; they revised the Bill, and therefore we have to put up with a worse Bill, if I may speak of it in that way. Now, I do not think it is anything like a bad law. This is all right. It is just like this. When children are beaten by schoolmasters, they decline to go to school and when another schoolmaster is kind, they want to go to school; then again there is the kindergarten system which makes play and learning very much alike, and children take to it all the more easily. Similarly, in this case, we are a nation that is growing up. When some of us get beaten, we are angry; others get on very well and are willing to go on and it covers the third section which looks upon doing the work more or less as people enjoy the kindergarten system. So, this world being constituted as it is, there are three kinds of responses that come. But the statesman, as I am supposed to be an elderly statesman, being a Member of this House, however, analyses all these matters, leaves aside what is unimportant and unessential and takes the essentials. The essential point is that this policy of responsive co-operation should be carried out to its uttermost, no matter what the circumstances are. The policy will remain the same and we

will always carry it out; and in this particular instance when we are sending out this Bill, we are doing the same. Now, there are the sponsors of it or the parents that gave birth to it, namely, the Government of India; and we, who saw the Bill passed, namely, those who were concerned in the process of education will also go there and see how the Bill progresses. We can say we gave education and sent it out with its master and also with its godfather. So taken together, we are sending out this Bill with the greatest of good-will, though it is tempered a little. We could not have it as it was originally framed, though originally it was in a better form. But that does not matter. I am sure that this Bill will succeed, and I believe when we have got to deal with a similar Bill, it will not suffer from these disabilities. There is a humour in the situation. In the other House, they voted for so many items and said to Government "You can incur so much of expenditure," and when Government said that to incur that expenditure they wanted money, the other House said "We are not going to give you the money; you ought to do the expenditure part of it. We will not give you anything." That was a ludicrous kind of position, and I am glad that we are here to extricate the present administration out of this awkward position. That is how I look at it. I laughed to myself and I said this is very good indeed. I ask my agent for a house. He says he has got a beautiful palace with a garden attached to it, which is in every way very comfortable. He does not ask for a single pice. I tell him that the garden must have cost a crore of rupees and the palace must be worth another ten crores of rupees and then there is furniture and everything else. When I ask him if he wants any money for it; he says nothing at all. That is a position which has rather its own humour and it appealed to me and I laughed and said I would not talk about it just yet. But I am very glad to see that our Council has treated the Bill well. It has discussed it not very tenderly, though sometimes it has treated it tenderly, but justly, and more or less in a critical fashion. We have done everything that we could to improve it. Fortunately, it came out in such a good form or rather in such an emaciated form that it could not be emaciated any further. If you take one ounce of blood out of it, the whole thing will come to an end. However, be that as it may, even the skeleton Bill has my blessings and we send it out from here with all possible good-will and hope that its brother, when it comes here next year, will not have any of these difficulties to deal with. With these words, Sir, I propose that we vote for this Bill unanimously.

THE HONOURABLE SIR ZULFIQAR ALI KHAN (East Punjab: Muhammadan): I wanted to speak on this Bill yesterday late in the evening but when I saw the weary faces of the Honourable Members after a whole day's toil, I thought it wise to exercise self-denial. This morning, Sir, I think, the Honourable Members are quite fresh and I may claim a little indulgence. The Honourable Saiyid Raza Ali in the course of his long speech reviewed the reasons which actuated the other House for throwing out this Bill in the beginning and then not accepting its introduction. The main reasons given, and which are known to us all, are that the Members of the other House, thinking that Government made no response to their demands, thought that they would force the hands of Government in conceding some measure of further reform by rejecting this Bill. Sir, it may be wise on their part but for a man who is not an initiate, it is very difficult to form a good idea of the reasons—weighty reasons—which they had in view. The question of reforms has been agitating the minds of the Indians ever since

[Sir Zulfikar Ali Khan.]

1917. The present reforms were promised in 1917 and after the war the present measure was given to us. We are still, although some will not admit it, in the experimental stage, and I think the world at large, and India in particular, is keenly interested in the development of this experiment. To my mind, Sir, the question of reform is dependent on the development of the soul of the people. If the soul of the people is aflame, if the whole nation is one, then it is the divine law that no power can stand in the way of its advance. But, Sir, it is an irony of fate that, while some of us want further reforms, we ourselves are not willing to do justice to one another. We have not, I am sorry to say, the wide vision of those who have made nations and who have guided the nations to the goal put before them. We are rather actuated by petty-mindedness and by narrow sectarian views. I am not one who would denounce the idea of reforms or would stand in the way of a nation, especially of my own nation. Even if I tried to do so, the onrush of national tide would sweep me and others away. The whole question is whether those who speak for three or four hours are willing to concede anything in the larger interests of the nation. I have no doubt that the British Government who have attained to their present position step by step and have now become the freest people in the world will not deny to Indians that heritage which is theirs by selfishly monopolising the power in India. Once they see that the whole of India, irrespective of caste and creed, is united in one purpose and is determined to march forward and is not actuated by a petty spirit, they will be the first to come forward, even if they did not want it, to hand over the keys of the Indian administration to us. But we have to see what the actual situation in India is. I am not in any way exaggerating the real situation which is facing us. When I see the state of sanitation, the state of the women, the state of the uneducated children, the neglect and carelessness that prevail everywhere, I must admit that I feel very disappointed in spite of all the interest that I may have in the welfare of my country. We must first direct our attention to the uplifting of the whole nation. The Government have certainly helped us by imparting education and by giving us an insight into administration. But I would like to ask some of those who have voiced their sentiments here if they have done anything for their own country and for their own people. Sir, it would not be out of place here to say that the two countries which have been under the protection of the British—Egypt and India—these are the two countries which have come forward to claim their heritage. Egypt has got it to a very large extent; India I hope will soon get it. There are other oriental countries under the control of European Powers, such as France and Russia. France has got practically the whole of Northern Africa inhabited by some very intelligent races such as the Tunisians, Algerians and Moors. I would like to ask my Honourable friends to reflect a little and see what state of affairs exists in those countries. Have the French given those people any rights or are they giving them any education such as we are getting here, or do they put before them any goal of independence? As far as I know, the great question which exists in the North of Africa is that the French colonists are trying to appropriate the most fertile lands and to drive the Moslems towards the south.

THE HONOURABLE THE PRESIDENT: I do not wish to hurry the Honourable Member, but I would remind him that this is the third reading of the Bill.



THE HONOURABLE SIR ZULFIQAR ALI KHAN: I think, Sir, I have not taken one-tenth of the time that others have taken.

THE HONOURABLE THE PRESIDENT: My point is that this is the third reading of the Bill, and many of the points with which he is dealing have already been gone over.

THE HONOURABLE SIR ZULFIQAR ALI KHAN: I was, Sir, dealing with those problems which actuated the other House in rejecting the Bill; but if you do not like me to speak on this subject I will desist.

THE HONOURABLE THE PRESIDENT: I do not wish to confine the Honourable Member in any way, but I would say that many of the points which he deals with have already been gone over. This is now the third reading of the Bill.

Will the Honourable Member continue?

THE HONOURABLE SIR ZULFIQAR ALI KHAN: In all this, Sir, as an Indian and an educated Indian I have every sympathy with the aspirations of my own people. It was only in the way of indignation that I said so and I hope that those who listen to me here and who have the ear of the public outside will act in such a manner as to remove all inter-communal bickerings. It is the only way to attain Swaraj, and if they do not cultivate these virtues I am afraid, Sir, that Swaraj will be a remote contingency.

Sir, last year there was such a big agitation over the salt tax that one is rather surprised at the waste of energy of the political leaders in devoting their time to this question, because after all it was not such an oppressive burden as to demand their attention to this extent. But it is a great credit to the Finance Member that he has brought the tax down to the original amount. I think we may congratulate the Government on this wise decision.

With regard to the Post Office, as my Honourable friend, Rai Bahadur Lala Ram Saran Das said yesterday, there is certainly an amount of laxity and one does feel that the efficiency shown in previous years does no longer exist. Letters are lost and sometimes deliveries are very irregular, and therefore I would ask that the Post Offices may have a little more attention from the head of the office.

With regard to the Army, Sir, I am one of those who maintain that armies should be kept very efficiently, but when the army is efficient it may not be in such large numbers. Efficiency naturally bespeaks a small army, especially when there is no very big army on the frontier. My Honourable friend said yesterday that the Waziristan Force might be maintained so that the raids that are committed may not be committed again; but, Sir, he forgets that the maintenance of this large force in Waziristan is costing Government a treasure and after all who is to bear the burden of this big expense? It is the poor. And then the Rai Bahadur was rather anxious about the increase of the tax on salt. I cannot understand how he can advocate this big expenditure on the Army in Waziristan.

With regard to the income-tax, I agree with the Rai Bahadur that the unrealised portions of rents may not be subject to taxation.

Sir, with these few remarks I give my whole-hearted support to this Bill.

**THE HONOURABLE MR. A. C. MCWATTERS** (Finance Secretary): Sir, I move that the question be now put.

**THE HONOURABLE THE PRESIDENT:** The question is that the question be now put.

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be passed."

The motion was adopted.

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

**THE HONOURABLE MR. A. C. MCWATTERS:** Sir, I beg to move:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

This small Bill is designed to remove certain defects and to repair certain omissions which occur in the existing Income-tax law. It relates to four separate matters. It has already been considered by a Select Committee of the other House, and I specially mention this point because the Select Committee of the other House made certain changes and introduced a new clause which has had the effect of altering the numbering of the clauses in the Bill as they now appear as compared with the numbering referred to in the Statement of Objects and Reasons.

The first of the amendments proposed is dealt with in clauses 2, 3, 7, 8, 9 and 11 of the Bill. The object of this amendment is to make it clear that associations of individuals which are not companies, registered firms or Hindu undivided families are liable to income-tax. It has been the practice in the past to tax such Associations, and it was clearly the intention of the Income-tax Act, as is in fact shown by the definitions therein. But some of the later sections of the Income-tax Act and also the Schedules which are attached to the various Finance Acts proceed by enumeration of the classes of assesses, and that enumeration refers only to individuals, companies, registered firms and Hindu undivided families and does not deal explicitly with associations of individuals. Some doubt therefore may possibly arise, although the point has not actually been taken, whether associations of individuals such as clubs, which may not be companies, are liable to taxation. It is the object of the first amendment to make this point clear. I may mention that clause 2, which was added by the Select Committee in the other House, provides that service of notice on such Associations shall be made on the principal officer of such Association. This is merely as a matter of convenience. Clause 11 of the present Bill is intended to validate assessments which have been made in the current year, and also in view of the fact that the Finance Bill, which the House has just passed, refers by enumeration, as I have described, to certain particular classes of assesses, to make it clear that associations of individuals shall, in the coming year also, be liable to taxation.

The second amendment which this Bill proposes to make is dealt with in clause 6 of the Bill. That clause proposes to amend section 25 of the

Income-tax Act of 1922. Section 25 of the Act deals with the procedure in assessment of businesses which discontinue operations in the course of any year. The necessity for that section arises from the fact that the method of assessment of income-tax was changed when the Act of 1922 was passed and the old adjustment system was then abolished. The result is that if a business has been assessed both under the old Act of 1918 and the new Act, when it comes to be discontinued, it will have paid income-tax for a year longer than a business which has only been assessed under the new Act. That is the distinction between these two classes and the Select Committee on the Bill of 1922 sought to give relief to businesses which had been assessed under both the Acts. But unfortunately, as the Act of 1922 is worded, it does not carry this out. The wording of the Act as it stands refers to the date on which the businesses came into operation, and not to the fact that they had been assessed under the old Act or only under the new Act. This is merely a drafting amendment intended to give effect to what was the intention of the Select Committee of the Bill of 1922.

The third amendment is a very simple one. It is referred to in clause 10 of the present Bill, and the object of it is simply to impose a time limit for applications under section 66 (3) of the Income-tax Act which may be made by an assessee to the High Court with the object of requiring the Commissioner of Income-tax to state a case in law. I will explain the position briefly. Under section 30 of the Income-tax Act, an appeal lies from an assessment by an Income-tax Officer to the Assistant Commissioner, and a further appeal within one month lies to the Commissioner under section 32. The Commissioner hears and normally disposes of that appeal, but if a point of law arises, the assessee has the right to apply to the High Court for revision within one month of the Commissioner's order. On the other hand, the Commissioner also has the right to refuse to state a case on the ground that no point of law arises. The Act goes on to state in section 66 (3) that the assessee may himself in those circumstances apply to the High Court for a *mandamus* that the Commissioner be asked to state a case, but that section omits to mention a time limit. In practice cases have arisen in which such applications have been postponed for a year or more, and this is an obvious inconvenience both to the Courts and to the Income-tax officers and in fact to the assessee themselves. In the Bill as it originally went to the other House, it was proposed to fix a time limit of one month, but the Select Committee have extended it to six months, which I think the House will agree, is a very liberal provision.

I now come to the fourth amendment, which is the most complicated and technical. That is the amendment dealt with in clauses 4 and 5 of the Bill. A very curious and accidental circumstance has caused an anomaly in our Income-tax procedure. It has resulted in a few provident funds of private companies, in two Provinces only, being able to claim the exemptions from income-tax referred to in sections 4 and 15 of the Income-tax Act. This result was entirely accidental and it arises because of the wording of the Provident Insurance Societies Act of 1912, read with the Income-tax Acts of 1918 and 1922. The Provident Insurance Societies Act of 1912 is an Act which relates to a certain number of very small societies which do insurance business, and the Act is regulated by rules made by Local Governments. Two Local Governments, Bengal and Burma, have held that provident funds of private firms should be classed as coming within the Provident Insurance Societies Act, but as it is obviously undesirable to apply the restrictions of that Act to such provident funds, they have exempted them from the Act. But the Income-tax

[Mr. A. C. McWatters.]

Act in sections 4 and 15 gives certain exemptions from income-tax both to provident insurance societies and to societies *which have been exempted* from the Provident Insurance Societies Act, with the very curious result that these few provident funds have been able to claim exemption from income-tax, which was never intended by the Local Governments, and to which they are not entitled. The position is one which cannot be allowed to stand. To begin with it can only apply to very small provident funds because of the limits of the Provident Insurance Societies Act itself, which only relates to companies doing very small business. In the second place it does not apply to provident funds in Provinces other than Bengal and Burma since no other Local Government has taken this action, and therefore the Government of India consider that the best thing to do is to clear up the position by amending the Income-tax Act so as to make no reference to the Provident Insurance Societies Act. I know that some Members here are interested in the general question as to how and under what conditions provident funds of private companies should be treated as regards income-tax, and I wish to give an assurance that once this anomaly has been cleared away, this question will be considered on its merits. There is probably a case for making special provision regarding such provident funds as comply with certain conditions, and this matter will be considered as a separate question.

But there is another point in this amendment. The House will observe that the method by which we propose to get rid of this anomaly is to remove altogether the reference to provident insurance societies; in other words, that we propose also to take away from provident insurance societies, which are governed by the Act the exemption which such societies now enjoy. The Provident Insurance Societies Act was passed in 1912, and some 14 years ago, when I was serving in the Commerce Department in another capacity, I had a great deal to do with the preliminaries which led up to this particular Act. There were at that time some 1,200 of such insurance societies in operation. They led a short life and a merry one. It varied from five to ten years, in the course of which time they managed to collect a certain amount of subscriptions from the more ignorant of the public, and they then disappeared. There was a regular cycle of them rising and falling. That is the reason why this Provident Insurance Societies Act was introduced, at the same time as the major Act dealing with Life Assurance Companies. These societies are too small to come under the provisions of the Life Assurance Companies Act and therefore a special Act was passed to enable Local Governments to control the operations of these societies and to protect the public. The result of the working of this Act in the last 12 years has been that 29 only of these societies remain, of which 18 are moribund, and of the remaining 11, I will only say that our expert officer who has been dealing with this question tells me that it would be all the better if these eleven societies underwent actuarial valuation. The view of the Government of India is that societies of this kind have no more right to be exempt from income-tax than other insurance companies. The removal of all mention of these societies in the Income-tax Act will mean that they will enjoy exactly the same privileges as any other company doing insurance business, and no more. But I may add that as regards existing societies, since they have enjoyed these exemptions in the past, Government do not propose to make any alteration in the existing practice.

They can be exempted by notification. It is only in respect of new societies that the change will apply.

I hope, Sir, that I have made clear this rather complicated and technical problem and I commend the Bill for the consideration of the House.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY (West Bengal: Non-Muhammadan): Sir, I am one of those that the Honourable Mr. McWatters referred to. Bengal, according to him, in the bad company of Burma has been offending and abusing the provisions of the Income-tax Act, availing of obscure provisions of the Provident Insurance Societies Act of 1912. This is a matter, Sir, for settlement between the Central Government and the offending Governments, and if they have exceeded their powers or misinterpreted the provisions of the Act, and if they have set up a body of rules under which most excellent results have been attained, that is a matter that, I submit, ought to be settled between the Central Government and the offending Governments. That, however, is absolutely no reason why the somewhat heroic remedy of an amputation in the regions of the neck should be resorted to for the purpose of curing a headache. My Honourable friend has referred to the Act of 1912 somewhat in the light of what I might call a killing Act. But in the process of killing, there was an attempt to conserve the smaller and better provident insurance societies that did not do that good which was expected, but that would be able to do it if they were properly handled. The bigger insurance companies would not look at the intending smaller insurer. I myself discovered that when I wanted to start a small insurance and provident fund system for our teachers and workers in the University who could not afford heavy premiums. These bodies that are now to be deprived of an old right dealt with small premia. The bigger insurance companies have been left out of the purview of the Income-tax Act and rightly so. But the smaller societies which are governed by the Act of 1912 are now proposed to be taken out of the purview of the concession of the Income-tax Act. The question of premia in their case will not be much of a practical matter, because in spite of the Honourable Nawab Sir Umar Hayat Khan, the Government do not propose to tax incomes of less than Rs. 2,000. Therefore, so far as . . . . .

THE HONOURABLE MR. A. C. McWATTERS: On a point of explanation, Sir, there is no question of special treatment as regards premiums. These societies will be in the same position as any other company doing life assurance business as regards premiums.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I am glad to hear that, but it is a matter of no consequence. There is the question of the securities of these companies. They also require protection by a concession which they have so long enjoyed and which is to be withdrawn for no good reason. If a company is well conducted, because it is small, there is no reason why its securities should not continue to enjoy the rights so long enjoyed which were deliberately given to such companies under the Act of 1912. The Government are probably correct in their annoyance with the Government of Bengal and the Government of Bombay—I mean the Government of Burma . . . . .

THE HONOURABLE SIR ARTHUR FROOM: Not Bombay.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: I have already antagonised Bombay by a slip of the tongue. Bombay is so immaculate that it does tolerate an inadvertent slip of this kind. Supposing

[Dr. Sir Deva Prasad Sarvadhikary.]

the Government of my province, Bengal, and that of Mr. Vedamurti had been doing things that they ought not to think of in any fashion, I submit, Sir, absolutely no case has been thereby made out why the Act of 1912 should be taken out of the purview of the Income-tax Act, without a much stronger case. I am glad, however, to welcome my friend's assurance that these provident insurance funds will be adequately and sympathetically dealt with. I know that my friend to my right (Mr. Bell) and others like him who have been trying to build up the trade and commerce of Calcutta know that some of our merchant princes, private employers, corporations like the Corporation of Calcutta, the University and other teaching bodies are trying now to provide provident funds for their employées. They cannot all avail themselves of the excellent provisions of the postal insurance fund. I acknowledge with gratitude that in the case of the University workers and workers of the Port Trust and some other important bodies, the provisions of the postal insurance fund have been extended; and if the provisions were extended, at all events, say to deserving bodies of public workers, like teachers of recognised schools and colleges, much of the grievance that I have in mind would disappear. But till that is attained in the case of the private companies and corporations and bodies that I have mentioned which are trying to build up the provident fund system, I do not think this healthy and long standing provision ought to be interfered with. I say again that I welcome the assurance that a very sympathetic treatment will be accorded to the private provident fund societies, and anything that Government can do to protect the securities and funds of these societies in the matter of exemption from Income-tax will, I am sure, be a great public relief.

**THE HONOURABLE THE PRESIDENT:** The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

**THE HONOURABLE THE PRESIDENT:** The House will now proceed to the detailed consideration of the Bill.

Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were added to the Bill.

The Preamble was added to the Bill.

**THE HONOURABLE MR. A. C. MCWATTERS:** I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

**THE HONOURABLE THE PRESIDENT:** The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

#### AMENDMENT OF STANDING ORDERS.

**THE HONOURABLE MR. J. CREHAR** (Home Secretary): Sir, at this hour and after its long, and not unexacting pre-occupations with wider and weightier issues, I think I shall correctly interpret the wish of the House if I "imitate the honourable Romans in brevity." This can be

said, without any disparagement to the real importance of any improvement in our procedure, because I think that, when the House referred the amendment to the Select Committee, they then approved of it in principle. The rest was largely a matter of detail and of drafting. That work, as the House will acknowledge, has been carefully and scrupulously performed by the Select Committee. I am happy on my own part to acknowledge that the amendment, as it has been reported by the Select Committee, is a distinct improvement upon the form in which I originally presented it and I commend it to the favourable attention of the House. Sir, I move:

"That the Report of the Select Committee on the proposed amendment of the Standing Orders, relating to the quorum of members of Select Committees, be taken into consideration."

The motion was adopted.

THE HONOURABLE MR. J. CRERAR: Sir, am I at this stage to move that the Standing Order as amended be passed? If so, I make that motion.

THE HONOURABLE THE PRESIDENT: The question is:

"That the \*Standing Order as amended be passed."

The motion was adopted.

### VALEDICTORY REMARKS OF THE HONOURABLE THE PRESIDENT.

THE HONOURABLE THE PRESIDENT: As this is the last time I shall have the honour of presiding over this Council, I take this opportunity of thanking all the Members from whatever section of the House for their continued courtesy, kindness and support to the Chair during my tenure of office. The appointment of a first President of the Council is not perhaps altogether the bed of roses some people seem to think. I will not say that it is laborious but we had to start our practice and procedure on sound foundations. Even in the matter of the "speakers' eye" discretion is necessary. I may say for myself that I have always endeavoured, as far as possible, to catch representative opinion from all sides of the

\* "After Standing Order 39, the following Standing Order shall be inserted, namely:

- '39A. (1) At the time of the appointment of a Select Committee, the number of persons whose presence shall be necessary to constitute a quorum of the Committee shall be fixed by the Council.
- (2) If, at the time fixed for any meeting of a Select Committee, or at any time during such meeting, a quorum is not present, the chairman of the Committee shall either adjourn it forthwith to a future day, or shall defer the commencement, or suspend the proceedings of the meeting for such period in the same day as he may deem reasonable, and, if at the expiry of such period a quorum is not present, he shall adjourn the Committee to a future day.
- (3) Where a Select Committee has been adjourned in pursuance of sub-order (2) on three successive days fixed for meetings of the Committee, the chairman of the Committee shall stay further proceedings, and shall report the reason for so doing to the Council."

[The Honourable the President.]

House. (Applause). It is not possible, having regard to the ordinary exigencies of debate, to enable every Member to speak on every subject and I do not think the House would wish it. But what one has to do is, as far as possible, to catch representative members of the House in such a way as to produce a debate which elicits the true trend of opinion and enables all views to be brought forward. I know it is very annoying—and I am very likely to feel it myself—to Honourable Members who come down prepared with their speeches not to have an opportunity of delivering them. But as the Council develops and the sense of Parliamentary responsibility is imparted, it will be found that, as in the House of Commons, Members will arrange among themselves to take different points. Then it will be easier for the President to get a good debate without any Member who has a desire of participating in the debate feeling he has been neglected.

I should like further to say just a word or two of thanks to the officials of the House, more particularly to Messrs. Graham and Periera who sit at the table. (Applause.) They have very much facilitated my work by the way in which they have put up papers before me, and I think Honourable Members will agree with me that they have been most useful to the Council (Applause.) I shall not, as I said before, again preside in this Chair but it will always be a matter of great satisfaction and pride to me that I have been permitted to be the first President of the premier legislative body in the Indian Empire. (Applause).

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, on this the last occasion of your occupation of the Chair in this House I deem it, as the Leader of the House, my duty to offer to you our grateful thanks for your unvarying courtesy, for your impartiality and for the excellent manner in which you have discharged the duties of the high office which you have occupied during the last four years. It has been to every one of us, officials as well as non-officials, a real pleasure to have had for the President of this Council a gentleman of your ability and your experience and of your knowledge of procedure and of law. (Applause.) You are now leaving us in order to occupy perhaps a more responsible and a more difficult position. I can assure you on behalf of my Honourable Colleagues present here to-day and on behalf of those who are absent that our best wishes go with you for the success in your new sphere of life. (Applause).

THE HONOURABLE RAJA PRAMADA NATH RAY OF DIGHAPATIA (East Bengal: Non-Muhammadian): Sir, I associate myself with the remarks that have fallen from the Leader of the House and we hope that you will have a successful career. Although the Home Membership, as was said the other day, is not a bed of roses, still we have great hopes from you. What we shall really look forward to is that, although you may be on our visiting list, we shall be able to have opportunities of seeing you here and being cheered up. With these few words I congratulate you most heartily on your new appointment.

THE HONOURABLE THE PRESIDENT: I thank the Leader of the House and the last speaker for their kind remarks on behalf of the whole House.



and, as the House has already congratulated me on another occasion on my appointment to the Home Membership, I will not prolong this parting scene but I would ask the Honourable Members to shake hands with me before I take leave. I adjourn the Council till the 27th of May.

(Honourable Members then shook hands with the Honourable the President.)

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The Council then adjourned till Eleven of the Clock, on Tuesday, the 27th May, 1924.

# INDEX.

	PAGE.
<b>ABDUL KARIM, THE HONOURABLE MAULVI—</b>	
Congratulatory to the President on his appointment as Home Member of Governor-General's Executive Council.	409
Indian Finance Bill ... ..	687—689
Oath of office ... ..	1
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	75
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	620—621
<i>See</i> "Questions and Answers."	
<b>ABSENCE—</b>	
Remarks by the President <i>re</i> — of the Leader of the House and the member in charge of a Resolution from the Council on 4th February 1924.	79
<b>ACCOMMODATION—</b>	
Question <i>re</i> failure of certain members of Indian Legislature to pay rent for — occupied by or reserved for them.	590—591
<i>See</i> "Longwood Hotel, Simla."	
<b>ACHARYA CHAUDHURI, THE HONOURABLE MAHARAJA SHOSHI KANTA—</b>	
Election of — to the panel of Standing Advisory Committee attached to the Department of Education, Health; and Lands.	242
General Discussion of the Budget for 1924-25 ... ..	427—428
<i>See</i> "Questions and Answers".	
<b>ACT—</b>	
<i>See</i> "Life Insurance Companies —".	
<b>ADVERTISEMENT(s)—</b>	
Question <i>re</i> income from — on inland telegraph forms ... ..	34—35
<b>ADVISORY COMMITTEE(s)—</b>	
Question <i>re</i> formation of local Railway — ... ..	237—238
<i>See</i> "Emigration —".	
<i>See</i> "Standing —".	
<b>ADVISORY COUNCIL—</b>	
Question <i>re</i> constitution of Central Railway — ... ..	236
Question <i>re</i> meetings of Central Railway — ... ..	236—237
<b>ADVISORY PUBLICITY COMMITTEE—</b>	
<i>See</i> "Publicity Committee".	
<b>AGA KHAN, HIS HIGHNESS THE—</b>	
Resolution <i>re</i> award of the Nobel Prize for peace to — ... ..	86—101
<b>AGRA—</b>	
<i>See</i> "Bombay, Baroda and Central India Railway".	
<b>AKALI JATHA(s)—</b>	
Question <i>re</i> prevention of — from proceeding to Jaito from British territory.	513—515

	PAGE.
<b>AKBAR KHAN, THE HONOURABLE MAJOR NAWAB MUHAMMAD—</b>	
General discussion of the budget for 1924-25 ... ..	463—464
Resolution <i>re</i> child welfare movement ... ..	295—296, 299
Resolution <i>re</i> unemployment in India ... ..	263—264
<b>ALARM CHAIN(s)—</b>	
Question <i>re</i> use of — in railway carriages ... ..	586
<b>ALI BAKHSI MUHAMMAD HUSSAIN, THE HONOURABLE MR.—</b>	
See "Questions and Answers".	
<b>ALLIANCE BANK—</b>	
Question <i>re</i> report of the — Inquiry Committee ... ..	7
<b>ALLOWANCE(s)—</b>	
Question <i>re</i> — of members of the Imperial Services	641
See "Ecclesiastical Establishment".	
See "Superior Service(s)".	
See "Tribal Chief(s)".	
<b>AMENDMENT(s)—</b>	
Ruling by the President disallowing a Member from moving — to his own —, when that — is being put to the House.	100
Ruling by the President <i>re</i> effect of — in the case of a Bill recommended by the Governor-General under Section 67-B of the Government of India Act.	717—718
Ruling by the President that the mover of a Resolution cannot move formal — to his Resolution at a stage when he is replying to his Resolution.	112
<b>AMENDMENT OF STANDING ORDERS—</b>	
See "Standing Order(s)".	
<b>AMIN-UL-ISLAM, THE HONOURABLE KHAN BAHADUR—</b>	
Remarks <i>re</i> proposed gift to the Council by one Babu Devaki Nandan Prasad Singh of a painting of His Excellency Lord Reading.	307
<b>AMIRUDDIN AHMAD, KHAN BAHADUR, OF LOHARU, THE HONOURABLE NAWAB SIR—</b>	
Election of — to the Emigration Committee ... ..	305
General discussion of the budget for 1924-25 ... ..	419—421
Oath of office ... ..	1
<b>ANDAMANS—</b>	
Question <i>re</i> colonization of the — ... ..	39—40
Question <i>re</i> deportation of prisoners to the — ... ..	38—39
<b>ANSWER(s)—</b>	
Question <i>re</i> placing of — to questions on the table ... ..	272
<b>ARMY—</b>	
Question <i>re</i> amounts paid by way of gratuity, etc., in 1922-23 to officers of the — who retired or were demobilized.	119
See "Clements, Robson and Company, Messrs".	
See "Dairies, Military".	
See "Hospitals, Military".	
See "King's Commission(s)".	
See "Surplus British Officer(s)".	
See "University Training Corps".	
See "Viceroy's Commission".	
<b>ARMY (AMENDMENT) BILL—</b>	
Announcement <i>re</i> assent of the Governor-General to — ... ..	18

	PAGE.
<b>ARIATIOS—</b> <i>See</i> "Indo-China".	
<b>AUXILIARY FORCE(s) (AMENDMENT) BILL—</b> Announcement <i>re</i> assent of the Governor-General to the Territorial and —.	17
<b>AWAKENING OF INDIA—</b> Supplementary question <i>re</i> prohibition of the importation of the Right Honourable Ramsay Macdonald's book — under the Sea Customs Act.	11
<b>AYYANGAR, THE HONOURABLE MR. K. V. RANGASWAMY—</b> Indian Finance Bill ... .. Resolution <i>re</i> restrictions and disabilities imposed on ... Indians in South Africa. ... .. Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan. ... .. Resolution <i>re</i> unemployment in India ... ..	704 625 89—90, 97 259—263, 290
<b>BAHADUR SINGH, MR.—</b> Question <i>re</i> pay of — on deputation to the Public Works Department, Delhi.	637
<b>BAHRAM KHAN, THE HONOURABLE NAWAB SIR—</b> Remarks on the death of — ... ..	1—4
<b>BALUCHISTAN—</b> Question <i>re</i> railways in — ... ..	240—241
<b>BAR COMMITTEE—</b> Question <i>re</i> report of the Indian — ... ..	647—648
<b>BAROOAH, THE HONOURABLE SRIJUT CHANDRADHAR—</b> Indian Finance Bill ... ..	667—670
<b>BARRON, THE HONOURABLE MR. C. A.—</b> Remarks by — on the death of the Honourable Nawab Sir Bahram Khan. ... .. Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	3 163
<b>BEGGAR(s)—</b> Question <i>re</i> — on railway station platforms ... ..	586
<b>BELL, THE HONOURABLE MR. J. W. A.—</b> General discussion of the budget for 1924-25 ... .. Remarks <i>re</i> presentation of the budget on the afternoon of the 29th February 1924. ... .. Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugar-cane cultivation in India. ... .. Resolution <i>re</i> substitution of a provident fund for the existing pension system. ... .. <i>See</i> "Questions and Answers".	449—453 328 539—540 253—255
<b>BENGAL—</b> Question <i>re</i> railway extensions in — ... .. <i>See</i> "Flood(s)".	239
<b>BEPAR—</b> Question <i>re</i> representation of — on the Central Provinces Legislative Council and the Indian Legislature.	567

	PAGE.
<b>BHURGRI, MR. G. M.—</b>	
Condolences on the death of — ... ..	517—519
<b>BILL(S)—</b>	
Announcement <i>re</i> assent of the Governor-General to — ...	576
Cantonments — ... ..	576
Central Board of Revenue — ... ..	18
Charitable and Religious Trusts (Amendment) — ... ..	17
Code of Civil Procedure (Amendment) — (Attachment of Govern- ment Servant's salary).	17
Code of Civil Procedure (Amendment) — (Restitution of conjugal rights).	17
Code of Criminal Procedure (Further Amendment) — ...	18
Code of Criminal Procedure (Second Amendment) — ...	18
Criminal Tribes — ... ..	648
Cutchi Memons (Amendment) — ... ..	18
Immigration into India — ... ..	576
Indian Army (Amendment) — ... ..	18
Indian Cotton Cess (Amendment) — ... ..	576
Indian Electricity (Amendment) — ... ..	18
Indian Income-tax (Further Amendment) — ... ..	17
Indian Lunacy (Amendment) — ... ..	17
Indian Paper Currency (Amendment) — ... ..	18
Indian Penal Code (Amendment) — ... ..	576
Indian Ports (Amendment) — ... ..	18
Indian Stamp (Amendment) — ... ..	18
Indian Tariff (Amendment) — ... ..	648
Indian Territorial and Auxiliary Forces (Amendment) — ...	17
Indigo Cess (Repealing) — ... ..	17
Land Acquisition (Amendment) — ... ..	18
Mahendra Partab Singh Estates — ... ..	17
Moorshedabad (Amendment) — ... ..	17
Mussalman Wakfs — ... ..	18
Repealing and Amending — ... ..	648
Sea Customs (Amendment) — ... ..	648
Special Marriage (Amendment) — ... ..	17
— LAID ON THE TABLE AS PASSED BY THE LEGISLATIVE ASSEMBLY:—	
Central Board of Revenue — ... ..	332
Immigration into India — ... ..	17
Income-tax (Amendment) — ... ..	615
Indian Coinage (Amendment) — ... ..	332
Indian Cotton Cess (Amendment) — ... ..	81
Indian Penal Code (Amendment) — ... ..	332
Indian Tariff (Amendment) — ... ..	484
Repealing and Amending — ... ..	355
Sea Customs (Amendment) — ... ..	484
Remarks by President <i>re</i> — which after being passed by one Chamber have been thrown out by the other Chamber.	534—535
Resolution <i>re</i> publication of — in all their stages in the Council of State Debates.	108—112
Ruling by the President <i>re</i> publication of — before introduction...	20
Ruling by the President that if the Council passes the motion that a — be referred to a Select Committee or the motion that a — be taken into consideration, it affirms the general principle of the — and that these motions are therefore capable of discussion together.	185
See "Amendment(s)".	
See "Cantonments —".	
See "Central Board of Revenue —".	

	PAGE.
<b>BILL(s)—concluded.</b>	
<i>See</i> "Coinage (Amendment) —"	
<i>See</i> "Consolidation"	
<i>See</i> "Cotton Cess (Amendment) —"	
<i>See</i> "Criminal Tribes —"	
<i>See</i> "Finance —"	
<i>See</i> "Immigration into India —"	
<i>See</i> "Indian Penal Code (Amendment) —"	
<i>See</i> "Repealing and Amending —"	
<i>See</i> "Sea Customs (Amendment) —"	
<i>See</i> "Tariff (Amendment) —"	
<i>See</i> "Tolls —"	
 <b>BLACKETT, THE HONOURABLE SIR BASIL—</b>	
General discussion of the budget for 1924-25 ...	415—416, 419, 421, 422, 426, 430, 440, 454, 469, 470—481 695—700
Indian Finance Bill ...	63—64, 70—73
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	
 <b>BOMBAY, BARODA AND CENTRAL INDIA RAILWAY—</b>	
Question <i>re</i> accident on the — beyond Idgah (Agra) ...	272—273
 <b>BOMBAY MINT—</b>	
<i>See</i> "Mint".	
 <b>BORDER COUNTRY—</b>	
Question <i>re</i> railways in — ...	240—241
 <b>BORDER TRIBESMEN—</b>	
Question <i>re</i> employment of — in North-West Frontier on Military roads, railways and works.	35—36
Question <i>re</i> employment of — in North-West Frontier on Public Works.	35
 <b>BRISCOE, THE HONOURABLE MR. H. K.—</b>	
Oath of Office.	1
 <b>BUDGET—</b>	
Changes in the dates for the discussion of the — from 7th March 1924 to 7th and 8th idem.	356—357, 377
General discussion of the — for 1924-25 ...	411—482
Message from the Governor-General fixing dates for the presentation and discussion of the — in both Chambers of the Indian Legislature.	105
Message from the Governor-General <i>re</i> heads of expenditure open to discussion in the Council of State when the — is under consideration.	151
Presentation of — ...	340—348
Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the — as originally arranged.	379—381
Remarks <i>re</i> presentation of the — on the afternoon of the 29th February 1924.	328—329
Request for the allotment of more time for the general discussion of the —.	485

	PAGE.
<b>BUILDING(S)—</b> See "Legislative — in New Delhi, Raisina".	
<b>BURDEN, THE HONOURABLE MR. E.—</b> Cantonments Bill ... ..	236—238, 231
Oath of Office ... ..	209
<b>BURMA—</b> Question re construction of a railway between India and — ... See "Indo — Railway".	38
<b>BUSINESS, OFFICIAL—</b> ANNOUNCEMENT re — FOR THE MEETING ON :— 5th February 1924 ... .. 12th and 14th February 1924 ... ..  21st February 1924 ... .. 29th February 1924 ... .. 6th and 7th March 1924 ... .. 11th March 1924 ... .. 13th March 1924 ... .. 18th March 1924 ... ..	21 103—104, 167—168  267 327 348—349 399 528 566
<b>CANTONMENTS BILL—</b> Motion to take into consideration ... .. Taken into consideration ... .. Passed ... .. Announcement re assent of the Governor-General to — ...	209—234 224—230 230—231 576
<b>CAPITAL—</b> See "New — Committee".	
<b>CATTLE TRUCKS—</b> Question re use of — on railways for passengers and pilgrims	565
<b>CENTRAL BOARD OF REVENUE BILL—</b> Laid on the table as passed by the Legislative Assembly ... .. Motion to take into consideration ... .. Taken into consideration ... .. Passed ... .. Announcement re assent of the Governor-General to — ...	333 392—394 394 394—395 576
<b>CENTRAL PROVINCES LEGISLATIVE COUNCIL—</b> See "Berar".	
<b>CES—</b> Question re — on tea, indigo, lac and cotton ... ..	12—13
<b>CYLON—</b> See "Colombo".	
<b>CRADWICK, THE HONOURABLE MR. D. T.—</b> General discussion of the budget for 1924-25 ... .. Indian Tariff (Amendment) Bill ... .. Oath of office ... .. Sea Customs (Amendment) Bill ... ..	481—483 564—565 1 562—564
<b>CHAIRMEN—</b> See "Panel of —"	
<b>CHAK JHUMRA-CHINDHOT RAILWAY—</b> Question re construction of — line on the North-Western Railway	38

	PAGE.
CHAPLAIN(S)— See "Ecclesiastical Establishment".	
CHARANJIT SINGH, THE HONOURABLE SARDAR— Election of — to the Select Committee on the amendment of Standing Orders ... ..	356
General discussion of the budget for 1924-25 ... ..	457-458
Indian Finance Bill ... ..	705 706
Oath of office ... ..	1
Resolution re establishment of pioneer sugar factories and the pro- motion of sugar-cane cultivation.	545
CHARITABLE AND RELIGIOUS TRUSTS (AMENDMENT) BILL— Announcement re assent of the Governor-General to — ...	18
CHATTERJEE, THE HONOURABLE MR. A. C.— Indian Finance Bill ... ..	712-715
CHETTIYAR, THE HONOURABLE SIB ANNAMALAI— Nomination of — to the Committee on Petitions ... ..	5
Resolution re restrictions and disabilities imposed on Indians in South Africa.	599
CHILD WELFARE MOVEMENT— Resolution re — ... ..	291-303
CHINA— See "Indo —".	
CLEMENTS, ROBSON AND COMPANY, MESSRS.— Question re contract with — for supply of edible grains, etc., to the Military Department.	569
COAL— Question re carriage of — by sea for Indian State and other rail- ways and the Indian Marine. ... ..	181
Question re imports of South African — into India ... ..	42
Question re imposition of import duty on South African — ... ..	43
Question re reduction of railway freight on — ... ..	642
CODE OF CIVIL PROCEDURE (AMENDMENT) BILL. (ATTACHMENT OF GOV- ERNMENT SERVANTS' SALARY)— Announcement re assent of the Governor-General to — ...	17
CODE OF CIVIL PROCEDURE (AMENDMENT) BILL. (RESTITUTION OF CON- JUGAL RIGHTS)— Announcement re assent of the Governor-General to — ...	17
CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL— Announcement re assent of the Governor-General to — ...	18
CODE OF CRIMINAL PROCEDURE (FURTHER AMENDMENT) BILL— Announcement re assent of the Governor-General to — ...	18
COIN(S)— See "Gold".	
COINAGE— See "Gold".	
COINAGE (AMENDMENT) BILL— Laid on the Table as passed by the Legislative Assembly ... ..	382
Motion to take into consideration ... ..	382-383
Taken into consideration ... ..	383-391
Passed ... ..	392
Message from the Legislative Assembly agreeing to the amendment made by the Council of State in the —.	613-614



	PAGE.
<b>COLLEGE(S)—</b> See "Military —".	
<b>COLOMBO—</b> Question re treatment of Indian visitors on landing in —, Ceylon	150—151
<b>COLONIES—</b> See "Import(s)".	
<b>COLONIES COMMITTEE—</b> Question re scope of the — ... .. Resolution re instructions to the — with regard to the Kenya Immigration Bill, etc.	331—332 486—504
<b>COLONIZATION—</b> See "Andamans".	
<b>COMMANDER-IN-CHIEF, HIS EXCELLENCY THE—</b> Cantonments Bill ... .. General discussion of the budget for 1924-25 ... ..	209—213, 224, 230 432—438, 453—456, 461—462, 466—467
<b>COMMERCE DEPARTMENT—</b> See "Standing Advisory Committee(s)".	
<b>COMMERCIAL INTELLIGENCE DEPARTMENT—</b> Question re the strength of the — and the pay of the officials connected therewith.	114
<b>COMMERCIAL TRAVELLER(S)—</b> Question re railway concessions for — ... ..	7—8.
<b>COMMITTEE(S)—</b> See "Alliance Bank". See "Bar —". See "Colonies —". See "Drugs Manufacture —". See "Emigration —". See "New Capital —". See "North West Frontier Inquiry —". See "Publicity —". See "Railway Risk Notes —". See "Securities —". See "Select —". See "Standing Advisory —".	
<b>COMMITTEES ON PETITIONS—</b> Constitution of a — ... ..	5.
<b>CONDOLENCE(S)—</b> — on the death of Mr. G. M. Bhurgri ... .. — on the death of the Honourable Nawab Sir Bahram Khan ... .. — on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair.	517—519 1—4 206—207
<b>CONGRATULATION(S)—</b> — to the President on his appointment as Home Member of the Governor-General's Executive Council.	406—411
<b>CONSOLIDATION—</b> Remarks by President re — of Bills ... ..	318—319.

	• PAGE.
CONSUL(s)—	
Question <i>re</i> British —	115—118
CONSULTING ENGINEER(s)—	
Question <i>re</i> the — to the India Office	120—121
CONTRACT(s)—	
<i>See</i> "Clements, Robson and Company, Messrs."	
<i>See</i> "Printing".	
COPYRIGHT—	
Question <i>re</i> — Library in India	587
COTTON—	
Question <i>re</i> cess on —	12—18
COTTON CESS (AMENDMENT) BILL—	
Laid on the Table as passed by the Legislative Assembly	81
Motion to take into consideration	151
Taken into consideration	151
Passed	151
Announcement <i>re</i> assent of the Governor-General to —	576
COUNCIL OF STATE—	
Speech delivered by His Excellency the Viceroy to the — and Legislative Assembly on the 31st January 1924.	23—32
COUNCIL OF STATE DEBATE(s)—	
<i>See</i> "Debate(s)".	
CHAKRAI, THE HONOURABLE MR. J.—	
Amendment of Standing Orders so as to prescribe a quorum for Select Committees.	333, 534, 786—787
Criminal Tribes Bill	83, 311, 316
Election of — to the Select Committee on the amendment of Standing Orders.	356
Indian Penal Code (Amendment) Bill	395—399
Motion for the election of panels of Standing Advisory Committees attached to the Home, Commerce, Education, Health and Lands and Industries and Labour Departments.	85
Remarks on the death of the Honourable Nawab Sir Bahram Khan.	3
Resolution <i>re</i> ratification of the international convention for the suppression of, and traffic in, obscene publications.	520—525, 527
CRIMINAL TRIBES BILL—	
Motion for leave to introduce	18—19
Introduced	19
Motion to take into consideration	81
Motion that consideration be postponed for not less than a fortnight	82—83
Motion adopted	83
Motion to take into consideration resumed	307—310
Taken into consideration	311—316
Passed	316
Message from the Legislative Assembly agreeing, without amendments, to the —	484
Announcement <i>re</i> assent of the Governor-General to —	648
CUSTOMS (AMENDMENT) BILL—	
<i>See</i> "Sea —".	
CUTORI MEMONS (AMENDMENT) BILL—	
Announcement <i>re</i> assent of the Governor-General to —	18

	PAGE.
DADABHOY, THE HONOURABLE SIR MANECKJI B.—	
Cantonments Bill ... ..	217—218, 225
Congratulations to the President on his appointment as Home Member of the Governor-General's Executive Council ... ..	407—408
Criminal Tribes Bill ... ..	83, 813
Election of — to the panels of Standing Advisory Committees attached to the Home, Commerce and Industries and Labour Departments. ... ..	242
Election of — to the Select Committee on the amendment of Standing Orders. ... ..	356
General discussion of the budget for 1924-25 ... ..	433—437, 442, 449
Immigration into India Bill ... ..	178—185, 190, 200
Indian Coinage (Amendment) Bill ... ..	383—385
Indian Finance Bill ... ..	583, 657—661
Indian Penal Code (Amendment) Bill ... ..	395
Indian Tolls Bill ... ..	313, 321
Nomination of — to the Panel of Chairmen of the Council of State. ... ..	5
Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the Budget, as originally arranged. ... ..	380
Remarks <i>re</i> change in the dates for the discussion of the budget from 7th March 1924 to the 7th and 8th idem. ... ..	357
Remarks <i>re</i> suggestion of the taking of a group photograph of Members. ... ..	306
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India. ... ..	57—59, 61—63
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan. ... ..	86—88, 98—100
Resolution <i>re</i> draft convention of the International Labour Con- ference concerning the use of white lead in painting. ... ..	390
Resolution <i>re</i> establishment of pioneer sugar factories and the pro- motion of sugar-cane cultivation. ... ..	546
Resolution <i>re</i> instructions to the Colonies Committee in regard to the Kenya Immigration Bill, etc. ... ..	496—497, 500
Resolution <i>re</i> mural paintings in the Government buildings at Raisina. ... ..	135—136, 139
Resolution <i>re</i> publication of Bills in all their stages in the Council of State Debates. ... ..	110—111
Resolution <i>re</i> ratification of the international convention for the sup- pression of, and traffic in, obscene publications. ... ..	522, 525
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority. ... ..	156—161
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa. ... ..	611—612, 623
Resolution <i>re</i> substitution of a provident fund for the existing pension system. ... ..	248—255, 257
Resolution <i>re</i> unemployment in India ... ..	290
Sea Customs (Amendment) Bill ... ..	563—564
<i>See</i> "Questions and Answers".	
DAIRIES, MILITARY—	
Question <i>re</i> running of — at a profit ... ..	43—47
DARBHANGA—	
<i>See</i> "Rameshwara Singh, The Honourable Maharajadhiraja Sir, of —".	
DAVIDSON, MR. G. B.—	
Question <i>re</i> pay of — on deputation to the Public Works Depart- ment, Delhi. ... ..	637

	PAGE.
DAWN, THE HONOURABLE MR. W. A. W.—	
Oath of office . . . . .	567
DEATH(S)—	
Condolences on the — of Mr. G. M. Bhurgri . . . . .	517—519
Condolences on the — of the Honourable Khan Bahadur Sir Alamedthamby Maricair.	206—207
Condolences on the — of the Honourable Nawab Sir Bahram Khan	1—4
DEBATE(S)—	
Resolution <i>re</i> publication of Bills in all their stages in the Council of State —.	108—112
DECK PASSENGERS—	
<i>See</i> "Quarantine".	
DEHRA DUN—	
<i>See</i> "Military College(s)".	
DELHI—	
<i>See</i> "Hostel(s)".	
<i>See</i> "Imperial Research Institute —".	
<i>See</i> "Lighting, Street".	
<i>See</i> "Mural Painting(s)".	
<i>See</i> "New —".	
<i>See</i> "New Capital".	
<i>See</i> "New Capital Committee".	
<i>See</i> "New Capital Works —".	
<i>See</i> "Public Works Department, —".	
DEPARTMENT(S)—	
Question <i>re</i> — in which subordinate staff consists of a majority of non-Indians.	405
DEPUTY COLLECTOR(S)—	
<i>See</i> "Pension".	
DERA ISMAIL KHAN—	
Question <i>re</i> construction of protective works at — against the erosion of river Indus.	37
DHANBAD—	
<i>See</i> "Geology".	
<i>See</i> "Mining".	
DIGHAPATIA—	
<i>See</i> "Roy, The Honourable Raja Pramada Nath, of —".	
DISTRICT HEADQUARTERS—	
Question <i>re</i> — without Railways . . . . .	570
DIVISION(S)—	
<i>See</i> "Public Works Department, Delhi".	
DRUGS MANUFACTURE COMMITTEE—	
Question <i>re</i> Indian — . . . . .	9
DUMRAON—	
<i>See</i> "Keshava Prasad Singh, The Honourable Maharaja Bahadur, of —".	
DUTY—	
<i>See</i> "Import".	

	PAGE.
<b>EAST INDIAN RAILWAY—</b>	
Question re minimum and maximum pay of Station Superintendents and Station Masters on the — and the number of posts held by Indians, Anglo-Indians and Europeans.	262
Question re special and A-class stations on the — under Indian Station Masters.	351-353
<b>EASTERN AND WESTERN HOSTELS, RAISINA—</b>	
Question re excess expenditure on —	638
<b>EASTERN BENGAL RAILWAY—</b>	
Question re corrugated iron sheds at Railway Station platforms on the —	369
Question re extension of the broad-gauge — line to Siliguri	570
Question re number of Muhammadan employees on the —	645-646
Question re number of Muhammadan officers in the Agency and Loco Departments of the —	647
Question re opening of the broad-gauge — line from Santahar to Parhatipur.	570
Question re proposed Nachoul-Ishurdi branch of the —	570
See "Flood(s)".	
<b>ECCLIASTICAL DEPARTMENT—</b>	
Question re expenditure on the —	6
<b>ECCLIASTICAL ESTABLISHMENT—</b>	
Question re grant of overseas pay and exchange compensation allowance to Chaplains on the Indian —	641
<b>ECONOMIC—</b>	
Resolution re appointment of a committee to enquire into the — conditions of the people of India.	48-50
<b>EDUCATION, HEALTH AND LANDS DEPARTMENT—</b>	
See "Standing Advisory Committee(s)".	
<b>EDUCATIONAL—</b>	
Question re India's — policy	13
<b>ELECTION(s)—</b>	
See "Emigration Committee".	
See "Publicity Committee".	
See "Standing Advisory Committee(s)".	
<b>ELECTRICITY (AMENDMENT) BILL—</b>	
Announcement re assent of the Governor General to —	18
<b>EMIGRATION—</b>	
See "Colombo".	
See "Hongkong".	
See "South Africa".	
<b>EMIGRATION COMMITTEE—</b>	
Election of Members of the —	205
Extension of the period of nomination for election of members for the Advisory — attached to the Department of Education, Health and Lands.	243
See "Standing Advisory Committee(s)".	
<b>ENEMY SHIP(s)—</b>	
Question re utilisation of profits from the working of —	44-45
<b>ENGINEER(s)—</b>	
See "Consulting —".	

	PAGE.
<b>ENGLISH MAIL—</b>	
Question <i>re</i> delay in the arrival of the — ...	169
Question <i>re</i> unsatisfactory hours for the delivery of the — in Delhi.	169
<b>EXCHANGE—</b>	
Resolution <i>re</i> deletion from the Statute Book of the ratio of two shillings to the rupee. (Not moved).	557
<b>EXCHANGE COMPENSATION ALLOWANCE—</b>	
<i>See</i> "Ecclesiastical Establishment".	
<b>EXECUTIVE—</b>	
Question <i>re</i> separation of judicial from — functions ...	10
<b>EXECUTIVE COUNCILLORS—</b>	
Question <i>re</i> reduction in the number of — and Ministers in some provinces.	34
<b>EXPENDITURE, HEADS OF—</b>	
<i>See</i> "Budget".	
<b>FARE(S), RAILWAY—</b>	
<i>See</i> "North-Western Railway".	
<b>FINANCE—</b>	
<i>See</i> "Railway —".	
<b>FINANCE BILL—</b>	
Certificate and recommendation of the Governor General under section 67B (1) of the Government of India Act.	591-592
Laid on the table ...	592
Fixing of date for consideration of the — ...	592-593
Motion to take into consideration ...	648-701
Taken into consideration ...	702-720
Passed ...	720-732
<b>FINANCIAL—</b>	
Statement laid on the table <i>re</i> important — questions outstanding between His Majesty's Government and the Government of India.	16-17
<b>FINANCIAL ADVISER(S)—</b>	
Question <i>re</i> — to the different Departments of the Government of India.	127-128
<b>FINANCIAL ASSISTANT—</b>	
Question <i>re</i> — to the Chief Engineer, Public Works Department, Delhi.	127
<b>FINANCIAL STATEMENT—</b>	
<i>See</i> "Budget".	
<b>FLOOD(S)—</b>	
Question <i>re</i> action taken by the Eastern Bengal and Sara-Sirajgunge Railways to prevent the recurrence of — in North Bengal.	570-571
<b>FOREST(S)—</b>	
Question <i>re</i> mining concessions and — monopolies ...	7
<b>FOREST OFFICER(S)—</b>	
Question <i>re</i> inadequacy of training of — ...	269-270

	PAGE.
<b>FOREST RESEARCH INSTITUTE AND COLLEGE, DEHRA DUN—</b>	
Question re estimated cost of expansion of —	402
Question re expenditure on expansion of —	402
Question re filling up of temporary vacancies in the —	404
Question re Indianisation of the superior services in the —	403—404
Question re number of Indian officers in the —	402—403
Question re officers in charge of various sections of the —	404
<b>FOREST SERVICE—</b>	
Resolution re amalgamation of the Imperial and provincial branches of the — (not moved).	244
<b>FORESTRY—</b>	
Question re action taken on the Resolution re — education, passed by the Council of State.	265
<b>FROOM, THE HONOURABLE SIR ARTHUR—</b>	
Congratulations to the President on his appointment as Home Member of Governor General's Executive Council.	410
Election of — to the panels of Standing Advisory Committees attached to the Commerce and Industries and Labour Departments.	242
Indian Coinage (Amendment) Bill	364
Indian Finance Bill	726—727
Indian Income-tax (Amendment) Bill	735
Nomination of — to the Panel of Chairmen of the Council of State	5
Remarks on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair.	207
Request for the allotment of more time for the general discussion of the Budget.	495
Resolution re appointment of a Committee to enquire into the economic conditions of the people of India.	69—70
Resolution re draft convention of the International Labour Conference concerning the use of white lead in painting.	581, 582
Resolution re establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	550—551
Resolution re substitution of a provident fund for the existing pension system.	257
Resolution re unemployment in India	284—285
See "Questions and Answers".	
<b>GEOLOGICAL—</b>	
Question re — survey of tribal area in North-West Frontier	36
<b>GEOLOGICAL SURVEY OF INDIA—</b>	
Question re Indian candidates for vacancies in the —	568
<b>GEOLOGY—</b>	
Question re establishment of a school of Mining and —, at Dhanbad.	590
<b>GOLD—</b>	
Question re reopening of the — coinage in the Bombay Mint	9
Question re stoppage of the issue of — coin from public treasuries	8—9
See "Sovereign(s)".	
<b>GOVERNMENT BUSINESS—</b>	
See "Business, Official".	
<b>GOVERNMENT OF INDIA—</b>	
Question re appointment of members of the Indian Civil Service as Secretaries and Deputy Secretaries in the —	515
See "Liabilities".	

	PAGE.
GOVERNMENT OF INDIA ACT—	
Question <i>re</i> inquiry into the working of the — ...	571
Question <i>re</i> rules under Section 67 of the — ...	571-576
GOVERNMENT OF INDIA SECRETARIAT—	
Question <i>re</i> posts retrenched in the — ...	352-253
<i>See</i> "Muharrmadan(s)".	
<i>See</i> "Secretariat".	
GOVERNOR GENERAL—	
<i>See</i> "Message(s)".	
<i>See</i> "Telegram(s)".	
<i>See</i> "Viceroy, His Excellency the".	
GRAIN(S)—	
<i>See</i> "Clements, Robson and Company, Messrs."	
GRINDAL, MR. E. B. W.—	
Question <i>re</i> pay of — on deputation to the Public Works Department, Delhi.	637
HARDWAR RAILWAY STATION—	
Question <i>re</i> the defects in the — ...	170
HOLY PLACES—	
<i>See</i> "Pilgrim traffic".	
HOME DEPARTMENT—	
<i>See</i> "Standing Advisory Committee(s)".	
HONGKONG—	
Question <i>re</i> acquisition of land by Indians in — ...	150
HOSPITALS, MILITARY—	
Question <i>re</i> closure and reduction in the number of — ...	45-46
HOSTEL(S)—	
Question <i>re</i> cost, estimated and actual, of the Eastern and Western —, Raisina (Delhi).	124
<i>See</i> "Eastern and Western — Raisina".	
HOWRAH-BOMBAY POSTAL EXPRESS—	
<i>See</i> "Postal".	
HYDRO-ELECTRIC SURVEYS—	
Question <i>re</i> abolition of the — ...	589-590
IBBETSON ROAD, RAISINA—	
<i>See</i> "Lighting, Street".	
IDGAH (AGRA)—	
<i>See</i> "Bombay, Baroda and Central India Railway".	
IMMIGRATION—	
<i>See</i> "Kenya — Bill".	
IMMIGRATION INTO INDIA BILL—	
Laid on the table as passed by the Legislative Assembly ...	17
Motion to take into consideration ...	171-178,
	206
Motion to refer to Select Committee (negatived) ...	178-205
Taken into consideration ...	206
Passed ...	206
Announcement <i>re</i> assent of the Governor General to — ...	576
IMPERIAL RESEARCH INSTITUTE, DELHI—	
Question <i>re</i> — ...	270-271



<b>IMPERIAL SERVICE(s)—</b> <i>See</i> " Allowance(s) ".	
<b>IMPORT(s)—</b> Question <i>re</i> enforcement of the principle of reciprocity in the matter of — from Colonies.	10—11
<b>IMPORT DUTY—</b> Question <i>re</i> imposition of — on South African coal ...	43
<b>INCOME-TAX</b> Question <i>re</i> — collected from indigo, shellac and silk factories for the last five years. Question <i>re</i> exemption of indigo factories from payment of — ... Question <i>re</i> liability of Indian Tea Companies to — and super-tax	130—131 483—484 130
<b>INCOME-TAX ACT—</b> Question <i>re</i> amendment of the — ...	239
<b>INCOME-TAX (AMENDMENT) BILL—</b> Laid on the table, as passed by the Legislative Assembly ... Motion to take into consideration ... Taken into consideration ... Passed ... Announcement <i>re</i> assent of the Governor General to — ...	615 732—736 736 736 17
<b>INDIA OFFICE—</b> <i>See</i> " Consulting Engineer(s) ".	
<b>INDIAN CIVIL SERVICE—</b> <i>See</i> " Secretariat ".	
<b>INDIAN CIVIL SERVICE EXAMINATION—</b> Question <i>re</i> particulars in regard to the — held at Allahabad in March 1923. Question <i>re</i> successful British and Indian candidates at the last —	644—645 644
<b>INDIAN MARINE—</b> Question <i>re</i> carriage of coal by sea for Indian State and other railways and the —.	181
<b>INDIAN PENAL CODE (AMENDMENT) BILL—</b> Laid on the table as passed by the Legislative Assembly ... Motion to take into consideration ... Taken into consideration ... Passed ... Announcement <i>re</i> assent of the Governor General to — ...	232 365—367 367—368 368 576
<b>INDIGO—</b> Question <i>re</i> cess on — ...	12—13
<b>INDIGO CESS (REPEALING) BILL—</b> Announcement <i>re</i> assent of the Governor General to — ...	17
<b>INDIGO FACTORIES—</b> Question <i>re</i> exemption of — from payment of income-tax <i>See</i> " Income-tax ".	483—484
<b>INDO-BURMA RAILWAY—</b> Question <i>re</i> — <i>See</i> " Burma ".	584

	PAGE.
<b>INDO-CHINA—</b>	
Question <i>re</i> treatment of Asiatics other than Japanese in —	150
<b>INDUS—</b>	
Question <i>re</i> construction of protective works at Dera Ismail Khan against the erosion of river —	37
<b>INDUSTRIES AND LABOUR DEPARTMENT—</b>	
<i>See</i> "Standing Advisory Committee(s)".	
<b>INNER, THE HONOURABLE SIR CHARLES—</b>	
Indian Finance Bill ... ..	681-685, 700-708
<b>INSURANCE—</b>	
<i>See</i> "Life — Companies Act".	
<b>IRRIGATION—</b>	
Resolution <i>re</i> survey of possibilities and organization of power lift — from the wells ... ..	357-377
<b>ISHURDI—</b>	
<i>See</i> "Eastern Bengal Railway".	
<b>ISMAIL KHAN, THE HONOURABLE HAJI CHAUDHURI MUHAMMAD—</b>	
Election of — to the panel of Standing Advisory Committee attached to the Commerce Department.	242
<b>JAFFER, THE HONOURABLE KHAN BAHADUR EBRAHIM HAROON—</b>	
Cantonments Bill ... ..	213-216, 230-231
Condolences on the death of Mr. G. M. Bhurgri ... ..	518
Condolences on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair.	207
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	89
<b>JATHO—</b>	
<i>See</i> "Akali Jatha(s)".	
<b>JAPANESE—</b>	
<i>See</i> "Indo-China".	
<b>JOGENDRA SINGH, THE HONOURABLE SARDAR—</b>	
Election of — to the panel of Standing Advisory Committee attached to the Department of Education, Health and Lands.	242
General discussion of the budget for 1924-25 ... ..	464-465
Indian Coinage (Amendment) Bill ... ..	390
Indian Finance Bill ... ..	700-701
Question put by the Honourable Saiyad Raza Ali in the absence of—	255-236
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	55-58,63
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	99-92
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugar-cane cultivation.	508-511,550
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	621-623
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from the wells.	357-362,374
<i>See</i> "Questions and Answers".	- 376
<b>JOINT COMMITTEE(S)—</b>	
<i>See</i> "Succession Bill".	

	PAGE.
<b>JUDICIAL—</b>	
Question <i>re</i> separation of — from executive functions ...	10
<b>JUDICIAL ADMINISTRATION—</b>	
Question <i>re</i> improvement of the — of the North-West Frontier Province.	40
<b>JUDICIAL COMMISSIONER, ADDITIONAL—</b>	
Supplementary Question <i>re</i> appointment of an Indian as — North-West Frontier Province.	40
<b>KALABAGH-BANNU RAILWAY—</b>	
<i>See</i> "North-Western Railway".	
<b>KARANDIKAR, THE HONOURABLE MR. R. P.—</b>	
Cantonments Bill ...	219—220, 224—226
Central Board of Revenue Bill ...	394—395
Criminal Tribes Bill ...	313
Election of — to the Emigration Committee ...	305
Immigration into India Bill ...	185—188
Indian Coinage (Amendment) Bill ...	387—388
Indian Finance Bill ...	661—666, 718
Indian Succession Bill ...	388
Indian Tolls Bill ...	320—321, 323
Oath of office ...	1
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	94
Resolution <i>re</i> mural paintings in the Government buildings at Raisina.	142 143
Resolution <i>re</i> publication of Bills in all their stages in the Council of State Debates.	108—109, 111—112
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	603—604
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from wells.	368—370
<i>See</i> "Questions and Answers".	
<b>KENYA IMMIGRATION BILL—</b>	
Question <i>re</i> action taken by Government to protest against —	43—44
Resolution <i>re</i> — (not moved) ...	105—108
<i>See</i> "Colonies Committee".	
<b>KESHAVA PRASAD SINGH, THE HONOURABLE MAHARAJA BAHADUR OF DUMRAON—</b>	
Nomination of — to the Committee on Petitions ...	5
<b>KHAPARDE, THE HONOURABLE MR. G. S.—</b>	
Criminal Tribes Bill ...	18—19, 81—83, 309—310, 315
Immigration into India Bill ...	173—175
Indian Coinage (Amendment) Bill ...	388
Indian Finance Bill ...	727—729
Indian Tolls Bill ...	320
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	68—69
Resolution <i>re</i> award of Nobel Prize for peace to His Highness the Aga Khan.	95
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugar-cane cultivation.	551—552
Resolution <i>re</i> ratification of the international convention for the suppression of, and traffic in, obscene publications.	526
Resolution <i>re</i> substitution of a provident fund for the existing pension system.	250—252

	PAGE.
KING'S COMMISSION(S)—	
Question <i>re</i> number of Indian officers holding — in the Army ...	642—648
LAC—	
Question <i>re</i> cess on — ...	12—13
LAND ACQUISITION (AMENDMENT) BILL—	
Announcement <i>re</i> assent of the Governor General to — ...	18
LEAD—	
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white — in painting.	576—582
LEADER OF THE HOUSE—	
<i>See</i> "Absence".	
<i>See</i> "Shafi, The Honourable Dr. Mian Sir Muhammad".	
LEAGUE OF NATIONS—	
Question <i>re</i> India's contribution to the expenses of the — ...	47
Resolution <i>re</i> appointment of an Indian as leader of the delegation representing India at the forthcoming session of the Assembly of the —.	504—508
LEGISLATIVE BUILDINGS IN NEW DELHI (RAISINA)—	
Announcement by the President <i>re</i> the visit of Members to the —	171
Remarks by the President <i>re</i> visit of members to the — ...	243
LEGISLATURE, INDIAN—	
Question <i>re</i> holding of a session of the — at Simla in May 1924 ...	559—562
<i>See</i> "Berru".	
LEVEL-CROSSING(S), RAILWAY—	
<i>See</i> "Shikarpur (Sind)".	
LEY, THE HONOURABLE MR. A. H.—	
Oath of office ...	225
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting.	576—582
Resolution <i>re</i> mural paintings in the Government buildings at Raisina	137—139,
	144, 146—
	147
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	154, 157—
	159, 161—
	162
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from the wells.	365—367,
	376—377
Resolution <i>re</i> unemployment in India ...	280—285
LIABILITIES—	
Question <i>re</i> — of the Government of India ...	401
LIBRARY—	
<i>See</i> "Copyright".	
LIFE INSURANCE COMPANIES ACT—	
Question <i>re</i> amendment of the Indian — ...	515—516
LIGHTING, STREET—	
Question <i>re</i> — arrangements in the area comprising the orthodox quarters, Raisina (Delhi).	640—641
Question <i>re</i> differentiation between quarters occupied by Indians and Europeans in the matter of — in Raisina (Delhi).	126—127
Question <i>re</i> — of the road between Pahargunj and Ibbetson Road, Raisina (Delhi).	638

	PAGE.
<b>LOHARU—</b>	
<i>See</i> "Amiruddin Ahmad, Khan Bahadur, of — The Honourable Nawab Sir".	
<b>LONGWOOD HOTEL, SIMLA—</b>	
Question <i>re</i> occupation and rents of quarters in the — ...	354—355
<b>LUNACY (AMENDMENT) BILL—</b>	
Announcement <i>re</i> assent of the Governor General to — ...	17
<b>MACDONALD, THE RIGHT HONOURABLE RAMSAY—</b>	
Supplementary question <i>re</i> prohibition of the importation of the book "The Awakening of India," by — under the Sea Customs Act.	11
<b>MACWATT, THE HONOURABLE MAJOR GENERAL R.C.—</b>	
Resolution <i>re</i> child welfare movement ...	204—205
<b>MADRAS—</b>	
Question <i>re</i> opening of the port of — for pilgrim traffic to Mecca and other holy places.	5—6
<b>MAHENDRA PARTAB SINGH ESTATES BILL—</b>	
Announcement <i>re</i> assent of the Governor General to — ...	17
<b>MAIL(S)—</b>	
Question <i>re</i> contracts for the carriage of — in India by water ...	115
<i>See</i> "English —".	
<b>MALAY STATES, FEDERATED—</b>	
<i>See</i> "Quarantine".	
<b>MARICAIR, THE HONOURABLE KHAN BAHADUR SIR AHMEDTHAMBY—</b>	
Condolences on the death of — ...	206—207
<i>See</i> "Questions and Answers".	
<b>MARRIAGE(S)—</b>	
<i>See</i> "Special — (Amendment) Bill".	
<b>MARTIN, THE HONOURABLE MR. J. R.—</b>	
Indian Finance Bill ...	724—726
Oath of Office ...	51
<b>McWATERS, THE HONOURABLE MR. A. C.—</b>	
Central Board of Revenue Bill ...	392—395
Indian Coinage (Amendment) Bill ...	387, 390
Indian Finance Bill ...	648—652,
	720, 732
Indian Income-tax (Amendment) Bill ...	782—786
Presentation of the budget for 1924-25 ...	341—348
Remarks <i>re</i> presentation of the budget on the afternoon of the 29th February 1924.	328—329
Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the budget, as originally arranged.	379
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	79
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	551
Resolution <i>re</i> substitution of a provident fund for the existing pension system.	247—250,
	256, 258
Statement laid on the table <i>re</i> important financial questions outstanding between His Majesty's Government and the Government of India.	16—17

	PAGE.
<b>MECCA—</b> <i>See</i> "Pilgrim traffic".	
<b>MEDICINE(s)—</b> Question <i>re</i> manufacture in India of — at present imported from foreign countries. <i>See</i> "Drugs Manufacture Committee".	9
<b>MESSAGE(s)—</b> — from the Governor General certifying under Section 67B (1) of the Government of India Act that the Indian Finance Bill, 1924, is essential in the interests of British India. — from the Governor General fixing dates for the presentation and discussion of the budget in both Chambers of the Indian Legislature. — from the Governor General nominating certain members to the panel of Chairmen of the Council of State. — from the Governor General <i>re</i> attendance of members in the Assembly Chamber on 31st January 1924. — from the Governor General <i>re</i> heads of expenditure open to discussion in the Council of State when the budget is under consideration. — from the Governor General recommending, under Section 67B (1) of the Government of India Act, that the Indian Finance Bill, 1924, be passed in the form annexed to the —. — from the Legislative Assembly agreeing to the amendment made by the Council of State in the Coinage (Amendment) Bill. — from the Legislative Assembly agreeing, without amendments, to the Criminal Tribes Bill. — from the Legislative Assembly stating that the Indian Tolls Bill has been negatived by that Chamber.	591—592 105 5 4 151 592 612—614 481 520
<b>MILITARY COLLEGE(s)—</b> Question <i>re</i> — in India ... .. Question <i>re</i> Prince of Wales' Royal Indian — Dehra Dun ...	118—119 271—272
<b>MILITARY DEPARTMENT—</b> <i>See</i> "Clements, Robson and Company, Messrs."	
<b>MILITARY HOSPITAL(s)—</b> <i>See</i> "Hospitals, Military".	
<b>MILITARY OFFICER(s)—</b> Question <i>re</i> employment of — on State Railways <i>See</i> "Survey of India".	643—644
<b>MILITARY STORE(s)—</b> Question <i>re</i> railway concessions for the carriage of — ...	643
<b>MILITARY WORK(s)—</b> <i>See</i> "Border Tribesmen".	
<b>MINING—</b> Question <i>re</i> — concessions and forest monopolies ... .. Question <i>re</i> establishment of a school of — and Geology at Dhanbad.	7 590
<b>MINISTER(s)—</b> Question <i>re</i> reduction in the number of Executive Councillors and — in some provinces.	34
<b>MINT—</b> Question <i>re</i> reopening of the gold coinage in the Bombay — <i>See</i> "Sovereign(s)".	9

	PAGE.
NEW CAPITAL—	
Announcement by the President <i>re</i> visit of members to the Legislative Buildings in the —	171
See "Hostel(s)".	
See "Legislative Buildings in New Delhi (Raisina)".	
See "Mural Painting(s)".	
NEW CAPITAL COMMITTEE—	
Resolution <i>re</i> reconstitution of the — Delhi, with a non-official majority.	152—167
NEW CAPITAL WORKS, DELHI—	
Question <i>re</i> excess expenditure incurred on the —	123
NEW DELHI—	
Question <i>re</i> buildings in —	404—405
See "New Capital".	
NOBEL PRIZE—	
Resolution <i>re</i> award of the — for peace to His Highness the Aga Khan.	86—101
NORTH-WEST FRONTIER—	
Question <i>re</i> amount of allowances granted to tribal chiefs in the — for keeping peace.	26
See "Border Tribesmen".	
See "Geological".	
NORTH-WEST FRONTIER INQUIRY COMMITTEE—	
Questions <i>re</i> report of the —	40, 642
NORTH-WEST FRONTIER PROVINCE—	
Question <i>re</i> construction and upkeep of roads in the —	36—37
Question <i>re</i> railways in —	240—241
See "Judicial Administration".	
See "Judicial Commissioner, Additional".	
NORTH-WESTERN RAILWAY—	
Question <i>re</i> construction of certain railway lines on —	38
Question <i>re</i> increase of fares on Kalabagh-Bannu section of the —	37
Question <i>re</i> number of Muhammadan employes on the —	645—646
Question <i>re</i> number of Muhammadan officers in the Agency and Loco Departments of the —	647
OATH OF OFFICE—	
Abdul Karim, The Honourable Maulvi	1
Amiruddin Ahmad, Khan Bahadur, of Loharu, The Honourable Sir	1
Bell, The Honourable Mr. J. W. A.	113
Briscoe, The Honourable Mr. H. K.	1
Burden, The Honourable Mr. E.	209
Chadwick, The Honourable Mr. D. T.	1
Charanjit Singh, The Honourable Sardar	1
Dawn, The Honourable Mr. W. A. W.	587
Karandikar, The Honourable Mr. R. P.	1
Ley, The Honourable Mr. A. H.	235
Martin, The Honourable Mr. J. R.	351
Misra, The Honourable Pandit Shum Bihari	33
Mitter, The Honourable Dr. Dwarkanath	331
Natesan, The Honourable Mr. G. A.	113
Rafique, The Honourable Sir Muhammad	1
Sarvadhikary, The Honourable Dr. Sir Deva Prasad	1
Stokes, The Honourable Mr. H. G.	483
Stow, The Honourable Mr. A. M.	1
Thompson, The Honourable Mr. J. P.	1
Tottenham, The Honourable Mr. A. R. L.	657

	PAGE.
<b>OBSCENE PUBLICATIONS—</b> Resolution <i>re</i> ratification of the international convention for the suppression of the circulation of, and traffic in,—	520-527
<b>ORTHODOX QUARTERS, RAISINA—</b> See "Lighting, Street".	
<b>OVERSEAN PAY—</b> See "Ecclesiastical Establishment".	
<b>PAINTING(S)—</b> See "Lead". See "Mural —". See "Reading, His Excellency Lord".	
<b>PANEL OF CHAIRMEN—</b> Message from the Governor General nominating certain members to the — of the Council of State.	5
<b>PAPER CURRENCY (AMENDMENT) BILL—</b> Announcement <i>re</i> assent of the Governor General to — ...	18
<b>PARBATIPUR—</b> See "Eastern Bengal Railway".	
<b>PARKER, MR. H. E.—</b> Question <i>re</i> pay of — on deputation to the Public Works Department, Delhi.	637
<b>PAY—</b> See "Public Works Department, Delhi".	
<b>PENSION—</b> Question <i>re</i> counting of probationary period for — of Deputy Collectors in the United Provinces. Resolution <i>re</i> substitution of a provident fund for the existing — system.	170 244-258
<b>PETITION(S)—</b> See "Committee on —".	
<b>PHOTOGRAPH(S)—</b> Remarks by President <i>re</i> suggestion of the taking of a group — of Members. Remarks by President <i>re</i> taking of a group — of Members of the Council of State on the 7th March 1924.	305, 306 399
<b>PILGRIM TRAFFIC—</b> Question <i>re</i> opening of the port of Madras for — to Mecca and other holy places.	5-6
<b>PLATFORMS, RAILWAY—</b> See "Shikarpur (Sind)".	
<b>POLICE—</b> Question <i>re</i> grading of provincial service officers appointed as Superintendents of —. Question <i>re</i> minimum pay of a confirmed Assistant Superintendent of —. Question <i>re</i> pay of provincial service officers appointed as Assistant Superintendents of —.	529 530 529 529
<b>PORTS (AMENDMENT) BILL—</b> Announcement <i>re</i> assent of the Governor General to — ...	18



**POSTAGE—**

- Question *re* difference in the letter — rates between India and the United Kingdom and *vice versa*. 45

**POSTAL—**

- Question *re* reintroduction of the Howrah-Bombay — Express train. 149-150,

**POSTAL ORDER(s)—**

- Question *re* commission on British — being less than inland money order rates. 126

**PRESIDENT—**

- Acknowledging the congratulations offered by Members on his appointment as Home Member of Governor General's Executive Council. 410-411

- Attendance of Government Members at meetings of the Council ... 102-103

- Condolences on the death of Mr. G. M. Bhurgri ... 519

- Condolences on the death of the Honourable Nawab Sir Bahram Khan. 1-2, 4

- Fixing of date for elections to the panels of Standing Advisory Committees attached to the Home, Commerce, Education, Health and Lands and the Industries and Labour Departments. 112-114

- Indian Tolls Bill ... 318-319

- Remarks *re* absence of the Leader of the House and the Member in charge of a Resolution from the Council on 4th February 1924. 516, 79

- Remarks *re* allotment of the 7th March 1924 only for the general discussion of the budget as originally arranged. 381

- Remarks *re* Bills which after being passed by one Chamber have been thrown out by the other Chamber. 524-525

- Remarks *re* election of members to Standing Advisory Committees... 263

- Remarks *re* presentation of the budget on the afternoon of the 29th February 1924. 328-329

- Remarks *re* change in the dates for the discussion of the budget from 7th March 1924 to the 7th and 8th idem. 356-357, 377

- Remarks *re* taking of a group photograph of Members of the Council of State on the 7th March 1924. 399

- Remarks *re* time fixing for the unveiling of the War Memorial to the Imperial Service Brigade at Raisina. 399

- Valedictory Remarks of the — ... 737-739

- See "Muddiman, The Honourable Sir Alexander"

- See "Ruling(s)"

**PRESIDING—**

- Muddiman, The Honourable Sir Alexander ... 1, 38,

81, 105, 113,

149, 169, 200,

235, 269, 305,

325, 381, 361,

379, 401, 455,

483, 518, 529,

559, 587, 585,

615, 637, 717

- Sastri, The Right Honourable V. S. Srinivasa ... 298, 453

508, 685

**PRINCE OF WALES' ROYAL INDIAN MILITARY COLLEGE—**

- See "Military College(s)".

**PRINTING—**

- Question *re* expenditure on the Government — Department ... 587

- Question *re* policy for maintaining Government — works ... 588

- Question *re* rates of new contract for Government of India — ... 641-642

	PAGE.
<b>PRISONER(s)—</b> <i>See</i> "Andamans".	
<b>PROTECTIVE WORK(s)—</b> <i>See</i> "Deru Ismail Khan".	
<b>PROVIDENT FUND—</b> Resolution <i>re</i> substitution of a — for the existing pension system	244-258
<b>PROVINCIAL GOVERNMENT(s)—</b> <i>See</i> "Superior Service(s)".	
<b>PUBLIC WORK(s)—</b> Question <i>re</i> employment of border tribesmen in North West Frontier on —	55
<b>PUBLIC WORKS DEPARTMENT, DELHI—</b> Question <i>re</i> amalgamation of the III and X Divisions of the — Question <i>re</i> creation of new Divisions and Sub-Divisions in the — Question <i>re</i> Divisions of the — Question <i>re</i> the Financial Assistant to the Chief Engineer — Question <i>re</i> pay of certain officers on deputation to the — Question <i>re</i> officers, Imperial and Provincial, in the — Question <i>re</i> reduction proposed in the staff of the — Question <i>re</i> Sub-Divisions of the — <i>See</i> "Sub-Divisional Officer(s)".	123-124 6:8 125 127 6:7 125-126 127 124-125
<b>PUBLICITY COMMITTEE—</b> Election of a member to the Advisory — Motion for the election of a member of the Advisory — in place of Sir Purshotamdas Thakurdas.	243 282-283
<b>PURSHOTAMDAS THAKURDAS, SIR—</b> <i>See</i> "Publicity Committee."	
<b>QUARANTINE—</b> Resolution <i>re</i> — restrictions imposed on deck passengers proceeding to the Straits Settlements and Federated Malay States. (With- drawn).	108
<b>QUESTION(s)—</b> <i>See</i> "Answer(s)".	
<b>QUESTIONS AND ANSWERS—</b> <b>ABDUL KARIM, THE HONOURABLE MAULVI—</b> Question <i>re</i> appointment of Muhammadans as superior officers in the Government of India Secretariat. Question <i>re</i> appointment of Muhammadans as Superintendents in the Government of India Secretariat. Question <i>re</i> appointment of Muhammadans as gazetted officers in the Government of India Secretariat. Question <i>re</i> number of Muhammadan employees on the North West- ern and Eastern Bengal Railways. Question <i>re</i> number of Indian superior officers in the Railway Board Question <i>re</i> number of Muhammadan officers on Railways Question <i>re</i> employment of Muhammadan officers in certain Depart- ments of Railways. Question <i>re</i> appointment of Muhammadans to the four additional posts in the Agency and Loco. Departments of Railways. Question <i>re</i> number of Muhammadan officers in the Agency and Loco. Departments of the North Western and Eastern Bengal Railways. Question <i>re</i> showing Muhammadan and non-Muhammadan officers separately in future explanatory Memoranda, etc., attached to the Railway Budget.	645 645 645 645-646 646 646 646 646-647 647 647

## QUESTIONS AND ANSWERS—contd.

## ACHARYYA CHAUDHURI, THE HONOURABLE MAHARAJA SHOSHI KANTA—

Question re constitution of Central Railway Advisory Council ...	226
Question re meetings of Central Railway Advisory Council ...	226-227
Question re formation of local Railway Advisory Committees ...	227-228
Question re action taken on the recommendations of the Railway Risk Notes Committee.	228
Question re amendment of the Indian Railways Act ...	228
Question re amendment of the Income-tax Act...	229
Question re railway extensions in Bengal ...	229
Question re Provincial Governments' share of increased revenue from stamps, under the Indian Stamp (Amendment) Act, 1923.	325
Question re assignments to provincial Governments on account of sale-proceeds of postage stamps used for the purpose of general stamps.	325
Question re training of Indians for superior posts in the railway service.	325

## ALI BAKSH MUHAMMAD HUSSAIN, THE HONOURABLE MR.—

Question re special and A Class stations on the East Indian Railway under Indian Station Masters.	351-352
Question re minimum and maximum pay of Station Superintendents and Station Masters on the East Indian Railway and the number of posts held by Indians, Anglo-Indians and Europeans.	352
Question re posts retrenched in the Government of India Secretariat	352-353
Question re overbridge or tunnel at the railway level-crossing, Shikarpur (Sind).	353
Question re shelter for passengers on the platform of the Shikarpur (Sind) Railway Station.	353
Question re waiting room at Shikarpur (Sind) Railway Station for 1st and 2nd class lady passengers.	354

## BELL, THE HONOURABLE MR. J. W. A.—

Question re holding of a session of the Indian Legislature at Simla in May 1924.	559-560
--	---------

## DADABHOY, THE HONOURABLE SIR MANECKJI B.—

Supplementary question re rules under Section 67 of the Government of India Act.	576
Supplementary question re failure of certain members of the Indian Legislature to pay rent for quarters occupied by, or reserved for, them.	591

## FROMM, THE HONOURABLE SIR ARTHUR—

Supplementary question re holding of a session of the Indian Legislature at Simla in May 1924.	580-581
Supplementary question re reduction of railway freight on coal ...	642

## JOGENDRA SINGH, THE HONOURABLE SARDAR—

Supplementary question re prevention of Akali Jathas from proceeding to Jaito from British territory.	518-515
Question re minimum pay of an Assistant Superintendent of Police when confirmed.	529
Question re pay of provincial service officers appointed as Assistant Superintendents of Police.	529
Question re the grading of provincial service officers appointed as Superintendents of Police.	529 530

## KARANDIKAR, THE HONOURABLE MR. R. P.—

Question re separation of judicial from executive functions ...	10
Question re enforcement of the principle of reciprocity in the matter of imports from Colonies.	10 11

QUESTIONS AND ANSWERS—*contd.*KARANDIKAR, THE HONOURABLE MR. K. P.—*concl'd.*

Question <i>re</i> prohibition of the importation of seditious literature into India under Section 19 of the Sea Customs Act.	11
Question <i>re</i> reconstitution of the Railway Board.	11—12
Question <i>re</i> improvement in the compilation of statistical publications.	12
Question <i>re</i> cesses on tea, indigo, lac and cotton	12—13
Question <i>re</i> India's educational policy	13
Question <i>re</i> removal of certain grievances of the University Training Corps, Bombay.	13—15
Question <i>re</i> pay or allowances admissible to the European Officers of the University Training Corps, Bombay, and railway concessions for the members of the Indian Territorial Force.	15

## MARICAIR, THE HONOURABLE KHAN BAHADUR SIB AHMEDTHAMEY—

Question <i>re</i> improvement of Vizagapatam harbour	5
Question <i>re</i> opening of the port of Madras for pilgrim traffic to Mecca and other holy places.	5—6

## MITTER, THE HONOURABLE DR. DWARKANATH—

Questions <i>re</i> Tariff Board's report on steel industry	588
Question <i>re</i> protection of the Indian steel industry	588—589
Question <i>re</i> report of the Indian Bar Committee	647—648

## MOTI CHAND, THE HONOURABLE RAJA—

Question <i>re</i> grievances of third class railway passengers	585
Question <i>re</i> use of cattle trucks on railways for passengers and pilgrims.	585
Question <i>re</i> overcrowding of railway carriages	585
Question <i>re</i> use of alarm chains in railway carriages	586
Question <i>re</i> cleaning of third class railway carriages	586
Question <i>re</i> inadequate water supply at Railway Stations	586
Question <i>re</i> insufficient waiting accommodation for third class passengers at Railway Stations.	586
Question <i>re</i> beggars on railway station platforms	586
Question <i>re</i> the publication entitled "Secret Doings on Indian Railways"	586—587
Question <i>re</i> copyright library in India	587
Question <i>re</i> expenditure on the Government Printing Department	587
Question <i>re</i> policy for maintaining Government printing works	588
Question <i>re</i> Indian candidates for vacancies in the Geological Survey of India.	588
Question <i>re</i> production and supply of quinine in India	588—589
Question <i>re</i> progressive reduction of the cadre of military officers in the Survey of India.	589
Question <i>re</i> abolition of the Board of Scientific Advice and Hydro-electric Surveys.	589—590
Question <i>re</i> establishment of a school of Mining and Geology at Dhanbad.	590

## MUZAMMIL ULLAH KHAN, THE HONOURABLE KHAN BAHADUR NAWAB SIB MUHAMMAD—

Supplementary question <i>re</i> holding of a session of the Indian Legislature at Simla in May 1924.	561
---	-----

## NATESAN, THE HONOURABLE MR. G. A.—

Supplementary question <i>re</i> Colonies Committee	582
Supplementary question <i>re</i> holding of a session of the Indian Legislature at Simla in May 1924.	580
Supplementary Question <i>re</i> rules under Section 67 of the Government of India Act.	576

QUESTIONS AND ANSWERS—*contd.*

	PAGE.
<b>RAM SABAN DAS, THE HONOURABLE RAI BAHADUR LALA—</b>	
Question re employment of border tribesmen in North West Frontier on public works.	35
Question re employment of border tribesmen in North West Frontier on the construction of military roads, railways and works.	35—36
Question re geological survey of tribal area in North West Frontier	36
Question re amount of allowances granted to tribal chiefs in the North West Frontier for keeping peace.	36
Question re construction and upkeep of roads in the North West Frontier Province.	36—37
Question re construction of protective works at Dera Ismail Khan against the erosion of river Indus.	37
Question re increase of fares on Kalabagh-Bannu Section of the North Western Railway.	37
Question re construction of certain railway lines on the North Western Railway.	38
Question re construction of a railway between India and Burma ...	38
Question re deportation of prisoners to the Andamans ...	38—39
Question re colonisation of the Andamans ...	39—40
Question re improvement of the judicial administration of the North West Frontier Province.	40
Question re North West Frontier Inquiry Committee's report ...	40
Question re grant of Viceroy's Commission to the officers of the University Corps in India.	41
Question re number and tonnage of merchant ships owned by Indians	41
Question re encouragement of shipbuilding industry in India ...	41—42
Question re number of ships constructed in India per year ...	42
Question re imports of South African coal into India ...	43
Question re imposition of import duty on South African coal ...	43—44
Question re action taken by Government to protest against Kenya Immigration Bill.	239—240
Question re payments made to surplus British Officers in the Army, after the termination of the Great War.	332
Question re retrenchment effected in establishment charges of State Railways in India.	569
Question re contract with Messrs. Clements, Robson and Company for the supply of edible grains, etc., to the Military Department.	641—642
Question re rates of new contract for Government of India printing	642
Question re report of the North West Frontier Inquiry Committee...	642
Question re reduction of railway freight on coal ...	642
Question re report of the Tariff Board ...	642—643
Question re number of Indian officers holding King's Commissions in the Army.	643
Question re number of Indian Traffic Inspectors (Transportation Branch) on State Railways	643
Question re railway concessions for the carriage of military stores...	643—644
Question re employment of military officers on State Railways ...	
<b>RAZA ALI, THE HONOURABLE SAIYAD—</b>	
Supplementary question re prohibition of the importation of the Right Honourable Ramsay Macdonald's book "The Awakening of India" under the Sea Customs Act	11
Supplementary question re employment of border tribesmen in North West Frontier on public works.	35
Supplementary question re construction of protective works at Dera Ismail Khan against the erosion of river Indus.	37
Supplementary question re deportation of prisoners to the Andamans	38—39
Supplementary question re North-West Frontier Inquiry Committee's report.	40
Supplementary question re appointment of an Indian as Additional Judicial Commissioner, North-West Frontier Province.	40
Supplementary question re import duty on South African coal	43

QUESTIONS AND ANSWERS—*contd.*RAZA ALI, THE HONOURABLE SAIYAD—*concl'd.*

Question <i>re</i> meetings of the Standing Advisory Committees attached to various Departments of the Government of India.	235—236
Supplementary question <i>re</i> prevention of <i>Akali Jathas</i> from proceeding to Jaito from British territory.	514
Supplementary question <i>re</i> rules under section 67 of the Government of India Act.	575

## ROY, THE HONOURABLE RAJA PRAMADA NATH, OF DIGHPATIA—

Question <i>re</i> Indo-Burma Railway ...	559
Question <i>re</i> corrugated iron sheds at Railway station platforms on the Eastern Bengal Railway.	559
Question <i>re</i> extension of the broad-gauge Eastern Bengal Railway line to Siliguri.	570
Question <i>re</i> opening of the broad-gauge Eastern Bengal Railway line from Santahar to Parbatipur.	570
Question <i>re</i> proposed Nachoul-Ishurdi branch of the Eastern Bengal Railway.	570
Question <i>re</i> district headquarters without Railways ...	570
Question <i>re</i> action taken by the Eastern Bengal and Sara-Sirajgunge Railways to prevent the recurrence of floods in North Bengal.	570—571
Question <i>re</i> inquiry into the working of the Government of India Act, 1919.	571

## SAMALDAS, THE HONOURABLE MR. LALUBHAI—

Question <i>re</i> application of Stores Purchase Rules to New Delhi and Sukkur Barrage.	6
Question <i>re</i> expenditure on the Ecclesiastical Department ...	6
Question <i>re</i> report of the Alliance Bank Inquiry Committee ...	7
Question <i>re</i> report of the Government Securities Committees ...	7
Question <i>re</i> mining concessions and forest monopolies ...	7
Question <i>re</i> railway concessions for commercial travellers ...	7—8
Question <i>re</i> value of stores purchased during 1920-21 to 1922-23 for State railways and other departments of the Government of India, from India, Great Britain and other countries.	8
Supplementary question <i>re</i> reintroduction of the Howrah-Bombay Postal Express train.	149—150
Question <i>re</i> agreement in regard to the naval base at Singapore ...	647

## SARVADHIKARY, THE HONOURABLE DR. SIE DEVA PRASAD—

Supplementary question <i>re</i> reduction in the number of Executive Councillors and Ministers in some provinces.	24
Supplementary question <i>re</i> colonisation of the Andamans ...	39—40
Supplementary question <i>re</i> imports of South African coal into India	42
Supplementary question <i>re</i> running of military dairies at a profit...	47
Question <i>re</i> Financial Advisers to the different Departments of the Government of India.	127—128
Question <i>re</i> separation of railway finances from general finances ...	128—129
Supplementary question <i>re</i> carriage of coal by sea for Indian State and other railways and the Indian Marine.	131
Question <i>re</i> delay in the arrival of the English Mail ...	169
Question <i>re</i> unsatisfactory hours for the delivery of the English Mail in Delhi.	169
Supplementary question <i>re</i> local Railway Advisory Committees ...	238
Supplementary question <i>re</i> payments made to surplus British officers in the Army after the termination of the Great War.	240
Question <i>re</i> Imperial Research Institute at Delhi ...	270—271
Question <i>re</i> Prince of Wales' Royal Indian Military College, Dehra Dun.	271—272
Question <i>re</i> placing of answers to questions on the table ...	272
Question <i>re</i> accident on the Bombay, Baroda and Central India Railway beyond Idgah (Agra).	272—273

QUESTIONS AND ANSWERS—*contd.*SARVADHIKARY, THE HONOURABLE DR. SIE DEVA-PRASAD—*concd.*

Supplementary question re Colonies Committee ...	331—332
Question re occupation and rents of quarters in the Longwood Hotel, Simla.	354—355
Question re prevention of Akali Jathas from proceeding to Jaito from British territory.	512—515
Question re appointment of members of Indian Civil Service as Secretaries and Deputy Secretaries to the Government of India.	515
Question re representation of Berar on the Central Provinces Legislative Council and the Indian Legislature.	567
Supplementary question re protection of the Indian steel industry...	568—569
Question re rules under section 67 of the Government of India Act...	571—576
Supplementary question re establishment of a school of Mining and Geology at Dhanbad.	590
Supplementary question re failure of certain members of the Indian Legislature to pay rent for quarters occupied by, or reserved for, them.	591

## SASTRI, THE RIGHT HONOURABLE V. S. SRINIVASA—

Question re the Colonies Committee ...	331—332
Supplementary question re failure of certain members of the Indian Legislature to pay rent for quarters occupied by or reserved for, them.	591

## SETHNA, THE HONOURABLE MR. PHIROZE C.—

Question re resignations of officers since the inauguration of the reforms.	23
Question re revenue realised from salt during June to November 1922 and 1923.	24
Question re reduction in the number of Executive Councillors and Ministers in some provinces.	24
Question re income from advertisements on inland telegraph forms...	24—25
Question re utilisation of profits from the working of enemy ships...	44—45
Question re difference in the letter postage rates between India and the United Kingdom, and <i>vice versa</i> .	45
Question re closure and reduction in the number of certain military hospitals.	45—46
Question re running of military dairies at a profit ...	46—47
Question re India's contribution to the expenses of the League of Nations.	47
Question re strength of the Department of Commercial Intelligence and the salaries of the officials connected therewith.	114
Question re contracts for the carriage of mails by water in India ...	115
Question re British Consuls ...	115—118
Question re Military Colleges in India ...	118—119
Question re amount of stores purchased in the United Kingdom and in India in 1922-23 for Government.	119
Question re amounts paid in 1922-23 to Army officers who retired or were demobilised by way of gratuity, etc.	119
Question re officers of the Superior Services who offered to retire on proportionate pension since the Reforms.	120
Question re Consulting Engineers to the India Office ...	120—121
Question re coinage of sovereigns at the Bombay Mint ...	121—122
Question re creation of new posts from the time of Lord Curzon's Viceroyalty up to 31st December 1923.	122
Question re expenditure on cables exchanged between the Government of India and India Office in 1922-23.	122
Question re power of Provincial Governments to increase the salary, etc., of members of the Superior Services working under them.	122—123
Question re brine salt ...	129
Question re importation of salt into India ...	129—130

QUESTIONS AND ANSWERS—contd.

SETHNA, THE HONOURABLE MR. PHIROZE C.—*concl'd.*

Question re liability of Indian Tea Companies to income-tax and super-tax.	130
Question re income-tax collected from indigo, shellac and silk factories during the last five years.	130—131
Question re carriage of coal by sea for Indian State and other Railways and the Indian Marine.	131
Question re reintroduction of the Howrah-Bombay Postal Express train.	149—150
Question re treatment of Asiatics, other than Japanese, in Indo-China.	150
Question re acquisition of land by Indians in Hongkong	150
Question re treatment of Indian visitors on landing in Colombo	150—151
Supplementary question re reintroduction of the system of issuing railway concession tickets on the Great Indian Peninsula Railway.	171
Question re railways in North West Frontier Province, Baluchistan and the border country.	240—241
Question re action taken on the Resolution re forestry education passed by the Council of State.	269
Question re inadequacy of training of Forest officers	269—270
Question re cost of telegrams sent by the Governor-General and his Council to the Secretary of State.	270
Question re remittances made to London	401
Question re liabilities of the Government of India	401
Question re estimated cost of the expansion of the Forest Research Institute and College, Dehra Dun.	402
Question re expenditure on the expansion of Forest Research Institute and College, Dehra Dun.	402
Question re number of Indian officers in the Forest Research Institute and College, Dehra Dun.	402—403
Question re Indianisation of the Superior Services in the Forest Research Institute and College, Dehra Dun.	403—404
Question re filling up of temporary vacancies in the Forest Research Institute and College, Dehra Dun.	404
Question re officers in charge of various sections of the Forest Research Institute and College, Dehra Dun.	404
Question re buildings in New Delhi	404—405
Question re departments in which subordinate staff consists of a majority of non-Indians.	405
Question re discouragement of the use of water transport through the establishment of railways.	405—406
Question re grant of compensatory allowances by Provincial Governments to members of the Superior Services employed under them.	483
Question re exemption of indigo factories from payment of income-tax.	483—484
Question re amendment of the Indian Life Insurance Companies Act, 1912.	515—516
Supplementary question re holding of a session of the Indian Legislature at Simla in May 1924.	560—561
Question re failure of certain members of Indian Legislature to pay rent for quarters occupied by, or reserved for, them.	590—591
Question re successful British and Indian candidates at the last Indian Civil Service Examination.	644
Question re particulars in regard to Indian Civil Service Examination held at Allahabad in March 1923.	644—645

STOKES, THE HONOURABLE MR. H. G.—

Supplementary question re failure of certain members of the Indian Legislative to pay rent for quarters occupied by, or reserved for them.	591
--	-----

SUKHBIR SINHA, THE HONOURABLE LALA—

Question re stoppage of the issue of gold coin from public treasuries	8—9
---	-----



	PAGE.
<b>QUESTIONS AND ANSWERS—concl'd.</b>	
<b>SUKHRIE SINHA, THE HONOURABLE LALA—concl'd.</b>	
Question re Indian Drugs Manufacture Committee ...	9
Question re reopening of the gold coinage in the Bombay Mint ...	9
Question re manufacture in India of medicines at present imported from foreign countries.	9
Supplementary question re separation of judicial from executive functions.	10
Question re counting of probationary periods for pension of Deputy Collectors in the United Provinces.	170
Question re defects in the Hardwar Railway Station ...	170
Question re reintroduction of the system of issuing Railway concession tickets.	170—171
<b>VEDAMURTI, THE HONOURABLE MR. S.—</b>	
Question re excess expenditure incurred on the New Capital Works, Delhi.	123
Question re amalgamation of the III and X Divisions of the Public Works Department, Delhi.	123—124
Question re cost, estimated and actual, of the Eastern and Western Hostels, Raisina.	124
Question re Sub-Divisions of the Public Works Department, Delhi...	124—125
Question re Divisions of the Public Works Department, Delhi ...	125
Question re officers, Imperial and Provincial, in the Public Works Department, Delhi.	125—126
Question re commission on British Postal Orders being less than inland money order rates.	126
Question re differentiation between quarters occupied by Indians and Europeans in the matter of street lighting in Raisina.	126—127
Question re the Financial Assistant to the Chief Engineer, Public Works Department, Delhi.	127
Question re reduction proposed in the staff of the Public Works Department, Delhi.	127
Supplementary question re prevention of Akali Jathas from proceeding to Jaito from British territory.	514
Question re pay of certain officers on deputation to the Public Works Department, Delhi.	637
Question re creation of new Divisions and Sub-Divisions in the Public Works Department, Delhi.	638
Question re lighting of the road between Paharganj and Ibbetson Road, Raisina.	638
Question re excess expenditure on the Eastern and Western Hostels, Raisina.	638
Question re certain particulars in regard to Sub-Divisional Officers in the Public Works Department, Delhi.	639—640
Question re lighting arrangements in the area comprising the orthodox quarters, Raisina.	640—641
Question re grant of Overseas Pay and Exchange Compensation allowance to Chaplains on the Indian Ecclesiastical establishment.	641
Questions re allowances of members of the Imperial Services ...	641
<b>QUININE—</b>	
Question re production and supply of — in India ...	588—589
<b>QUORUM—</b>	
See "Select Committee(s)".	
<b>RAFIQUE, THE HONOURABLE SIR MUHAMMAD—</b>	
Indian Succession Bill ...	357
Oath of Office ...	1
<b>RAILWAY(S)—</b>	
Question re — concessions for commercial travellers ...	7—8
Question re beggars on — station platforms ...	586

## PAGE.

RAILWAY(S)—*concl'd.*

Question <i>re</i> carriage of coal by sea for Indian State and other — and the Indian Marine.	131
Question <i>re</i> cleaning of third class — carriages	586
Question <i>re</i> constitution of Central — Advisory Council	218
Question <i>re</i> construction of a — between India and Burma	18
Question <i>re</i> district headquarters without —	570
Question <i>re</i> employment of border tribesmen in the North-West Frontier on — in the tribal area.	5-36
Question <i>re</i> — extensions in Bengal	239
Question <i>re</i> formation of local Advisory Committees	237-238
Question <i>re</i> — in the North-West Frontier Province, Baluchistan and the border country.	240-241
Question <i>re</i> grievances of third class — passengers	585
Question <i>re</i> inadequate water supply at — stations	586
Question <i>re</i> insufficient waiting accommodation for third class passengers at — stations.	586
Question <i>re</i> meetings of Central — Advisory Council	286-287
Question <i>re</i> overcrowding of — carriages	585
Question <i>re</i> reintroduction of the Howrah-Bombay Postal Express — train.	149-150
Question <i>re</i> retrenchment effected in establishment charges on State — in India.	382
Question <i>re</i> the publication entitled "Secret Doings on Indian —"	386-587
Question <i>re</i> training of Indians for superior posts in the — service	326
See "Alarm Chains".	
See "Bombay, Baroda and Central India —".	
See "Cattle Trucks".	
See " — Concession ticket(s)".	
See "East Indian —".	
See "Eastern Bengal —".	
See " — Finance".	
See "Flood(s)".	
See " — Freight".	
See "Indo-Burma —".	
See "Military Officer(s)".	
See "Military Store(s)".	
See "Muhammadan(s)".	
See "North-Western —".	
See " — Risk Notes Committee".	
See "Shikarpur (Sind)".	
See "Store(s)".	
See "Traffic Inspector(s)".	
See "Water Transport".	

## RAILWAYS ACT—

Question <i>re</i> amendment of the Indian —	238
--	-----

## RAILWAY BOARD—

Question <i>re</i> number of Indian superior officers in the —	640
Question <i>re</i> reconstitution of the —	11-12

## RAILWAY CONCESSION TICKETS—

Question <i>re</i> reintroduction of the system of issuing —	170-171
--	---------

## RAILWAY FINANCE—

Question <i>re</i> separation of — from General Finance	128-129
---	---------

## RAILWAY FREIGHT—

See "Coal".

## RAILWAY RISK NOTES COMMITTEE—

Question <i>re</i> action taken on the recommendations of the —	238
---	-----

	PAGE.
RAILWAY STATION(s)— See "Hardwar —"	
LALINA— See "Legislative Buildings in New Delhi ( — )". See "Lighting, Street". See "War Memorial".	
RAM SARAN DAS, THE HONOURABLE RAI BAHADUR LALA— Election of — to the Emigration Committee ... Election of — to the panel of Standing Advisory Committee attached to the Commerce Department. ... General discussion of the budget for 1924-25 ... Indian Coinage (Amendment) Bill ... Indian Finance Bill ...	105 242 460-463 480-490 689-690, 712, 715, 718
Remarks on the death of the Honourable Nawab Sir Bahram Khan ... Resolution re appointment of a Committee to enquire into the economic conditions of the people of India. Resolution re award of the Nobel Prize for peace to His Highness the Aga Khan. Resolution re establishment of pioneer sugar factories and the pro- motion of sugarcane cultivation. Resolution re restrictions and disabilities imposed on Indians in South Africa. Resolution re survey of Irrigation possibilities and organisation of power lift irrigation from wells. Resolution re unemployment in India ... See "Questions and Answers".	4 63, 66-67 92 550-555 613 367-368 263
RAMESHWARA SINGH, THE HONOURABLE MAHARAJADHTRAJA SIR — OF DARBHANGA— Indian Finance Bill ...	666-667
RAMPAL SINGH, THE HONOURABLE RAJA SIR— Congratulations to the President on his appointment as Home Member of Governor-General's Executive Council. Resolution re survey of irrigation possibilities and organisation of power lift irrigation from wells. Resolution re unemployment in India ...	409 364-365 288-290
RAWLINSON, HIS EXCELLENCY LORD— See "Commander-in-Chief, His Excellency the".	
RAZA ALI, THE HONOURABLE SAYYAD— Criminal Tribes Bill ... Election of — to the Emigration Committee ... Election of — to the panels of Standing Advisory Committees attached to the Departments of Education, Health and Lands and Industries and Labour. Election of — to the Select Committee on the amendment of Stand- ing Orders. Enquiry by — re Tolls Bill ... General discussion of the budget for 1924-25 ... Indian Coinage (Amendment) Bill ... Indian Finance Bill ... Indian Succession Bill ... Indian Tolls Bill ...	81-82, 307-309, 311-15 305 242 153 484-485 465-467 185-186 576, 717, 721 724 329 19 20, 84 - 85, 117, 119 310, 322, 516, 530-531

	PAGE.
<b>RAZA ALI, THE HONOURABLE SAYYAD—<i>concl'd.</i></b>	
Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the budget, as originally arranged.	379—380
Resolution <i>re</i> appointment of a committee to enquire into the economic conditions of the people of India.	67—68
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	95 96, 98
Resolution <i>re</i> child welfare movement	290
Resolution <i>re</i> publication of Bills in all their stages in the Council of State Debates.	111
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	615—619
See "Questions and Answers".	
<b>SPADING, HIS EXCELLENCY LORD—</b>	
Remarks by President and others <i>re</i> the proposed gift to the Council by one Babu Devaki Nandan Prasad Singh of a painting of —.	306—307
<b>RECIPROCITY—</b>	
See "Import(s)".	
<b>REFORMS—</b>	
Resolution <i>re</i> expansion of — (not moved)	326—327
See "Government of India Act".	
See "Resignation(s)".	
See "Superior Service(s)".	
<b>REMITTANCE(S)—</b>	
Question <i>re</i> — made to London	401
<b>RENT(S)—</b>	
Question <i>re</i> failure of certain members of the Indian Legislature to pay — for quarters occupied by, or reserved for, them.	590—591
<b>REPEALING AND AMENDING BILL—</b>	
Laid on the table as passed by the Legislative Assembly	555
Motion to take into consideration	519
Taken into consideration	519
Passed	519
Announcement <i>re</i> assent of the Governor General to —	648
<b>REPLIES—</b>	
See "Answer(s)".	
<b>REPORT(S)—</b>	
See "Alliance Bank".	
See "Bar Committee".	
See "North-West Frontier Inquiry Committee".	
See "Securities Committee(s)".	
See "Select Committee(s)".	
See "Tariff Board".	
<b>RESEARCH INSTITUTE, DELHI—</b>	
See "Imperial —".	
<b>RESIGNATION(S)—</b>	
Question <i>re</i> — of officers since the inauguration of the reforms...	33
<b>RESOLUTION(S)—</b>	
— <i>re</i> amalgamation of the Imperial and Provincial Branches of the Forest Service. (Not moved).	244
— <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	48—80

	PAGE.
<b>RESOLUTION(s)—concl'd.</b>	
— <i>re</i> appointment of an Indian as leader of the delegation representing India at the forthcoming session of the Assembly of the League of Nations.	504—508
— <i>re</i> appointment of a Public Service Commission (not moved) ...	485
— <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	86—101
— <i>re</i> child welfare movement ...	291—303
— <i>re</i> deletion from the Statute Book of the ratio of two shillings to the rupee. (Not moved).	557
— <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting.	576—582
— <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	508—512.
— <i>re</i> expansion of reforms. (Not moved) ...	535—557
— <i>re</i> instructions to the Colonies Committee with regard to the Kenya Immigration Bill, etc.	326—327
— <i>re</i> the Kenya Immigration Bill. (Not moved) ...	486—504
— <i>re</i> mural paintings in the Government buildings at Raisina ...	105—108
— <i>re</i> publication of Bills in all their stages in the Council of State Debates.	131—148
— <i>re</i> ratification of the international convention for the suppression of the circulation of, and traffic in, obscene publications.	108—112
— <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	520—527
— <i>re</i> relaxation of the control of the Secretary of State under Section 19A of the Government of India Act. (Not moved).	152—167
— <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	326—327
— <i>re</i> substitution of a provident fund for the existing pension system.	598—613.
— <i>re</i> survey of irrigation possibilities and the organisation of power lift irrigation from the wells.	615—6: 5
— <i>re</i> transfer to the Governor in each province of "transferred subjects". (Not moved).	244—258
— <i>re</i> unemployment in India ...	557—577
— <i>re</i> withdrawal of quarantine restrictions imposed upon deck passengers proceeding to the Straits Settlements and Federated Malay States. (Withdrawn).	557
See "Ruling(s)".	259—266, 273—291 108
<b>RETRENCHMENT—</b>	
See "Government of India Secretariat".	
<b>REVENUE—</b>	
See "Stamp(s)".	
<b>ROAD(s)—</b>	
Question <i>re</i> employment of border tribesmen on the construction of	55-
— in tribal area on the North-West Frontier.	
See "North-West Frontier Province".	
<b>ROY, THE HONOURABLE RAJA PRAMADA NATH —, OF DIGHAPATIA—</b>	
Farewell remarks for the Honourable the President ...	788
General discussion of the budget for 1924-25 ...	458—459
Indian Finance Bill ...	687
See "Questions and Answers".	
<b>RULE(s)—</b>	
Question <i>re</i> — under Section 67 of the Government of India Act	571—576
See "Store(s)".	

	PAGE.
<b>RULING(S)—</b>	
— by President disallowing a Member to move an amendment to his own amendment when that amendment is being put to the House.	100
— by President <i>re</i> early information being given when a Government Member hands over charge of the carriage of any motion to another Government Member.	102
— by President <i>re</i> effect of amendments in the case of a Bill recommended by the Governor General under Section 67B of the Government of India Act.	717—718
— by President <i>re</i> publication of Bills before introduction	20
— that a Member is within his rights in agreeing to serve on a Select Committee and yet voting against the motion that the Bill be referred to a Select Committee.	185
— by President that if the Council passes the motion that a Bill be taken into consideration or the motion that a Bill be referred to a Select Committee, it affirms the general principle of the Bill and these motions are therefore capable of discussion together.	185
— by President that it is not permissible for a Member to speak on a Resolution when the Government Member in charge has made his speech and the mover is replying.	111 112
— by President that the mover of a Resolution cannot move formal amendments to his Resolution at a stage when he is replying to his Resolution.	112
<b>SALT—</b>	
Question <i>re</i> brine	129
Question <i>re</i> importation of — into India	129—130
Question <i>re</i> revenue realised from — during June to November 1922 and 1923.	84
<b>SAMALDAS, THE HONOURABLE MR. LALUBHAI—</b>	
Election of — to the panels of Standing Advisory Committees attached to the Home, Commerce and Education, Health and Lands Departments.	242
General discussion of the budget for 1924-25	414—419
Immigration into India Bill	188—190
Indian Finance Bill	706—707
Indian Penal Code (Amendment) Bill	396—398
Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the budget, as originally arranged.	380
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	96—97
Withdrawal by — of his name from the nominations to the Emigration Committee.	305
<i>See</i> " Questions and Answers ".	
<b>SANGLA-CHINIOT RAILWAY—</b>	
Question <i>re</i> construction of — line on the North-Western Railway	38
<b>SANTAHAR—</b>	
<i>See</i> " Eastern Bengal Railway ".	
<b>SARA-SIRAJGUNGE RAILWAY—</b>	
<i>See</i> " Flood(s) ".	
<b>SARMA, THE HONOURABLE SIR NARASIMHA—</b>	
Apology for the absence of Members of the Executive Council on the afternoon of the 4th February 1924.	102—103
Cantonments Bill	229—230
Cotton Cess (Amendment) Bill	151
Immigration into India Bill	198—200,
	204—205
Motion for the election of the panel for the Standing Advisory Committee on Emigration attached to the Department of Education, Health and Lands.	281—282

	PAGE.
<b>SARMA, THE HONOURABLE SRI NARAHIMHA—<i>concl'd.</i></b>	
Remarks on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair.	207
Remarks on the death of the Honourable Nawab Sir Bahram Khan	4
Request for the allotment of further time for the general discussion of the budget.	485
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	60-66
Resolution <i>re</i> child welfare movement	208,
	300-302
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	511, 515-
	518, 546, 549,
	552-553
	457-502
Resolution <i>re</i> instructions to the Colonies Committee with regard to the Kenya Immigration Bill, etc.	
Resolution <i>re</i> Kenya Immigration Bill. (Not moved)	105-107
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	104-107
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	599-603,
	617,
	629-636
	170-175
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from wells.	
Resolution <i>re</i> unemployment in India	290
<b>SARVADHIKARY, THE HONOURABLE DR. SRI DEVA PRASAD—</b>	
Cantonments Bill	222-224
Congratulations to the President on his appointment as Home Member of the Governor General's Executive Council.	408
Criminal Tribes Bill	11
Election of — to the Emigration Committee	105
Election of — to the panels of Standing Advisory Committees attached to the Home, Education, Health and Lands and Industries and Labour Departments.	142
Election of — to the Select Committee on the amendment of Standing Orders.	350
General discussion of the budget for 1924-25	457-442
Immigration into India Bill	171-172,
	185, 201-204
Indian Finance Bill	671-681,
	708-712,
	715
Indian Income-tax (Amendment) Bill	735-736
Indian Succession Bill	318-319
Indian Tolls Bill	611
Oath of Office	1
Resolution <i>re</i> child welfare movement	298-300
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting.	577, 592
Resolution <i>re</i> expansion of Reforms. (Not moved)	126-127
Resolution <i>re</i> instructions issued to the Colonies Committee with regard to the Kenya Immigration Bill, etc.	492-415,
	498, 502
Resolution <i>re</i> mural paintings in the Government buildings at Raisina	140-141
Resolution <i>re</i> ratification of the international convention for the suppression of, and traffic in, obscene publications.	522,
	525-526
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	159, 160,
	162, 166
Resolution <i>re</i> relaxation of the control of the Secretary of State under Section 19A of the Government of India Act. (Not moved).	326, 327
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	604-607,
	618
Resolution <i>re</i> unemployment in India	278-277,
	284
<b>See "Questions and Answers".</b>	

	PAGE.
<b>SASTRI, THE RIGHT HONOURABLE V. S. SRINIVASA—</b>	
Condolences on the death of Mr. G. M. Bhurgri ...	518—519
Congratulations to the President on his appointment as Home Member of Governor General's Executive Council. ...	409—410
Election of — to the Emigration Committee ...	105
Election of — to the Select Committee on the amendment of Standing Orders. ...	156
General discussion of the budget for 1924-25 ...	448—449
Immigration into India Bill ...	190—193
Indian Finance Bill ...	656—657
Nomination of — to the Panel of Chairmen of the Council of State. ...	5
Presiding ...	298, 452,
	508, 685,
	206
Remarks on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair. ...	
Resolution <i>re</i> instructions to the Colonies Committee in regard to the Kenya Immigration Bill, etc. ...	486—492,
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa. ...	508—504
See "Questions and Answers".	608—611
<b>SCIENTIFIC ADVICE, BOARD OF—</b>	
Question <i>re</i> abolition of the — ...	589
<b>SEA CUSTOMS ACT—</b>	
See "Seditious literature".	
<b>SEA CUSTOMS (AMENDMENT) BILL—</b>	
Laid on the table as passed by the Legislative Assembly ...	484
Motion to take into consideration ...	532—534
Taken into consideration ...	534
Passed ...	504
Announcement <i>re</i> assent of the Governor General to — ...	648
<b>SECRETARIAT—</b>	
Question <i>re</i> appointment of members of the Indian Civil Service as Secretaries and Deputy Secretaries in the Government of India —	515
See "Government of India".	
<b>SECURITIES COMMITTEE(S)—</b>	
Question <i>re</i> reports of the Government — ...	7
<b>SEDITIONS LITERATURE—</b>	
Question <i>re</i> prohibition of the importation of — under Section 19 of the Sea Customs Act. ...	11
<b>SELECT COMMITTEE(S)—</b>	
Amendment of Standing Orders so as to prescribe a quorum for —. ...	182—184
Report of the — on the amendment of Standing Orders so as to prescribe a quorum for —, laid on the table. ...	613
Ruling by President that a member is within his rights in agreeing to serve on a — and yet voting against the motion that a Bill be referred to a —. ...	185
Ruling by President that if the Council passes the Motion that a Bill be taken into consideration or the Motion that a Bill be referred to a —, it affirms the general principle of the Bill, and that these Motions are, therefore, capable of discussion together. ...	185
See "Standing Order(s)".	
<b>SESSION—</b>	
Question <i>re</i> holding of a — of the Indian Legislature at Simla in May 1924. ...	559—562



	PAGE.
<b>SATHNA, THE HONOURABLE MR. PHIROZE C.—</b>	
Election of — to the panels of Standing Advisory Committees attached to the Home, Commerce and Industries and Labour Departments.	242
General discussion of the budget for 1924-25 ...	421—427
Immigration into India Bill ...	175—177
Indian Coinage (Amendment) Bill ...	386, 387
Nomination of — as Chairman of the Committee on Petitions ...	5
Resolution <i>re</i> amalgamation of the Imperial and Provincial Branches of the Forest Service. (Not moved).	244
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	48—53, 58, 62, 64, 75— 79
Resolution <i>re</i> appointment of an Indian as leader of the delegation representing India at the forthcoming session of the Assembly of the League of Nations.	504 505, 5 7, 508
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	90—91
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation in India.	540—543, 548, 549
Resolution <i>re</i> instructions to the Colonies Committee in regard to the Kenya Immigration Bill, etc.	495 496
Resolution <i>re</i> Kenya Immigration Bill. (Not moved) ...	106—108
Resolution <i>re</i> mural paintings in the Government buildings at Raisina.	131—135, 143—146 524
Resolution <i>re</i> ratification of the international convention for the suppression of, and traffic in, obscene publications.	
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	160—161
Resolution <i>re</i> substitution of a provident fund for the existing pension system.	252—253
Resolution <i>re</i> unemployment in India ...	285—288
<i>See</i> "Questions and Answers".	
<b>SHAFI, THE HONOURABLE DR. MIAN SIR MUHAMMAD—</b>	
Announcement <i>re</i> official business for the meeting on —	
5th February 1924 ...	21
12th and 14th February 1924 ...	108—104, 167—168
21st February 1924 ...	267
29th February 1924 ...	327
6th and 7th March 1924 ...	348—349
11th March 1924 ...	399
13th March 1924 ...	528
18th March 1924 ...	566
Apology for the absence of Members of the Executive Council on the afternoon of the 4th February 1924.	103
Cantonments Bill ...	220—222, 228
Condolences on the death of Mr. G. M. Bhurgri ...	518
Condolences on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair.	206
Condolences on the death of the Honourable Nawab Sir Bahram Khan.	1
Congratulations to the President on his appointment as Home Member of the Governor General's Executive Council ...	406
Criminal Tribes Bill ...	314—315
Election of — to the Select Committee on the amendment of Standing Orders.	356
Farewell remarks for the Honourable the President	778
Indian Coinage (Amendment) Bill ...	385, 386
Indian Finance Bill ...	582—583, 670—678, 719—720

	PAGE.
SHAFI, THE HONOURABLE DR. MIAN SIR MUHAMMAD— <i>concl.</i>	
Indian Penal Code (Amendment) Bill ... ..	398
Indian Succession Bill ... ..	336—338
Indian Tolls Bill ... ..	19—21,
	83, 85,
	817—318,
	320—323,
	531—534
	329
Remarks <i>re</i> presentation of the budget for 1924-25 on the afternoon of the 29th February 1924.	
Remarks <i>re</i> change in the dates for the discussion of the budget from 7th March 1924 to the 7th and 8th <i>idem</i> .	357, 377
• Remarks <i>re</i> allotment of the 7th March 1924 only for the general discussion of the budget, as originally arranged.	379—381
Remarks <i>re</i> proposed gift to the Council by one Babu Devaki Nandan Prasad Singh of a painting of His Excellency Lord Reading.	306
Repealing and Amending Bill ... ..	519
Resolution <i>re</i> appointment of an Indian as leader of the delegation representing India at the forthcoming session of the Assembly of the League of Nations.	505—507
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	89—90
Resolution <i>re</i> mural paintings in the Government buildings at Raisina	146
Resolution <i>re</i> publication of Bills in all their stages in the Council of State Debates.	109—112
• Resolution <i>re</i> ratification of the international convention for the suppression of, and traffic in, obscene publications.	525
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	623—625
Resolution <i>re</i> unemployment in India ... ..	277, 280
SHED(s)—	
Question <i>re</i> corrugated iron — at Railway station platforms on the Eastern Bengal Railway.	569
SHILLAC FACTORIES—	
See "Income-tax".	
SHIKARPUR (SIND)—	
Question <i>re</i> overbridge or tunnel at the railway level-crossing, —.	533
Question <i>re</i> shelter for passengers on the platform of the — railway station.	353
• Question <i>re</i> waiting room at — railway station for 1st and 2nd class lady passengers.	354
SHIP(s)—	
Question <i>re</i> number and tonnage of merchant — owned by Indians	41
Question <i>re</i> number of — constructed in India per year ...	41—42
See "Enemy —".	
SHIP-BUILDING—	
Question <i>re</i> encouragement of — industry in India ...	41
SHIGURI—	
See "Eastern-Bengal Railway".	
SILK FACTORIES—	
See "Income-tax".	
SINGAPORE—	
Question <i>re</i> agreement in regard to the naval base at — ...	647

	PAGE.
<b>SINGH, BABU DEVAKI NANDAN PRASAD—</b>	
Remarks by President and others <i>re</i> proposed gift to the Council by one — of a painting of His Excellency Lord Reading.	306—307
<b>SOUTH AFRICA—</b>	
Resolution <i>re</i> restrictions and disabilities imposed on Indians in —	593—613, 615—635
See "Coal".	
<b>SOVEREIGN(S)—</b>	
Question <i>re</i> coinage of — at the Bombay Mint	121—122
<b>SPECIAL MARRIAGE (AMENDMENT) BILL—</b>	
Announcement <i>re</i> assent of the Governor General to —	17
<b>SPEECH—</b>	
— delivered by His Excellency the Viceroy to the Council of State and Legislative Assembly on the 31st January 1924.	23—32
<b>STAMP(S)—</b>	
Question <i>re</i> assignments to Provincial Governments on account of sale-proceeds of postage — used for the purpose of general —.	325—326
Question <i>re</i> Provincial Governments' share of increased revenue from — under the Indian — (Amendment) Act, 1923.	326
<b>STAMP (AMENDMENT) BILL—</b>	
Announcement <i>re</i> assent of the Governor General to —	18
<b>STANDING ADVISORY COMMITTEE(S)—</b>	
Fixing of date for the nominations to panels of — attached to the Home, Commerce, Education, Health and Lands and Industries and Labour Departments.	86
Fixing of date for elections to the panels of — attached to the Home, Commerce, Education, Health and Lands and the Industries and Labour Departments.	113—114
Election of Members to the —	233
Election of panels for — attached to the Home, Commerce, Education, Health and Lands and the Industries and Labour Departments.	242
Motion for the election of the panel for the — on Emigration attached to the Department of Education, Health and Lands.	331—332
Motion for the election of panels of — attached to the Home, Commerce, Education, Health and Lands and the Industries and Labour Departments.	85—86
Question <i>re</i> meetings of the — attached to the various Departments of the Government of India.	235—236
<b>STANDING ORDER(S)—</b>	
Election of the Select Committee on the amendment of — of the Council of State.	356
Report of the Select Committee on the amendment of — <i>re</i> quorums for Select Committees, laid on the table.	613
Amendment of — relating to the quorums of Select Committees	786—737
Motion for the amendment of — relating to the quorums for Select Committees.	333—334
<b>STATEMENT(S) LAID ON THE TABLE—</b>	
— <i>re</i> important financial questions outstanding between His Majesty's Government and the Government of India.	16—17
<b>STATION MASTER(S)—</b>	
See "East Indian Railway".	
<b>STATION SUPERINTENDENT(S)—</b>	
See "East Indian Railway".	

	PAGE.
STATISTICAL—	
Question <i>re</i> improvement in the compilation of — publications ...	12
STEEL INDUSTRY—	
Question <i>re</i> protection of the Indian — ...	568—569
Question <i>re</i> Tariff Board's Report on — ...	568
STOKES, THE HONOURABLE MR. H. G.—	
Indian Finance Bill ... ..	690—693
Oath of Office ... ..	483
<i>See</i> "Questions and Answers".	
STORE(S)—	
Question <i>re</i> application of — Purchase Rules to New Delhi and Sukkur Barrage.	6
Question <i>re</i> purchase of — in the United Kingdom and India during 1922-23 for Government.	119
Question <i>re</i> value of — purchased during 1920-21 to 1922-23 for State Railways and other Departments of the Government of India from India, Great Britain and other countries.	8
STOW, THE HONOURABLE MR. A. M.—	
Oath of Office ... ..	1
STRAITS SETTLEMENTS—	
<i>See</i> "Quarantine".	
SUB-DIVISIONAL OFFICERS—	
Question <i>re</i> certain particulars in regard to — in the Public Works Department, Delhi.	639—640
SUCCESSION BILL—	
Motion to refer to Joint Committee ... ..	334—340
Motion adopted ... ..	340
SUGAR—	
Resolution <i>re</i> establishment of pioneer — factories and the promotion of — cane cultivation.	508—512, 535—557
SUKHBIR SINHA, THE HONOURABLE LALA—	
Election of — to the panel of Standing Advisory Committee attached to the Department of Education, Health and Lands.	242
General discussion of the budget for 1924-25 ... ..	456—457
Indian Finance Bill ... ..	703
Indian Tolls Bill ... ..	20—21
Nomination of — to the Committee on Petitions ... ..	5
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	63, 74—75
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	95
Resolution <i>re</i> child welfare movement ... ..	291—294, 296, 297, 299, 302—303 • 536, 543—547, 549—550
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugar-cane cultivation.	
<i>See</i> "Questions and Answers".	
SUKKUR BARRAGE—	
<i>See</i> "Store(s)".	
SUPER-TAX—	
Question <i>re</i> liability of Indian Tea Companies to income-tax and —	130

	PAGE.
<b>SUPERIOR SERVICE(s)—</b>	
Question <i>re</i> grant of compensatory allowances by Provincial Govern- ments to members of the — employed under them.	483
Question <i>re</i> officers of the — who offered to retire on proportionate pension since the reforms.	120
Question <i>re</i> power of Provincial Governments to increase the salary, etc., of members of the — working under them.	132—123
<b>SURPLUS BRITISH OFFICER(s)—</b>	
Question <i>re</i> payments made to — in the Army after the termina- tion of the Great War.	239—240
<b>SURVEY OF INDIA—</b>	
Question <i>re</i> progressive reduction of the cadre of military officers in the — .	589
<b>TARIFF (AMENDMENT) BILL—</b>	
Laid on the table as passed by the Legislative Assembly ...	484
Motion to take into consideration ...	564—565
Taken into consideration ...	565
Passed ...	565
Announcement <i>re</i> assent of the Governor General to — ...	648
<b>TARIFF BOARD—</b>	
Question <i>re</i> report of the — ...	642
Question <i>re</i> report of the — on steel industry ...	568
<b>TEA—</b>	
Question <i>re</i> cess on —...	12—13
<b>TEA COMPANIES—</b>	
Question <i>re</i> liability of — to income-tax and super-tax ...	130
<b>TELEGRAM(s)—</b>	
Question <i>re</i> cost of — sent by Governor General and his Council to the Secretary of State.	270
<b>TELEGRAPH FORM(s)—</b>	
Question <i>re</i> income from advertisements on inland —...	34—35
<b>TERRITORIAL AND AUXILIARY FORCES (AMENDMENT) BILL—</b>	
Announcement <i>re</i> assent of the Governor General to — ...	17
<b>TERRITORIAL FORCE—</b>	
Question <i>re</i> pay and allowances admissible to the European Officers of the University Training Corps, Bombay, and railway concessions for the members of the Indian — .	15
See "University Training Corps"...	...
<b>THOMPSON, THE HONOURABLE MR. J. P.—</b>	
Oath of Office ...	1
<b>TOLLS BILL—</b>	
Motion for leave to introduce ...	19—21
Introduced ...	21
Motion to take into consideration...	83
Motion that consideration be postponed for not less than a fortnight. (Adopted).	84—85
Motion to take into consideration resumed ...	316
Taken into consideration ...	319—323
Passed ...	323
Enquiry by the Honourable Saiyad Raza Ali <i>re</i> — ...	484—485
Message from the Legislative Assembly stating that — has been negatived by that Chamber.	530

	PAGE.
TOLLS BILL— <i>concl'd.</i> Discussion as to further steps to be taken with regard to the — after it had been thrown out by the Legislative Assembly	530—535
TOTTENHAM, THE HONOURABLE MR. A. R. L.— Indian Finance Bill ... .. Oath of Office ... ..	718—720 637
TRAFFIC INSPECTOR(S)— Question <i>re</i> number of Indian — (Transportation Branch) on State Railways.	643
TRANSFERRED SUBJECTS— Resolution <i>re</i> transfer to the Governor in each province of — (Not moved).	557
TRANSPORT— <i>See</i> "Water —".	
TRAVELLER(S)— <i>See</i> "Commercial —".	
TREASURIES— Question <i>re</i> stoppage of the issue of gold coin from public — ...	8—9
TRIBAL AREA— <i>See</i> "Geological".	
TRIBAL CHIEF(S)— Question <i>re</i> amount of allowances granted to — in the North West Frontier for keeping peace.	36
TRIBESMEN— Question <i>re</i> employment of border — in North West Frontier on military roads, railways and works. Question <i>re</i> employment of border — in North West Frontier on public works.	35—36 35
TRUST(S)— <i>See</i> "Charitable and Religious — (Amendment) Bill".	
UMAR HAYAT KHAN, THE HONOURABLE COLONEL NAWAB SIR— Cantonments Bill ... .. Congratulations to the President on his appointment as Home Member of the Governor General's Executive Council. Election of — to the panel of Standing Advisory Committee attach- ed to the Home Department. General discussion of the budget for 1924-25 ... .. Immigration into India Bill ... .. Indian Finance Bill ... ..	218—219 406 242 411—414 200—201 652—656, 701, 719—720 397 5 2 207 306 306 54—55
Indian Penal Code (Amendment) Bill ... .. Nomination of — to the Committee on Petitions ... .. Remarks on the death of the Honourable Nawab Sir Bahram Khan Remarks on the death of the Honourable Khan Bahadur Sir Ahmedthamby Maricair. Remarks <i>re</i> proposed gift to the Council by one Babu Devaki Nandan Prasad Singh of a painting of His Excellency Lord Reading. Remarks <i>re</i> suggestion of the taking of a group photograph of Mem- bers. Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	

	PAGE.
UMAR HAYAT KHAN, THE HONOURABLE COLONEL NAWAB SIR— <i>concl'd.</i>	
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	92
Remarks <i>re</i> change in the dates for the discussion of the budget from 7th March 1924 to the 7th and 8th <i>idem.</i>	357
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	538—539
Resolution <i>re</i> mural paintings in the Government buildings at Raisina	136—137
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	155—156
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	607—608
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from wells.	362—363
UNEMPLOYMENT—	
Resolution <i>re</i> — in India	259—266, 278—291
UNIVERSITY TRAINING CORPS—	
Question <i>re</i> grant of Viceroy's Commission to officers of the — in India.	40
Question <i>re</i> pay and allowances admissible to the European officers of the — Bombay.	15
Question <i>re</i> removal of certain grievances of the — Bombay	13—15
VEDAMURTI, THE HONOURABLE MR. S.—	
Election of — to the Emigration Committee...	305
Indian Finance Bill	702—703, 706 581
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting.	
Resolution <i>re</i> reconstitution of the New Capital Committee, Delhi, with a non-official majority.	152—155, 166—167
Resolution <i>re</i> substitution of a provident fund for the existing pension system.	244—247, 257—258
See "Questions and Answers".	
VICEROY, HIS EXCELLENCY THE—	
Speech delivered by — to the Council of State and Legislative Assembly on the 31st January 1924.	23—32
VICEROY'S COMMISSION—	
Question <i>re</i> grant of — to the officers of the University Training Corps.	40
VIZAGAPATAM HARBOUR—	
Question <i>re</i> improvement of —	5
WACHA, THE HONOURABLE SIR DINSHAW E.—	
Congratulations to the President on his appointment as Home Member of the Governor General's Executive Council.	406—407
Election of — to the panel of Standing Advisory Committee attached to the Department of Industries and Labour.	242
General discussion of the budget for 1924-25	442—447
Indian Coinage (Amendment) Bill	888
Resolution <i>re</i> appointment of a Committee to enquire into the economic conditions of the people of India.	73—74
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	554—555
Resolution <i>re</i> mural paintings in the Government buildings at Raisina	136
Resolution <i>re</i> restrictions and disabilities imposed on Indians in South Africa.	625—627

	PAGE.
WAITING ROOMS, RAILWAY— See " Shikarpur (Sind) ".	
WAKFS BILL— See " Mussalman — ".	
WAR MEMORIAL—	
Remarks by the President <i>re</i> presence of members at the unveiling ceremony of the — at Raisina (Delhi).	243
Remarks <i>re</i> time fixed for the unveiling of the — at Raisina (Delhi).	399
WATER SUPPLY—	
Question <i>re</i> inadequate — at Railway stations	586
WATER TRANSPORT—	
Question <i>re</i> discouragement of the use of — through the establishment of railways.	405—406
WELL(S)—	
Resolution <i>re</i> survey of irrigation possibilities and organisation of power lift irrigation from —.	357—377
WESTERN HOSTEL, RAISINA— See " Eastern and — ".	
WHITE LEAD— See " Lead ".	
ZULFIQAR ALI KHAN, THE HONOURABLE SIR—	
Cantonments Bill	216—217
Condolences on the death of Mr. G. M. Bhurgri	517—518
Congratulations to the President on his appointment as Home Member of the Governor General's Executive Council.	408—409
Election of — to the panel of Standing Advisory Committee attached to the Home Department.	242
Indian Finance Bill	729—781
Nomination of — to the panel of Chairmen of the Council of State	5
Resolution <i>re</i> award of the Nobel Prize for peace to His Highness the Aga Khan.	93—94
Resolution <i>re</i> establishment of pioneer sugar factories and the promotion of sugarcane cultivation.	548
Resolution <i>re</i> unemployment in India	265—266