

Wednesday, 14th February, 1923

COUNCIL OF STATE DEBATES

(Official Report)

VOL. III, PART II

(24th January, 1923 to 27th March, 1923)

THIRD SESSION

OF THE

COUNCIL OF STATE, 1923.



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COUNCIL OF STATE.

Wednesday, the 14th February, 1923.

The Council assembled at Metcalfe House at Eleven of the Clock.
The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

OPINIONS OF LOCAL GOVERNMENTS ON MATTERS OF GENERAL PUBLIC INTEREST.

115. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to say—

(a) if, when inviting opinions of Local Governments on matters of general public interest, Government ask for the opinions of the Governor in Council and also of the Ministers or not;

(b) if the opinions of the Ministers are not invited, the reasons for the same, and do Government propose in future to invite the opinions of Ministers;

(c) if they do receive the opinions of the Ministers referred to in (a), do they get such opinions jointly of the Governor in Council and of the Ministers, or separately?

The HONOURABLE MR. J. CRERAR: The normal course followed by the Government of India in consulting a Local Government is to ask for the opinion of the Local Governments, which means the Governor in Council in relation to reserved subjects and the Governor acting with his Ministers in the case of transferred subjects. The Governor General in Council is not primarily concerned with the procedure adopted by the Local Government for the formulation of its opinion on such references, but I would invite the attention of the Honourable Member to clause IV of the Instrument of Instructions to the Governors of the various provinces in accordance with which the Governor is directed to encourage the habit of joint deliberation between himself, his Councillors and his Ministers. Generally speaking the opinions received from Local Governments are given as the joint opinion of the Local Government, though occasionally the particular opinion of individual members of the Executive Council and Ministers is given separately.

INDIAN STUDENTS IN ENGLISH AND GERMAN UNIVERSITIES.

116. The HONOURABLE MR. PHIROZE SETHNA: (a) Has the attention of Government been drawn to a paragraph in the Westminster Gazette of October 13th, 1922, headed "Indian Students" to say that—

"The lack of welcome given at British Universities, particularly Oxford and Cambridge, to Indian students has had an important result. German Universities are encouraging Indian students to join them, and large numbers have gone into residence this term"?

(b) Do Government propose to take any action beyond the recommendations made in Lord Lytton's Committee of enquiry, whereby Indian

students could secure admission on a larger scale than at present in Universities in the United Kingdom and thus avoid going to German Universities?

The HONOURABLE MR. M. S. D. BUTLER: (a) The Government of India have not seen the paragraph referred to by the Honourable Member.

(b) The recommendations contained in the report of Lord Lytton's Committee are at present under consideration. It is therefore not possible for the Government of India to state at the present time whether action beyond those recommendations will be necessary.

PROVINCIAL FOREST SERVICE.

117. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state if it is a fact—

(a) that there are no defined duties for the members of the Provincial Forest Service as there are no charges of sub-divisional status in the Forest Department;

(b) if the reply to (a) be in the affirmative or even otherwise, do Government propose to abolish the Provincial Forest Service and amalgamate the Imperial and Provincial Branches of this service into an "Indian Service Forest Officers" on the lines of the amalgamation brought about in the Public Works Department?

The HONOURABLE MR. B. N. SARMA: (a) This is not the case. The charge of divisions classified as 'minor' is ordinarily reserved for members of the Provincial Forest Service.

(b) No such proposal is under consideration.

VISIT OF LORD WINTERTON TO INDIA.

118. The HONOURABLE MR. PHIROZE SETHNA: (a) Will Government be pleased to state what was the object of the recent visit to India of Lord Winterton, Under Secretary of State for India?

(b) Has Government incurred any expenditure on account of the visit? If so, what is the amount of expenditure thus incurred?

The HONOURABLE MR. J. CRERAR: (a) Earl Winterton, with the permission of the Secretary of State for India, paid a private informal visit to India in response to an invitation extended to him before he took office.

(b) No expenditure was incurred on account of Lord Winterton himself. For his Private Secretary who accompanied him, £350 was spent in England for passage and outfit and Rs. 5 a day, daily allowance, has been sanctioned for him by the Government of India during his stay in India. Lord Winterton arrived in India in the middle of September and left on the 28th October 1922.

BRITISH MINISTRY AT KABUL.

119. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state whether any expenditure on account of the British Ministry at Kabul is charged upon Indian revenues? If so, what is the amount?

The HONOURABLE MR. J. P. THOMPSON: For the present Indian Revenues contribute the whole of the expenditure on the British Legation at Kabul. The estimated expenditure for the year 1922-23 is Rs. 4,88,180.

STATISTICS OF VOTERS AT ELECTIONS.

120. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to lay on the table a statement showing—

- (a) the number of voters in each province for the Legislative Council;
- (b) the number of voters in each province for the Legislative Assembly;
- (c) the number of voters in each province for the Council of State;
- (d) the percentage of voters who went to the poll in the last elections to the total number in each case;
- (e) the percentage of the total number of voters for all the Legislative Councils to the total adult male population in British India?

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: A statement is laid on the table.

Province.	Number of voters in each Province for the Local Legislative Council.	Percentage of votes polled to the number of electors in constituted constituencies of the local Legislative Council	Number of voters in each Province for the Legislative Assembly.	Percentage of votes polled to the number of electors in constituted constituencies of the Legislative Assembly.	Number of voters in each Province for the Council of State.	Percentage of votes polled to the number of electors in constituted constituencies of the Council of State.
Madras . . .	1,248,156	25.0	260,486	27.6	2,290	73.9
Bombay . . .	548,419	34.9	128,294	12.0	2,956	99.8
Bengal . . .	1,021,418	33.4	184,005	25.0	2,226	56.8
United Provinces .	1,347,922	33.0	167,975	26.4	2,912	53.3
Punjab . . .	505,361	32.2	53,015	33.6	1,910	54.1
Bihar and Orissa .	327,564	39.7	67,042	28.3	1,666	50.3
Central Provinces and Berar . .	144,737	22.5	24,496	25.2	919	25.5
Assam . . .	203,191	24.2	19,503	22.8	301	58.4
Burma . . .	...	...	1,550	...	2,464	15.8
Delhi . . .	...	...	3,307	10.1	...	...

* There was no poll for the Burma constituencies, all the candidates being returned unopposed.

Notes.—(1) The report of the Burma elections to the local Legislative Council has not yet been received.

(2) The number of males at and above the age of 15, which is the age taken by the Census Commissioner as adult, is roughly 77,235,000. In view of the fact that the Burma figures are not yet available and that no person under 21 years of age is a voter, the percentage asked for by the Honourable Member in part (e) of his question has not been calculated. Further information will be obtained if desired.

ADMISSION OF INDIANS TO MILITARY, NAVAL AND AIR FORCES.

121. The HONOURABLE MR. PHIROZE SETHNA: (a) Will Government be pleased to say what reply they have received from the Secretary of State for India on the subject of the Resolution adopted by the Legislative Assembly *re* the admission of Indian subjects to all arms of His Majesty's Military, Naval and Air Forces in India?

(b) Will Government be pleased to lay on the table all correspondence on the subject?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) and (b) The Resolution which the Honourable Member quotes contained a number of separate recommendations, and I lay on the table a statement which indicates briefly the action so far taken in regard to each. The Government do not propose to lay on the table the correspondence on the subjects in question.

Statement indicating the action taken by Government on the various recommendations contained in the Resolution adopted by the Legislative Assembly on the subject inter alia of the admission of Indians to all arms of His Majesty's forces in India.

(i) As the Honourable Member is aware, Indians are admitted to commissioned rank in the Indian Army. The question of admitting them to the Royal Artillery and Royal Engineer Services in India and to the ancillary services is under consideration. The request that Indians should be admitted to the Auxiliary Force has been met by the creation of the Territorial Force. The question of admitting Indians to the Royal Air Force is under consideration. As regards the Royal Indian Marine, Indians are already eligible for admission to all ranks of this service, and further measures relating to this question will be considered by a Committee which has been appointed in pursuance of the Resolution moved in the Legislative Assembly by Sir P. S. Sivaswamy Aiyer on the 12th January 1922 and accepted by Government.

(ii) The recommendation that every encouragement should be given to Indians, including the educated middle classes, to enter the commissioned ranks of the Army, has been given effect by, amongst other things, the establishment of the Prince of Wales' Royal Indian Military College at Dehra Dun.

(iii) The practice of associating un-official Indians with the provincial authorities which nominate candidates for Sandhurst is in force.

(iv) In selecting candidates for Sandhurst, every consideration is given to the claims of those communities which furnish recruits to the Army. The claims of officers who hold the Viceroy's Commission are in practice recognised to the extent which is considered suitable.

(v) The question of increasing the proportion of King's Commissions granted annually to Indians is under consideration.

INDIAN ARMY RESERVE OF OFFICERS.

122. The HONOURABLE MR. PHIROZE SETHNA: (a) Will Government be pleased to state if the Secretary of State for India has sanctioned the reconstitution of the Indian Army Reserve of Officers as recommended by the Esher Committee?

(b) If so, has the question of incidence of cost been adjusted between the Home and Indian Governments as proposed by the Committee?

(c) What will be the increase in the military expenditure of India as a result of such reconstitution?

(d) Are Government prepared to incur such additional military expenditure in view of the present financial condition of the country and of the general demand for the reduction of military expenditure?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) The reconstitution of the Reserve of Officers which has recently been sanctioned by the Secretary of State follows generally the principles recommended for adoption by the Esher Committee.

(b) Under the arrangements as finally adopted, no liability attaches to His Majesty's Government, as the Reserve of Officers to be created will be solely for Indian requirements. The Reserve of Officers for duty with British units will not be trained with regular troops, and no expenditure on this account will be incurred.

(c) It is estimated that the ultimate cost of the Reserve, when the full authorized establishment has been reached, will be 4 lakhs of rupees per annum. Before the war, the number of officers in the Reserve never exceeded 42 in all, and in consequence the expenditure then entailed was trifling.

(d) It is not anticipated that the authorized establishment will be reached during the coming year, and for the financial reasons indicated by the Honourable Member, it will not be possible to provide funds for the annual training in 1923-24 of all officers who may be admitted to the Reserve. The amount of money which can be allotted for this purpose has not yet been determined.

COPYRIGHT LAW IN REGARD TO CINEMA FILMS.

123. The HONOURABLE MR. PHIROZE SETHNA: Are Government aware that owing to the absence of any 'Copyright' law in regard to Cinema films, films that are stolen or illegally duplicated are imported and this practice results in loss to *bona fide* importers?

The HONOURABLE MR. D. T. CHADWICK: The Honourable Member's question is based on an assumption that there is no copyright law in regard to Cinema films. The Honourable Member is referred to the provisions of sections 1 and 35 of the Copyright Act, 1911.

PAY OF MILITARY OFFICERS.

124. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state the average annual pay and allowances of (1) British Officers, and (2) Indian Officers in the Indian Army?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I lay on the table a statement showing the monthly rates of pay and allowances, drawn in each rank and stage of seniority by British officers of the Indian Army and Indian officers with the Viceroy's Commission, regimentally employed. Indian officers holding the King's Commission receive the same rates of pay and allowances as British officers of the Indian Army. To work out the annual average rates of pay and allowances drawn by officers of the two classes mentioned would be a most laborious task, and the result, in the opinion of Government, could have no greater value than the actual rates which have been given and which will I trust serve the Honourable Member's purpose.

Statement showing the average monthly rates of pay and allowances drawn by (i) British officers of the Indian Army, regimentally employed, and (ii) Indian officers of the Indian Army with the Viceroy's Commission.

(i) BRITISH OFFICERS, WHETHER BELONGING TO THE INFANTRY, CAVALRY OR ARTILLERY.		(ii) INDIAN OFFICERS WITH THE VICEROY'S COMMISSION SERVING WITH EITHER THE INDIAN CAVALRY, ARTILLERY, SAPPERS AND MINERS OR INFANTRY.	
Rank.	Average pay and allowances per mensem.	Rank.	Pay per mensem.
	Rs.		Rs.
2nd-Lieutenant	525	Risaldar-Major (non-silladar cavalry).	250†
2nd-Lieutenant, after 2 years' service.	575	Subedar-Major	200†
Lieutenant	575	Risaldar (non-silladar cavalry)	180—10—210
Lieutenant, after 7 years' service.	650	Subedar	130—10—160
Captain	850	Jemadar (non-silladar cavalry)	85—5—110
Captain, after 15 years' service .	1,050	Jemadar	75—5—100
Major	1,150		
Major, after 5 years' service as such.	1,250*		
Lieutenant-Colonel	1,750		

*Includes command allowance at Rs. 500 per mensem. †Draws a personal allowance of Rs. 50 per mensem in addition in certain circumstances.

BRITISH AND INDIAN TROOPS IN ARTILLERY.

125. The HONOURABLE MR. PHIROZE SETHNA: Will Government please state the proportion of British and Indian troops in the Artillery?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: A statement showing the numbers of British and Indian combatants in the Artillery in India is laid on the table.

Statement showing the number of British and Indian combatants serving in the Artillery in India.

	British.	Indian.
Officers	594	205
Warrant officers	113	...
Non-commissioned officers	1,631	1,318
Artificers	396	801
Gunners	6,672	2,851
Drivers	2,086	8,140
TOTAL	11,442	12,815

METHOD OF RECRUITMENT FOR FOREST SERVICE.

126. The HONOURABLE MR. PHIROZE SETHNA: Will Government state—

- (a) why candidates for the Forest Service are nominated and not selected by open competition as in the other services; and
- (b) if they propose to select them by open competition in the future and, if so, from when?

The HONOURABLE MR. B. N. SARMA: (a) It is considered that for the Forest Department in which service is performed under special and exacting conditions, selection after nomination is a better method of recruitment than competitive examination. In considering the recommendations of the Public Services Commission the Secretary of State was reluctant to discard a system which had in the past produced so satisfactory a type of officer. He also observed that the Local Governments would be closely in touch with the candidates and would have available information regarding their character, qualifications, family history, and general suitability. This system of recruitment, he added, would also enable the Local Governments to guard against the undue preponderance of any one class or caste, and would give them that latitude of choice among candidates possessing the necessary educational qualifications which appears desirable in order to secure officers suitable for the exacting work of the Forest Department.

(b) The answer is in the negative.

STRENGTH OF THE INDIAN FOREST SERVICE (IMPERIAL BRANCH).

127. The HONOURABLE MR. PHIROZE SETHNA: Will Government please state—

- (a) what is the present strength of the Indian Forest Service (Imperial Branch) and how many posts therein are filled and how many vacant;
- (b) how many members of the Indian Forest Service will reach the age of retirement within the next five years?

The HONOURABLE MR. B. N. SARMA: (a) The present sanctioned strength of the Indian Forest Service (Imperial Branch) is 399. According to the latest figures available the numbers of posts filled and vacant were 277 and 122 respectively on the 1st July 1922. Against these vacancies there are 52 probationers on the way out from England and 70 under training who will join before the end of 1924.

(b) 30 members of the Indian Forest Service (Imperial Branch) are due to retire on account of age by the 31st December 1927.

PUBLIC SERVICES COMMISSION UNDER SECTION 96-C OF THE GOVERNMENT OF INDIA ACT.

128. The HONOURABLE MR. PHIROZE SETHNA: Have the Government established a Public Services Commission in India, as required by Section 96-C of the Government of India Act? If not, when do they propose to comply with that statutory requirement?

The HONOURABLE MR. J. CRERAR: The constitution and functions of the Public Services Commission provided for in Section 96-C of the Government of India Act cannot be determined until a decision has been

reached on some of the questions involved in the larger problem of the increased Indianization of the services, which is now under consideration and will doubtless engage the attention of the Royal Commission. It has been decided, therefore, to hold the matter in abeyance for the present.

INDIANS IN AIR FORCE AND ARMOURED CAR COMPANIES.

129. The HONOURABLE MR. PHIROZE SETHNA: Will Government please give the number of Indians employed (1) in the Air Force, and (2) in the Armoured Car Companies?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Indians employed by the Royal Air Force consist of 104 Indian other ranks and 908 followers; those employed by Armoured Car Companies consist of 158 followers, class I.

RAILWAY CONCESSIONS TO MILITARY OFFICERS.

130. The HONOURABLE MR. PHIROZE SETHNA: Will Government please give details of facilities, if any, afforded to military officers in the matter of railway fares, such as payment of fares at second class rates and travelling first class when proceeding on leave or on a holiday?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Junior military officers, when travelling, on leave at their own expense, over contract railways, are given a Form E certificate, which entitles its holder to a first class ticket on payment of a second class fare. A statement showing the details of this railway concession is laid on the table.

The HONOURABLE MR. PHIROZE SETHNA: What is meant by "contract railways"?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The railways on which there is a contract with the Government for this purpose.

The HONOURABLE MR. PHIROZE SETHNA: Have not all railways such contracts with Government?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I think I must ask for notice of that question.

Statement showing the classes of officers entitled to the use of Form E when travelling.

The following classes of officers are entitled to the use of Form E when travelling at their own expense:

- (i) Captains and subalterns of the British and Indian services who are doing duty with regiments of Cavalry and Infantry, Batteries or Companies of Artillery, and Companies of Sappers and Miners.
- (ii) Captains and subalterns of the Indian Medical Service and Royal Army Medical Corps who are serving with Station Hospitals.
- (iii) Captains and subalterns of Armoured Car Companies, Armoured Motor Batteries and Machine Gun Corps.
- (iv) Captains and subalterns of the British and Indian services who are students of the Staff College, Quetta.

Officers travelling on Form E are entitled to a free allowance of baggage to the extent of 1½ maunds.

CARRIAGE OF COAL BETWEEN PORTS.

181. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

- (a) if they received last year from the Scindia Steam Navigation Company a request to quote for the carriage of 2 lakhs of tons of coal from Calcutta to Rangoon;
- (b) if so, was the request granted? If not, will Government state their reasons for not granting it;
- (c) have they entered into a contract for the carriage of coal and, if so, with whom, between what ports and at what rates?

The HONOURABLE MR. D. T. CHADWICK: (a) The Scindia Steam Navigation Company asked to be allowed to quote for the carriage of coal required by the Burma Railways.

(b) The freight contract was being arranged for the Railway Company by the Mining Engineer to the Railway Board. He was requested by the Government of India to give the Scindia Steam Navigation Company an opportunity to quote in the event of the contract not having been already arranged.

(c) Government have entered into no contract for the carriage of the coal referred to. The contract is a contract between the Burma Railways Company and the Steamship Company and the Government of India have no information regarding the full details of the contract.

REPORT OF RACIAL DISTINCTIONS COMMITTEE.

182. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state when the report of the Racial Distinctions Committee will be published and what action they propose to take on any recommendations the Committee may have made?

The HONOURABLE MR. J. CRERAR: The Report has been published and the Honourable Member is doubtless by now aware of the action which Government propose to take in the matter in view of the introduction of the Criminal Law Amendment Bill in the Legislative Assembly.

TARIFF COMMITTEE (MACHINERY).

183. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

- (a) if the committee appointed to consider the wording of the Tariff with regard to machinery has submitted its report and if the same will be made public;
- (b) what are the principal recommendations, if any, and how and when will they be given effect to?

The HONOURABLE MR. D. T. CHADWICK: The report of the Machinery Committee has been submitted to Government, but as the recommendations contained in it will, if accepted, involve legislation and affect both the customs revenue, and the Budget, Government do not propose to publish the Report until they are in a position to place concrete proposals before the Legislature.

PAY OF POSTAL SUPERINTENDENTS.

134. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

- (1) whether any representations have been received from Superintendents of Post Offices complaining of the inadequacy of the revised scale of pay sanctioned with effect from December 1919;
- (2) if such representations have been received, whether the Director General of Posts and Telegraphs has made any recommendations for raising their pay and, if so, what action Government have taken or propose to take on such recommendations?

The HONOURABLE MR. B. N. SARMA: (1) Yes.

(2) The Government of India have given careful consideration to the representations and to the views of the Director General of Posts and Telegraphs and have decided that the scale of pay which was introduced with effect from December 1st, 1919, is adequate.

The HONOURABLE MR. PHIROZE SETHNA: Will they be given retrospective effect as from 1st April last?

The HONOURABLE MR. D. T. CHADWICK: That question is properly one for the Budget.

INDIANS AS STAFF OFFICERS.

135. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

(a) how many Indians at present hold not honorary but regular Staff appointments in the Indian Army such as (a) Staff Captains, (b) Aides-de-Camp, (c) Assistant and Deputy Assistant Directors of various services and departments;

(b) what steps are being taken for the appointment of more Indians to the position named in (a) in view of the gradual Indianisation of the military service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) A statement giving the information asked for by the Honourable Member is laid on the table.

(b) The general principles followed in making appointments to the staff are that no officer should be so appointed (except as an A.-D.-C.) before he has attained the rank of Captain, and that before appointment an officer must also have passed the necessary examinations for retention in the Indian Army. Appointments of Assistant Director and Deputy Assistant Director are only open to officers of the rank and seniority of Lieutenant-Colonel and Major, respectively.

The majority of Indians holding the King's Commissions are young and at present have neither the requisite rank nor the qualifications. As Indian officers holding the King's Commission become eligible in both these respects their claims for employment on the staff will be considered along with those of British officers.

Statement showing the number of Indian officers (including officers with the Viceroy's Commission) employed on the staff in India.

	King's commissioned officers (Honorary).	Viceroy's commissioned officers.
A.-D.-Cs. to His Excellency the Viceroy	1	1
A.-D.-Cs. to General Officers Commanding-in-Chief, the four Commands	1	3
Attached to the General Staff Branch, Army Headquarters, as Assistant Translation Officer	...	1
Employed at Army Headquarters, in connection with educational training	...	1
Employed with each Command in connection with educational training	...	4
Employed at the Indian Army School of Education, Belgaum	...	11
Employed at the Prince of Wales' Royal Indian Military College, Dehra Dun	...	1
A.-D.-C. to His Excellency the Commander-in-Chief	1	...
TOTAL	3	22

MILITARY REQUIREMENTS COMMITTEE'S RECOMMENDATIONS.

136. The HONOURABLE MR. PHIROZE SETHNA: Will Government please inform if the sub-committee of the Committee of Imperial Defence have reported on the conclusions of the Military Requirements Committee and, if so, will Government be pleased to lay the report on the table?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Sub-Committee of the Committee of Imperial Defence have reported to His Majesty's Government. The Government of India, however, have not yet received the Sub-Committee's report.

INTERMEDIATE CLASS ACCOMMODATION BETWEEN DHOND AND MANMAD.

137. The HONOURABLE MR. PHIROZE SETHNA: Are Government aware that there is no Intermediate Class accommodation in any of the trains running between Dhond and Manmad? Do they propose to take steps to provide such accommodation?

The HONOURABLE MR. D. T. CHADWICK: The Railway Administration has been consulted. Intermediate class accommodation will be provided on trains running over this section when bogie stock is available.

The HONOURABLE MR. PHIROZE SETHNA: When is that likely?

The HONOURABLE MR. D. T. CHADWICK: That depends on the carrying out of the rehabilitation programme of which it forms a portion.

NASIK BRANCH RAILWAY.

138. The HONOURABLE MR. PHIROZE SETHNA: Are Government considering the advisability of opening a branch railway line between the Nasik Road station and the city of Nasik?

The HONOURABLE MR. D. T. CHADWICK: The answer is in the negative.

INDIA OFFICE STAFF.

139. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

(a) the number of persons engaged at the India Office on the permanent staff as also the number on the temporary establishment;

(b) what is the total expenditure which India has to bear on account of the above;

(c) if the question of effecting retrenchment in the expenditure of the India Office is referred to the Inchcape Committee?

The HONOURABLE MR. J. CRERAR: (a) The permanent strength of the India Office on 31st March 1922 was 495. No information is available about temporary establishment.

(b) £161,500.

(c) Yes.

ESTABLISHMENT OF OFFICE OF HIGH COMMISSIONER.

140. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

(a) the number of persons engaged at the office of the High Commissioner for India in London on the permanent staff as also on the temporary establishment;

(b) what is the total expenditure which India has to bear on account of the above;

(c) if the question of effecting retrenchment in the expenditure of the office of the High Commissioner for India in London is referred to the Inchcape Committee?

The HONOURABLE MR. D. T. CHADWICK: (a) On the 21st September 1922, the staff of the High Commissioner in London consisted of 667 persons of whom 248 belonged to the permanent, and 319 to the temporary, establishment. This includes messengers, labourers, packers, etc.

(b) The cost of the High Commissioner's office establishment including contingent and other expenditure for the year 1921-22 was £175,855 and the revised estimate for 1922-23 is £166,400.

(c) Yes.

INDIANS AT INDIA OFFICE.

141. The HONOURABLE MR. PHIROZE SETHNA: Will Government state—

(a) if there are any Indians on the staff of the India Office;

(b) if so, how many of them are on the permanent, and how many on the temporary, establishment;

(c) if not, whether they propose to recommend to the Secretary of State the desirability of appointing some?

The HONOURABLE MR. J. CRERAR: (a) Yes.

(b) There are three Indian Members of the Secretary of State's Council. The permanent Secretary to the High Commissioner is an Indian and an Indian has recently been appointed as High Commissioner. One of the Joint Secretaries of the Indian Students' Department is also an Indian.

(c) In view of the above, does not arise.

COST OF OFFICE OF HIGH COMMISSIONER.

142. The HONOURABLE MR. PHIROZE SETHNA: Will Government state if it is true that the cost of the office of the High Commissioner for India in London is more than that of the offices of Colonial Agents-General and High Commissioners?

The HONOURABLE MR. D. T. CHADWICK: The Government of India have no information as to the cost of the offices and staffs of the Agents-General and High Commissioners in London of the different Dominions.

The HONOURABLE MR. PHIROZE SETHNA: Will Government be good enough to obtain the same for purposes of comparison?

The HONOURABLE MR. D. T. CHADWICK: I doubt whether any of the Dominion Governments would care to have these details of their expenditure published, and I would never undertake to do so without their permission.

TERRITORIAL BATTALIONS.

143. The HONOURABLE MR. PHIROZE SETHNA: Will Government be pleased to state—

- (a) what progress has been made in enrolment for the Territorial battalions in each province, and whether the University Training Corps and the Territorial Battalions have been recruited to their maximum strength;
- (b) if the answer to the latter part of the question be in the negative, what steps do Government propose to take to popularize enrolment for the Territorial Battalions;
- (c) if the answer be in the affirmative, do Government propose to sanction the formation of additional Territorial Battalions?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) A statement showing the progress achieved up to the 31st December 1922 is laid on the table.

(b) The statement laid shows that, although the maximum strength has not yet been reached in all cases, recruitment is, on the whole, very satisfactory; and from other sources of information also Government are satisfied that the movement is already popular and requires no special stimulus.

THE COTTON TRANSPORT BILL.

The HONOURABLE MR. D. T. CHADWICK (Commerçe Secretary): Sir, I beg to move:

"That the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, as passed by the Legislative Assembly, be taken into consideration."

When this Bill was introduced into this House last September, it received a very good welcome. It was supported by the Honourable Mr. Lalubhai Samaldas on behalf of the industrialists, and it was also welcomed by my Honourable friend Sir Umar Hayat Khan in a speech which I think ought to become a classic on account of its cogent brevity. He said, "On behalf of the Zemindars I support this measure because it is very useful to us." That is the reason and purpose of this Bill. It is very useful to the industrialists and it is very useful to the agriculturists. It is a small and modest measure to try and promote fair and honest trading and to check certain malpractices in regard to cotton and the sale of cotton, with which most of us are familiar. This mixing or adulteration generally takes three or four forms—mixing with mill waste, or sending cotton from a short staple locality into an area where that of longer staple is grown and re-booking it from that area or, thirdly, actually sending it as *kapas* or seed cotton into the area of superior variety. This last is the more dangerous as it results in the mixture of seed and therefore in the steady degradation and deterioration of the local cotton. This is no exaggeration, this has been frequently proved by facts; Broach, which was our standard of best length staple cottons, has now during the last few years been at a discount, as compared with other staple cottons, of about 10 to 15 or 18 per cent., entirely due or mainly due to mixing. This Bill operates through permitting Local Governments to notify areas which they consider so to need protection. Every safeguard is made to prevent any arbitrary exercise of that power. The Bill can only be brought into force by a direct Resolution passed in the local Legislative Council and all notifications under it must also be communicated to the local Council. No Government or local Council which does not care to use this Bill need use it. The method by which it is expected to try and check this mixing is to prohibit, except under license, the transport or booking of cotton from areas of short-staple cotton into the notified tract. I would like to remove one possible misapprehension. There is no suggestion in the Bill that the station master at the receiving station will be required to distinguish between different varieties of cotton. If a consignor brings in cotton, it will not lie on the station master to decide whether it is *Bani* or *bari* or *Oomra* or *Cambodia* or any other variety of cotton. All he has to see is whether the consignor has a license for the despatch of cotton to the notified area. The House will thus, Sir, see that the Bill is simple and will be simple in its working. Every precaution has been taken to prevent its being unduly onerous and its object is to help fair and honest trading, and, as has been so admirably expressed by my Honourable friend, it should be useful to every one of us. With these words, I commend this Bill to the attention of the House.

The HONOURABLE MR. PURSHOTAMDAS THAKURDAS (Bombay: Nominated Non-Official): Sir, I rise to give my very cordial support to this motion. I am one of those who feel that the Bill is far too modest a measure considering the harm that has been done to the Indian agriculturist growing cotton till now. What has happened till now and what

[Mr. Purshotamdas Thakurdas.]

is happening even at the present time is that people—I mean the middlemen and merchants—buying short staple growths can, and do with impunity use the railway for the purpose of carrying such short stapled lint cotton to districts where *kapas* or long-staple cotton is grown. It is mixed there with the long stapled cotton or *kapas* grown in the district. The bales are marked with the press mark of that district in which long staple cotton is grown, and the result has been that Indian cotton has been steadily going down in the estimation not only of the Indian mill-owner, but also of the importer outside India; namely, of the spinner in Great Britain, Europe and Japan. A good deal of the deterioration in the good name of Indian cotton till now can be traced to the want of this very simple precaution against such fraud, a precaution which I am very glad to see, the Government of India after all now propose to take. I do not think that this measure is a day too early. I do not think it will be of any practical use to complain that it has been much too long kept back.

I have been tempted to speak owing to one remark that fell from my Honourable friend Mr. Chadwick. The Bill is a permissive measure, and perhaps very rightly so. Owing to the powers that have been vested in Provincial Governments, and owing to the free hand which it is very desirable to give to the Provincial Governments, I do not at all wish to differ from the underlying principle of the Bill that it should be left to the option of the Provincial Governments and Provincial Councils to introduce this measure. But the Honourable Mr. Chadwick said that no Government or rather Local Government which does not care to introduce this measure need use it. I am sure the Honourable Mr. Chadwick will not mind if I supplement his remark with an appeal to the Provincial Councils not at all to overlook to use this Bill as soon as possible after it is passed into law. I have been connected with the cotton trade for the last 22 years. I belong to a class which rightly has been run down for some of the malpractices which ought to be forbidden, and I think it is absolutely necessary that every Provincial Government and every Provincial Council which has anything at all to do with the growth of cotton, should introduce this measure in their province as soon as it becomes law here, and they should not allow these practices to go on for a single day more. I wish to put before the Council one or two simple examples. The Surat district, which grows the longest staple and perhaps the best known cotton in India known as Navsari cotton; for the last few years some merchants import there a short staple growth of cotton known as Matia Cotton from Kathiawar. And this is being mixed in the Surat and Navsari Districts most flagrantly without any hesitation, and indeed without any legal restraint, with Navsari and Surat cotton. The latter would ordinarily sell at about Rs. 450 to Rs. 500 a candy and Matia at Rs. 200 a candy. The result of this has been that the value of Surat and Navsari cotton has gone down and the loss has been to the cultivator. I can multiply such instances as long as the Council may wish to listen to me, but I have only given perhaps one of the worst instances, an instance which is neither imaginary nor disputable by anybody who knows anything about the cotton trade or about cotton cultivation. I do wish therefore that all Provincial Governments which have anything to do with cotton growing or cotton marketing will not only introduce this measure immediately but the Provincial Councils will see that this Bill, when it becomes law, does not become a dead letter as far as their province is concerned.

I attach the very greatest importance to this measure as it will prevent short staple cotton from distant places from going into districts where long

staple cotton is grown. I feel, Sir, that no amount of money which the Government of India may spend, either out of their own revenues or out of the recoveries that they may make hereafter by means of a cess on cotton, on technological research or agricultural research for the growth of better cotton, will be able to keep pace with the deterioration that will be entailed by the practice of allowing cotton being carried with impunity from one district to another for the simple purpose of mixing and committing a fraud on the cultivator, and, what is comparatively a minor matter to me and I am sure to this House as well, committing a fraud on the industrialist; for, after all, it is the industrialist who can and does pick and choose and who pays just an adequate price for the cotton offered to him. The main loss which this House aims at preventing in considering a measure like this is to the agriculturist, and therefore I feel that this House should not only pass this Bill but that all Provincial Governments and Provincial Councils which have anything to do with the growth of cotton should avail themselves of this very simple and elementary preventive measure without the slightest delay.

I wish that some Local Governments will send up to the Government of India within the next year or two their experiences as to how this measure is wanting in meeting some of the tactics and some of the worst methods of some people who have been accustomed to commit frauds for the last half a century. I hope, Sir, that the Government of India will attend to such suggestions with as little delay as possible. I strongly feel that the modest form in which this measure has been submitted to this House deserves the fullest support of every Member of this House.

The HONOURABLE LIEUTENANT RAO BAHADUR CHAUDHRI LAL CHAND (Punjab: Nominated Non-Official): Sir, the object underlying this Bill is a laudable one and, as has been pointed out by the Honourable Mover, it will benefit both the agriculturist and the manufacturer. But my view is that it is a very tame measure. No attempt has been made to approach the cultivator himself. There is no inducement or threat for him in the Bill to abstain from growing different kinds of cotton side by side within the prohibited area. This will give the cotton ginner an opportunity to mix within that area inferior cotton with superior one. The Bill is wanting in these two things, and so I submit it is a very tame measure but as it is a step in the right direction, I give it my support. I will not dilate upon the hardships that are apparent in the Bill; for instance, the Bill throws so much responsibility upon the poor station master and gives him very large discretion in the matter of refusing to import certain kinds of cotton. I will not dilate upon those hardships, because in the presence of clause 8 the Bill is a mere expression of opinion and the local Legislatures will be at liberty to modify the Bill according to their own circumstances. I therefore support the Bill.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I merely waited to see what my friend Chaudhri Lal Chand was going to say, and that is why I did not speak before. I am very glad that he supported this Bill. I am also a cotton grower, and I have found by experience that if one places on the market unadulterated cotton he gets the best price for it. I have seen that myself, and we who grow cotton all feel that the best thing is not to commit a fraud by mixing various kinds of cotton. I therefore support the measure very strongly.

The HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): Sir, as a member of the Bombay Millowners' Association and as one representing the cotton industry in which I have been interested

[Sir Dinshaw Wacha.]

for the last fifty years, I cordially welcome this modest measure which has been introduced by Government. I think it is essential that this measure should be introduced. In my own experience I have found that during the last 10 years or more there has been a good deal of complaint on the part of the mill-owners themselves who are the largest consumers of cotton in all India as far as Bombay is concerned in reference to the deterioration of first grade descriptions of cotton. I am sure that the Bombay Mill-owners' Association as well as the agents of the various cotton mills will also welcome this very excellent measure. Further, I associate myself with what has been said by the Honourable Purshotamdas Thakurdas that the provincial Governments will take this Bill into consideration, at any rate in those provinces where cotton is grown most. Practically speaking, these people are unconscious that they are fouling their own nests when they try to adulterate one kind of cotton with another. It only results in giving a bad name to Indian cotton and depreciates its economic value. As a matter of fact, I should say that Indian cotton trade ought to expand more and more, especially when we see America is able to export cotton to Lancashire less and less every year. I think that in the near future Lancashire will have to look more to India than to any other country for her cotton supplies, and if Lancashire imports cotton from India extensively that would be a gain to India in one way and another, and we shall benefit from the point of view of exchange. Those people who adulterate cotton are very short sighted, but once they come to know this state of things, matters will improve and, perhaps, a few examples will do a great deal of good.

As to research, I welcome that, because I think that, as far as research is concerned, we are very backward in India in all kinds of research, and particularly economical researches of this kind. All I have to say is that, if research is to go on, let it be actually of a practical kind which will make a substantial improvement in the quality of the cotton that we grow. I say this for the simple reason that research institutions, so far as I have had experience of and know them, do this. The Professors try to leave everything to the students

THE HONOURABLE THE PRESIDENT: I am sorry to interrupt the Honourable Member, but I do not think the question of research arises on this Bill.

THE HONOURABLE SIR DINSHAW WACHA: Very well, Sir, I will not say anything more on the subject, but, as a Member of the Bombay Mill-owners' Association, I have said a great deal about this cotton research work, because Government asked for our opinion on the subject. However, Sir, as you say this question does not arise on the Bill, I will refrain from saying anything more about it, but I do cordially welcome this Bill.

THE HONOURABLE MR. PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, after the cordial support which has been extended to this Bill by the previous speakers, it is hardly necessary for me to say more, and yet, if I do so, it is to answer one point which fell from my Honourable friend Lieutenant Rao Bahadur Chaudhri Lal Chand. The Honourable Member is of opinion that the Bill does not go far enough inasmuch as, whilst cotton cannot be exported from a particular station which is not grown there, there will be nothing to prevent the owner of a gin from importing cotton and mixing inferior cotton with superior cotton in his own gin and then exporting it under the name of the station from which he exports. I

may draw the attention of the Honourable Member to section 3 (1) of the Act which clearly lays down that it is only under a license that the owner of a gin or any one else can import cotton of a lower quality or any other quality than that which is grown in that district. Take the instance of Navsari

The HONOURABLE LIEUTENANT RAO BAHADUR CHAUDHRI LAL CHAND: I think I have been misunderstood by the Honourable Mr. Sethna. I never meant that the cotton ginner will be at liberty to import inferior cotton from outside. I did not mean that. I meant that the cotton growers will grow cotton of several qualities, both inferior and superior, within that area and the cotton ginner within that area will be at liberty to purchase both the qualities and they will mix them there.

The HONOURABLE MR. PHIROZE SETHNA: That is a different matter altogether. It is the duty of every *raiyat* to try to improve the quality of his cotton and he will not, if he can help it, grow inferior cotton. I am glad he has explained the point, and I see that he has understood section 3 (1) in the manner that the rest of the House has understood it.

I agree with the other speakers that to Indian cotton should be restored the name that it possessed in times gone by. For example, if any Liverpool purchaser bought Broach or Oomras in the past, he always knew that he was getting Broach or Oomra, but, because of the fraudulent practices resorted to in the different Presidencies during the last few years, Broach to-day is not always Broach, but it might be Khandesh or anything else. The same might be said of Oomra cotton. This Bill will remove that, and we hope that the foreign purchaser will in future know that what he buys as Broach is really Broach and nothing else. This will restore the good name of the Indian merchants and benefit the country itself.

The HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): I too most cordially welcome this Bill. I do not think it wants any words from me to recommend it to this Council. The speakers before me have explained the benefits which it will bring to the cultivator, the agriculturist and the cotton trade generally. I will therefore merely content myself with endorsing the final remarks which fell from the lips of my Honourable friend Mr. Purshotamdas Thakurdas and I trust that Government and the Commerce Department will watch the action of this Bill and its effect very closely for the next few years, and, if the effect of the Bill is not sufficient to put an end to these fraudulent practices, that they will consider bringing in another and an even more stringent measure.

I think that this Bill is one of the greatest importance and that its full weight should be felt.

The HONOURABLE RAI BAHADUR LALA RAM, SARAN DAS (Punjab Non-Muhammadian): Sir, I also heartily welcome this measure which I consider a very good and a very beneficent one both for the agriculturist and for the industrialist. I support it as a cotton grower and as an industrialist. In the Punjab the practice of mixing short staple cotton with comparatively longer staple cotton does not exist, and the Punjab, I am glad to say, has always, as far as my knowledge goes, been free from this evil. In my province where we are growing cotton of the longer staple now, there is a danger of an inducement towards this evil, and as a safeguard against it this measure should be universally welcomed.

The HONOURABLE KHAN BAHADUR NAWAB MOHAMED MUZAMMIL ULLAH KHAN (United Provinces: Nominated Non-Official): Sir, as a

[Khan Bahadur Nawab Mohamed Muzammil-ullah Khan.]
cotton grower and a humble dealer in cotton, I support and welcome this measure.

The HONOURABLE MR. D. T. CHADWICK: I do not think I have anything more to say, Sir, except to thank the House very much for the cordial reception which it has given to this Bill.

In order to remove the apprehensions of the Honourable Sir Dinshaw Wacha I may say that I understand that in the notified areas Local Governments are not going to rely on this Bill alone but intend to pursue an active policy of distribution of good seed within the area.

The HONOURABLE THE PRESIDENT: The question is:

“ That the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

The HONOURABLE THE PRESIDENT: The Council will now proceed to the detailed consideration of the Bill. We will reserve the Preamble, as usual, to the last.

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

Clauses 4 to 9 were added to the Bill.

The Preamble was added to the Bill.

The HONOURABLE MR. D. T. CHADWICK: Sir, I beg to move:

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The HONOURABLE LIEUTENANT RAO BAHADUR CHAUDHRI LAL CHAND: Sir, the Honourable Mr. Chadwick has given an assurance that side by side with this Bill there will be active propaganda for distributing good seed and that will meet the case. I only wish to submit that we require not only good seed but something else. The reason why cotton growers are tempted to grow short staple cotton although it fetches less price than the other one is this. Short staple cotton, generally known in the Punjab as *desi* cotton, takes a shorter period to ripen than the long staple cotton. It never competes with the wheat crop, whereas for the long staple cotton we require water just at the time when we require water for the wheat as well—say, in the months of April and November; so unless there is a guarantee in those areas that more water will be supplied, people will be tempted to go in for short staple cotton in spite of the fact that propaganda will be carried out to distribute good seed.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN: I just rise to say one thing. I think that all those who grow cotton will never grow Indian cotton, as though it gets water first, at the end we lose by it owing to its outturn. As to the seed, I think everybody who seeks his own benefit naturally gets the best seed. There are some people who make mistakes of course. Then again there are so many projects for canals that in these days all the zamindars are in great trouble. Whenever it is time for growing cotton, there is some *wara bandi*—that is, the canal is closed. When the canal is closed, water does not come in time and people are naturally unable to grow long staple. At the same time I do not think November is the time, but generally, as we call it “ Chait ”—I think in March. Up to that time we are safe and I think there will be no difficulty in growing it when the people want to do so.

The HONOURABLE MR. V. G. KALE (Bombay: Non-Muhammādan): Sir, I support this motion. As I understand it, it is intended to provide against adulteration. Adulteration is a great evil in this country in the case of a number of articles, and if it is prevented in the case of cotton, both producers and consumers are bound to benefit by any measures of prevention that will be taken.

Some of my Honourable friends here have dilated upon the necessity of adopting measures for the growth of better varieties of cotton, and the supply of irrigation, manures and so forth. It is no doubt true that these measures for the prevention of adulteration and improvement in the varieties of cotton must go hand in hand; but I do not think there is any useful purpose served, Sir, by mixing up these two issues. What we are concerned with at the present moment is the question of the evil of adulteration. For example, when we are attacking the problem of the adulteration of the milk supply, we have no doubt to consider the question of the production of milk and also the supply of good water which is mixed up with that milk. The evil of bad milk has been so great that even the water which has been put into that milk is so bad that the consumers would be thankful if that water were to be improved. However, that is not the evil with which we are dealing in the case of this Bill. We are only trying to take steps for the purpose of preventing adulteration. For these reasons, Sir, I support this motion.

The motion was adopted.

THE CANTONMENTS (HOUSE-ACCOMMODATION) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I beg to move:

“That the Bill further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments, as passed by the Legislative Assembly, be taken into consideration.”

The Bill was introduced in the Legislative Assembly last March and in September last was referred to a Joint Committee of the Legislative Assembly and of the Council of State. The Bill embodies certain recommendations of the Cantonment Reforms Committee and its main object is, whilst retaining the power of the military authorities to appropriate houses in cantonments for the use of military officers, to safeguard the rights of house-owners and to secure a fair rent and equitable conditions of tenancy of such houses. The principle of the Bill is one which, I am sure, will commend itself to the Honourable Members of this Council, and I do not propose to detain the House with any further remarks regarding it.

Sir, I move that this Bill be taken into consideration.

The HONOURABLE KHAN BAHADUR IBRAHIM HAROON JAFFER (Bombay Presidency: Muhammadan): Sir, with your permission? I shall like to say a few words, about the Cantonment House Accommodation Bill, that has just been presented, to this House, in the form, in which, it has been passed, in the Legislative Assembly. I have been associated, with the framing of the Bill, since its very inception, and I recognise, that the present Bill, is a great step forward, in safeguarding the interests, of house-owners in Cantonments, but when I examine the Bill, in the light of the recommendations, of the Government of India Representative Cantonment Reform Committee, on which, it is based, I find, that, the Bill is incomplete and

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essentially defective, in one or two matters of principle, which, I am afraid, will seriously hamper its efficiency, in practice.

Sir, one of the chief recommendations of the Cantonment Reform Committee is, that the new Cantonments House Accommodation Act should be, the only law, governing house property, in cantonments. At present, the house-owners, in cantonments, do not know what the exact law is, to which, their house-property in cantonments is subject. There is the Cantonments House Accommodation Act of 1902, the Army Regulations, the Cantonment Manual and Executive instructions, in form of Circulars. The house-owners had hardly any access to the last three, which are, the exclusive manufacture of the Army Department. This amplification, of the Cantonments House Accommodation Act of 1902, has virtually thrown the Act itself in the back-ground, and the local Military authorities have, in the past, been guided, more by this Executive amplification, than by the Act. I am sure, that it is no exaggeration to say, that, most of the grievances of the house-owners in cantonments, at present, are due to the fact, that there are so many adjuncts to the Act, all seeming, to have the force of law, in their application to cantonment house-property, a sealed book to the house-owners, and yet, so persistently applied, at every step, to their great harassment and trouble. Sir, this indefiniteness and multiplicity, of the house-property law in cantonments, and its consequent interference, of an absolutely and unwarranted character, with the rights and interests of house-owners, was prominently brought, to the notice, of the Cantonment Reform Committee, which after giving its full consideration to the subject, recorded an unanimous and emphatic recommendation, that there should be one, well-defined law, applicable to the house property, in cantonments, and, that the Government, should embody in the new House Accommodation Act, all that it thought to be necessary and fair, in the Army Regulation, and other departmental instructions. The new House Accommodation Bill, now before the House, was expected to be a complete and self-contained law, regarding house-property in cantonments. But I find, that it is not so, and therefore it is, that I characterise it, as *essentially defective*.

As I said, the Cantonment Reform Committee, was quite positive and clear, in its recommendation, on this subject. We find on page 9 of its printed Report:—

“ 16. At the outset, we found, that certain executive directions, from Army Headquarters, which involved the extended application of existing law, have been issued to Cantonment Authorities. This is not, in our opinion, legal procedure. We consider, that no direction, either expressed or written, involving the extended application of existing law, should issue, from Army Headquarters, or any other military authority, in the form of orders, but, that when, necessary, the rule should be amended, as provided for, in the Cantonments Act.”

Again on page 10, the Reform Committee urges the same view:

“ 18. At the preliminary examination of the Act it was brought prominently to our notice, that, besides the House Accommodation Act, there were other regulations, dealing with house property in cantonments, namely, Army Regulations, India, Volume II, Appendix. The Army Regulations, we hold, are only directions and orders of the Commander-in-Chief, which have no force of law. There seems to be, on this considerable ground, in the representation of the All-India Cantonment

Association, that Army Regulations, cannot be legally, applied to house-owners in cantonments, in the case of the veto of sale or transfer of house-property, nor we think, can they apply to other matters, pertaining to immoveable property."

" We recommend, therefore, that all references to sites and buildings, should be deleted entirely from Army Regulations and, such, as are necessary, should be embodied in the House-Accommodation Act. Though, it is in all probability, correct to presume, that rules, relating to sites, granted under Army Regulations, India, have still force, as regards houses which were subject to them originally, we are of opinion, that those rules would be better embodied, in an appendix to the Act, and thus, made a legal instrument. It is, therefore, our unanimous recommendation that the House Accommodation Act, should be made the only legislation, relating to house property in cantonments."

I quite realise, that, as stated in the Report of the Joint Select Committee, the Government has conveyed an assurance, that such rules and regulations, as are inconsistent with the Act, will be rescinded, and, that those, which are thought to be necessary, will be appended to the Act, in the shape of rules, which the Act empowers the Government to make, provided, they are not of confidential character. I submit, Sir, that even this assurance, though, it will mend matters, to a great extent and make the present confusion, less harassing, does not meet the requirements of the case, and, does not take full cognisance, of the recommendations, of the Reform Committee. The Committee had before it, sufficient material, where illegal leases were demanded and taken, by force, from the cantonment residents, for "land" already in their possession, for a long time, sales of houses were prohibited, under the provisions of these confidential or departmental regulations. It was, as a result of their careful examination of those cases, that they recorded the opinion and the recommendation, quoted above. There was ample time before the Government, to go through these regulations and rules, and to incorporate such of them, as were needed, into the Act. In such a case, these would have seen the light of day, undergone the critical examination, of both the Houses of the Legislature and worn the dignity of "law".

I regret, that, this has not been done, and the present Act in no way, brings the affairs, out of the old muddle. I don't see why such regulations, should be at all *confidential*, and why the house-owners should not know the rules, that govern the sale, the maintenance, and the renting of their houses.

Sir, I do not wish to oppose the passing of the Bill, by the House. I have referred to this one point, at length, in the hope, that the Government, will see its way, of declaring, all such executive rules and regulations, null and void, as far as they relate, to house-property in cantonments. But, if the Government in overhauling these rules, finds, that it is necessary to retain some, I would urge, upon the Government, the desirability of laying the same before the Legislature, later on, as an appendix, to some amendment, of the Section, bearing upon the subject. If this is done, the public mind, on this score at present will be allayed to a great extent."

I, also find, Sir, that the Act, does not define the *basis*, for the determination, of the rent of houses, in cantonments. The majority of the Cantonment Reform Committee, recommended a *basis* specified on pages 14 and 15 of its printed Report. In my note of dissent to the Report, I have advocated 10 per cent. of the present market value of a house, as a fair basis. At present, the rent is determined by some Cantonment Authorities

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on this basis, and, yet, the general complaint of the house-owners is, that the house rent is not adequate. The fact is, that the maintenance of "houses" in cantonments, to the liking and tastes of military tenants, is a heavy bill of charge. I have no desire, to move an amendment about this matter, as I am sure that the Government will define the basis, in the rules, it frames to carry on, the purposes of the Act. I am quite sure, that the Government, will give its full consideration, to the recommendations of the Cantonments Reform Committee, that the rents of the cantonment houses, are inadequate; and need immediate revision.

There is yet another important matter which the Act does not deal with, and, which has obviously been left, to be dealt with in "rules." Under the new Act, the Government will take over, only limited number of bungalows, according to its requirements, on 5 years repairing lease, what will be fate of the rest, is not stated. The Army Secretary to Government of India, gave an assurance in the Select Committee; which assurance, I understand, was also given by him in writing to the All-India Cantonments Association, that the owners of those Bungalows, which are not appropriated under the Act, would be free to use them, in any way, they liked. Some pronouncement on the point, from the Government is absolutely essential. The House is aware, that the Bungalows in cantonments, have been built, at the express desire of the military authorities, for the comforts, of the military officers, and, one would expect, that under the circumstances, the Government should give, every possible facility, to the owners of the surplus houses in cantonments, to use them, for non-military purposes.

I trust, Sir, that the Government will give its best consideration, to these aspects of the subject, dealt with in the Act, as to ensure, equal regard to the interests of the house-owners. I beg the Government, to remove the shortcomings, in the Bill, by the rules, it subsequently passes. I shall not detain the House longer, nor delay the passing of the Bill as there has already been considerable delay, in bringing this one fragment of the Cantonment Special Law to the Legislature. The public, is impatiently waiting for this, and the important Cantonment Legislation, that is yet to come, which in fact, will determine the character of the future civic administration of cantonments.

The HONOURABLE MR. PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I will admit at the outset that this Bill will bring about some improvement in the existing state of affairs, but I agree with the previous speaker that it does not go far enough. I might explain to the House that my experience of Cantonment Rules is limited only to the Cantonment of Poona, and it is in view of that experience that I propose to make a few comments on some of the sections of the Bill which unfortunately I have not had the opportunity of reading before now, for I saw it for the first time when I entered the Council hall, this morning. Sir, in section 11 it is stated that "if a house is unoccupied, a notice issued under section 7 may require the owner to give possession of the same to the Commanding Officer of the Cantonment within twenty-one days from the service of the notice." Now I would like His Excellency the Commander-in-Chief to explain if by "a house being unoccupied" he means a house in the occupation of an owner would be also included . . .

The HONOURABLE THE PRESIDENT: Would it not be more convenient to raise this question when the detailed consideration of the Bill

is taken up. I see the Honourable Member is not opposing the motion that the Bill as passed by the other House be taken into consideration.

The HONOURABLE MR. PHIROZE SETHNA: I will accept your suggestion, Sir, and I withhold my remarks for the present.

The HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I strongly support this measure. There are, however, two sides to every question. The country has to pay for the army, and if we see it broadly, the army is for the safety of the country. I think the Joint Committee on Cantonments House Accommodation Act have framed the rules very wisely and carefully. But, Sir, there is another side to the question also, and that is this. If the rents are raised, who will pay the increased rents to the officers? It is the country itself. So I think this is a very good measure, and if houses in Cantonments are meant for the occupation of army officers, I think there should be some restrictions on the house owners. Sir, I cordially support this measure.

The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to endorse most of the views which have been so ably expressed by my Honourable friend Khan Bahadur Haroon Jaffer. I had the honour of serving on the Joint Committee, and the assurance that was given to us there by the Army Secretary was very gratifying. As far as I understood him, he assured us that all the military rules and regulations and orders which went against the spirit of the present Bill would be rescinded and cancelled. Sir, we consider that this is certainly an advanced measure, and we are thankful to the Military Department for having acceded to the general wish of the Joint Committee. The Joint Committee also expressed its thanks to the Army Secretary for conceding a great many of the points raised by us. Undoubtedly there are certain things which require mending, and which we hope will in time be mended. Sir, I give my support to this Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I do not think I need add anything more to the remarks I have already made.

The HONOURABLE THE PRESIDENT: The question is:

“That the Bill further to amend and to consolidate the law relating to the provision of house-accommodation for military officers in cantonments, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

The HONOURABLE THE PRESIDENT: We will now proceed to the detailed consideration of the Bill. We will reserve the Preamble as usual.

Clauses 1 to 11 were added to the Bill.

The HONOURABLE MR. PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I seek some enlightenment from the Honourable Mover His Excellency the Commander-in-Chief with regard to clause 11. This Clause provides that a notice can be issued in respect of a house that is unoccupied. Now, Sir, as the Honourable Khan Bahadur Haroon Jaffer has told us, it was at the request of the military authorities that houses were put up in these Cantonments, and there are several owners who have built houses for themselves to live in. Some of these owners stay there for only a few days in the year—may be a month, may be a fortnight or may be for week-ends. The houses are furnished but locked up

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for the greater portion of the year when owners are away. May I know from His Excellency the Commander-in-Chief if such houses will be considered as unoccupied, if the owners choose to stay there for only a few days in the year? For, if that be so, it will be a great hardship on owners who have no intention to rent their houses but keep them for their own use.

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, with His Excellency the Commander-in-Chief's permission, in so far as the legal interpretation of this clause is concerned, I propose to answer the inquiry made by my Honourable friend Mr. Phiroze Sethna. If Honourable Members will turn to clause 5 of the Bill, they will see that

“every house situate in a Cantonment or part of a cantonment in respect of which a notification under sub-section (1) of section 3 is for the time being in force shall be liable to appropriation by the Government on a lease in the manner and subject to the conditions hereinafter provided.”

It will be seen from the phraseology adopted in this clause that every house situated in the Cantonment is liable to appropriation. Whether the house is occupied by the proprietor himself or by a tenant of that proprietor or by any one else on behalf of the proprietor is immaterial. As soon as the military authorities require a house, and the provisions embodied in clauses 6, 7, 8 and 9 have been complied with, it is open to the military authorities to require the occupant or the owner, as the case may be, to vacate the house within the period specified. So that it is immaterial whether the house is occupied by the proprietor or by any one else on behalf of the proprietor. Whether the proprietor is in actual possession or whether he has got his furniture there and has locked it up is immaterial for the purposes of the Bill. He will be required to vacate it within the period specified in the notice, if the military authorities require the house for their own purposes, and if the provisions laid down in the preceding clauses have been duly complied with.

The HONOURABLE MR. PHIROZE SETHNA: I repeat, Sir, what I have already stated that it is a positive hardship on owners of houses. People have been invited to put up houses in Cantonments and out of say 100 houses, perhaps 5 or at most 10 might belong to persons who like to keep the houses for their own use and not rent them. To compel them to give up these houses at the whim and caprice of the military authorities really gives cause for such complaints as were referred to by the Honourable Mr. Haroon Jaffer. I do hope that at a later date, when this Bill is revised, this hardship will be removed.

Clauses 12, 13 and 14 were added to the Bill.

The HONOURABLE MR. PHIROZE SETHNA: In regard to clause 15, I find that, when a rent is offered and the owner is not satisfied with it, he is given the option to appeal to a Committee of Arbitration. What I want to point out is that the section does not provide for any basis upon which the Committee of Arbitration will proceed to decide such rent. I see in section 27 where the value of a property to be acquired by Government is to be considered, that a basis is given, and I should feel obliged if His Excellency the Commander-in-Chief will explain if it is possible to provide some basis upon which the Committee of Arbitration will proceed to determine the rent.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Committee of Arbitration is provided for in order to settle whatever differences there may be as between the landlord and the tenant. The Committee of Arbitration, as you will see, has two representatives each of the landlords and tenants, with an independent Chairman. If the parties are not satisfied with the Arbitration Committee, they can then refer to a legal tribunal; but we have endeavoured in every way to give the best possible chances of bringing about agreements based on justice and equity as between landlords and tenants. That has been our object.

Clauses 15, 16, 17, 18, 19, 20, 21, 22 and 23 were added to the Bill.

THE HONOURABLE MR. PHIROZE SETHNA: Sir, in regard to clause 24, I find in sub-clause (2) that the District Magistrate is empowered to issue the necessary processes for the attendance of witnesses, *et cetera*, but it is not provided in the section as to who will call upon the District Magistrate to do so. I would inquire of His Excellency the Commander-in-Chief if he does not think it necessary to put in words to some such effect as "on requisition in writing, signed by the Chairman of the Committee," because, as the section stands, it is not stated who is to ask the District Magistrate to do this.

THE HONOURABLE THE PRESIDENT: That is almost in the nature of a drafting amendment. I do not know if the Honourable Member asks for permission to move it. It is open to His Excellency the Commander-in-Chief to take the objection that notice has not been given, but it appears to me to be a pure drafting amendment.

THE HONOURABLE MR. PHIROZE SETHNA: Sir, I only got this Bill when I entered the Council Chamber this morning.

THE HONOURABLE THE PRESIDENT: I understand His Excellency has no objection to its being moved.

THE HONOURABLE MR. PHIROZE SETHNA: Then I move, Sir:

"That in section 24 (2) after the words 'the District Magistrate' the following words be inserted, namely:

'on requisition in writing signed by the Chairman of the Committee'."

THE HONOURABLE THE PRESIDENT: Amendment moved:

"That after the words 'District Magistrate' the words 'on requisition in writing signed by the Chairman of the Committee' be inserted."

That amendment is now open to debate and that amendment only.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I would like to second the amendment which has been moved by my Honourable friend Mr. Sethna. This will certainly improve drafting and it has therefore my cordial support.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Sir, I oppose this amendment, because generally the District Magistrate is a Civilian who knows the law better; and if it were left to any Cantonment people, perhaps

THE HONOURABLE THE PRESIDENT: I do not think the Honourable Member has apprehended the purport of the amendment.

THE HONOURABLE COLONEL SIR UMAR HAYAT KHAN: But I oppose the amendment all the same.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, we are prepared to accept that amendment if the Honourable Member desires it.

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 and 26 were added to the Bill.

THE HONOURABLE MR. PHIROZE SETHNA: Sir, in regard to clause 27 I may draw the attention of the House to the fact that when new cantonments are opened, Government give land free and invite capitalists to put up houses. At that time, the value of the land is next to nothing. But after a number of years, that land does acquire value. I again refer to my experience of Poona where I say properties in the cantonment have changed hands at prices which provide for the value of land. Suppose a property is sold for Rs. 30,000 and the purchaser reckons that he is paying say Rs. 15,000 for the property and Rs. 15,000 for the land. Now, according to clause 27 if Government choose to acquire a property they will only pay him the value of the house but not pay him anything for the value of the land. This condition would have been quite all right in the early days when a new cantonment was opened. But in large cantonments where land has acquired value by reason of the fact of more houses having grown up in the vicinity, etc., it is not fair to pay the man whom you deprive of his property for the value of the house and not pay him for the value of the land, for which in nine cases out of ten the man himself has paid a value.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, surely this is a matter for settlement as between purchaser and purchasee. In the event of their not being satisfied as to the price to be paid, quite irrespective of whether it is the value of the land or the value of the house, the matter is referred to a Committee of Arbitration who adjudicate as to what is an equitable price.

THE HONOURABLE MR. PHIROZE SETHNA: It is only said "the value of the house"; there is nothing about the value of the land.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Still it is referred to the Committee of Arbitration in the event of disagreement.

THE HONOURABLE MR. PHIROZE SETHNA: May I point out, Sir, that the section clearly lays down that only the value of the house is to be paid. No Committee of Arbitration could therefore pay for what is not stated in the section—the value of the land.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: But the land in a cantonment belongs to the Government.

THE HONOURABLE THE PRESIDENT: I do not think the Honourable Member can speak again on a substantive new point. The Honourable Member has already spoken twice. Of course if he has anything by way of explanation he can offer that.

THE HONOURABLE MR. PHIROZE SETHNA: I want to point out, Sir, that land has acquired a value in cantonments to-day which it had not when the military authorities gave that land and invited people to build on it. In the process of time properties have changed hands and the new purchasers have not only paid for the value of the building but also for the

value of the land. That happens every day in cantonments. Consequently if you do not provide when Government acquire these properties that they should pay for the land, it practically amounts to confiscation.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: May I point out, Sir, that the details of this Bill, including the point raised by the Honourable Member, have been considered, first of all, by the Select Committee of both Houses and then by the Legislative Assembly, where they have been fully discussed and agreed to, and it does not seem to me to be a legitimate point to raise now. I have answered the Honourable Member so far as I can, but I cannot go any further.

The HONOURABLE MR. V. G. KALE: Sir, I have not yet been able clearly to understand what my Honourable friend on the left (Mr. Sethna) wants. I understand him to say that the value of the house will be calculated independently of the value of the site upon which the house has been constructed. But I think that when the value of the house is calculated, the value of the site also is taken into consideration. The value of the house very often depends not only upon the superstructure on the land but also the land on which that superstructure has been erected; and the value of the house includes the value of the site on which it has been erected.

The HONOURABLE MR. PHIROZE SETHNA: May I refer the Honourable Member to the definition of "house" in the Bill,—Clause 2 (f):

"house means a house suitable for occupation by a military officer or a military mess, and includes the land and buildings appurtenant to a house."

The HONOURABLE MR. V. G. KALE: So you are only supporting what I have been saying, namely, that the house includes the land; otherwise the trees on the property on which a house is located—that also would have to be included. So I do not think the point raised by the Honourable Mr. Sethna is one which need be taken into consideration.

The HONOURABLE MR. PHIROZE SETHNA: I apologise, Sir. I see my mistake. I had no time to read the Bill through. I have nothing to say if the plot of land on which the house is situate is also to be paid for.

Clauses 27 to 33 were added to the Bill.

Clauses 34, 35, 36, 37, 38 and 39 were added to the Bill.

The Schedule was added to the Bill.

The Preamble was added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I beg to move:

"That the Bill, as amended, and as passed by the Legislative Assembly, be now passed."

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Sir, in rising to support the motion now before the House, I desire to make a correction with reference to the observations which I made upon the Honourable Mr. Sethna's comments on clause 11. At that time I overlooked clause 10 (c) in the Bill which clearly states that no notice shall be issued under section 7 if the house is occupied by the owner. It is clear, therefore, that notice to vacate can be issued under the Bill only in cases of occupation by tenants or other persons and not occupation by the owner himself. The question whether at a given moment the house is occupied by the

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owner within the meaning of clause 10 (c) will depend upon the circumstances of each case; and if the local cantonment authority take any arbitrary action in those circumstances it will be open to the owner to appeal against such action under clause 30 to the higher military authorities. In these circumstances I do not think that the owners of houses in cantonments actually occupying the houses themselves need have any misgivings or any fear in regard to the proper working of this Bill.

The HONOURABLE KHAN BAHADUR IBRAHIM HAROON JAFFER (Bombay Presidency: Muhammadan): Sir, as member of the Cantonment Reforms Committee, appointed by the Government of India in 1921, to overhaul the existing Cantonment Law, and as President of the All-India Cantonments Association, I take this opportunity of thanking His Excellency the Commander-in-Chief for the bringing of this first fragment of Cantonment Legislation to its final stage.

Sir, was in the summer of 1920 when a deputation—first of its kind—of the members of the All-India Cantonments Association waited upon His Excellency Sir Charles Monro, the then Commander-in-Chief at Simla, and presented before him a Memo. of the grievances of the non-military residents of the Cantonments. The sympathetic reply and assurance which the Deputation then received from Sir Charles Monro, would ever be remembered by the cantonment people. The General amongst other things said "I agree with you that the present Cantonment Law, which was made half a century back, has outlived its need. It requires thorough overhauling and change. We do not wish to work separate from you gentlemen, who want Reforms. We desire to associate with you and prepare a joint scheme." In pursuance of this assurance, the Government of India, appointed a Representative Committee consisting of officials and non-officials headed by Mr. Renouf, I.C.S. The Committee had before it, an arduous task. I would be ungrateful if I did not acknowledge the services of the members of this Committee, and specially of the President, who by his sympathy, and tact successfully handled many a critical situation, where sharp differences of opinion existed between the members of the Committee. The same note of sympathy was struck by His Excellency Lord Rawlinson in his reply to the deputation of the Association, which waited upon him at Simla in 1921, and, I find, that the present Bill, is the first instalment of those good and kind assurances, which the Cantonment people have all along been receiving from the officials of the Government.

Sir, I also take this opportunity of thanking Sir Godfrey Fell, the late Army Secretary, who was responsible for the framework of this Bill, and Mr. Burdon, the present Secretary, ably assisted by Colonel R. H. Palin, who filled therein the essential and important details, and successfully piloted it through the Legislative Assembly.

I heartily congratulate His Excellency the Commander-in-Chief for this first instalment of Cantonment Reform.

The HONOURABLE MR. PHIROZE SETHNA: Sir, I thank the Honourable the Leader of the House for putting right a statement which he had made at an earlier stage of the debate. I note from section 10 (c) that if the owner occupies a house he is not to be served with any notice, but the words the Honourable Sir Muhammad Shafi used were 'if the owner *actually* occupies the house.' I should like him or the Honourable Mover in

reply to state in answer to my previous query, that if an owner chooses to keep his house furnished but stays there for only a fortnight or a month in the year, will he be considered to occupy the house or not, and will section 10 (c) be applied to him or not?

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Well, Sir, all I can say in respect of this query addressed by the Honourable Mr. Sethna is that each case will depend upon the particular circumstances and it is difficult to enunciate a hard-and-fast rule during the debate in this Council.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I have nothing further to add except to say that we have done our best to improve the cantonment law by the introduction of this Bill. We have not been able to embody every suggestion that has been made by the various owners of property and others who were members of the Cantonment Committee, but we have done all that we could to help owners and to improve the law which undoubtedly was in the past unsatisfactory and required amendment.

The HONOURABLE THE PRESIDENT: Before I put the question, I would just like to draw the attention of the House to the fact that this Bill was laid on the table of the House on the 31st January, so that there was ample opportunity for Honourable Members on both sides of the House to make themselves entirely familiar with the contents of the Bill.

The motion that the Bill, as amended, and as passed by the Legislative Assembly, be passed was adopted.

STATEMENT OF BUSINESS.

The HONOURABLE THE PRESIDENT: Can the Honourable the Leader of the House make any announcement as to Government business in the near future?

The HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, meetings of this Council for official business during the ensuing week will be held to-morrow (Thursday, the 15th) and on Tuesday, the 20th February.

The agenda for 15th February was circulated last evening to Honourable Members of this House. The items therein are motions for the consideration of the Malabar (Completion of Trials) Supplementing Bill, the Indian Mines Bill, and the Indian Boilers Bill, all of which have been passed by the other Chamber, and also two official Resolutions to be moved by the Honourable Mr. Sarma relating to the draft notifications which were recently laid before this House, specifying the terms and conditions on which emigration for the purpose of unskilled work shall be lawful to Ceylon, the Straits Settlements and the Malay States.

On Tuesday, the 20th February, the Indian Naval Armament Bill and the Workmen's Compensation Bill which have been passed by the Legislative Assembly will be taken into consideration in this Chamber.

The HONOURABLE THE PRESIDENT: That concludes the business for this morning.

The Council then adjourned till Eleven of the Clock on Thursday, the 15th February 1923.