

Monday, 17th September, 1928

THE

# The Council of State Debates

(Official Report)

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*(11th September to 26th September 1928)*

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FIFTH SESSION

of the

SECOND COUNCIL OF STATE

1928



CALCUTTA: GOVERNMENT OF INDIA  
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# COUNCIL OF STATE.

Monday, 17th September, 1928.

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

## QUESTIONS AND ANSWERS.

### LOANS RAISED BY THE GOVERNMENT OF INDIA AND PROVINCIAL GOVERNMENTS.

58. THE HONOURABLE SIR MANMOHANDAS RAMJI VORA : Will Government be pleased to furnish a statement showing :

- (a) the amount of loans raised by the Government of India every year in the decade 1903—13,
- (b) the amount of loans raised by the Government of India for Provincial Governments every year during the decade 1903—13,
- (c) the amount of loans raised by the Government of India every year from 1920 to 1928, and
- (d) the amount of loans raised by the Provincial Governments every year from 1920 to 1928 ?

THE HONOURABLE MR. E. BURDON : For the years up to 1926-27 inclusive, the Honourable Member will find the requisite information in the Finance and Revenue Accounts, *vide*, for example, accounts Nos. 82 and 82A in the Finance and Revenue Accounts for 1926-27. I must explain, however, that no loans were raised by the Government of India specifically for Provincial Governments prior to the Reforms. The loans raised in the open market in 1927-28 were as follows :—

By the Government of India in India	..	Rs.	19,53,79,000
By the Secretary of State for India in England	£		7,500,000
By Provincial Governments	..	..	<i>Nil</i>

### SALE OF SILVER BY THE GOVERNMENT OF INDIA FROM 1ST APRIL 1927 TO 30TH JUNE 1928.

59. THE HONOURABLE SIR PHIROZE SETHNA : Will Government state :—

- (a) What is the total amount of silver sold by the Government of India from 1st April 1927 to 30th June 1928 ?
- (b) Have Government accepted the recommendations of the Hilton-Young Commission in this respect ?
- (c) Do Government adhere to the programme for holdings of silver in the Paper Currency Reserve as laid down in the Reserve Bank Bill ?

THE HONOURABLE MR. E. BURDON : (a) The silver sold in the financial year 1927-28 amounted to 9.19 million fine ounces. The Government of India are not prepared to give information regarding subsequent sales as to do so would not be in the public interest.

(b) and (c).! The sales do not at the moment indicate anything more definite than that the silver holdings in the Paper Currency Reserve are far too large. They stand at about 104 crores which is 19 crores, more than the basic figure of the 30th April 1926 on which the Currency Commission based their proposals.

**PUBLICATION AT THE BEGINNING OF EVERY MONTH OF THE FIGURE INDICATING THE WAYS AND MEANS POSITION OF THE GOVERNMENT OF INDIA, ETC.**

60. **THE HONOURABLE SIR PHIROZE SETHNA :** (a) Have Government considered the publication at the beginning of every month of the figure indicating the Ways and Means position of the Government of India for the period commencing from the beginning of the official year up to the end of the month immediately preceding in respect of—

- (1) revenue received,
- (2) expenditure incurred,

and also publish the figures showing as at the end of the preceding month,

- (3) total amount of Treasury bills outstanding,
- (4) total amount of bills in the hands of the public,
- (5) loans from the Imperial Bank of India, and
- (6) loans from the public departments ?

(b) Will Government state if it is the established practice in England to publish such figures week by week ?

(c) If such figures are not published in England in the form as stated in (a) above, will Government state what are the particulars that are published in England ?

**THE HONOURABLE MR. E. BURDON :** It is the established practice in England to publish week by week figures of the kind mentioned by the Honourable Member. This disposes of parts (b) and (c) of his question.

As regards part (a), I am afraid it is impossible to achieve the promptitude which the Honourable Member suggests, owing to the fact that the receipts of Government accrue, and disbursements have to be made, at a very large number of treasuries, and sub-treasuries, distributed all over this very large country, and also to the fact that the accounts of the Government of India to be complete must include the transactions of the Secretary of State and the High Commissioner. I take it the Honourable Member is aware that the Government of India already publish in the Gazette of India once a month a Statement of Revenue and Expenditure in India and in England, as also a Return of Rupee Debt once a quarter. Figures relating to Treasury balances are communicated to the Press monthly by the Controller of the Currency. Government will consider the possibility of putting the statistics into a more convenient and comprehensive form and of publishing them in the Gazette of India once a month. I am afraid, however, that the figures for any particular month cannot be made available till about three months after the close of the month.

**THE HONOURABLE SIR PHIROZE SETHNA :** May I ask what is the likely date from which these statistics will be published ?

**THE HONOURABLE MR. E. BURDON :** We have not come to any decision yet. We have not yet settled what I have described as the more convenient and comprehensive form. As soon as that is settled we will start it.

**REGULATIONS UNDER WHICH LABOUR EMPLOYED ON THE ASSAM TEA GARDENS IS RECRUITED.** ●

**61. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state :—

- (1) what are the regulations, if any, under which labour employed on the Assam Tea Gardens is recruited ?
- (2) whether the employer is bound by law to provide adequate housing accommodation, medical facilities to coolies working on the tea gardens and schools for their children ?
- (3) whether the employer is bound by law to pay a certain minimum wage to each working cooly and what is such minimum wage ?
- (4) whether the employer is bound to pay wages at certain definite times, if so, when ?
- (5) whether a cooly can be imprisoned or punished in any way for a breach of his contract of service ?
- (6) the functions of the Assam Labour Board and its Chairman ?

**THE HONOURABLE MR. A. G. CLOW :** (1) The Assam Labour and Emigration Act and the rules and notifications issued thereunder.

(2) to (5) The answer is in the negative.

(6) They are responsible for the supervision of assisted emigration to Assam with a view to the prevention of abuses.

**THE IMPERIAL AIRWAYS, LIMITED.**

**62. THE HONOURABLE SIR PHIROZE SETHNA :** (a) Will Government state whether it is intended by the Imperial Airways, Ltd. to whom, according to the official memorandum, a subsidy is to be given, to register a branch in India with rupee capital and Indian Directors ?

(b) Have Government received any definite proposals from them, and, if so, what ?

**THE HONOURABLE MR. A. G. CLOW :** (a) The Government of India understand that a company in which Imperial Airways, Limited, are interested has been registered in India ; but they have no particulars regarding the composition of its directorate.

As the Honourable Member's question contains a statement which if it were to pass unquestioned, would give rise to serious misapprehension, I should like, Sir, with your permission to add that in no memorandum have the Government of India either announced or even proposed the grant of a subsidy to Imperial Airways or any other particular company. They are considering the possibility of offering subsidies for the development of air mail routes, but any such offer would be made to the public generally by means of a call for tenders.

(b) Certain proposals for subsidised air routes were made by Imperial Airways, Limited, in March 1927 ; but as these specific proposals were not and are not being pursued, Government consider that no useful purpose would be served by publishing them.

**TAKING OVER OF BLOCK NO. 8 ON THE BACK BAY RECLAMATION, BOMBAY, BY THE GOVERNMENT OF BOMBAY ON BEHALF OF THE MILITARY DEPARTMENT.**

**63. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government state :—

(a) whether the Government of Bombay have approached them for taking over block No. 8 on the Back Bay Reclamation, Bombay, on behalf of the Military Department ?

(b) whether there will be loss of interest if they take over the building at once and the amount of such loss.

(c) Will they please lay on the table correspondence on this subject ?

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** (a) The attention of the Honourable Member is invited to the answer given on 30th August 1927 to part (a) of his question No. 88. I may mention that my answer then was that the Government of India pointed out no difficulties as regards Plot No. 8, and that it will be taken over as soon as it is in a fit condition for use by military authorities and properly levelled for purposes of surface drainage.

(b) This part of the question is not understood. There is no question of taking over any building with block No. 8 from the Local Government. Block No. 8 is not yet entirely reclaimed from the sea, and there has never been any building on it.

(c) The main decisions were not reached by means of correspondence but by personal conferences, and it would therefore be of little use to comply with the Honourable Member's request.

**THE HONOURABLE SIR PHIROZE SETHNA :** I think there is a printer's mistake,—I mean the word "land" and not "building" under (b).

**HIS EXCELLENCY THE COMMANDER-IN-CHIEF :** We have taken over a portion of Plot 8 ; the balance has not yet been taken over.

**AMOUNT OF CUSTOMS REVENUE DERIVED FROM PAPER AND PRINTING INK DURING THE YEAR 1927-28.**

**64. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state what amount of customs revenue has been derived from paper and printing ink during the year 1927-28 ?

**THE HONOURABLE MR. E. BURDON :** *Paper including Stationery—*

				Rs.
(i) Unprotected	..	..	..	49,29,327
(ii) Protected	..	..	..	25,34,215
<i>Printer's Ink</i>	..	..	..	87,413

**EXEMPTION OF IMMIGRANTS TO INDIA FROM THE PASSPORT REGULATIONS.**

**65. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government please state whether any class of immigrants to India are exempt from the passport regulations and, if so, why ?

**THE HONOURABLE MR. B. J. GLANCY :** No class of immigrants as such is exempted. The passport rules however only apply to persons entering British India by sea, by air, or by the Chaman, Khyber, or Nushki land routes ; and there are certain other general exemptions, which are stated in Rule 5.

**THE HONOURABLE SIR PHIROZE SETHNA :** Do Government propose to relax the passport rules, as has been done in other countries ?

**THE HONOURABLE MR. B. J. GLANCY :** Not that I know of, Sir.

**ORDERS FOR LOCOMOTIVES, WAGONS AND SPARE PARTS PLACED ON BEHALF OF THE RAILWAY BOARD IN THE UNITED KINGDOM AND ON THE CONTINENT OF EUROPE.**

**66. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state the amount of orders placed on behalf of the Railway Board—

- (a) in the United Kingdom, and
- (b) on the Continent of Europe,

since April 1928 in respect of locomotives, wagons and spare parts both on capital and on revenue account ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** I regret that figures for the period mentioned by the Honourable Member are not available. Those for the whole year will, as in previous years, be given in Appendix A of the Report by the Railway Board on Indian Railways, except that it is not possible, without more labour than the compilation would be worth, to show separately the figures for purchases in the United Kingdom and elsewhere abroad.

**AMOUNT OF CAPITAL ATTRACTED FROM INDIA FOR SOUTH AFRICAN ORANGE FARMS AND NEW ZEALAND FOREST COMPANIES.**

**67. THE HONOURABLE SIR PHIROZE SETHNA :** (a) Will Government state whether they have any information as to the amount of capital from India, which has been attracted during the last two years for—

- (i) South African Orange Farms, and
- (ii) New Zealand Forest Companies ?

b) Do Government take any steps to check and prevent a doubtful enterprise from collecting money in India by attractive advertisements ?

**THE HONOURABLE MR. E. BURDON :** (a) The reply is in the negative.

(b) Government have not hitherto found it necessary to take any such steps.

**AMENDMENT OF THE INDIAN COMPANIES ACT.**

**68. THE HONOURABLE SIR PHIROZE SETHNA :** (a) Will Government be pleased to state whether they have received the final recommendations for the amendment of the Companies Act in the United Kingdom ?

(b) if so, do Government propose to circulate the same and elicit opinions of commercial bodies as to the desirability of similar changes in the Indian Companies Act?

THE HONOURABLE SIR GEOFFREY CORBETT: The Companies Act was passed by Parliament on the 2nd August last. As soon as copies have been received, the Government will consider the revision of the Indian Companies Act.

NUMBER OF CASES DEALT WITH BY THE RATES ENQUIRY COMMITTEE SINCE ITS ESTABLISHMENT.

69. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state:—

(a) the number of items dealt with by the Rates Enquiry Committee since its establishment?

(b) how many of these items referred to the Bombay Presidency?

(c) whether any of the co-opted members were from Bombay?

THE HONOURABLE SIR GEOFFREY CORBETT: (a) 19 cases have been submitted to the Rates Advisory Committee of which they have disposed of 6.

(b) None of the 6 cases so far disposed of related to the Bombay Presidency.

(c) Yes.

THE HONOURABLE SIR PHIROZE SETHNA: May I know the names under (c).

THE HONOURABLE SIR GEOFFREY CORBETT: I have not got them here, Sir.

RATE WAR IN THE CHARGES FOR THE TRANSPORT OF RICE FROM RANGOON AND BOMBAY.

70. THE HONOURABLE SIR PHIROZE SETHNA: (a) Have Government considered the effect of the recent rate warfare in the charges for the transport of rice from Rangoon and Bombay?

(b) In the event of an unfair combination in restraint of trade or of monopolistic cartel likely to prejudice the interests of the agriculturists of India, have Government any power at present to intercede?

(c) Will Government be pleased to state whether they intend to initiate legislation against monopolies to the prejudice of the public in India on the lines on which similar legislation exists in the United Kingdom?

THE HONOURABLE SIR GEOFFREY CORBETT: (a) The Government have not received information of any such rate war.

(b) No.

(c) No.

**SAFEGUARDS RECOMMENDED BY THE TARIFF BOARD AGAINST THE FIXING OF MONOPOLISTIC CHARGES BY AGREEMENTS BETWEEN VARIOUS OIL COMPANIES.**

71. **THE HONOURABLE SIR PHIROZE SETHNA :** Has the Tariff Board recommended any safeguards in the interests of the consumer against the fixing of monopolistic charges by agreements between various Oil Companies ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** I would refer the Honourable Member to Chapter VI of the Minority report, a copy of which he has, I hope, now received.

**FINANCIAL COMMITMENTS IN RESPECT OF CIVIL AVIATION.**

72. **THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state what financial commitments they have finally made in respect of civil aviation on behalf of the Central Government for the years 1928-29, 1929-30 and 1930-31 ?

**THE HONOURABLE MR. A. G. CLOW :** The present commitments, including expenditure under the head "Civil Works" attributable to the civil aviation programme, involve an approximate estimated expenditure of Rs. 7,24,000 in the current financial year, Rs. 4,00,000 in 1929-30 and Rs. 2,40,000 in 1930-31.

**RESOLUTION *re* RUPEE TENDERS.**

73. **THE HONOURABLE SIR PHIROZE SETHNA :** (a) Will Government be pleased to state when they intend to give effect to the resolution passed by the Assembly in 1924 for all tenders of Government requirements to be called in India in rupees ?

(b) Will Government state why there has been delay in introducing this system ?

**THE HONOURABLE MR. A. G. CLOW :** (a) I would refer the Honourable Member to the Government of India's resolution on the subject which was published in the Gazette of India on Saturday last and to the draft rules appended to that Resolution.

(b) The inter-departmental committee which was appointed to consider the revision of the rules held its last meeting on 21st January last. Having regard to the intricacy and importance of the questions involved, I do not think that an unduly long period has been occupied in the consideration of these questions by the authorities concerned.

**SEPARATE CAPITAL AND REVENUE ACCOUNTS FOR GOVERNMENT TELEPHONE LINES.**

74. **THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state :

(a) whether separate capital and revenue accounts are kept for Government telephone lines ?

(b) what progress has been made in commercialising these accounts ?

(c) whether Government are making a profit or a loss on the service which they are offering in the matter of trunk telephones ?

**THE HONOURABLE MR. A. G. CLOW :** (a) Not for individual lines but for the telephone undertakings of the Government as a whole.

(b) Telephone accounts have been commercialised along with the other accounts of the Department.

(c) No, as no separate account is maintained for the trunk telephones.

#### TAXATION OF BRASS AND ALUMINIUM INGOTS AND SHEETS.

**75. THE HONOURABLE SIR PHIROZE SETHNA :** (a) Are Government aware that brass and aluminium ingots and sheets, which are the raw material of numerous small factories and of artificers making utensils, etc., are taxed in India at the same rate at which the finished article is taxed ?

(b) Have Government received any complaints from commercial bodies or firms against this practice ?

(c) Are Government considering reducing the rate for the raw material before next budget time ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** (a) and (b). Yes.

(c) The Government of India have referred to the Tariff Board cases in which it is represented that the development of an industry is hampered by the fact that the duty on the finished article is lower than the duty on the materials which have to be imported for its manufacture. But when the duty on the finished article and that on the materials imported for its manufacture are the same, there is no inequality of tariff treatment. At the same time, the Government recognised that it is in the interests of industrial development that the duties on the raw materials of industries should be as low as possible, and such duties are being reduced or removed as opportunity and financial considerations permit.

**THE HONOURABLE SIR PHIROZE SETHNA :** Will they be taken into consideration in the next Budget, and may any further reductions be expected ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** It is not our habit, Sir, to announce our intentions in advance of the next Budget.

#### EXTENSION OF WORKSHOPS OF STATE RAILWAYS.

**76. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government please state the total outlay on the extending of workshops of State railways since the Acworth Committee's Report was received ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** Government regret that they have not got the information asked for, and that its compilation would involve a considerable amount of labour and expenditure incommensurate with its value when received.

#### CLOSING OF RAILWAY WORKSHOPS.

**77. THE HONOURABLE SIR PHIROZE SETHNA :** Will Government please state which railway workshops have been shut up as the result of the Raven Committee's Report ?

**THE HONOURABLE SIR GEOFFREY CORBETT:** The Locomotive Shops at Karachi and Rawalpindi.

The Carriage and Wagon Shops at Rawalpindi.

The Carriage Shops at Karachi.

The Wagon Shops at Sukkur.

**ADOPTION OF THE SYSTEM OF ACCOUNTS SUGGESTED IN THE REPORT OF SIR ARTHUR DICKINSON IN STATE RAILWAY WORKSHOPS.**

**78. THE HONOURABLE SIR PHIROZE SETHNA:** (a) Will Government state whether the system of accounts suggested by the Dickinson Report has been adopted in the State Railway workshops?

(b) Is the manufacture of any parts in State Railway workshops being done cheaper to-day than the prices at which such parts could be secured either in England or in India?

**THE HONOURABLE SIR GEOFFREY CORBETT:** (a) There are many recommendations regarding workshop accounting in Sir Arthur Dickinson's Report, and it is difficult to reply in the compass of an answer given in this House to the Honourable Member's question. A complete memorandum on the subject will shortly be placed before the Standing Finance Committee for Railways, and a copy of it will be sent to the Honourable Member.

(b) The question is still under examination.

**CONTROL EXERCISED BY THE RAILWAY BOARD OVER THE STORES PURCHASED BY THE DIFFERENT RAILWAYS.**

**79. THE HONOURABLE SIR PHIROZE SETHNA:** Will Government be pleased to state what kind of control is exercised by the Railway Board over the stores purchased by the different railway systems?

**THE HONOURABLE SIR GEOFFREY CORBETT:** The State-managed Railways are required to follow the instructions issued by the Government of India from time to time with regard to the purchase of stores, and their purchases must conform with any specifications or special requirements laid down by the Railway Board. These Railways are also required to send copies of all indents for the purchase of stores abroad to the Indian Stores Department; and these indents are scrutinized at monthly meetings by representatives of the Railway Board and the Indian Stores Department in order to see that they do not contain any item which can be purchased in India.

**RECOMMENDATIONS OF THE CINEMA COMMITTEE.**

**80. THE HONOURABLE SIR PHIROZE SETHNA:** Will Government state when they propose to take action in accordance with the recommendations of the Cinema Committee with regard to—

(a) the Central Cinema Department, and

(b) the Central Board of Censors?

**THE HONOURABLE MR. H. G. HAIG:** Government have taken the recommendations in question under their consideration, but some time must elapse before it is possible to secure the views of Local Governments and to reach final conclusions on the proposals.

**ATTRACTION OF PRIVATE CAPITAL FOR PUTTING UP BUILDINGS IN NEW DELHI.**

81. **THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state whether so far any private capital has been attracted from British India for putting up buildings in New Delhi ?

If so, what is the approximate amount thereof ?

**THE HONOURABLE MR. A. G. CLOW :** Yes. Only a very rough estimate of the amount of money spent on buildings is possible ; but the total sum is probably of the order of 20 lakhs of rupees. This excludes expenditure by Indian States or their Rulers.

**THE HONOURABLE SIR PHIROZE SETHNA :** Is the 20 laks exclusive of the value of the land ?

**THE HONOURABLE MR. A. G. CLOW :** I think that it relates to the buildings alone.

**CONTRACT FOR THE CARRIAGE OF MAILS BETWEEN ENGLAND AND INDIA WITH THE P. & O. STEAM NAVIGATION COMPANY.**

82. **THE HONOURABLE SIR PHIROZE SETHNA :** Will Government please state :

- (a) when the existing contract for the carriage of mails between England and India was entered into between Government and the P. & O. Steam Navigation Co. ?
- (b) for how many years this contract is entered into ?
- (c) whether the amount payable every month is the same or varying, and what is such amount or amounts ?
- (d) on what basis was the amount or amounts fixed ?
- (e) what was the amount paid by Government in the years of the Great War and the ten years prior to the Great War ?

**THE HONOURABLE MR. A. G. CLOW :** The information required by the Honourable Member is being collected and will be supplied as soon as possible.

**RAILWAY BETWEEN INDIA AND BURMA.**

83. **THE HONOURABLE SIR PHIROZE SETHNA :** Will Government be pleased to state :—

- (a) at what point it is intended to connect the systems of railway in India with the Burma Railway ?
- (b) if any survey of this or any route has been made ?
- (c) what is the estimated cost of such a connecting railway ?
- (d) why this programme has been held up ?

**THE HONOURABLE SIR GEOFFREY CORBETT :** (a) There is no present proposal for connecting India and Burma by railway.

(b) I would refer the Honourable Member to the reply which I gave to the Honourable Mr. Kumar Sankar Ray Chaudhury's question No. 130 on the 5th March, 1927.

(c) A rough forecast of the cost of the southern route *via* Chittagong, Akyab and the An pass is Rs. 10 crores, and of the northern or Hukong Valley route Rs. 6 crores.

(d) Because there is no hope of the construction of such a line being remunerative at present.

STRIKES ON RAILWAYS.

84. THE HONOURABLE SIR PHIROZE SETHNA : (a) Will Government be pleased to state the number of occasions with dates and particulars during the last ten years when there was any strike on a Railway and when a successful or unsuccessful attempt was made by strikers or others to interfere with train traffic ?

(b) Do Government propose to acquire any additional powers to secure public safety against strikers or any others tampering with means of public communication ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) A statement giving the information for the last 9 years, so far as this is readily available, is placed on the table.

(b) The criminal law already provides adequate powers to deal with persons who can be proved to have committed or to have instigated such actions, and no proposal is under consideration for taking additional powers of this kind.

*Statement of Strikes on railways since November 1919.*

Railways.	Date of commencement.	Date of termination.	Staff affected.	Particulars of attempts to interfere with train traffic.
East India Railway..	1-12-19	16-1-20	(Jamalpur Workshop staff).	Some boulders were placed on the night of 4th January 1925 near Jamalpur and minor damages were done to a passenger engine.
Madras and Southern Mahratta Railway.	26-2-20	6-4-20	(Workshop staff, Hubli)	None.
Burma Railways ..	22-4-20	11-5-20	(Insein Workshops, Burma).	Do.
North Western Railway.	22-4-20	10-6-20	(Carriage and Wagon Shops, Moghalpura but spread to other Departments).	Do.
Bombay, Baroda and Central India Railway.	20-5-20	21-5-20	(Bulsar and Bandra, Parel and running sheds).	Do.
Great India Peninsula Railway.	25-5-20	31-5-20	(Workshop Staff at Bandra, Parel and Matunga).	Strikers did some damage to interlocking arrangements and cabins and stoned passenger trains.
Southern India Railway.	4-6-20	14-6-20	(Workshop Staff at Negapatam).	None.
Madras and Southern Mahratta Railway.	22-6-20	2-7-20	(Permanent way gangmen).	Do.

Railways.	Date of commencement.	Date of termination.	Staff affected.	Particulars of attempts to interfere with train traffic.
Bengal and North Western Railway.	28-6-20	3-8-20	(Bengal and North Western Railway Loco. shop).	None.
Bengal Nagpur Railway.	8-10-20 F. N.	8-10-20 A. N.	(Traffic staff, Khargpur).	Do.
Great India Peninsula Railway.	15-10-20	7-11-20	(Loco. Carriage and Wagon Shops, Jhansi).	Do.
East Indian Railway	2-2-20	1-4-20	(Carriage and Wagon shops, Lillooah).	On 28th February 1920 loose rails were placed on the permanent way but no accident was caused to trains.
Bombay, Baroda and Central India Railway.	10-2-20	24-2-20	(Loco. Carriage and Wagon shops, Parel, Bombay).	Strikers threw stones and attempted to interfere with traffic.
Burma Railways ..	25-2-20	14-6-21	(Traffic staff and Workshop staff, Insein, Burma).	None.
Eastern Bengal Railway.	3-3-21	6-6-21	(Loco. Carriage and Wagon and Electrical shops, Kanchrapara, and metre gauge shop, Saidpur).	Do.
North Western Railway.	29-5-21	2-7-21	(Loco. Shops Sukkur)	Do
Gondal Railway ..	2-7-21	29-7-21	(Most of Traffic staff)	Do.
Bengal and North Western Railway.	21-7-21	22-7-21	(Loco. shop, Gorakpur)	Do.
Great India Peninsula Railway.	17-8-21	6-9-21	(Loco. shops, Parel, Bombay).	Do.
Bombay, Baroda and Central India Railway.	5-12-21	9-12-21	(Running Shed, Parel, Bombay).	Do.
East India Railway..	15-10-21	26-10-21	(Karhar-Barri Colliery)	Do.
East India Railway..	19-12-21	6-1-22	(Loco. Running Staff, Jhaja).	One fireman was pulled out of a passenger engine and struck by strikers.
East India Railway..	2-2-22	Middle of April 1922.	(Indian Loco. Staff, Tundla, but spread to other Departments and stations).	(1) A crowd of 5 or 6 hundred men stoned two light engines on 31st March 1922 near Asansol one fireman being injured.

Railways.	Date of commencement.	Date of termination.	Staff affected.	Particulars of attempts to interfere with train traffic.
				<p>(2) On 1st April 1922 strikers stoned Asansol station.</p> <p>(3) On 4th April 1922 Up Punjab Mail was wrecked by removal of rails at Mudacanta Block Hut. 6 persons were killed and a number injured.</p> <p>(4) The Indian crew of a goods train were forcibly removed near the West outer Signal, Asansol, on 5th April 1922.</p> <p>(5) On 7th April 1922 when a goods train was about to start from Asansol, a lever frame was found on the track about 500 yards in front of the engine.</p> <p>(6) On 8th April 1922 a Goods train was stopped between Signals near the Troop siding, Asansol, owing to the rails being greased.</p> <p>(7) On 9th April 1922 a goods train was stopped between Asansol and Borachuk owing to rails being greased. 4 wagons containing stores were broken open and some of their contents stolen.</p>
Rohilkund and Kumaon Railway.	31-1-22	20-2-22	(Workshop Staff) ..	None.
Madras and Southern Mahratta Railway.	2-8-22	21-8-22	(Engineering Workshop staff, Arkonam, Madras and Southern Mahratta).	Do.
East Indian Railway	1-1-23	17-1-23	(Collieries, East Indian)	Do.
Bengal Nagpur Railway.	19-6-23	20-6-23	Menial Yard Staff, Kharagpur).	Do.
Bengal and North Western Railway.	19-12-23	16-6-24	(Workshop Staff, Gorakpur).	Do.

Railways.	Date of commencement.	Date of termination.	Staff affected.	Particulars of attempts to interfere with train traffic.
East Indian Railway	22-5-24	23-5-24	(Workshop Staff, Lillooah).	None.
South Indian Railway	29-5-24	16-6-24	(Firemen at Madura and Podanur Workshops).	Do.
Bombay, Baroda and Central India Railway.	19-1-25	22-1-25	(Ash pit cleaners)	Do.
North Western Railway.	18-3-25	20-3-25	(Carriage and Wagon Shops, Moghulpura).	Do.
North Western Railway.	26-3-25	27-6-25	(Workshop Staff but spread to other departments).	Do.
Bombay, Baroda and Central India Railway.	19-3-25	-4-25	(Baroda Locomotive night Shed).	Do.
Bengal Nagpur Railway.	1-10-26	2-10-26	(Wagon shops, Kharagpur).	Do.
South Indian Railway	22-9-26	23-9-26	(Carriage Cleaners and Sweepers).	Do.
Bengal Nagpur Railway.	11-2-27	9-3-27	(Workshops, Kharagpur).	Do.
Bengal Nagpur Railway.	7-9-27	8-12-27	(Workshops, Kharagpur).	Do.
East Indian Railway	7-3-28	10-7-28	(Workshop Staff, Lillooah, but spread to Ondal, Howrah and Asansol).	<p>(1) Shooting took place at Bamangachi when strikers attempted to draw men from the Locomotives Yard.</p> <p>(2) On 9th May 1928 a passenger train was derailed at Dhanbad due to tampering with rails.</p> <p>(3) On 8th July 1928 a passenger train was derailed between Belur and Dankuni stations. 18 killed, 8 injured, and 24 slightly injured.</p> <p>Engine and Coaches telescoped due to tampering of permanent way by strikers.</p>

Railways.	Date of commencement.	Date of termination.	Staff affected.	Particulars of attempts to interfere with train traffic.
South Indian Railway	19-7-28	30-7-28	(Workshop Staff at Golden Rock, Podanur and Negapatam, but spread to other departments).	(1) On 21st July 1928 the Ceylon Boat Mail was derailed between Kattupakkam and Singaperumal Koil. 11 injured and 1 dead.  (2) On 23rd July 1928 a passenger train was derailed between Kodai-kanal Road and Ambaturai Stations.

EXPENDITURE ON THE VIZAGAPATAM HARBOUR.

85. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to state :

- (a) the expenditure incurred so far in connection with the Vizagapatam Harbour and the railway connecting thereto by (I) the Railway Board and by (II) the Madras Government ?
- (b) whether the Government of India have made any special grants towards this work and, if so, the amount thereof ?
- (c) what additional outlays are intended to be made, if any ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) and (b) The expenditure on Vizagapatam Harbour to the end of June 1928 was 107½ lakhs, and on the Raipur Vizianagram Railway to the end of March 1928 was 112 lakhs. These are the latest periods for which figures are at present available. The amounts are chargeable to Central and Railway revenues respectively. The Madras Government is not financing either the harbour or the railway.

(c) According to the latest estimates expenditure of about 120 lakhs has still to be incurred on the harbour and of 282 lakhs on the railway. These figures do not include interest during construction.

RECRUITMENT OF THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT THROUGH THE PUBLIC SERVICE COMMISSION.

86. THE HONOURABLE SIR PHIROZE SETHNA : (a) Will Government state which of the Government of India Departments do their recruiting directly, and which of them do it through the Public Service Commission ?

(b) If there are any Departments that are not using the Public Service Commission, will Government be pleased to state the reasons therefor ?

THE HONOURABLE MR. H. G. HAIG : (a) and (b) I understand that the Honourable Member asks for information in respect of the ministerial staff. Recruitment to the Secretariat offices is normally made through the Public Service Commission. The Railway Department is, however,

exempted from this requirement, as in view of the nature of the work to be done, it is necessary to recruit partly from the technical staff of Railway Administrations. Similarly, the Finance Department and the office of the Financial Adviser, Military Finance, are allowed to recruit a limited number of trained and experienced men from their subordinate Accounts Offices ; otherwise recruitment to these two offices is conducted through the Public Service Commission.

#### IMPORT OF AUSTRALIAN WHEAT.

87. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to state how much Australian wheat has come to India during each of the last three years ?

THE HONOURABLE SIR GEOFFREY CORBETT :

	Tons.
1925-26	.. 35,000
1926-27	.. 40,000
1927-28	.. 69,000

#### RAILWAY SLEEPERS.

88. THE HONOURABLE SIR PHIROZE SETHNA : (a) Will Government please state whether they have any fixed policy with regard to the use of :—

- (i) Cast iron sleepers,
- (ii) Steel sleepers, and
- (iii) Wooden sleepers,

and, if so, what ?

(b) Is it a fact that during the last ten years wooden sleepers have been ordered from Canada and steel sleepers have been ordered from abroad ?

(c) If the reply to (b) is in the affirmative, what are the quantities of the different kinds of sleepers that are to be ordered from outside India during the current year and from where are they to be ordered ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) Except on certain comparatively small sections of the line the Railway Board are of opinion that either cast iron or steel or wooden sleepers can be suitably used, and the selection between the three materials is therefore in the main determined by the price at the time of deciding which material it is profitable to use ; account is of course taken of the relative life of the different materials. At the same time the decision is also influenced by the desire of the Railway Board that there should continue to be a market in which sleepers of all the three materials can be purchased.

(b) Wooden sleepers have been imported from Canada during the past ten years to meet emergent requirements of State-managed railways when supplies could not be obtained at a reasonable price in India, but there have been no such importations since 1926. Steel sleepers have been imported from Europe since at present they cannot be obtained in the number required

in India. It is hoped, however, that they will be forthcoming in larger quantities in India in the future.

(c) It is not proposed to import any wooden sleepers during the current year. It is intended shortly to issue a simultaneous call for tenders in India and England for the supply of cast iron and/or steel sleepers for a part of next year's requirements. The exact quantity required for the year is not yet known, but it may be in the region of 20 lakhs of sleepers. The proportion of each kind which will be taken will be determined by the prices quoted.

**TRANSFER OF CLERKS FROM CALCUTTA FOR THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI, ETC.**

89. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE : (a) Is it a fact that the Railway Clearing Accounts Office has been permanently established at Delhi to deal with the apportionment of freight charges between Railways in respect of through traffic ?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state whether it is a fact that consequent upon the establishment of the said Office at Delhi the services of clerks numbering over 500 attached to the Traffic Audit establishment of the East Indian and Eastern Bengal Railways were transferred permanently from Calcutta ?

(c) Is it a fact that there is a proposal for sending away a second contingent of clerks, numbering about 600, serving on the local Traffic Audit Branch of the said two railways from Bengal to work along with the former at Delhi ?

(d) Is it in the contemplation of the Government to transfer the audit work relating to through traffic of the Bengal Nagpur Railway to the Clearing House Office at Madras ? If so, will the Government kindly state (i) whether this arrangement will result in the transfer of over 200 men from Calcutta to Madras ; (ii) the object underlying this proposed arrangement ?

(e) If the answers to (a), (c) and the first part of (d) are in the affirmative, will the Government be pleased to state whether they have considered the effect of these transfers on employment in Bengal ?

(f) Have the Government considered the project of the formation of a unit at Calcutta by the three broad gauge Railways, viz., East Indian, Eastern Bengal and Bengal Nagpur with the Assam Bengal and other smaller provincial Railways to work along with them ? If so, will the Government kindly state the reasons for rejecting the same ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) It is proposed to establish a Clearing Accounts Office on a permanent basis at Delhi to deal with the check and apportionment of foreign traffic.

(b) The number of men transferred from the East Indian and Eastern Bengal Railways to Delhi is 267.

(c) There is a proposal to transfer the work relating to local traffic accounting to this office, but it will not be undertaken at present nor until the proposal has again been placed before the Standing Finance Committee for Railways. I am unable to say at present how many clerks will be transferred from Calcutta to Delhi if this proposal is adopted.

(d) The Bengal Nagpur Railway have not proposed to hand over their work to the Clearing Accounts Office yet.

(e) Since the clerks already doing the work will continue to be employed, Government do not consider that the adoption of these proposals will have any effect on unemployment in Bengal.

(f) The formation of a number of branches will defeat the object of a Central Clearing Accounts Office, the fullest economies of which can only result when it deals with the maximum amount of work possible. A branch may have to be opened at Madras because the documents of the Southern Railways cannot be brought sufficiently quickly to Delhi.

**OVERWORKED STAFF IN THE POSTAL SAVINGS BANK DEPARTMENT OF THE GENERAL POST OFFICE, CALCUTTA.**

90. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE : (a) Will the Government be pleased to state whether it is a fact that there is a Government circular order to the effect that the clerks in the Postal Savings Bank Department of the General Post Office, Calcutta, doing figure work should not be so employed for more than 5 hours a day ?

(b) Is it a fact that during the season for calculation of interest on savings accounts the clerks have now got to attend office at 9-30 or 10 A.M. at the latest and to work up till midnight ?

(c) If the answers to (a) and (b) are in the affirmative, will the Government kindly state what steps they propose to take in the matter ?

(d) Is it a fact that a large amount of work formerly done by the Audit Department has lately been made over to the Savings Bank Department of the General Post Office at Calcutta ?

(e) If the answer to (d) is in the affirmative, will the Government be pleased to state what increase was made in the number of hands in the Savings Bank Department and whether they intend to make a further increase therein ?

THE HONOURABLE MR. A. G. CLOW : Government have no information, but enquiries will be made and the required information furnished to the Honourable Member in due course.

**COLLIERIES OWNED BY THE EAST INDIAN RAILWAY, ETC.**

91. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE : Will the Government be pleased to state (1) the number of collieries owned by the East Indian Railway ; (2) the number of officers drawing Rs. 500 (five hundred) or more a month employed in those collieries and how many of them are Indians, how many Europeans and how many Anglo-Indians ; (3) the number of Overmen employed in those collieries, their range of pay and the number of Indians, Europeans and Anglo-Indians among them ; (4) the number of Deputy Overmen employed in those collieries, their range of pay and the number of Indians, Europeans and Anglo-Indians among them ; (5) how many of the said Deputy Overmen, if any, draw a monthly wage and are their posts within the permanent list ?

THE HONOURABLE SIR GEOFFREY CORBETT : One colliery is owned by the East Indian Railway, and one jointly by the East Indian Railway and

the Bengal Nagpur Railway. There are 12 officers who draw Rs. 500 or more employed in these collieries, and there are also 7 Overmen and 38 Deputy Overmen. The pay of the Overmen is from Rs. 300 to Rs. 650 per mensem, and of the Deputy Overmen, who are not on the permanent list, from Rs. 2 to Rs. 4 per diem.

Government regret that they do not think it desirable to give figures of communal representation in individual offices or branches of the service.

**ABSENCE OF INDIANS IN THE SUPERIOR STAFF OF THE SECURITY PRINTING PRESS, NASIK.**

92. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE: (a) Have the Government of India in the Finance Department lately received any letter from the Indian Merchants' Chamber regarding the Nasik Security Press?

(b) If the answer to (a) is in the affirmative, will the Government kindly state whether it is a fact that the said letter pointed out the entire absence of Indians in the higher staff of the said Press and the consequent disparity in the salaries drawn by Europeans and Indians?

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to state whether they have taken any action on the said letter?

(d) If the answer to (b) is in the affirmative, are the facts stated in the letter true and, if so, will the Government be pleased to state the reasons for pursuing such a policy?

(e) Will the Government be pleased to state (1) the highest monthly salaries drawn by a European and an Indian employed in the said Press; (2) the number of (i) Europeans, (ii) Domiciled Europeans, (iii) Anglo-Indians, (iv) Indians, employed in the said Press; (3) the total monthly salary bills of Europeans, Domiciled Europeans, Anglo-Indians and Indians employed in the said Press?

THE HONOURABLE MR. E. BURDON: The Government of India have received more than one letter from the Indian Merchants' Chamber on the subject mentioned by the Honourable Member, and I will send the Honourable Member a copy of all the correspondence which has taken place up-to-date. I would also refer the Honourable Member to the reply given to Mr. Gaya Prasad Singh's starred question No. 206 in the Legislative Assembly on the 6th of this month. If the Honourable Member should find that he requires any further information, I should be glad to supply it to him.

**REDUCTION OF THE TELEPHONE RATES IN CALCUTTA.**

93. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE: (a) Is it a fact that on the 23rd July, 1928, a deputation of the Telephone Subscribers' League waited on the Honourable Mr. A. Marr, Commerce Member, Government of Bengal?

(b) Is it a fact that the Telephone Subscribers' League represents at least 20 associations and a number of Chambers of Commerce?

(c) If the answer to (a) is in the affirmative, will Government kindly state the object of the said deputation?

(d) Is it a fact that the said deputation urged the reduction of the rate by increasing the number of calls allowed per rupee from 12 to 18 ?

(e) Is it a fact that ever since the introduction of the message rate in September 1924 the income of the Bengal Telephone Corporation has gone up steadily ?

(f) Will the Government kindly state the total receipts of the Bengal Telephone Corporation in the years 1923 and 1927 and also in the year ending June 1928 ?

(g) Has the Government received the report of the said Corporation for the year 1927 ? If so, will the Government kindly place a copy of the report on the table ?

(h) Will the Government be pleased to state whether the Bengal Telephone Corporation enjoys a monopoly for its business granted to it by the Government of India or has got to encounter any competition from Companies carrying on a similar business ?

(i) Do Government propose to enquire into the matter of the reduction of the telephone rate ? If not, why not ?

THE HONOURABLE MR. A. G. CLOW : (a), (c) and (d). The Government of India understand that certain discussions have taken place between certain parties interested in the reduction of the telephone rates in Calcutta and a representative of the Government of Bengal, but they are not in possession of sufficient details to answer these parts of the question precisely.

(b) The Government of India have been informed that a number of local bodies were associated with the League on one occasion, but they are not certain if these bodies are represented by the League.

(e) The gross income of the Corporation has increased in recent years.

(f) The total rentals and call charges, sales and miscellaneous receipts, transfer fees, interest and exchange were for the year ending 30th June 1923 Rs. 18,72,449, and for the year ending 30th June 1927 Rs. 29,76,813. Figures for the year ending 30th June 1928 are not in the possession of the Government of India.

(g) Government have received a copy of the report for the year ending 30th June 1927, but they do not propose to lay it on the table.

(h) The Corporation has no monopoly rights for its business. There is a certain amount of competition by the Government Regent System in Calcutta, but no license has been granted to any other company operating in the same area.

(i) As I have already stated, the question has been engaging the attention of the Government of Bengal, and the Government of India do not propose to take part in the inquiry at present.

THE HONOURABLE SRIJIT RAMA PRASAD MOOKERJEE : Is Regent connection allowed to private people ?

THE HONOURABLE MR. A. G. CLOW : I rather think it is, but I am not certain.

EMPLOYMENT OF INDIANS IN THE SUPERIOR SERVICES OF THE  
CALCUTTA PORT TRUST.

94. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE: (a)

(i). What action, if any, have the Government taken on the Resolution moved by the Honourable Sir (then Mr.) P. C. Sethna on the 26th January 1922 ?  
(ii) if no action has yet been taken, is there any chance of Government's taking any action in future, and, if so, when ?

(b) Is it a fact that in their address to the Governor of Bengal presented in July 1928, the Indian Chamber of Commerce pressed for applying the declared policy of Government in the matter of filling-up the superior services under the Trust ?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to state whether any action has been taken by the Government of Bengal since the presentation of the address ?

(d) Will the Government be pleased to state (1) the number of Indians drawing Rs. 500 and more under the Calcutta Port Trust and their total monthly salary bill ; (2) the number of non-Indian Officers of the same rank under the Trust and their total monthly salary bill ?

(e) Is it a fact that over and above their normal salaries the European officers are either given house allowances or provided with housing accommodation on very low rates and that the Indian officers of the same rank do not get any such advantage ? If so, why ?

(f) Will the Government be pleased to state :—

(1) the name and especial qualifications, if any, of the present Chairman of the Calcutta Port Trust ;

(2) the monthly salary and the kind and amount of monthly allowance if any, fixed for the post of the Chairman of the Calcutta Port Trust and the term of the office ;

(3) whether the Chairman of the Calcutta Port Trust is elected by the Commissioners or is appointed by somebody and if the latter, by whom and on what basis ?

(g) Will the Government kindly state whether there is any bar to the appointment of an Indian to the post ?

(h) If the answer to (g) is in the negative, will the Government kindly state (1) why no Indian has yet been appointed to the said post ; (2) whether they propose to appoint an Indian to the post next time or in the near future and, if not, why not ?

(i) If the answer to (g) is in the affirmative, will the Government kindly state whether they propose to remove the bar and, if not, why not ?

THE HONOURABLE SIR GEOFFREY CORBETT : (a) The Government addressed Local Governments on the subject on the 6th March 1922. As I stated in my reply to Sir P. Sethna on the 13th February last, under the various Port Acts the Boards of Trustees have statutory power to appoint their own staff. The Government considered, therefore, that the most practical way of giving effect to the Resolution would be the amendment of

the Port Acts so as to increase the number of Indians on the Boards in which the power of appointment has been vested; and the Port Acts of all the principal Ports have been amended accordingly.

(b) The Government have not received a copy of the address.

(c) The Government have no information.

(d) and (e). Information is being obtained and will be supplied to the Honourable Member in due course.

(f) (1) The present Chairman is Mr. S. C. Stuart Williams. He was previously Secretary to the Agent, East Indian Railway, and Secretary and afterwards Vice-Chairman of the Calcutta Port Commissioners.

(2) and (3). The post carries a pay of Rs. 5,000 per mensem, and house rent of Rs. 840 per mensem.

Under the Calcutta Port Act, 1890, the Chairman is appointed by the Local Government after consultation with the Commissioners and continues to hold office until he resigns, or the Local Government cancels his appointment or appoints a successor.

(g) No.

(h) So far as the Government are aware, no Indian with the necessary qualifications has hitherto been available. The post is not likely to be vacant in the near future.

(i) Does not arise.

#### FARES BETWEEN SEALDAH AND BELGHURRIAH RAILWAY STATIONS ON THE EASTERN BENGAL RAILWAY.

95. THE HONOURABLE SRIJUT LOKENATH MUKHERJEE: (a) Will the Government be pleased to state the actual distance between Sealdah (Calcutta) and Belghurriah railway stations on the Eastern Bengal Railway?

(b) Is it a fact that the 7th mile stone from Sealdah is fixed on or by the station platform and a few yards below the booking office?

(c) Will the Government be pleased to state the mileage on which fares are actually charged from passengers travelling between Sealdah and Belghurriah on the Eastern Bengal Railway?

(d) Is it a fact that the fare charged is on 8 miles?

(e) Is it a fact that formerly fares were charged on 7 miles only?

(f) If the answer to (d) and (e) is in the affirmative, will the Government be pleased to state when, why and under what circumstances fares on increased mileage began to be charged?

(g) Is it a fact that lately a representation was made by the passengers to the Railway Board on this matter?

(h) If the answer to (g) is in the affirmative, will the Government be pleased to state what action, if any, has been taken on the same?

(i) Will the Government be pleased to state whether it is a fact that some time before in reply to a letter on this matter the railway authorities

concerned wrote to say that though the Belghurriah Station is 7 miles from Sealdah for "Engineering Purposes" it is 8 miles from the same station for "Traffic Purposes"?

(j) If the answer to (i) is in the affirmative, will the Government kindly state what is meant by the two terms "Engineering Purpose" and "Traffic Purpose"?

THE HONOURABLE SIR GEOFFREY CORBETT: Enquiries are being made from the Agent of the Eastern Bengal Railway with reference to parts (a) to (f) and (i) to (j) of the Honourable Member's question and a further communication will be sent to him in due course.

(g) and (h). A representation was received from a certain gentleman, but as his letter gave no address, it was impossible to reply to it.

ALLEGED HARSH TREATMENT OF HIS INDIAN STAFF BY MR. J. L. SALE, OFFICIATING CHIEF ENGINEER, DELHI, ETC.

96. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is it a fact that Mr. J. L. Sale, Officiating Chief Engineer, Delhi, has stopped the increment of Mr. Chela Ram. S. D. O., 5th division, without assigning any reason.

(b) Have Government received complaints that Mr. J. L. Sale, Officiating Chief Engineer, Delhi, is treating his Indian staff very harshly and in particular that he abused M. Shujaat Ali, Upper Subordinate on the work, on the 28th instant when the said M. Shujaat Ali was showing him a plan?

(c) Is it a fact that Mr. J. L. Sale selected a mistri, Mahbub Ali, for the post of a Surveyor on £ 250 per annum (required by the Kenya Colony Government)?

(d) Is it a fact that the said Mahbub Ali was found quite unfit for the post and was returned from Africa? If so, will Government kindly state whether there were no other applications from qualified men? Why did Mr. J. L. Sale select this mistri? Who is responsible for the loss borne by the Government for the travelling allowance, etc., given to the said Mahbub Ali? What is the amount of this loss?

(e) Have Government received complaints that Mr. J. L. Sale does not grant interviews to any one of his staff and does not listen to the contractors?

(f) Is it a fact that Mr. J. L. Sale had proposed to abolish the post of Chief Engineer, Delhi, when he was officiating Chief Engineer in 1926-27 for 6 months? If so, will Government kindly lay on the table a copy of the proposal?

THE HONOURABLE MR. A. G. CLOW: (a) The information is being collected and will be supplied to the Honourable Member.

(b) No.

(c) Mr. Sale was one of a board which examined candidates for Surveyors' posts under the Government of Kenya.

(d) Mr. Mahbub Ali was considered unsuitable for the work for which he was employed. Others who applied for these posts were either found unfitted or

were subsequently unable to proceed to Kenya. As regards Mr. Mahbub Ali's return from Africa and the loss (if any) so incurred, inquiries are being made and I shall let the Honourable Member know the result.

(e) No.

(f) No such proposals were received.

**DISMISSAL OF ABDUL RAHMAN, LOCO FITTER, PUBLIC WORKS DEPARTMENT, DELHI.**

**97. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that one Abdul Rahman, Loco Fitter, P. W. D., Delhi, has been dismissed? If so, will Government kindly state:—

(a) what was his length of service?

(b) What was his fault?

(c) Why was he sent to Gazipore, Bengal?

(d) Was he paid his fare from Gazipore to Delhi, when he was sent back to Delhi?

(e) Did Mr. Kaisho, S. D. O., Gazipore send a D. O. to the Executive Engineer, 7th Division, P. W. D., Delhi, re Abdul Rahman?

(f) How long had Abdul Rahman, Fitter, worked under Mr. Kaisho, S.D.O.

(g) Was two days' overtime which he did under Mr. Kaisho, S. D. O. withheld from Abdul Rahman?

(b) Is it a fact that prior to his final dismissal the said Abdul Rahman, Loco Fitter, reported the theft of some Government articles by a Christian Fitter, Saran, and a Christian Store-keeper and was dismissed at the instance of Mr. Wylie, Loco Foreman?

(c) Is it a fact that the said Abdul Rahman represented his case to the Superintending Engineer (Electrical) and was reinstated in his post on Rs. 39 p.m., instead of Rs. 43 p.m.?

(d) Is it a fact that the said Abdul Rahman worked in Delhi after reinstatement for two months and was sent to Gazipore and was again dismissed?

**THE HONOURABLE MR. A. G. CLOW :** (a) It is a fact that Abdul Rahman was dismissed.

(a) Nine and three-quarter years' temporary service.

(b) Neglect of duty.

(c) On duty.

(d) No.

(e) Not so far as Government are aware.

(f) 10 days.

(g) Government have no information.

(b) Yes.

(c) He was re-employed on another job ; but Government are not in possession of the scales of pay drawn.

(d) Yes.

**PROMOTION OF SUBORDINATES OF THE PUBLIC WORKS DEPARTMENT, DELHI, TO THE POSTS OF EXECUTIVE ENGINEERS OR ASSISTANT ENGINEERS.**

98. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY** : With reference to question No. 23 in the Council of State on 8th February 1928, will Government kindly state—

- (a) Are the rules and regulations laid down in the P. W. D. Code being carried out in the Delhi P. W. D.?
- (b) Has the P. W. D. of Delhi Province devised their own rules ?
- (c) What is the number of the paragraph of the P. W. D. Code or Rules of the Delhi P. W. D., if any, by which P. W. D. subordinates are allowed to be promoted to the posts of Executive Engineers or Assistant Engineers, without passing the examinations prescribed for Engineers ?

**THE HONOURABLE MR. A. G. CLOW** : (a) Yes, in so far as that Code has not been superseded by other general orders.

(b) No.

(c) There is no such paragraph. Neither is there any rule, in the Public Works Department Code or elsewhere, which debar a subordinate from holding a divisional or sub-divisional charge, provided that, in the former case no qualified officer of the Indian Service of Engineers is available to hold it.

**PREFERENTIAL TREATMENT TO CANDIDATES FOR CIVIL EMPLOY ON THE SCORE OF WAR SERVICES.**

99. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY** : With reference to the reply to question No. 30 in the Council of State on 8th February 1928, will Government kindly state whether preferential treatment " to candidates for civil employ on the score of war services " is still accorded ?

**THE HONOURABLE MR. H. G. HAIG** : The orders in question are still in force.

**QUALIFICATIONS FOR THE POST OF AN ENGINEER.**

100. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY** : With reference to the reply to question No. 54 (c) in the Council of State on 20th February 1928, will Government kindly state whether the departmental test of a (un-qualified) Sub-Overseer is a recognised qualification for the post of an Engineer ? Is such test included in the list of examinations recognised by the Secretary of State or by the Government of India ?

**THE HONOURABLE MR. A. G. CLOW** : No qualifications are prescribed for appointments to posts usually held by members of the Indian Service of Engineers in cases where no member of that Service is available.

**QUALIFIED MUSLIM CANDIDATES FOR THE POSTS OF ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

101. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** With reference to the reply to question No. 58 in the Council of State on 20th February 1928, will Government kindly state the names of the 12 qualified Muslim candidates for the posts of Engineers, standing on the Delhi P. W. D. Register from 1921, with their qualifications and addresses? What are the names of the 3 Muslim Engineers appointed from among the above-mentioned candidates?

**THE HONOURABLE MR. A. G. CLOW :** A statement will be furnished to the Honourable Member giving the names, qualifications and districts of residence of the 12 candidates. Only one of these particular candidates was appointed, viz., Mr. Mohammad Hanif.

**EMPLOYMENT OF TEMPORARY SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT, DELHI.**

102. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Will Government kindly state how many temporary subordinates have been appointed by the Delhi P. W. D. since 1921? What are the names of these subordinates and what recognised examinations have they passed?

(b) Will Government kindly state the names of the subordinates who have been given charge of sub-divisions with an allowance of Rs. 75 per mensem since 1921? What is the qualification of these subordinates?

(c) (i) Will Government kindly state why the registered qualified candidates were not appointed to take charge of sub-divisions in the Delhi P. W. D.?

(ii) Has the Delhi P. W. D. asked those registered candidates to accept employment as temporary subordinates? If so, will Government kindly lay on the table original replies received from them?

**THE HONOURABLE MR. A. G. CLOW :** (a) and (b) Statements have been compiled and will be supplied to the Honourable Member.

(c) and (d) An inquiry is being made and the results will be supplied to the Honourable Member.

**APPOINTMENT OF MR. MATHUR, AS SUB-DIVISIONAL OFFICER, 6TH DIVISION, DELHI.**

103. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that one Mr. Mathur, Assistant Executive Engineer was brought into the P. W. D. of Delhi Province, in July, 1928, from the Central Provinces to officiate for Mr. Wazir Dyal, Executive Engineer, 1st Division, Delhi?

(b) Is it a fact that Mr. Wazir Dyal did not go on leave and that Mr. Mathur was put into the 6th Division, Delhi to work as a sub-divisional officer? Why was he not returned to his Province? Was special sanction obtained to open a 2nd Sub-division in the 6th Division?

Why was a qualified registered candidate of the Delhi P. W. D. not appointed in the 6th Division to work as sub-divisional officer?

**THE HONOURABLE MR. A. G. CLOW :** Mr. Mathur was brought from the Central Provinces to Delhi in July, 1928, but not for the purpose of officiating for Mr. Wazir Dyal or any other Executive Engineer. He was brought for employment as Assistant Executive Engineer and was placed in charge of the 2nd Sub-Division of the 6th Project Division, the creation of which was sanctioned in order to secure more rapid progress with the work entrusted to it : Mr. Wazir Dyal did not go on leave recently ; but Mr. Mathur's appointment to sub-divisional charge was not the result of this and there was no reason for returning Mr. Mathur to his province. I have no precise information regarding the concluding part of the question but presume that Mr. Mathur was better qualified.

**DISMISSAL OF GANDA SINGH, SANITARY JAMADAR, NEW DELHI.**

**104. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Is it a fact that one Ganda Singh, Sanitary Jamadar, New Delhi, Public Health was dismissed in April 1928 by the Health Officer, New Delhi ; if so, will Government kindly state (a) What was his length of service in Public Health, New Delhi, (b) What was his fault ? (c) Was he a man with military service ? (d) Did he submit a representation to the Health Officer, New Delhi, to consider his case ? (e) What action was taken on it by the Health Officer, New Delhi ? (f) Did he submit representations on 7th and 15th May 1928 to the Chief Engineer, Delhi ? (g) Whether any enquiries were made by the Chief Engineer, Delhi ? (h) What was the result of these representations ?

**THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :** With your permission, I shall answer questions 104, 105 and 110 together. The information has been called for from the Chief Commissioner, Delhi, and will be communicated to the Honourable Member on receipt.

**ALLEGATIONS AGAINST BIJE SINGH, SANITARY DAROGHA IN THE HEALTH DEPARTMENT, NEW DELHI.**

**\*105. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that the pay of sanitary sweepers working in the Health Department, New Delhi, is disbursed in the presence of one Sanitary Darogha Bijje Singh ?

(b) What are the pay, status, educational qualifications and antecedents of Darogha Bijje Singh ?

(c) Have Government received complaints that the said Darogha Bijje Singh takes one rupee from each sweeper engaged under him *per mensem* ?

(d) Is it a fact that the said Darogha Bijje Singh has purchased landed property worth some thousands in his district of residence ? If so, will Government kindly state whether he has given any information either to the Delhi P. W. D., or to the Deputy Commissioner of his District ? Have the Government enquired into the income of the said Bijje Singh Darogha ?

(e) Is it a fact that many complaints were made by sweepers and shopkeepers of New Delhi area against Darogha Bijje Singh, if so what action was taken by the late Health Officer, New Delhi ?

(f) Is it a fact that the late Health Officer, New Delhi, left a note to make him Sanitary Inspector ? if so, will Government kindly state what are his qualifications for this post ?

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\* For answer to this question, see answer to question No. 104.

**PERMANENT CADRE OF THE PUBLIC WORKS DEPARTMENT, DELHI.**

106. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that the permanent cadre of the Delhi, P. W. D. has been sanctioned by the Government ; if so, will Government kindly lay on the table a copy of it ?

(b) Is it a fact that the permanent cadre of the Delhi P. W. D. is not yet brought, wholly or partially, into force after sanction ? If so, will Government kindly state the reasons for same ?

**THE HONOURABLE MR. A. G. CLOW :** (a) No.

(b) Does not arise.

**ENTERTAINMENT OF THE SONS OF CERTAIN EXECUTIVE ENGINEERS IN THE PUBLIC WORKS DEPARTMENT, DELHI, AFTER THEIR RETURN FROM ENGLAND.**

107. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that R. B. Malik Teja Singh, R. B. Sardar Bishen Singh, Executive Engineers and B. Durga Das, S. D. O. of the Delhi P. W. D., Delhi, sent their sons to England for engineering training from Delhi in 1926 ?

(b) Is it a fact that the settlement of the permanent cadre of the Delhi P. W. D. is in abeyance pending the return of the sons of R. B. Malik Teja Singh, R. B. Sardar Bishen Singh and B. Durga Das for entertainment as engineers ?

**THE HONOURABLE MR. A. G. CLOW :** (a) Government have no information.

(b) No.

**TECHNICAL AND EDUCATIONAL QUALIFICATIONS OF BABU DURGA DAS OF THE PUBLIC WORKS DEPARTMENT, DELHI.**

108. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that B. Durga Das was taken by R. B. Malik Teja Singh from the 8th Division, Delhi, to work under him in the 6th Division, Delhi ? What was the cause of his transfer from the 8th Project Division.

(b) Is it a fact that B. Durga Das, S. D. O., S. Dharam Singh, Contractor of the Government House, Delhi, and R. B. Malik Teja Singh, Executive Engineer, Delhi, are of the same caste ?

(c) Is it a fact that B. Durga Das has been put in charge of two Sub-divisions by R. B. Malik Teja Singh, Executive Engineer, Delhi, for a period of 4 years ? If so, what was the reason of giving two sub-divisions to B. Durga Das ? How many sub-divisions were under R. B. Malik Teja Singh ? What are the technical and educational qualifications of B. Durga Das ?

**THE HONOURABLE MR. A. G. CLOW :** (a) No. He was transferred in the interests of the public service.

(b) No.

(c) The VIth Project Division comprised two sub-divisions, one of which was held by Balu Durga Das and the other by Mr Sulaiman. On the latter's transfer both charges were amalgamated and placed under the former. Babu Durga Das has passed the 1st examination of Civil Engineering of the Punjab University and is a matriculate.

**MATERIAL FOR GOVERNMENT HOUSE, NEW DELHI.**

109. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that the material and the work on Government House, Delhi is not according to the specifications ?

(b) Is it a fact that the chajja of the court yard of Government House, Delhi, fell down in May 1928 ? If so, will Government kindly state the cause of its fall ? Did the Executive Engineer, 6th Division, Delhi calculate the strength of this chajja before hoisting or making it ? What is the amount of Government loss by the fall of this chajja and who is responsible for this ?

**THE HONOURABLE MR. A. G. CLOW :** (a) No.

(b) Some pieces of the white stone pattern underneath the chajja cracked off during May 1928 owing to differential plastic yield. The Executive Engineer calculated the strength of the chajja. The loss was insignificant as it was decided to use the material elsewhere.

**EMPLOYMENT OF A MUSLIM CLERK IN THE HEALTH OFFICE, NEW DELHI.**

\* 110. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Is it a fact that there is no Muslim clerk in the Health Office, New Delhi ?

**SHORTAGE OF BRICKS IN THE 8TH PROJECT DIVISION, DELHI.**

111. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Is it a fact that the bricks in the charge of B. Din Dyal, Upper Subordinate, 8th Project Division, Delhi, were found to be short to the extent of 5 lakhs ?

**THE HONOURABLE MR. A. G. CLOW :** No.

**EMPLOYMENT OF BABU RUP NARAIN AS SUPERINTENDENT, W-III SECTION CENTRAL OFFICE, PUBLIC WORKS DEPARTMENT, DELHI.**

112. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Is it a fact that B. Rup Narain, Superintendent, W-III Section, Central office, P. W. D., Delhi, was dismissed from Cantonment Magistrate's Office, Amballa, and from other offices ? If so, will Government kindly state why this man was engaged and why he is still in Government service ?

**THE HONOURABLE MR. A. G. CLOW :** An inquiry is being made into the suggestions contained in the Honourable Member's question ; but Government have not yet received the results.

**STOPPAGE OF THE RECRUITMENT OF MUSLIMS TO THE OFFICE OF THE COMMISSIONER OF THE NORTHERN INDIAN SALT REVENUE DEPARTMENT, ETC.**

113. **THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that there have been office orders or instructions to close the recruitment of Muslims and to engage Hindus in the Office of Salt Revenue, Delhi (transferred from Agra) ? If so, will Government kindly state the reasons for closing the recruitment to Muslims ?

(b) Is recruitment for Government service conducted on a communal basis ?

(c) Why has not the recruitment of Hindus in the offices of the Accountant General, Central Revenues, Delhi ; P. W. D. Delhi ; Indian Stores Department

\* For answer to this question, see answer to question No. 104.

(Government of India); Railway Clearing Accounts Office, Delhi, been closed so as to enhance the percentage of Muslims ?

(d) Is it a fact that a candidate, Lahori Mal, was appointed as accounts clerk by the Central Accounts Officer, New Delhi, in June, 1928 ?

(e) Is it a fact that the said B. Lahori Mal is the son of B. Jawahar Lal, Superintendent of the Central Accounts Office, New Delhi and that he remained under his father for a month in the Works Section after his appointment ?

(f) Is it a fact that one B. Mohamed Unis was a senior candidate to B. Lahori Mal in Central Accounts Office, New Delhi, if so, will Government kindly state the reasons for not appointing B. Mohamed Unis ?

(g) Will the Government kindly state the number of Muslim and non-Muslim clerks serving in the office of the Central Accounts Officer, New Delhi (P. W. D.) ?

THE HONOURABLE MR. E. BURDON : Inquiries are being made and a reply will be sent to the Honourable Member as soon as the information is available.

TECHNICAL AND EDUCATIONAL QUALIFICATIONS OF CERTAIN EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT, DELHI.

114. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Will the Government kindly state the recognised qualifications, both technical and educational, by examination only of the following persons belonging to the Delhi P. W. D. :—

- (1) Mr. C. W. Pigott, Sanitary Superintendent, New Delhi.
- (2) Mr. W. C. S. DeKnock, Furniture Supervisor, New Delhi.
- (3) Mr. T. E. Thomas, Superintendent of Quarters, P. W. D., Delhi.
- (4) B. Durga Das, S. D. O., 6th Division.
- (5) B. Ram Chand, S. D. O., 1st Division.
- (6) B. Chela Ram, S. D. O., 5th Division.
- (7) B. Nand Lal, S. D. O., 8th Division.
- (8) B. Gurdatt Singh, Upper Subordinate.
- (9) B. Man Singh, Upper Subordinate.
- (10) B. Amar Singh, Upper Subordinate.
- (11) B. Sunder Das, Temporary Subordinate, 8th Project Division.
- (12) B. Ram Chand, Temporary Subordinate, 8th Project Division.
- (13) B. Shib Dial, Temporary Subordinate, 9th Division.
- (14) B. Raghbir Singh, Temporary Subordinate, 9th Division.
- (15) B. Harnam Singh, Temporary Subordinate, 9th Division.
- (16) B. Kesar Chand, Temporary Subordinate, Electrical.

THE HONOURABLE MR. A. G. CLOW : A tabular statement will be furnished to the Honourable Member.

ALLEGED NEPOTISM IN THE PUBLIC WORKS DEPARTMENT, DELHI.

115. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) Is it a fact that B. Nand Lal, S. D. O., 8th Project Division, P. W. D., Delhi, has employed his cousin Khairati Ram and his village man Manghe Ram, as Assistant Fitters (Water Supply) under him ?

(b) Is it a fact that the contractors Kirpa Shanker, Shiv Narain, and Inchha Ram are working in the 1st Division P. W. D., Delhi, and that they are Kayasth by caste and relatives to the Executive Engineer, 1st Division ?

(c) Is it a fact that B. Kunwar Bahadur, clerk, Central Office, P. W. D., Delhi, is a brother-in-law of Mr. Wazir Dyal, Executive Engineer, 1st Division ?

(d) Is it a fact that the brother of B. Umrao Bahadur, clerk, Central Office, P. W. D., Delhi, is Storekeeper in the Horticulture Division, P. W. D., Delhi.

(e) Is it a fact that the Executive Engineer, 8th Project Division, P. W. D., Delhi, has employed the following men of his own district Ludhiana :—

- (1) His own nephew B. Jagir Singh, as work-charged subordinate under him.
- (2) B. Daya Singh, B. Jewander Singh, as work-charged subordinates under him.
- (3) Mistries Khazan Singh, Attar Singh, Mitta Singh, and Mohamed Bux under him.
- (4) Water-Supply Pipe Fitters, Khairati Ram, Manghe Ram under him.

(f) Is it a fact that B. Nand Lal, S. D. O.  $\frac{1}{2}$  P. W. D., Delhi, is also of Ludhiana District and works under the X. A. N. 8th Division, Delhi ?

THE HONOURABLE MR. A. G. CLOW : Information is not available, but will be supplied to the Honourable Member later.

RESOLUTION *RE* THE REPORT OF THE AGRICULTURAL COMMISSION.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhamadan) : Sir, I beg to move :

“That this Council recommends to the Governor General in Council to expedite the consideration of the Report of the Agricultural Commission, and to take such steps as may be necessary to give prompt effect to its recommendations, particularly to those which have a direct and intimate bearing on the uplift of the agricultural population.”

The object of this Resolution speaks for itself. It is to expedite the consideration of the Report of the Agricultural Commission by Government with a view to taking prompt action on its recommendations, particularly those which have a direct bearing on rural uplift and which can be given effect to without such preliminary work as will necessarily involve delay.

I do not know whether I can assume that the Honourable Members of this House have all of them been able to find time enough to peruse the report. It is a voluminous report extending over 750 pages, and it is true, much time has not elapsed since its publication. It will not therefore be surprising if many Honourable Members have not yet been able to peruse it and bestow on its

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contents that close and careful attention which its importance, its wide range and comprehensive character entitle it to. It is not unlikely that because of the very voluminous nature of the Report some of us, who are not specially interested in the subject matter, may feel inclined to relegate it to the limbo of oblivion. It is therefore desirable to tackle the Report and its recommendations, before its freshness has worn away. Moreover, the questions dealt with by the Commission are so important, and some of them, of such an urgent nature, that the sooner action is taken the better. To the main Report is appended what is called an abridged report. It is a summary of the main Report, intended to reach the general public. Its defect however is that it does not give in a handy and convenient form the recommendations of the Commission. The average person will be content to know what just those recommendations are, and the value of the abridged report would have been enhanced, and it would have been a self-sufficient document if an appendix had been attached thereto giving under each head in a serial form all the important conclusions reached by the Commission and also all the important recommendations made by them.

While, Sir, I just said that there has been no Appendix attached to the abridged report, I find from the home papers received by last mail yesterday that such an appendix has been prepared. Mr. Harold Cox, who was a regular contributor to the columns of the "*Sunday Times*", in its issue of August 28th writes as follows :—

"The Royal Commission on Agriculture in India has just issued an appendix to its previously published report. As a rule appendices to official reports are rather heavy reading, full of dull figures and solemnly stated facts. In this Appendix, of necessity, both these rather unattractive features are to be found, but in addition the various authors have brought out a number of most interesting facts in a way to appeal to the general reader, and in dealing with many of them have often adopted a pleasantly light tone that one hardly expects to find in an official report."

I have not yet got a copy of this Appendix in India so far. Mr. Cox goes on to say :

"This substantial volume is divided into chapters, each devoted to one of the provinces of India, but, with minor differences the essentials of the agricultural problem are much the same throughout the Indian Empire."

It means therefore that this Appendix is a substantial volume in itself and does not answer the purpose which I thought an appendix would have served.

Some critics who are ready to express their opinions immediately a document is published, whether there is time enough for study, reflection and digestion or not, have compared the deliberations of the Commission to the proverbial mountain in labour and some have bemoaned the entire absence of any originality or novelty in the recommendations made by the Commission, as if nothing is valuable which is not original or novel. Whatever such critics may say, there is no doubt that the Report of the Commission is marked by a thoroughness and a patient and profound investigation which invest it with more than ordinary importance and value. It is a unanimous report agreed to by both the European and the Indian members of the Commission. Such being the nature and the value of the Report, it will be a thousand pities if it does not result in prompt tangible action that will achieve the object with which the inquiry by the Commission was set on foot and lead in a steadily increasing mea-

sure to the general improvement of the material, educational, civic and moral condition of the agricultural population of this country. Sir, many people have lost faith in Commissions and Committees because of the paucity of actual results they lead to, and cynics are apt to say that Commissions and Committees are appointed not because the Government really want to tackle the problems referred to them but because that is the most convenient time-honoured way of shelving inconvenient questions. I sincerely hope that in this case, at all events, the voice of cynicism will be utterly silenced.

The recommendations of the Commission cover a very wide field ; they refer to every question and aspect bearing on rural uplift, the improvement of agriculture and the promotion of the welfare and prosperity of the rural population. It is not possible to refer to them or to discuss them in my speech on the present occasion, nor is it necessary for the particular purpose I have in view to-day. The total number of their conclusions and recommendations under different heads is 667. They relate to (1) the organisation of agricultural research ; (2) agricultural improvement ; (3) the sub-division and fragmentation of holdings ; (4) demonstration and propaganda ; (5) animal husbandry ; (6) forests ; (7) diseases of live stock and their control ; (8) irrigation ; (9) communications and marketing ; (10) the finance of agriculture ; (11) co-operation ; (12) the village, *i.e.*, conditions in the village and amenities of village life ; (13) education ; (14) rural industries and labour ; (15) horticulture and plantations ; (16) statistics and (17) agricultural services. Besides there are a few conclusions and recommendations under the heading " Miscellaneous ".

Now, the question is, what should be done with a view to expediting the consideration of, and decisions on, the Report, so that practical work can be promptly undertaken. What is wanted is the framing of a programme to be worked out steadily, say, during the next five or ten years by each Provincial Government and also by the Central Government. This programme must be carefully thought out and steadily but firmly worked so as to complete it within the scheduled period. Obviously therefore it will be necessary to sift the recommendations of the Commission and to divide them into categories according to the priority to be given to them, having regard to all these considerations immediate or far-reaching which will have to be taken into account in finally determining priority. I see in the Press that His Excellency the Viceroy has convened a Conference of Ministers in charge of Agriculture and heads of the Agricultural Department to consider the Report and probably to devise the procedure to be adopted so as to achieve the very object with which I am moving this Resolution. This is a step in the right direction, and I hope the Conference will be a thorough success and bear the expected fruit. What I would suggest, Sir, is that the Government of India should circularise to all the Provincial Governments asking them to appoint a Committee of non-official and official Members of their respective Legislative Councils to consider in particular those recommendations of the Commission which are of a provincial nature and with the assistance and co-operation of such a Committee, to frame a programme of rural uplift to be carried out steadily within the next ten years. The Government of each province should consider this programme and then should submit it, as finally approved by the Government, to the Legislative Council for its sanction and adoption. A similar Committee of the Indian Legislature should be appointed with the same object in view, to consider in particular those

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recommendations which are of an All-India character. All this should be done as soon as possible within a time limit that should be rigidly observed by each Provincial Government. If such a time limit is not enforced, and things are allowed to drift with endless redtapeism, the result will be that the initial momentum of interest and enthusiasm will wane, the labours of the Commission will be washed, its Report will be condemned to oblivion and we shall remain practically where we are. In a matter like this, prompt and steady action is absolutely essential. We want all Governments to be up and doing in the matter, to show something of the initiative, the activity, the personal interest and zeal, the tenacity of purpose which characterised the late Lord Curzon when he undertook his twelve tasks and applied himself to the question of agricultural reform. Fortunately His Excellency the present Viceroy is known to take the keenest interest in agriculture. We may well expect him therefore to evince the same energy, zeal and tenacity of purpose that marked his illustrious predecessor, Lord Curzon, and set all the available forces in motion, so that steady progress can be made to the attainment of the great ideal which we all have at heart, *viz.*, elevating the masses of India to a decent level of existence as men and as citizens. If this is done His Excellency's Viceroyalty will surely create a landmark in the development of this country of which he will have good reason to be proud.

Sir, the problem of promoting the welfare and prosperity of the agricultural population of India has since the new orientation of British political policy in India received additional importance. The Reforms have begun the process of enfranchising them and in course of time we may look forward to the enfranchisement of a large proportion of them so that with the growth of a responsible system of government, our Councils and our Executive Governments will be responsible to them and they will have their due share in controlling and determining national affairs. That they are becoming a real and growing power has been recently evidenced in my Presidency by the fact that the Government of Bombay have thought it expedient to hold over the Small Holdings Bill which they had introduced in the Legislative Council, out of regard for the opposition shown to the Bill by the agricultural population. Their attitude in this particular case may not be just the kind of expression of public opinion which we should desire in a sound, enlightened state of public opinion. But even in advanced democracies of the West public opinion has, at times, vitiated by the same ignorance, prejudice and unsoundness. This new life opened out to the masses of India has been well described by the late Mr. Montagu and Lord Chelmsford in their Report on Indian Constitutional Reforms. They say :—

" We are not setting about to stir 95 per cent. of the people out of their peaceful conservatism and setting their feet upon a new and difficult path merely at the bidding of the other 5 per cent. nor would that be our reason, whether the articulate minority were 20 per cent. or one-half per cent. of the whole. Our reason is the faith that is in us. We have shown how step by step British policy in India has been steadily directed to a point at which the question of a self-governing India was bound to arise, how impulses, at first faint, have been encouraged by education and opportunity, how the growth quickened nine years ago, and was immeasurably accelerated by the war. We believe profoundly that the time has now come when the sheltered existence which we have given India cannot be prolonged without damage to her national life, that we have a richer gift for her people than any we have yet bestowed on them, that nationhood within the Empire represents something better than anything India has hitherto attained, that the placid, pathetic

contentment of the masses is not the soil on which such Indian nationhood will grow and that in deliberately disturbing it we are working for her highest good."

The stirring has begun, the dry bones are heaving with the new life. The Indian agriculturist is ceasing to be a mere tiller of the soil, he is becoming more and more a political animal also. He is yet in his infancy as a political animal, but his birth has taken place and he is sure to grow to adolescence and youth in his new birth. The movement for uplift therefore must take account of him as a complete man, of his condition in all its aspects, economic, social, moral and political. The Commission is perfectly right in saying that it involves a psychological change. Such a change is not impossible of attainment, but it can be brought about by a suitable system of education demanded by the change, by raising him from poverty to plenty, by raising his average income by elevating his general standard of existence and by the play of those new forces of government, administration, political education which the new political ideal and the reformed constitution have set in motion. I am not sure that the political aspect of the problem has been envisaged in its entirety by the Commission. But it is a factor which must now necessarily be taken into consideration. Be that as it may, the recommendations of the Commission constitute the most valuable and the most comprehensive contribution we have yet had to the solution of this problem, and I do hope that the Government will lose no time in expediting the whole matter so that the goal will steadily, with increasing advance, be attained. With these words, Sir, I commend the Resolution bearing in mind a paragraph which appears on page 673 of the Report and which says :

"If the inertia of centuries is to be overcome, it is essential that all the resources at the disposal of the State should be brought to bear on the problem of rural uplift. What is required is an organised and sustained effort by all those departments whose activities touch the lives and the surroundings of the rural population."

This is the crux of the whole Report.

THE HONOURABLE MR. V. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I beg to move the amendment that stands in my name, namely :—

"Add the following words to the Resolution :—

—'such as those relating to the establishment of Central Land Mortgage Banks for the issue of debentures, the introducing of legislation to guarantee interest on the debentures issued by such banks and to add those debentures to the list of Trustee Securities under the Indian Trust Act'."

My Honourable friend, Sir Phiroze Sethna, wanted me to make a small verbal change in the above amendment, *viz.*, to substitute the word "including" for the words "such as, so as not to unduly emphasize a particular recommendation"; and if you will permit me, I will do so. My Honourable friend, Sir Phiroze Sethna, referred to the criticism that has appeared in the Press, namely, that the Report is on the whole a disappointing document. I may at once say that the critics who have put forward that criticism are not really disappointed with the absence of anything new in the actual recommendations made by the Commission. The Commission has made very useful recommendations. If I have understood the critics aright, what they are disappointed with is the fact that similar recommendations had already been before the Government and the people for a long time past, but that it was found impossible for the Government

[Mr. V. Ramadas Pantulu.]

or the people to give effect to those improvements which the Commission have again reiterated and that the Commission has not suggested ways and means for giving effect to their own recommendations. Many of their recommendations for improving the agricultural conditions in this country and the lot of the agriculturists are not new. They were time and again urged upon the Government and the people, but the Government of India found it impossible to give effect to this reform in agriculture either for want of finance or for lack of co-ordination between the Provincial Legislatures and the Central Legislature or for other reasons; and the agriculturists who were advised to improve their condition also found themselves unable to improve their condition because they had no finance. These two potent factors always stood hitherto against any effective agricultural reform being carried out in this country. The recommendations of the Commission, valuable as they are in themselves, will suffer from the same serious defect which recommendations of a similar nature have hitherto suffered from: and the Royal Commission, not having put forward any financial proposals to back up their recommendations, there is a widespread feeling of disappointment in the country that the recommendations are bound to be a dead letter as similar recommendations have hitherto been, because the Government of India have not realised their duty to find finances and the people have no financial resources to put into effect these very valuable recommendations. In the provinces the Development Ministers have often complained that their nation-building departments have actually been financially starving and there is no prospect of either the Provincial Governments or the Government of India finding adequate funds for giving effect to the recommendations of the Royal Commission most of which will cost huge sums of money. Therefore some of us who feel very greatly interested in agricultural reform are bound to confess to a feeling of pessimism that the Report is not going to lead to any better results than similar efforts in the past. If the Government of India and the Provincial Governments will however take up the matter in earnest and will find the finance to give effect to these recommendations, as they ought to, we may expect some good to come out of the work of the Commission. There is one recommendation, Sir, in the Report which is of a very far-reaching character, namely, the constitution of a Research Council to bring to bear upon agricultural development in India the latest scientific knowledge on the subject which is itself of the greatest importance to this country. Therefore, that recommendation of the Commission is to be welcomed. But, Sir, after reading the details of the recommendations relating to the constitution of the Council of Research, I find that it will not be possible for us to accept those recommendations *in toto*. However, the Commission itself has said that legislation should be introduced to constitute the Council of Research, and it will be for this House to examine in great detail those recommendations when the necessary legislation is introduced.

Now, Sir, coming to the subject of my amendment, which forms one of the most important recommendations of the Commission, I shall with your leave say a few words. The main causes for the backwardness of the agriculturist in this country and for the backwardness of the Indian peasant are his chronic indebtedness and his ever-growing burden of unproductive debt. Neither the

State nor the politicians in India seem to have recognised that agriculture like other industries requires capital and credit, and that the most outstanding problem of rural economics in this country is the supply of cheap and productive capital and credit to the cultivator. That is the fundamental question affecting the condition of the agriculturists in this country. The State unfortunately in this country has not risen to a sense of its responsibility in this matter. Sir, after a fairly careful study of the conditions of other self-governing countries I have found that there the State fully recognized its duty to finance the cultivator who produces not only the food but all the national wealth from the land. The agricultural and co-operative banking systems have been assimilated with the banking system of the State and ample finances are provided for the agriculturist. But in India the problem has not even been tackled. Therefore the recommendations of the Commission on agricultural finance are very vital, and I hope the Government of India will take them up very seriously and earnestly. The co-operative movement has been trying to provide funds by finding capital and credit for ryots, but hitherto the co-operative movement has been supplying only short term funds merely for the purpose of financing the cultivator to enable him to run his industry from day to day. The co-operative movement has not yet been able to find long term credit for the agriculturist for making permanent improvements to his lands or for liquidating prior debts and so on. It has been found impossible in practice to supply that kind of credit through the ordinary village co-operative societies which are organized only to deal out short term accommodation. Long term finance can only be supplied by what are known as Land Mortgage Banks, and the Commission therefore has laid great emphasis on the need to organize Land Mortgage Banks. At present we have a few Land Mortgage Banks, but they are primary banks operating in very small areas. If you merely multiply these primary Land Mortgage Banks, not only will they not be able to attract all the long term money, but by offering competitive rates of interest will make long term money dear. Therefore, the Commission have very properly said that each province should contain a Central Land Mortgage Bank to raise money on the strength of debentures. The issue of debentures is one of the most remarkable devices of modern finance, to mobilise land values, for otherwise land is immobile credit. Debentures issued by small village banks, however, are not likely to have great value in the market. Therefore the recommendation of the Commission to establish provincial Central Land Mortgage Banks is of the utmost importance and value to the agriculturist. And the Commission further say that the Government, in order to make the debentures attractive, readily negotiable and marketable, should guarantee the interest on those debentures and also should add those debentures to the list of Trustee Securities under the Indian Trust Act. That is the least the Government can do. The farmers in the country want money, and there are men who are prepared to advance money as an investment. The most useful intermediary organisation to link them up is a mortgage bank. It can attract long term money on very favourable terms and can find ample resources for financing the agricultural industry of the country. Therefore, the Government should take up this recommendation promptly and work it up and give such assistance as they can. With these words I commend the Resolution of my friend Sir Phiroze Sethna and my amendment to this House, and I appeal to the Leader of the House not to raise technical pleas but to accept it if he possibly can.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“That the following words be added at the end of the Resolution, namely :—

‘ including those relating to the establishment of Central Land Mortgage Banks for the issue of debentures, the introducing of legislation to guarantee interest on the debentures issued by such banks and to add those debentures to the list of Trustee Securities under the Indian Trust Act ’.”

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Education, Health and Lands Member) : I have heard with the greatest interest the speeches of my Honourable friends, Sir Phiroze Sethna and Mr. Ramadas Pantulu. I shall not venture at this stage to deal exhaustively with the observations made by them on the details of the report which will receive the consideration which they deserve, but I may say at once that the Government of India welcome the anxiety displayed by them to expedite the consideration of the Report of the Agricultural Commission, and to take such steps as may be necessary to give prompt effect to its recommendations, particularly to those which have a direct and intimate bearing on the uplift of the agricultural population, and the establishment of central land mortgage banks. It is unnecessary for me to stress the point that the report is pregnant with immense possibilities for the advancement of Indian agriculture and the improvement of the lot of the Indian agriculturists. Indeed, the Government of India recognised the need for prompt action the moment the Report was published, and have already taken effective steps, as I shall presently show, to secure its early consideration.

As Honourable Members will doubtless recognise, agriculture being a transferred provincial subject, the great majority of the recommendations concern the Local Governments primarily, and responsibility for giving effect to them lies upon such Local Governments. It is indeed true that a good number of the recommendations concern the Government of India themselves, while some others affect both the Government of India and the Provincial Governments. The line of demarcation of responsibility in respect of many of the recommendations is not, however, clear in all cases. As a preliminary step, therefore, to facilitate the consideration of the Report by both the Government of India and the Provincial Governments, the Government of India, on the 23rd July 1928, invited all Local Governments to send representatives—to be chosen by the Local Governments, but including the Provincial Ministers of Agriculture, if possible—to a conference with the representatives of the Government of India at Simla on a date which has since been fixed for the 1st October and following days.

The objects of the Conference are several. In the first place, the Conference is designed, as explained above, to determine which recommendations primarily concern Local Governments, which the Government of India, and which concern them both. Until the vital question of responsibility has been settled, progress cannot be sure or definite. Secondly, to determine the order of priority, the line of action, and the time of inception of co-operation, where co-operative action on the part of the authorities responsible for giving effect to the recommendations, is desirable or necessary. And, thirdly, to endeavour to arrive at a common determination to put into force, as soon as occasion permits, those recommendations of the Commission which are finally approved by

the authorities concerned. In suggesting this Conference, the Government of India have been careful to see that its objects are not misunderstood. There is no intention whatever of asking the Conference to reach binding decisions on recommendations, the majority of which are obviously for the decision of the respective Local Governments. In brief, the object of the Conference is rather to secure personal discussion and common consultation about the recommendations by the Commission and the best method of giving effect to those of them which are approved. Honourable Members will agree that a conference conducted along these lines cannot but yield useful results and promote the objects which my two Honourable Friends, who have spoken before me, have at heart.

In conjunction with this Conference, it is proposed to hold also a Conference of Co-operators to discuss the recommendations of the Commission which deal with co-operative matters of the nature specifically referred to by the Honourable Mr. Ramadas Pantulu in his amendment. The ordinary biennial Conference of Co-operative Registrars was to have been held this year in any case, but its scope has been extended specially in view of the Commission's Report, and the principal item on its agenda will be the recommendations of the Commission about co-operative matters. The Government of India have no doubt that this Conference, like the Agricultural Conference, will be very useful in determining the action which the Central and Provincial Governments should take on many of the Commission's recommendations.

The proposed holding of these Conferences by no means exhausts the action which the Government of India have taken on the Report. They are already considering those of the recommendations which concern them primarily, such as the proposal for the establishment of an Agricultural Research Council, and recommendations which concern other Departments besides that of Education, Health and Lands, such as, the recommendation for the perfection of methods of protection against the import of destructive insects and pests, have been referred to the Departments concerned for opinion. It would thus be obvious to Honourable Members that, in view of what I have stated already, it is not possible for me at this stage to announce any conclusions on any of the recommendations, as it is not proposed to reach such conclusions before the Government of India have had the advantage of consultation with the representatives of the Provinces at the proposed Conference. I can assure Honourable Members that, as soon as possible thereafter, the Government of India will decide what action should be taken on the recommendations which, if accepted, it is for them to enforce, and the method which should be employed in doing so. The Government of India have no doubt that Local Governments will do the same in the case of recommendations with which they are concerned.

I regret that I am not able to tell the House more than what I have indicated in the course of my brief speech. I will, however, venture to emphasise that the Government of India were not at all remiss in the matter of applying themselves to a consideration of the ways and means before they could reach conclusions. I need not assure Honourable Members that they fully share the desire already expressed to give prompt effect to the recommendations contained in the Report, particularly to those which have a direct and intimate bearing upon the uplift of the agricultural population. Let me again emphasise that consideration must precede action. In all these circumstances, I hope that the Honourable Member will withdraw his Resolution

[Sir Muhammad Habibullah.]

not only in the light of what I have said, but also on my assurance that no time will be lost and no efforts spared to expedite action on the recommendations of the Commission.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official) : Sir, I always say this against my friend, the Honourable Sir Phiroze Sethna, that whenever he deals with a subject he deals with it in such a way that he does not leave any scope for others to advance arguments, because he brings them all up. The most vital thing, after what has been done, is the amendment of my friend from Madras, for which we are very much indebted to both. I have always said, Sir, that if there was any one class which was absolutely forgotten in the way of help it was the poor zemindars ; and of course, as has been said, they do feel it. The only thing that is most needed is money, and my Honourable friend from Madras hit the nail in the right place when he mentioned that. You cannot do anything unless there is money. Previous to our present Government, the laws were not stable and as the various Governments had to get something out of the agriculturist, what they did was that whenever there was a dispute between an usurer and a zemindar the unwritten law that they had, which was much better perhaps than the present one, was that they always saw that the man who was working in the fields must live and his family must live also. They gave the usurers as much money as they thought he should get. Now there are stable laws and things are different. On the one side Government dues which are always increasing have to be paid and then the moneylender takes away the rest. It is no use whatever improving agriculture if what the tiller gets out of the land does not go to him but to the *bania*. In reality I would make bold to say that this class, since the advent of our best Raj, has been practically sold to the usurers and there is no way of helping them except to buy them back and that can only be done by the banks. There are certain banks which have no doubt proved very useful, but they are on such a small scale that they cannot serve all those who want money. There are lands which are very valuable but they are mortgaged. The agriculturist, having no money, cannot get them back. We have in the Punjab a Land Alienation Act by which lands have been saved from being alienated, but unfortunately those who interpret the law belong to families, joint families, as they are called, which are carrying on this very moneylending business. The law is naturally interpreted against the agriculturists and that is one of the great difficulties we have got hitherto. Though the land cannot be alienated, it can be given away to a moneylender for 20 years. If that happens, how is the agriculturist to eat ? Naturally he gets more and more into debt. After 20 years it will again go to another moneylender. The agriculturist will be compelled to steal and go to jail as he cannot possibly live on the land. It is not only for the Provincial Governments to come to our aid but it is for the Central Government to help us also. If the Central Government does not come to the help of 90 per cent. of the population, who are agriculturists simply because they have been divided into various provinces, I do not think the Government is doing the right thing. After all, this Resolution has been brought forward not to give effect to every recommendation in the Report. As the Leader of the House has said, this Conference which will be convened will pick out the best recommendations

which ought to be acted upon at present. That is what is meant by this Resolution and I do not see why it should not be adopted. I appeal to the House in the name of 90 per cent. of the population to show them their kindness, to show them that the House feels for them. I would ask the House not only to adopt the Resolution but also the amendment moved by my friend from Madras. It has been said that the Resolution should be withdrawn. After all this is an appeal of mercy to the Government of India. In practice they are going to do exactly what is asked for in this Resolution. When both sides have come to an understanding, I do not see why the Resolution should not be adopted. I appeal again in the name of 90 per cent. of our stricken brethren to the House that the whole House should come forward and see that this very good Resolution and very good amendment are carried.

**THE HONOURABLE MR. MAHENDRA PRASAD** (Bihar and Orissa : Non-Muhammadan) : I rise to support the Resolution moved by the Honourable Sir Phiroze Sethna and the amendment moved by the Honourable Mr. Ramadas Pantulu. The subject is of great importance as it affects the agricultural interests of the population. The recommendations of the Commission should be considered as soon as possible, especially those relating to the Central Land Mortgage Banks. The system of short term credits under the Co-operative Act has done its work very well. But they cannot be of much help so far as long term credits are concerned. The chief reason to my mind is that the rate of interest which the borrowers have to pay from rural societies is so very high that it cannot be of any help to persons taking large loans for long terms. The rural societies cannot give loans to their members at less than 9 per cent. which I think is very high and cannot be brought down unless land mortgage banks are established. The land mortgage banks will have to raise money by issuing debentures which do not carry so high a rate of interest as short term deposits. If the Government guarantees interest on debentures, as proposed by the Honourable Mr. Ramadas Pantulu, the interest on debentures will be very low and money so raised can be lent out to borrowers at 6 per cent. or even less. In order to keep down interest, it will also be necessary to add the debentures to the list of securities under the Indian Trust Act. The greatest service that the land mortgage banks can do is, in the words of the Commission, to lower the rate of interest, and it is for this reason that their establishment is of the greatest possible necessity. The Honourable the Leader of the House has asked the Mover to withdraw his Resolution. I do not see any reason why this Resolution should be withdrawn. The views of this Honourable Council will be of some help to the Conference which meets on the 1st October in coming to a decision.

I therefore think that there should be no difficulty in the acceptance of this Resolution with the amendment.

(The Honourable Sir Phiroze Sethna was about to rise in his place.)

**THE HONOURABLE THE PRESIDENT** : I see the Honourable the Mover of the Resolution is rising in his place, from which I assume that he is not attempting to bring the Resolution to a vote prematurely, but that his intention is really to ask the leave of the Council to withdraw the Resolution. That of course is a matter which is entirely in the hands of the Council, and I should therefore now call upon the Honourable Member only if that is his intention.

**THE HONOURABLE SIR PHIROZE SETHNA** : It is not, Sir.

THE HONOURABLE THE PRESIDENT: Then I propose to allow the debate to continue.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAO (Madras: Non-Muhammadan): Sir, Agricultural India to-day is immersed in chronic indebtedness. As rightly observed by the Royal Commission on Agriculture "the most powerful obstacle in the path of rural development and the most crushing burden on the people is indebtedness". Co-operative societies in India have done immense good, no doubt, in rescuing the people from the hands of merciless usurers and moneylenders, but at the same time it must be pointed out that they have not tried to redeem the agricultural population of this country to the extent they ought to, on account of the numerous defects and limitations under which they are functioning at present. They are helpful only in advancing small loans for short periods with prompt recoveries. To my knowledge only such co-operative societies as have been formed in urban areas and those by the Government employees and others who have a fixed monthly income or daily wages to count upon, thrive well, inasmuch as prompt repayment is possible in these cases. The purely rural co-operative societies, where the members are mostly agriculturists, do not reap the full benefit of co-operation. Prompt re-payment of even small loans taken from the co-operative societies becomes impossible, as money can be had only at certain seasons of the year by the sale of their produce, and the moneylender is looked up to for help to discharge the debt of the society in the interim period.

Often times, lands and personal properties are pawned at a usurious rate of interest and with the successive failure of monsoons and the consequent failure on the part of the agriculturist to repay the debt and redeem the lands and properties pledged, they naturally pass into the hands of the moneylenders. The establishment of land mortgage banks is, in my opinion, the only effective means of saving the agriculturists from utter destruction. Loans are required by the agriculturist not only for the improvement of his lands but also for meeting marriage ceremonies and other expenses, and such loans are usually large in amount and cannot be repaid within a short interval. There must be land mortgage banks in every taluk to which the agriculturist can run at any time of the day, mortgage his land, borrow money at the same rate of interest as in credit societies and pay back the debt in annual instalments along with the *kists*, spread over a number of years. There should no doubt be a central financing body in each province which should issue debentures. Government should guarantee interest on the debentures. A sinking fund should be arranged with a view to secure the redemption of the debentures on the expiry of the period. The Imperial Bank should be asked to assist the flotation of debentures and as the repository of State funds should be invited to make advances under section 20 of the Trust Act against mortgages taken by a mortgage bank and endorsed in favour of the Imperial Bank. All existing concessions in the form of exemption from stamp duties, registration fees, etc., which at present swallow up a fairly large proportion of the money borrowed, through private agency, should be continued in favour of mortgage banks. These wholesome recommendations made by the Conference of Registrars held in Bombay in 1926, and approved of *in toto* by the Royal Commission on Agriculture, should be given effect to forthwith, and this amendment of my friend the Honourable Mr. Ramadas is none too soon nor too drastic to be shelved. With these few observations I strongly support the Resolution with the amendment.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) :  
Sir, I do not want to give a silent vote. Honourable Members are aware that I wanted to move a Resolution for the establishment of land mortgage banks and for the necessary steps being taken by Government with a view to relieving agricultural indebtedness. I am glad that the Government is making earnest attempts to give effect to the numerous recommendations of the Agricultural Commission's Report, but I am anxious because they have to consider the question of priority of the various recommendations, that is, as regards the order in which they have to give effect to many of these recommendations. I know, as Honourable Members of the Council know, that the Indian peasant is not in a position to get relief from the heavy load of debt which is practically oppressing him and which makes it impossible for him to think about the ways and means of improving his standard of living, and I submit that it is our duty to impress upon the Government that the want of capital being the great obstacle in the way of the agriculturist improving his position, it must be the first duty of the Government and of those who take a part in the Conference for giving effect to the recommendations of the Royal Agricultural Commission to see that the first place is given to the question of the establishment of land mortgage banks. Sir, I find that the Royal Commission has made certain specific recommendations with reference to the establishment of such banks, but I find that they have been a little over-cautious in making those recommendations, and at the same time I do find that their overcaution is not because of the fear that such banks will not be popular or will not be a safe investment, in fact I find in the latter portion of their Report they seem to apprehend that the debentures are likely to compete with State loans, and that as in other countries where land mortgage debentures have been issued, such debentures issued for the purpose of financing the land mortgage banks in India are likely to be very popular and there is absolutely no doubt that they will be more popular than the State loans themselves. Under these circumstances I am surprised to find that they say with an apology as it were that there should be a stage of preliminary inquiries before Government starts the land mortgage banks. So I think it is high time that these banks were started, because, without capital, without long term loans, the Indian agriculturist cannot thrive ; and of course as everybody who is interested in the safe and proper working of agricultural banks will agree, the agriculturist who has to take loans from these banks should be made to understand that they ought to keep to regular engagements and that they will be obliged to pay regularly all the instalments as they fall due. But at the same time unless you establish land mortgage banks which can give long term loans extending, say, over a period of forty years, it is not possible for the Indian agriculturist to be in a position to pay regularly year by year the instalments due from him. The proper object to be kept steadily in view for starting land mortgage banks is to see that, as far as possible, these loans that can be given by them should be for as long a duration as possible, possibly covering 50 or 70 years, so that the Indian agriculturist may be in a position to pay regularly of course after paying the land tax, without feeling the burden and the oppression of the debt. Unless the agriculturist gets capital, all the other recommendations, whatever the Government may do, will go in vain, because the agriculturist will not be in a position to take advantage of any of these agricultural improvements which may be worked out either by research or by any other

[Mr. P. C. Desika Chari.]

means or by taking action on the various recommendations of the Report. I therefore submit, Sir, that it is the duty of the Government, as of those fortunate people who will be called upon to give their advice to Government in this matter, to see that they insist upon this programme of land mortgage banks being started early. If capital is forthcoming the agriculturist's outlook on life will be brightened. It is only then that he will think of improving his land and have before him the ideal of a higher standard of living; otherwise it is absolutely impossible. Now the agriculturists are desperate, more especially the small agriculturists. From generation to generation they have been going on shouldering this huge burden of debt and they have not sufficient interest in cultivating the land because an agriculturist thinks that he has been born to that standard of life to which he and his fathers have been accustomed. It is impossible for him to take interest because he knows full well that he has to work from morn till eve with one meal, or perhaps not even one full meal, in the course of the day; and at the same time he knows that whatever he cultivates goes to the moneylender, who is entitled to insist upon his interest. The principal is very rarely paid up and unless the peasant is immediately relieved of all this burden, it will be impossible for him to improve his position in any manner. I therefore welcome this amendment that special attention should be directed to the establishment of central land mortgage banks for the issue of debentures and the introducing of legislation to guarantee interest on such debentures which should also be added to the list of trustee securities under the Indian Trust Act. I hope the Conference and the Government will consider other means to improve upon the recommendations made by the Royal Commission in this matter. But if they cannot take a longer view of things, if they will at least give effect to these specific recommendations made by the Royal Commission after an elaborate inquiry, that will go a long way towards improving the condition of the agriculturist. I have therefore great pleasure in supporting the Resolution as well as the amendment. I hope that this Council, which has always been known to take an abiding interest in the agriculturist, will vote for this with one voice, so that the people who meet in the Conference, including the provincial representatives of various Governments, may be impressed with the fact that this House, which is primarily composed of people who are in intimate touch with the agricultural classes, think, and think rightly, that the first and most important consideration ought to be directed towards the relief of agricultural indebtedness by the establishment of land mortgage banks.

**THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN** (North-West Frontier Province: Nominated Non-Official): Sir, it is indeed very fortunate for the agriculturists of this country that after an exhaustive and painful inquiry into all aspects of their life the Royal Commission on Agriculture has now succeeded in preparing its Report as to the present condition of the Indian agriculturist and suggesting ways and means to improve it. I believe that every careful reader of the Report will not fail to appreciate the labours of the members of the said Commission for which they rightly deserve the highest gratitude of the agriculturists and landowners of the various provinces in India. Now, Sir, the question of improving the deplorable condition

of all those engaged in agriculture is of vital importance to this country. At present I do not want to go into details of the miseries under which the agriculturists are labouring, as they are well known to every Member of this House. What I have to say in this respect is that immediate steps ought to be taken to relieve them of their present embarrassing condition, for I think that the betterment of their condition will bring peace, prosperity and contentment in India as a whole. Nearly 80 per cent. of the population of this country is composed of agriculturists and landowners, and if suitable measures are taken to enable them to live a life of contentment and peace, it will surely help greatly in finding a solution of the ever increasing problem of unemployment in India. The agriculturists and landowners are so closely connected with each other that under no circumstances could they be independent of each other ; so that if the agriculturists are better off their betterment will surely result in bettering the condition of landowners and *vice versa*, and the betterment of this large section of the people will naturally have its effect on the public revenue. The Royal Commission on Agriculture has come and gone and its Report to ameliorate the condition of the agriculturists has been published by this time. It is now for the Government to see to the uplift of the agriculturists by giving effect to the recommendations made in that Report, and the sooner they are given effect to the better it will be for all those concerned.

Sir, I associate myself entirely with and support the Honourable Mover of the Resolution as well as the Mover of the amendment. I do not think that any of us who have anything to do with the agriculturists will hesitate to support this Resolution. Sir, personally I would be satisfied if the Leader of the House takes some action on that Report. A good deal of money has been spent on the Report and it is a very exhaustive Report. Personally I will be satisfied if the Report does not become a dead letter. If the Leader of the House makes representations to the various Governments and takes some action himself I will be quite satisfied. The pretext is often put forward that there is no money. But I say, Sir, that where there is a will there is a way. We all know that if Government want to raise capital, the money can be easily found from Great Britain, America or other rich countries and even in India. If the Leader of the House takes action on the Report I can assure him that he will earn the gratitude of all the agriculturists throughout India.

With these remarks, Sir, I strongly support the Resolution and the amendment.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): I propose that the question may now be put.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, in my reply I shall be as brief as possible. In the first place I would like to remove a misunderstanding which seems to prevail in one part of the House. Some Honourable Members have asked me if I adhere to the strict meaning of the wording in my Resolution. I have said "to take such steps as may be necessary to give prompt effect to its recommendations." They interpret this to mean that I expect Government to give effect to every single recommendation. In my opening remarks I observed that there were as many as 667 recommendations. I cannot expect Government to give effect to every one of the 667 recommendations even in as many weeks. I quite realise this.\* My Honourable friend

[Sir Phiroze Sethna.]

the Mover of the amendment and myself will be more than pleased if they will give immediate effect to the recommendations on the points that he and myself have laid stress on.

Now, Sir, the next point is that my friend Mr. Ramadas Pantulu found fault with me for taking to task some of the critics of the Report and he observed that the critics were not so much against the Report as against Government themselves who for years past have done nothing. Perhaps there is force in that contention, and I am reminded of the Report of Dr. Voelker, the agricultural authority, who published his Report as far back as 30 years and whose recommendations have been entirely endorsed by the Agricultural Commission. It is a pity that Government have taken no action on his recommendations till now except that perhaps on the recommendation of the Chairman of the Agricultural Commission a C. I. E. was conferred on the learned Dr. in the last Honours List in recognition of his long forgotten services of 30 years ago.

My Honourable friend the Leader of the House has made an appeal to me that I should withdraw this Resolution. I fear I cannot do so for a very good reason and it is this. My Honourable friend, the Leader, in the course of a very elaborate statement, which has given entire satisfaction to the Honourable Mr. Ramadas Pantulu and myself, has, as far as I know, gone even beyond what we both of us asked for. Therefore, instead of my withdrawing the Resolution, which would be paradoxical after Government accepting and going beyond what we had asked for, I, in my turn, appeal to the Leader of the House to convince the Indian public that it is not always that the Government of India oppose the wishes of the public and that in matters of great public importance like this, the Government of India do at times see eye to eye with the public. I trust therefore that not only the Leader of the House but all the Members of Government will vote in support of the Resolution and we will carry it unanimously.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : Sir, when I addressed my appeal to my two. . . . .

THE HONOURABLE SIR ARTHUR FROM (Bombay : Chamber of Commerce) : Sir, on a point of order, might I have your ruling in connection with the speech just delivered by my Honourable friend Sir Phiroze Sethna ? My reading of the Resolution is that, if it were accepted, it would commit the Government to give prompt effect to *all* the recommendations of the Agricultural Commission's Report. That is my difficulty, Sir.

THE HONOURABLE THE PRESIDENT : The Honourable Member's difficulty is, I think, solved by the fact that the adoption of a Resolution by the House is after all merely a recommendation to the Government. There is no commitment.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH : When I addressed my appeal to my two Honourable friends opposite, I did not in the least expect any single Member of the House to understand that the Government were opposing this Resolution. I tried to show in the course of the brief statement which I made the action that the Government of India have already taken in the matter and the steps which they contemplate

for the future. I think I convinced the two Honourable Movers of the fact that the Government had, long before either the proposer of the original Resolution or of the amendment had tabled their respective motions, taken the necessary action in the matter (Hear, hear) and I am pleased to hear that the Honourable Sir Phiroze Sethna recognises that the Government have not merely complied with the recommendation that he makes but that they have even gone far beyond that recommendation. While that is so, Sir, I expected that the Honourable Sir Phiroze Sethna will not have any objection whatsoever to the withdrawal of the Resolution, seeing that the objects he had in view, the intentions that underlay his Resolution, were more than fulfilled. It was only the other day that we were told by a friend on the opposite side who moved a similar Resolution on land revenue that his intention was merely to rouse sleeping dogs. Both in that case and in this it is not the rousing of sleeping dogs but it is an attempt to rouse watchful dogs. So, as I said, there is no object in my two Honourable friends opposite pressing for the adoption of this Resolution. But I see that not only on their part but generally on the part of other Honourable Members also who have spoken on this Resolution there is a desire that the Government should accept it. Well, as I have said, I am not opposing it. As I have said repeatedly, I am doing everything that this Resolution asks us to do and more. In view of these circumstances, Sir, I have no objection whatever to accept the Resolution.

THE HONOURABLE THE PRESIDENT : The original question was :

“That the following Resolution be adopted :

‘This Council recommends to the Governor General in Council to expedite the consideration of the Report of the Agricultural Commission, and to take such steps as may be necessary to give prompt effect to its recommendations, particularly to those which have a direct and intimate bearing on the uplift of the agricultural population’.

Since which an amendment has been moved :

“That the following words be added at the end of the Resolution, namely :

‘including those relating to the establishment of Central Land Mortgage Bank<sup>s</sup> for the issue of debentures, the introducing of legislation to guarantee interest on the debentures issued by such banks and to add those debentures to the list of Trustee Securities under the Indian Trust Act’.

The first question what I have to put is that that amendment be made.

The amendment was adopted.

THE HONOURABLE THE PRESIDENT : The question then is :

“That the Resolution, as amended, be adopted.”

The motion was adopted.

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## RESOLUTION *RE* REVISION OF THE TIME TESTS IN THE POST OFFICE.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir, the Resolution that I beg to move runs as follows :

“This Council recommends that the Governor General in Council be pleased to appoint a committee consisting of a senior Superintendent of Post Offices and two of the employees

[Mr. G. S. Khaparde.]

electd by the All-India Postal and Railway Mail Service Union to revise the time tests obtaining at present in the Postal Department."

This Resolution of mine puts forward two propositions. One is that the time tests should be revised and the next is as to how revision should be carried out. The first part of it, I think, I need not dilate on at any great length, because from the amendment tabled by the Honourable Member in charge I shrewdly guess that the Government accept the necessity of revising the time tests. If my guess is correct, then I need not elaborate, need not carry coals to Newcastle, for nothing at all. I will therefore speak about the next proposition and that proposition is that the time test should be revised, in the particular manner which I have suggested, namely, that there should be a senior Superintendent of Post Offices on the Committee and two members elected by what may be briefly described as the Indian Postal Union. They have got a long name, but for this purpose I am referring to them as the Indian Postal Union. This is not the first time that I have raised this question of the revision of time tests. In 1919 or 1921 I proposed a Resolution on this subject. It was passed by this Honourable Council. Government acting on it appointed two gentlemen to revise the time test. These two gentlemen were senior officers in the Post Office. They recorded no evidence. They depended entirely on their own knowledge of the subject and they framed a certain scale of revision. That scale of revised time tests has been going on up to this time. But complaints about it have been rife. The chief complaints are two: that the allowance for each item of work is very scanty, sometimes inadequate, and secondly, that much of the important work which the Post Office people had been doing was not brought under the time tests. These two objections have been urged from time to time until at last I thought that I would try my hand again and see what could be done. These items that have been left out of calculation are rather large. As enumerated in the papers supplied to me, they come to about 20 and it may even be 25 or 30. If 30 items which people have got to go through in the course of the day are omitted from the time tests the work suffers tremendously. Further one of these omissions refers to items of banking. I can elaborate this matter but it will do no good. The important part of the thing is that the system should be improved and attention should be drawn prominently to it. I shall not at this stage make further remarks but shall reserve them to a later stage.

Sir, I move my Resolution.

THE HONOURABLE MR. A. G. CLOW (Industries and Labour Secretary):  
Sir, I rise to move the motion standing in my name :

"That for the words 'to appoint a committee consisting of a senior Superintendent of Post Offices and two of the employees elected by the All-India Postal and Railway Mail Service Union' the words 'to take steps' be substituted."

I may say at once that my Honourable friend's "shrewd guess" is quite correct and that on the main proposition underlying his Resolution Government are in complete accord with him. In other words, they recognise that the time has come for the revision of the time tests prevailing in the Postal Department. The only point on which they do not see eye to eye with my Honourable friend is one of detail and that relates to the manner in which the revision of

these time tests is to be conducted. The words which I am asking the Council to delete suggest the appointment of a committee of three members, one an official and two elected by the Postal Union. Now quite apart from any question as to whether a committee is the most suitable organisation for conducting this work or not, there are two objections to the composition of the committee as suggested in the Resolution. The first is a minor one. Government do not think that work of this kind can suitably be entrusted to an officer of the rank of Superintendent and desire to appoint an official of higher rank. The second is a much more serious one and that is that the committee will have on it one impartial officer and two members who will be directly interested in the results to be achieved, or, if they are not directly interested, they will represent those who are very keenly interested in any findings that may be reached. In other words, out of a jury of three, one will be impartial and two will be keenly interested in the verdict. And the House will, I think, agree that the results arrived at by a committee of that kind would not be results on which reliance could be placed with confidence.

But I am anxious before I sit down to give the House some indication of the action which Government propose to take if this Resolution is carried, for they propose to go a good deal further to meet my Honourable friend than perhaps the wording of my amendment indicates. In the first place they propose to entrust the main responsibility for this inquiry to an Indian officer of the rank of Postmaster-General. They intend to place him on special duty for this purpose during the next cold weather ; but in order to ensure that his recommendations are not made without hearing the views of those who are bound to be affected by any recommendations he may make, we propose to instruct him to ask for the co-operation throughout his inquiries of a representative of the Postal and R. M. S. Union. This will secure two ends. In the first place the responsibility for the recommendations will rest with an impartial authority, and in the second place those to whom the results are a matter of importance will be able to ensure that no factor which they regard as relevant is overlooked during the inquiry. I hope that in view of this explanation my Honourable friend will be prepared to accept my amendment.

**THE HONOURABLE MR. G. S. KHAPARDE :** Sir, this is a good beginning. A man asked God for one eye and God gives him two. The Honourable Member has proposed a much higher officer than I would have dared to ask to record evidence and give his finding on it. I therefore accept the amendment with great pleasure.

**THE HONOURABLE THE PRESIDENT :** The original Resolution was :

“ That this Council recommends that the Governor General in Council be pleased to appoint a committee consisting of a senior Superintendent of Post Offices and two of the employees elected by the All-India Postal and Railway Mail Service Union to revise the time tests obtaining at present in the Postal Department.”

Since which an amendment has been moved :

“ That for the words ‘ to appoint a committee consisting of a senior Superintendent of Post Offices and two of the employees elected by the All-India Postal and Railway Mail Service Union ’ the words ‘ to take steps ’ be substituted.”

The question is that that amendment be made.

The motion was adopted.

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

“That the following Resolution, as amended, be adopted :

‘This Council recommends that the Governor General in Council be pleased to take steps to revise the time tests obtaining at present in the Postal Department.’”

The motion was adopted.

**THE HONOURABLE THE PRESIDENT :** The Honourable Mr. Chari\* and the Honourable Dr. Rama Rau† do not desire to move the Resolutions standing in their names. The fifth item standing in the name of the Honourable Mr. V. Ramadas Pantulu has already been disposed of by the first item discussed this morning.

**THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :** Sir, now that all the Resolutions which appear on the agenda have been disposed of, the only other work that remains is that relating to the legislative business appearing on page 2 thereof. I am afraid, Sir, we are very nearly up to lunch time. The agenda for to-morrow, which is of course an official day, has already been circulated to Honourable Members and they would have noticed therefrom that it is a very brief agenda. It seems to me that it will suit the convenience of Honourable Members if instead of meeting again after lunch we meet to-morrow and, subject of course to your directions, after the official work on the agenda is finished, take up the consideration of the items left over to-day. I may tell the House that in view of the happenings in another place we will perhaps have heavy work in the course of the next few days, and I hope that none of the Honourable Members will have any objection to our adjourning at lunch time this day and to our meeting to-morrow. Of course official Members like myself could certainly have no objection to our sitting not only in the afternoon but for as long as possible, but my only object in making this suggestion is to meet the convenience of Honourable Members.

**THE HONOURABLE SIR SANKARAN NAIR (Madras : Non-Muhammadan) :** If the Honourable the Leader of the House can take up this matter immediately after questions to-morrow, I have no objection to an adjournment ; but once any business begins, one does not know when it will finish. I am therefore unwilling to give my consent except on the condition that these Bills will be taken up immediately after questions and before the Government business begins ; otherwise I should like to go on at once.

**THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :** I think the Honourable Member has already received the agenda for to-morrow.

\*“This Council recommends to the Governor General in Council to appoint a Committee with a non-official majority to make enquiries and suggest legislation to give women the same rights as men in the matter of succession to a deceased Hindu’s Estate.”

†“This Council recommends to the Governor General in Council to appoint forthwith a Committee of official and non-official medical experts to enquire into the existing defects in the curricula of education for Medical Licentiatees in the various provinces of India and suggest ways and means to improve their course of study with a view to secure uniformity in the standard of education imparted to them and at the same time make it conform to the minimum registrable qualification prescribed by the General Medical Council of Great Britain.”

**THE HONOURABLE THE PRESIDENT:** I can assure the Honourable Mover of the Bills that when he asks that his business may be taken up to-morrow immediately after questions, he will be practically getting what he wants, because I understand the Government business on the paper to-morrow after questions will take a very short time. I can assure the Honourable Member also that I am not putting the convenience....

**THE HONOURABLE SIR SANKARAN NAIR:** I hope it is not inconvenient to you, Sir?

**THE HONOURABLE THE PRESIDENT:** I am not consulting my own convenience; my desire is and has always been to study the convenience of the majority of Honourable Members. The House has given me no guidance in the matter. Perhaps if I continue up to lunch time I may be able to decide then.

### HINDU INHERITANCE (REMOVAL OF DISABILITIES) BILL.

**THE HONOURABLE SIR SANKARAN NAIR (Madras: Non-Muhammadan):** Sir, I move that the Bill to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs, and to remove certain doubts, as passed by the Legislative Assembly, be taken into consideration.

This, Sir, will be a very short matter. A Bill was first introduced in 1921 in the Assembly for this same purpose, it was circulated for opinions, it was then referred to a Select Committee, which Committee had the assistance of the then Home Member, of Mr. Rangachariar, as strong an advocate of the orthodox view as you can find in India, and also of the late Mr. Seshagiri Aiyar, a retired Judge of the High Court. After very careful consideration, they made material alterations and then they passed the Bill in the form in which we have it now. It then came up before this Council of State and this Council thought that it had not received sufficient consideration, and that there were many matters to be explained. Accordingly they did not reject the Bill but they left the matter over for further consideration and under the rules of business it lapsed. Then another Bill was introduced in the Legislative Assembly and this Bill was then passed and now it comes up before this Council. So you will see, Sir, that the matter has been considered very fully by the Legislative Assembly. The Bill was again passed in the Assembly after considering everything that was said in this Council, and I trust that there will be no objection to pass it without any long discussion. With regard to one particular amendment on the paper to the Bill, I say that amendment is not an objection to the Bill in its present form but the amendment is intended to carry the Bill further in order to include lunatics and idiots. I have told you, Sir, that the Bill seeks to remove certain disabilities which exclude Hindu heirs from inheritance. Those disqualifications I will read out for the purpose of drawing the attention of the Council to the amendment that is going to be proposed. The disabilities are these. One is a text of Baudhayana, "Woman is not entitled to inherit. Then females and persons deficient in the organs of sense are deemed incompetent to inherit." Manu says "Eunuchs and outcasts, persons born blind or deaf or dumb or who have lost the use of a limb are excluded from a share in inheritance." Narada says "Any man who is an outcast, an impotent person and one suffering from an incurable disease has no share in the inheritance even though they be

[Sir Sankaran Nair.]

legitimate." Thus there are three classes : one is a class which refers to vicious persons, that is, for example, a disobedient son ; the next those who have lost the use of a limb ; that is the second class. Then the lunatics and idiots form the third class. Now this Bill does not touch the third class—it does not touch the lunatic or the mad man. The result of that is that the law with reference to them will remain as it is now. They will be disqualified and they cannot inherit and the amendment is directed to bringing them under the Bill. As to the others, I trust, Sir, that the Council will pass the Bill. I will only now draw attention to one remark by the Chief Justice of Madras. The whole matter was considered over and over again, and the Madras High Court said in Volume 43 Mad. that all these laws are obsolete and " therefore we will not have anything to do with them now " and they will not enforce them. Later a Full Bench of the High Court reconsidered them and they said, " well, if the circumstances are now different, it is not for the courts to declare that they are no longer the law ; that must be done by the Legislature", and that is the reason the Council is now asked to pass the Bill. I may draw the attention of this Council, Sir, to the fact that it was the Chief Justice of the Madras High Court, the Honourable Sir Murray Coutts-Trotter, who overruled the decision in 43 Madras saying that the court must not interfere with this law, and it is for the Legislature to do it. What he now says is this:—

" Every court in India has struggled to limit so far as it could the barbarity of the traditional law."

There are decisions which support this view ; some of them were referred to by Sir Hari Singh Gour in his Statement of Objects and Reasons accompanying his Bill. They are the decisions in the Madras Law Journal, 251, the decisions in 25 Madras 133 and 405 and other decisions which will not be interesting to those who are not lawyers.

In those circumstances I trust the Council will pass it without any further discussion. I commend to the Council the consideration of this Bill.

THE HONOURABLE MAHARAJADHIRAJA SIR RAMESHWARA SINGH OF DARBHANGA (Bihar and Orissa : Non-Muhammadan): Sir, I rise to oppose the Bill and I oppose the Bill on principle, the principle that the State or Legislature should not interfere with the religions, or with customs or laws based on the religions of His Majesty's subjects. This principle was recognised long ago, was clearly enunciated in the Proclamation of Her Majesty Queen Victoria, and has been scrupulously followed by the Government of India ever since. The solemn pledges given in that Proclamation are the foundation of peace in India and of the loyalty of His Majesty's Indian subjects and I strongly deprecate the tendency shown by Indian legislation since the Reforms to interfere with Hindu law, because that law, as in the present case of inheritance, is based on religious precepts and beliefs. It is common knowledge that in the Smritis inheritance is associated with the idea of Shradh and, generally speaking, while they recognise affinity of relationship they hold that relative to be the heir of a deceased on whom rests the duty of performing the Shradh. It is unnecessary to quote authorities for such a well-known fact. That this is so is supported by the opinion of Mahamahopadhyaya Dr. Ganganath Jha, Vice-Chancellor of the Allahabad University, which I see has

already been circulated. Yet I think it will bear repetition and I wish therefore to quote it here *in extenso*. This is what he says :

“ It has always been my firm conviction that the several parts of Hindu Law are so closely inter-related that any attempt at piecemeal legislation cannot but be disastrous. Dr. Gour's Bill affords an instance in point. Under Hindu Law, the right to inherit goes hand in hand with the duty to perform Shradha. If, therefore, some people are to be inserted in the middle of Yajnavalkya's list, it will upset not only the rights of inheritance, but also the liability to Shradha.”

**THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY** (East Bengal : Non-Muhammadan) : On a point of order, Sir, is the Honourable Member the Maharaja of Darbhanga discussing the Bill now under consideration or the next one ?

**THE HONOURABLE THE PRESIDENT** : I think the Honourable Member is probably right in pointing out that the Honourable Maharaja's remarks would be more appropriate to the second Bill on the agenda to-day, though I am not able to say that they are so far entirely inappropriate to the present Bill.

**THE HONOURABLE MAHARAJADHIRAJA SIR RAMESHWARA SINGH OF DARBHANGA** : Very good, Sir.

(The Honourable Member resumed his seat.)

**THE HONOURABLE THE PRESIDENT** : The Honourable Lala Ram Saran Das.

**THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS** (Punjab : Non-Muhammadan) : Sir, I rise to oppose this Bill as I did when it was introduced into this Council on the 19th July 1923. I then told the House that to judge our sacred laws by the criterion of whether they suit the present so-called reformed members of our society or not is an anomaly. If we allow such things to be done there will be no end to it. There are a number of things in religion which from our standpoint may not be right or suitable, but if we go on amending our laws like this slowly but surely all our religious laws will be broken one by one and all will be disintegrated. In this Bill it is proposed to restore succession to certain classes of people whom the Dharm Shastras have not allowed to succeed. Lunatics and idiots only have been excluded from the present Bill, and so the idea is to restore the rights of succession to the other members who are to inherit and who are debarred by congenital blindness, deafness and dumbness, congenital want of a limb or organ, and so on. I think, Sir, that as this is a very important and a very controversial matter and as it means the breaking of the Dharm Shashtra, I must oppose the introduction of the Bill because I do not want this Council to interfere with the established religious practice of the Hindus which has been in force for thousands of years past.

The Council then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Council re-assembled after Lunch at Twenty Minutes to Three of the Clock, the Honourable the President in the Chair.

**THE HONOURABLE MR. V. RAMADAS PANTULU** (Madras : Non-Muhammadan) : Sir, I wish to give my very hearty support to this motion. I know

[Mr. V. Ramadas Pantulu.]

how in these cases Judges of the High Courts have always felt helpless in the matter of administering justice and desired legislative interference to get rid of the obsolete texts. It is really painful to think that these disabilities should still remain. It is a matter for wonder that the disabilities were not removed hundreds of years ago. I hope my Honourable friends who object to this Bill on the score of religion will kindly reconsider the matter. I am afraid they have not considered the matter from the correct point of view. Dharma was never allowed to stand the same for all time. It is expressly stated that Dharma might change from time to time according to the conditions of the country and that the learned men of the country have a right to meet together and decide what the Dharma should be from time to time. If any orthodox Hindu tells me that the Dharma of the Krita Yuga is the same as that of the Thretha Yuga, or that the Dharma of the Thretha Yuga is the same as that of the Dwapara Yuga, or that the Dharma of the Dwapara Yuga is the same as that of the Kali Yuga, then he has not studied the text books. Dharma has undergone many changes in the past and our books say that Dharma can be changed. Such changes have occurred in the past and are bound to occur in the future and I claim for this House and for the other House and for the Legislative Councils of the country the right to determine new Dharma; they consist of learned men who are animated by patriotism and a desire to serve their country. These bodies are essentially qualified to change the Dharma from time to time and I appeal to my orthodox friends not to perpetrate wrongs in the name of ancient Dharma. These disabilities resulting in exclusion from inheritance are barbarous and no civilised nation ought to countenance them. I appeal to my Honourable friends the Maharajadhiraja of Darbhanga and Lala Ram Saran Das to judge these things from a rational standpoint and according to the present conditions of the country and not to harp back upon Dharma Shastras. Dharma Shastras do not support the theory that Dharma is unchangeable for all time to come. I therefore give my fullest support to the motion for consideration.

THE HONOURABLE MR. S. R. DAS (Law Member): Sir, I think it is right to explain to the House the attitude that Government propose to take in regard to this measure. As it is usual with the Government in all matters of this kind they think it right to take up a neutral attitude and leave it to the House to decide either against or in favour of this Bill. Government propose to remain neutral, which means that the Members of the Government will not vote either way on this occasion, but the official Members will be free to vote in any way they think fit.

THE HONOURABLE SIR SANKARAN NAIR: Sir, there is only one objection that has been started and that is by the Honourable Lala Ram Saran Das. He ventured to say that the law of succession is indissolubly bound up with religion and therefore we must not interfere with the law of succession. Now, I want to ask my Honourable friend whether he has studied this Bill which is before the Council because the Bill says it will not apply to any person governed by the Dayabhaga School of Hindu Law. The difference between the Dayabhaga School of Hindu Law and the Mitakshara and other sacred books which apply generally to the rest of India is this, that in the case of the Dayabhaga School of Hindu Law, inheritance depends upon the right to

offer oblations. Strictly therefore if you interfere with the law of succession in Bengal under the rule of Dayabhaga, it will be an interference with religious law and one has to justify that interference under that law. But generally elsewhere in India, the conclusion that has been arrived at by men who are competent to pronounce any opinion is that propinquity or blood relationship determines the right of succession, though some writers go further and say that the man who takes the property of the deceased must offer the funeral oblations. I have made these observations generally, but I cannot help going further and saying with reference to the province of my friend the Honourable Mr. Ram Saran Das that whatever doubt there may be elsewhere in India, in the Punjab there is absolutely no doubt that religion has nothing whatever to do with succession, and it is absolute ignorance to say that in the Punjab religion is associated with succession. I would not ask the Council to take it from me, but I will just read a few statements by Mr. Mayne who is an acknowledged authority on these questions. He says :

“As regards the Village Communities, the Punjab and the adjoining districts are the region in which alone they flourish in their primitive vigour. This is the tract which the Aryans must have first traversed on entering India. Yet it seems to have been there that Brahminism most completely failed to take root.”

It is the Brahmins who have been responsible throughout India for introducing these religious elements into all these questions of succession. Dr. Muir cites various passages from the *Mahabharata* which establish this. The inhabitants “who dwell between the five rivers which are associated with the Sindhu (Indus) as the sixth”, are described as “those impure *Bahikas*, who are outcasts from righteousness.”

“Let no Arya dwell there even for two days. There dwell degraded Brahmans, contemporary with Prajapati. They have no Veda, no Vedic ceremony, nor any sacrifice.”

(An Honourable Member : “Question”). Of course you will question.

“There a *Bahika* born a Brahman, becomes afterwards a Kshatriya, Vaiciya, or a Sudra, and eventually a barber. And again the barber becomes a Brahman. And once again the Brahman there is born a slave. One Brahman alone is born in a family. The other brothers act as they will without restraint. And they retain this character to the present day, as we shall see that with them the religious element has never entered into their secular law.”

And then with reference to the law of succession, Mayne says that the right of inheritance, according to Hindu law, which is wholly regulated with reference to the spiritual benefits “is strictly and absolutely true in Bengal. It is not so elsewhere. Among the Hindus of the Punjab the order of succession is determined by custom, and not by spiritual considerations.” The objection is so wholly without any basis that I was taken aback when my friend started it in utter ignorance of what passes in his own country and contradicted me without having ascertained the facts. A custom, a rule of law which prevails in the Punjab has so little to do with what is prevailing in other parts of India, that when we find anything common to the Punjab and the rest of India in the law of succession we may infer that it has nothing Brahminical in its origin. There are further quotations, but I will read only one more. This is what Mayne says :

“In the Punjab and among the Sikhs and Jains, the rules of descent appear to be in the main those of the *Mitakshara*, but the doctrine of religious efficacy is wholly unknown.”

And he cites as authorities the Punjab customary law. The Council may take it, Sir, that there is absolutely nothing religious about the law in the Punjab.

[Sir Sankaran Nair.]

Now, my friend did not have the courtesy of making any reference to the opinions which came from the Punjab. The opinions are here before the Council, opinions obtained by the Select Committee.

The Chief Justice Sir Shadi Lal says that he approves of the principle of the Bill. The other impartial English Judges also agree with the principle of the Bill.

THE HONOURABLE LALA RAM SARAN DAS : They are not Hindus.

THE HONOURABLE SIR SANKARAN NAIR : Justice Shadi Lal is a Hindu and he has approved of the Bill.

Sir, I ask the Council to take this Bill into consideration.

THE HONOURABLE THE PRESIDENT : The question is :

“That the Bill to amend the Hindu law relating to exclusion from inheritance of certain classes of heirs and to remove certain doubts, as passed by the Legislative Assembly, be taken into consideration.”

The motion was adopted.

THE HONOURABLE THE PRESIDENT : Clause 2.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Mohammadan) : I move as an amendment :

“That in clause 2 the words ‘other than a person who is and has been from birth a lunatic or idiot’ be omitted.”

The object of this amendment is to remove the incapacity of persons suffering from any congenital defects from inheriting property. This amendment may be objected to from two points of view, one social and the other religious. In ancient times of unrest and misrule might was considered essential for purposes of acquiring and holding rights, so that those who were incapable could not be and as such were not considered entitled to hold property. But with the advance of civilisation and consequent state of order and peace in society and the establishment of institutions for the care of persons who are incapable, this disability does not stand in the way of persons suffering from any disability from holding property. This principle has been accepted by my Honourable friend Sir Sankaran Nair in introducing this Bill and I need not dilate upon it but I fail to understand why if such disabilities are not considered to be a bar against holding property, those who suffer through no faults of their own from congenital disabilities should be prevented from acquiring property while those who are incapacitated later on in life should be exempted. As regards religious grounds, I may at the outset say that the doctrine of spiritual benefit is of no such exclusive application in Mitakshara countries as in Dayabhaga countries and a great inroad has already been made on this principle by judicial decisions inasmuch as it has been already held that property once vested cannot be divested by any subsequent disability. If spiritual benefit were the sole test, such benefit being a continuous one, it cannot be performed by an heir when any disability intervenes. If in that case the heir can continue to hold the property, why should persons suffering from any congenital disability be prevented from inheriting property from his predecessors, especially when such religious ceremonies can and are very often nowadays performed through the help of near relatives ?

With these remarks, I commend my amendment to the acceptance of the House.

**THE HONOURABLE SIR SANKARAN NAIR:** I oppose this amendment. It is not in the Bill as finally passed by the Select Committee of the other House and at this stage I am not prepared to go further than what they have done. They have excluded lunatics and they have excluded idiots. When I asked the Council to take this Bill into consideration I pointed out that these two classes of persons stand on a different footing. I would therefore ask the Council to reject this amendment on this ground. I would however, if I may be allowed to do so, give my Honourable friend a bit of friendly advice. If the Council is against him on this occasion that will stand against him in any further attempt which he may desire to make on a future occasion to bring up this matter again. If he on the other hand withdraws his amendment the matter may receive further consideration. I hope my Honourable friend will withdraw his amendment.

**THE HONOURABLE MR. NARAYAN PRASAD ASHTHANA** (United Provinces Northern: Non-Muhammadan): I oppose the amendment inasmuch as the object of the Bill which is before the Council is to remove such disabilities which do not affect the intelligence of the person who is going to inherit. A person who is congenitally blind or deaf or dumb may have enough intelligence so as to look after his property that descends to him and manage it. But to say that a person who is congenitally an idiot or a lunatic can perform those religious ceremonies which are necessary for an heir to perform or look after the property inherited is a mere myth and therefore my submission is that so far as the principle of the Bill is concerned, it is quite plain. The amendment of my friend would bring in such persons into the category of heirs who cannot hold and manage property properly. Therefore I oppose the amendment.

**THE HONOURABLE LALA RAM SARAN DAS:** As this Bill has been allowed to be introduced I rise to support the amendment. If other relations can get the advantage, why should not the unfortunate persons who are mentioned in this amendment inherit their share of the property?

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

“That in clause 2 of the Bill the words ‘other than a person who is and has been from birth a lunatic or idiot’ be omitted.”

The Council divided:

AYES—7.

Akbar Khan, The Honourable Major Nawab Mahomed.	Ray Chaudhury, The Honourable Mr. Kumar Sankar.
Khaparde, The Honourable Mr. G. S. Mookerjee, The Honourable Srijut Ram Prosad.	Singh, The Honourable Maharajadhiraja Sir Rameshwara, of Darbhanga.
Ram Saran Das, The Honourable Rai Bahadur Lala.	Suhrawardy, The Honourable Mr. Mahmood.

NOES—13.

Assthana, The Honourable Mr. Narayan Prasad.	Harper, The Honourable Mr. K. B. Jaffer, The Honourable Sir Haroon.
Burdon, The Honourable Mr. E. Clow, The Honourable Mr. A. G. Dadabhoy, The Honourable Sir Maneckji.	Macmillan, The Honourable Mr. A. M. Rama Rau, The Honourable Rao Sahib Dr. U.
De, The Honourable Mr. K. C. Froom, The Honourable Sir Arthur. Godfrey, The Honourable Sir George.	Sankaran Nair, The Honourable Sir. Vernon, The Honourable Mr. H. A. B.

The motion was negatived. •

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

THE HONOURABLE SIR SANKARAN NAIR : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

#### HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

THE HONOURABLE SIR SANKARAN NAIR (Madras : Non-Muham-  
madan) : Sir, I move that the Bill to alter the order in which heirs of a de-  
ceased Hindu dying intestate are entitled to succeed to his estate, as passed by  
the Legislative Assembly, be taken into consideration.

Sir, a similar Bill—and when I say ‘similar’ I mean a Bill for the same  
purpose, that is, to recognise the right of inheritance of a son’s daughter, a  
daughter’s daughter, a sister, and a sister’s son and certain others—was intro-  
duced in the other House in the year 1921. Then the matter was referred for  
the opinion of the country generally, that is, to all the provinces. Opinions  
were received from all the provinces. Furthermore something was done in  
that matter which I have not seen done in any other case. Mr. Seshagiri  
Aiyar, who introduced the Bill, issued a manifesto to various persons in the  
country and, in his own words as he put it, “circulated it to all the news-  
papers, to all the Members of the Councils, Central and other, inviting them to  
give an opinion.” I have got the manifesto here and it is a pathetic appeal  
to every body concerned to come forward and say what they have to say for  
his guidance in the Legislative Assembly. Opinions were received and the  
whole matter was considered by a Select Committee of which the then Home  
Member, Sir Malcolm Hailey, and Mr. Rangachariar, who was the advocate of  
the *Mathadipatis* and who appeared as such before the Government of India  
on certain matters relating to the *Mathadipatis*, Mr. Seshagiri Aiyar, a retired  
High Court Judge, and certain others were Members. They considered the  
whole matter, and they made considerable changes, changes of such an impor-  
tant character—and I have got the Bill as altered by them—that there was  
hardly anything left of the original Bill. The matter was then brought  
before the Legislative Assembly. There was again a motion for fresh circula-  
tion ; that was defeated, and the Bill was passed. It was then brought before  
this Council by Sir Dadabhoy Naoroji (Laughter), I mean Sir Maneckji Dadabhoy  
and there was some objection taken that the Bill had not been adequately  
dealt with and it was not finally settled before the Council was dissolved.  
Again a Bill for this purpose, that is, for recognizing the rights of inheritance of  
these four classes of individuals—that is, son’s daughter, daughter’s daughter,  
sister, and sister’s son—was again introduced into Legislative Assembly.  
Nobody thought it necessary to oppose it, considering the discussion that  
had taken place before, the opinions that had been received before, and the  
Bill was passed unanimously. Now the matter comes before this Council  
and I ask this Council to take the Bill into favourable consideration. Already  
we have had some indication of the nature of the opposition that is going to  
be brought forward and I shall therefore in anticipation of that  
objection state briefly the grounds why these four individuals should

be allowed to succeed to the property of a deceased owner as heirs, and secondly, justify the place which has been given to them by the Bill. In order to do that—I am afraid it is not an easy task for me to explain to the Council, consisting as it does of Members also other than lawyers. I shall try to put the matter as briefly as I can, avoiding all the qualifications that would be required if we were to consider it in all its details, and avoiding also all the exceptions. Now in the case of a Hindu male owner of a property, we may take it that those who are descended from him in the male line are all entitled to inherit to his property according to the decisions under the *Mitakshara* law. Those who are ascendants above him in the line of succession, heirs in the male line, they also are entitled to inherit to his property in the absence of nearer agnates. Now, according to some writers, if a man dies, his sons, his grandsons, his great grandsons, and after that his parents, the sons of the parents direct and collateral, and other male descendants and ascendants, may inherit up to the 14th degree. That is to say, the order is, the man himself, his descendants, his parents and male descendants, his grand parents and their male descendants, his great grandparents and their male descendants up to the 14th degree. According to others it may go not only to the 14th degree but as long as you are able to trace the lineage. Now, Honourable Members will see that they are all males who are entitled to succeed, males either in the descending line through males or in the ascending line through males. I am not now referring to the distinctions that exist between *sapindas*, the nearer, and *samanodakas*, the remote, among these which is immaterial at present to the discussion. I may say there is one exception, and that is the daughter. Leaving that aside, those are all agnates who succeed to the property of a deceased owner. After that there come those persons, relatives of the deceased male owner, who are related to him through females, the sister's son for instance, or the mother's brother's son. All these are technically called *bandhus*. You may briefly take them to mean relatives related to the deceased owner through female relatives. Now, all the male heirs in the male line put together come to 204, and all the *bandhus* put together in so far as the courts have recognized come to 128; and these two classes of heirs between them make 332 heirs. With the exception of the daughter you find no females among them at all. Females are excluded from succession. It is not a case of males being preferred to females, but of the total exclusion of females. It even comes to this, that if there are no heirs in the male or female lines as stated by me, the Government take the property by escheat to the exclusion of females. Now that is the law. What we seek to do by this Bill is to get rid of that principle and to introduce into the line of succession a few selected females whose selection is likely to find favour with the country generally, and whose selection will be a test. Afterwards the question may be raised whether others may not come in. Of course others may come in, and I make that statement now in view of certain amendments which are being moved which seek to bring in other females as well. But their case has not been considered. We have taken up at present only these 4 females. Now you will see that those 4 females under the Bill are the son's daughter—he is nearer enough to the deceased owner—the daughter's daughter—another female who is near enough to the deceased owner—the sister and sister's son. Now in the case of the first three, they are absolutely excluded; they have no rights of succession at all. We seek to bring them into the line of succession

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so that they may inherit. Now, the Council would naturally like to know the place which we have assigned to them. I have stated already that in the case of male agnates, heirs to a deceased owner, the principle of succession which has been adopted is this. First of all a man's own descendants, and then after them the descendants of his parents, and then the descendants of the grandparents. Now strictly speaking, according to that, these two, the son's daughter and daughter's daughter, ought to come first among these, that is, amongst the man's own descendants, before you go on to his parents' descendants. After them have to come the sister and the sister's son, as the sister and the sister's son are the descendants of one's own parents. Therefore, if one's own descendants, that is, the son's daughter and the daughter's daughter are exhausted, then they are the persons who ought to come in. But the Bill does not do that. When you read the Bill you will find it has not been logical in respect of that. The reason was this. When the Bill was referred for the opinion of the various provinces, the opinion was expressed that it is not advisable to go very far now and the Home Member, who took a leading part in the discussion of these questions, advised that we had better not go too fast or too far at present, but confine ourselves to these four persons. We had others included in the first Bill, but all those names were removed, in order to conciliate opposition, that is, those who were in charge of the Bill said that they would not insist upon giving the daughter's daughter and the son's daughter the place that is rightfully theirs, but they will bring them only after the father's father and before the father's brother. That was the suggestion which was made and was accepted by them. Now the question is that I shall have to go into a little detail after hearing the speech of the Honourable Maharaja, prematurely delivered, and state how those objections are to be met. But perhaps before doing that the Council would like to know our reasons for introducing women into the line of succession. Till now it was only the males in the male line and males in the female line as described by me who were qualified, but not the nearest relative like a sister. She had nothing to do with the line of succession. First we maintain it is not right to disinherit a person simply because of her sex. The time spirit is against it, and in no system of law is it the case now. There is no case where a woman is disinherited on account of her being a woman. All those who have written on the subject have stated that the level of civilization is determined by the position assigned to women in that state of society. If that is so, that is now generally accepted, we find that women's position is so low here that if we are to rise in the scale of civilization it is necessary and only just to recognise her right of succession. In the case of all these females moreover it is a matter of social and moral obligation for the males to maintain the females who may not be entitled to the right of succession. I say that it is only just therefore that after a man's death those persons, those women, should inherit. It is a moral obligation on the part of the deceased owner that his property should go to them for their maintenance. Look at the condition of things in this terrible world of competition, where the strongest and most cunning succeed. Primarily women have no chance against men, and I expect in course of time, when the laws of inheritance are modified, that the laws will be modified in favour of those who are helpless, and those whom the deceased was bound to maintain in his life time, and on whom they were living

and depending. It may be the case that men may have to fight for their living, but nature has imposed disabilities on women which make them unfit to enter into competition with males on equal terms, though they are now doing their level best to compete with men. But the disabilities imposed by sex are such that there is practically no chance for women. Therefore, it is only right and fair that those women who have been depending upon a deceased owner for their livelihood and their position in life should be able to succeed to the inheritance, I don't say exclusively, but along with males, in order that they may be able to get on in this world.

There is one other reason. Look all over the world, everywhere you see women are pressing forward to assert their claims on a footing of equality, and their claims are being accepted by men. Whether the men get tired of the opposition or are willing to accept in reason these women's claim, their claims are being pushed forward day by day and are being accepted everywhere, even in Muhammadan countries, in Africa and Turkey, in Arabia, also in England, China, America and elsewhere. Do the Members of this Council imagine that in India women are going to sit quiet and leave us males happy without being disturbed by them? All over India meetings are being held. You will see it every day in the newspapers. Women want their rights on an equal footing with men. They want even divorce.

In the other Council a Bill was introduced for the dissolution of marriage between Hindu men and women. Would it be wise on our part to make the question not one of reform but of revolution? How has revolution generally come? When urged in moderation, those interested always oppose any advance. They say "this will not do" and all sorts of reasons are found. Then when it becomes impossible to resist the demand, revolution comes. Everything is swept away and things are given which are never demanded and are nothing to the reforms first asked for. On this occasion it is only four claimants that have come in, whose claim is put forward. We do not give them the place that is due to them according to the rule of inheritance followed by the Mitakshara. That being the case, I say it is much better that we should yield in good season, so that we may not be worried with other claims, claims for equity and all that sort of thing.

Now there is another matter also which has to be considered. It may be selfish on the part of the Council of State, but they have to consider it. Reforms are coming now. This Bill has been passed twice by the Legislative Assembly, and I suppose nobody will deny that the Legislative Assembly is more representative of the popular interests than this House at any rate. I do not say that this House is not representative. The popular interests are better represented there than in this Council of State. (*An Honourable Member* : "Question.") My friend there questions. No doubt he imagines that he alone is the popular representative of all the people either in the Assembly or in the Council of State and that others are not. It would be the case against the Council of State before the Simon Commission, "that this Council of State is composed of reactionaries and unreasonable people. Twice the Legislative Assembly, which is a comparatively popular assembly, has passed this sort of Bill. In whose interests? In the interests of women. It is a matter which will appeal to all the civilised nations of the world. Twice they have passed it. But what have these old reactionaries done? When it

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goes to them, they have got their religion, their antiquated notions of things ; they have not got the ideas of young men of India ; they stand in the way of every reform ; we must sweep them out of our path ; we do not want them, because they are an obstacle to every reform ; we cannot have any reform at all in the fact of these reactionaries ". Now, just consider that, before you vote down this Bill which has been twice passed by the Legislative Assembly. These are the *prima facie* reasons for this Bill. Again the Government have declared the public policy in the Indian Succession Act, which gives the rights of inheritance to a man's descendants, male or female, before the inheritance property passes on to any other. If Sir Henry Mayne, who is responsible for that, had his way, the Indian Succession Act would have been made a permissible law for the whole of India. He wanted a Civil Marriage Bill for the whole of India, so that anybody who did not want to be tied down to the religious laws of the Hindus could have his own way. He wanted a law of succession for the whole of India. He was not for pressing people to follow it, but for leaving it open to the people who wanted to abandon their own law of succession as irrational. I say therefore that the claims of women are supported by what has been stated to be public policy by the Government of India.

Next I deal with the religious objection that has been brought forward. The usual practice, which seems to be followed here, is for the gentlemen who take the objection to leave it to the Honourable Members, be they Christians, Muhammadans, Parsies or anybody else, to accept their own authority that the matter in issue is a religious question. They make no attempt whatever to show how it is a religious matter. They leave the whole thing alone. I shall go into a little detail to explain the questions in issue without bringing forward technical or legal arguments. The foundation of the law, the old law—and I have bestowed some trouble on it—the foundation of the old law excluding females from succession is an old statement of the law by a venerable lawyer, Bodhayana, who says women are not entitled to property and they should have no right to succession. Other writers, you will find, go for support to that lawyer Bodhayana. It is a great name in Hindu Law. He refers to a Vedic text, and he says according to the Vedas women should not have property. This is what is stated. Sirkar translates it thus :

" Females are devoid of prowess and incompetent to inherit."

Another translation in West and Buhler is :

" A woman is not entitled to inherit. For thus says the Veda ' Females and persons deficient in an organ of sense are deemed incompetent to inherit' ."

Now look at the way in which women have been tricked out of their rights. A commentator on the Vedas, Vidyānarāyaṇaswami, who examined the matter, explains that what the Vedas say is not that they should be deprived of property, but that they should be deprived of drink. That is the meaning of the Vedic text. The right translation is this :

" Women are considered disqualified to drink the Soma juice and receive no portion of it at the sacrifice."

He continues :

" Granted that women cannot get a share, what is that that they cannot get a share of ? Only of the drink, the Soma juice, not of the property."

It is on that wrong statement of Bodhayana that women have been declared disqualified to take a share of property. The text really disqualifies them from

drinking the Soma juice. It is relying on that passage that Bodhayana says that women are disqualified to inherit. Now, you may ask, is this translation of Vidyānarayanaśwami accepted? It is accepted by everybody. Even the Judges of the Calcutta High Court, who declare against the rights of women, accept that translation. Nevertheless we have to recognise the authority of Bodhayana, though his authority does not support him and some commentators follow him. The answer to that is this. There are others whose names are equally venerable who contradict it and say just the other way. I will only quote two names. Badarayana and Jaimini say :

“Women could perform sacrifices and study the Vedas. They have proprietary rights *equal* to those of men.”

This is what these two writers say. Now, I do not ask this Council to decide this question between these conflicting interpretations. We are incompetent; we cannot decide. If the question is forced on a Judge, he will have to decide, but this Council cannot decide. But I am entitled to tell this Council this. If you have sacred writers of law, like Bhodayana, saying one way, there are others whose names are equally sacred and who are equally venerable who say the other way and maintain that according to the sacred texts women are not disqualified. If we say therefore women should have equal rights with men it would be strictly in accordance with a good number of eminent sacred writers. Therefore, the statement that religion is against our giving rights to women without any qualification whatever is not true. I shall briefly give you the purport of the Smritis. The construction put by the courts upon the writings of Manu, Yagnavalkya and Mitakshara is, those alone who belong to the family technically called the *gotra* are heirs under the Hindu law. You see that the result of that would be that women are gone because women are married and they go away to another family. They then belong to another *gotra*. Therefore, they are not entitled to succeed to the property. That is the ground on which the women's rights are got rid of. Furthermore, the commentators say that women cannot study, perform sacrifices and therefore they are not entitled to succeed. That is the view that is followed both by the Allahabad and by the Bengal Courts. Just the contrary is the opinion of commentators both in Madras and in Bombay. They say it is not necessary that you should belong to the family. It is enough if you are born in the family. If you are born in the family, then you would be entitled to succeed. That brings me at once to the brother's daughter and the sister's daughter. They are born in the family. Another ground which is always put forward and which was maintained by the Madras lawyers is this—that according to the rules of *Panini* the word in the Yagnavalkya and Mitakshara which gives the right of inheritance to the male includes also the female. That word applies not only to the brother but also to the sister. That interpretation is accepted by some judges. It is accepted in Bombay in the case of some relatives. It is not accepted in the case of others.

Thus you have got this divergence. In all parts of Northern India that were under the old jurisdiction of the Allahabad and Calcutta Courts, they exclude women from inheritance. In Bombay and Madras, it is held just the other way. Now, as a Legislative Council, I ask you, what is the line that we should adopt? It is one thing for a court to say, ‘I come to such and such a conclusion on these

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texts." They cannot go beyond it. They may consider it irrational but they must abide by the texts under the Hindu law. They have to confine themselves to that. On the other hand, when we as a Legislative Council have to deal with a question like that, I have no hesitation in asking you to discard all the reactionary proposals and adopt those which will conduce to the progress of the nation. What did Christian reformers and Islamic reformers do? What is the Queen of Afghanistan doing now? She has discarded the *purdah*.

THE HONOURABLE MAJOR NAWAB MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): In Afghanistan, they do not give the female the right of succession.

THE HONOURABLE SIR SANKARAN NAIR: Under Muhammadan law women share with men. The Queen of Afghanistan says, the Koran does not require or justify *purdah* and she says "You must cast off the *purdah*". That is the way of all reform. Go back to the salutary rules of religion. Remove all the corruptions which have come in later. You may take it that God Almighty is not likely to have done anything which is against justice and the weak. You may take it that the Prophet of Islam and the great Rishis of India and the Christian saints are not likely to have done anything which is not for human happiness. So, the principle on which all religions are proceeding is this: discard what is not useful and discard what you do not want. Go back to what is for your interest and what conduces to the welfare of the country. Maharajas may be against us and orthodox people may be against us. Now, why should I ask you to adopt the Bombay and Southern India view in preference to the Northern India view? Bombay passed those laws at a time when the Mahrattas were free, were advancing from success to success. Such laws conduced to their benefit and progress. That is a good reason why we should accept that rule. In Southern India the man who enacted this law said, "the whole thing is wrong". He was the Prime Minister of the State, and his position differed from that of others in that he was the Prime Minister of the Vijianagram kingdom, the last great Hindu kingdom. Being Prime Minister of that kingdom, he was in a position to enforce the rules. He called all the great Sanskrit Pandits of the time. He with his brother was the commentator of the Rig Veda, and that man was in a position to enforce that law. Therefore, you have the laws in South India, the commentators in Southern India and the commentators in Western India, at a time when the Hindu religion was in its glory and the Hindus were free and prosperous. But North India was then under the Muhammadans and the Hindus had to preserve themselves against the democratic and iconoclastic tendencies of Muhammadanism. Therefore the rules which were enacted in Northern India were rules intended to preserve Hinduism, not intended for advance or for a very progressive nation. This explains the rules which were enacted by these Northern India commentators, and by the Mahratta and Southern India commentators. What is the result? If you meet a Marathi woman, she speaks to you face to face. Go to Northern India, the lady speaks to you behind a *purdah*. So I say there can be little doubt that we should adopt the laws which were adopted by Hindus at the time of their glory. Now one more argument,

and I shall have done. Sir, women were declared disentitled to inheritance by these writers because they could not study the Vedas and thus they were not entitled to perform sacrifices. Sir, women now take honours in Sanskrit and in Vedic studies and get scholarships. For all these reasons, I say the existing law is against our interests; it would stamp us as men of low culture, because where the women are not advanced, there the civilization is taken to be of a low standard and according to this test Hinduism would be taken by others to be of a low culture. For all these reasons I maintain that we should get rid of the disqualifications for women. Sir, I commend the Bill to your favour.

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

“That the Bill to alter the order in which heirs of a deceased Hindu dying intestate are entitled to succeed to his estate, as passed by the Legislative Assembly, be taken into consideration.”

To that motion there are two amendments on the paper: and I think I may say at once that the first motion for the circulation of the Bill standing in the name of the Honourable Mr. Rama Prasad Mookerjee is not in order. I have explained to the Council on more than one occasion previously why it is not so. The rules do not contemplate a motion of that kind in connection with a Bill passed by the other House and laid on the table here. The rules may be right or wrong, reasonable or unreasonable, but I am bound by them. The point is so abundantly clear that I do not propose to invite discussion. I therefore call upon the Honourable Mr. Ramadas Puntulu to move the amendment standing in his name.

**THE HONOURABLE MR. V. RAMADAS PANTULU (Madras: Non-Muhammadan):** Sir, I move that the Bill be referred to a Select Committee. In doing so I wish to make it very clear to this House that I am in entire sympathy with the principles of this Bill. The idea of giving a legitimate place in the order of succession to the female relations of a deceased Hindu is not new, and the claims of persons selected for preference are such as cannot provoke any opposition. My friend, the Honourable Sir Sankaran Nair, has placed before this House the case for the Bill in a very able manner and I associate myself entirely with all that he has said with regard to the main principles of this Bill. If any further reasons are necessary, I will add one more. Now that in every country women are enfranchised, and the latest attempt at constitution in this country says that there should be adult franchise both for men and women, I do not think we should tolerate a state of society in which women are disinherited. The Married Women's Property Acts and other Statutes to remove disabilities of women to own properties preceded, in England and elsewhere, attempts to enfranchise women; therefore it would be anomalous to give political power to women and at the same time disinherit them. I was trying only the other day to find out what the position would be of the voters in England after the enfranchisement of all women and I found from statistics that at the next general election 14 million women will take part as against 12 million men who will take part; and if we place any faith in the constitutional theory that political power is entrenched behind the vote, then the political power in England will be entrenched behind the superior number of women's votes; and if India adopts the Nehru Report, there will be many more women voting than men.

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Therefore I do not contemplate a state of society in which women who are to be enfranchised will be disinherited under the Indian laws. Therefore, I make this addition to the arguments of Sir Sankaran Nair in favour of the proposed Bill. If I am moving for reference to a Select Committee, I do so not in a spirit of obstruction or for causing delay or defeating this legislation. I shall be content with three days time for the Select Committee to report, and for my part I shall not claim seven days under paragraph 78 of the Manual of Business, after the Select Committee's Report is laid on the table. With your permission, Sir, that rule can be waived, and I am quite willing that the Bill with the Select Committee's report should come back as quickly as possible for the consideration of this Council. (*An Honourable Member*: "It is quite open to others to claim it?") It is open to the President to dispense with it.

I shall proceed to explain very briefly the reasons for my making this motion, after making it abundantly clear that I am entirely in favour of the principle of the Bill. The Bill as it stands is very defective in its wording. Those who are in favour of this legislation ought not to bring in a measure which will give rise to considerable difficulty both in its interpretation as also in its application. Without occupying the attention of the House for any length of time I will refer only to half a dozen defects which in my opinion require attention. First of all in clause 2 it is said the Bill applies to persons subject to the law of the "Mitakshara country". I have never heard of the expression "Mitakshara country". There is in India no such country. If my friend means provinces like Madras, the United Provinces and Bombay where the people are under the Mitakshara law, then he will exclude families who are governed by the Mitakshara law who are living in other provinces like Bengal where the Dayabhaga law prevails. There are many people from Madras, the United Provinces and Bombay living in Bengal, and though they may own properties in their own provinces and be subject to the Mitakshara law, they will be excluded from the benefits of the Bill because Bengal is not a "Mitakshara country". Therefore I take serious exception to excluding people who are living in parts of India which cannot appropriately be called "Mitakshara country".

**THE HONOURABLE SIR MANECKJI DADABHOY** (Central Provinces : Nominated Non-Official) : Is not the term "country" synonymous with the term "school" ?

**THE HONOURABLE MR. V. RAMADAS PANTULU** : Unfortunately not. Therefore I urge that you ought to say "Mitakshara school" ; "the law of the Mitakshara country" is not a proper expression. Then, Sir, there are words in clause 2 "whether as a paramount authority or not". That, Sir, involves a very serious question of Hindu law. If the intention of this legislation is to touch the Mayukha law also, which governs Bombay and which is really a sub-school of Mitakshara, then the sister who now takes the 13th rank in succession under Mayukha will take the 35th rank according to this Bill. I do not know whether my friend intended not only to help some women but to do a disservice to others. But if this Bill becomes law a female heir now placed

13th will occupy the 35th place. Therefore the words "whether as a paramount authority or not" ought to go. Another point is about the date from which this Bill is to come into operation. My friend puts it as the 31st day of July 1928. That will lead to certain very grave consequences for it makes the Bill partially retrospective in its application. To make this aspect clear it will take some time for me to explain the legal position and I do not want to do so at this stage. I will only give a very simple illustration. Till the passing of this Bill the father's brother will be a reversioner higher in rank than sister's son. The Bill seeks to make the sister's son a preferable heir to the father's brother. Therefore a man who has been an expectant reversioner, say, for the last 20 years since the death of a Hindu propositus is suddenly shunted down very many degrees and another new heir, the sister's son, is brought over him. It may be said that both of these were expectant reversioners and there was no question of divesting an estate vested in anybody. But that is not the point. Many things are built upon expectancies. A man may have incurred liabilities or purchased properties on the expectation of falling in of reversions. But just about the time he expects to get the property he will be put out of court. I think it is absolutely unjust and it is opposed to sound principles of legislation to make such retrospective changes in the order of succession. There are other anomalous consequences which will follow if this date is accepted. The Bill ought not to apply to inheritance to Hindus who died before the passing of this Bill. That is an essential point. Then, Sir, there is the question of the definition of "Hindu". That is very defective in my opinion. In the first place it is unnecessary, and, if it is necessary, it is not rightly worded. It speaks of Hindu as "a person of the male sex". It is well known to Members of this House that certain women have absolute rights in property called Stridhana property, the succession to which is regulated in the same manner as in the case of a man. Succession to absolute property to women will follow the archaic rules while succession to men is changed by this definition. Then in clause 2 (c) there is a very curious definition of "adopted son". It says:

" 'Son' includes an adopted son, provided that, in the case of the adoption of a son to a sister's husband, the adoption has been made with the consent of that sister during her lifetime."

Even after a sister's husband dies the sister can make an adoption, and the adoption is made to her husband. Therefore, in the case of adoption made to a sister's husband, by a sister with the consent of her deceased husband, such a son would not be an adopted son under the definition. Probably the intention was to exclude a son adopted by a sister's husband after the sister's death. But the intention is not at all correctly expressed and probably the word "to" is a mistake for the word "by". In clause 3 also I think that one or two more female heirs ought to be brought in. Sir Sankaran Nair has said that there are many others who may be brought later; their case was not considered and that we ought to consider only the cases of the four individuals included in clause 3. But in the matter of succession it will be opposed to recognized principles of legislation to be frequently changing it. In my opinion the son's widow has got a preferential claim to the son's daughter. Balambhatta says so expressly. Under Hindu law the widow has precedence of the daughter. Therefore in clause 3 I think some other females should be brought in. It is a very mischievous principle in social legislation to be frequently irritating people and changing frequently the Hindu law texts regulating the order of

[Mr. V. Ramadas Pantulu.]

succession. I quite understand that it will be possible to add other people later on, but if a person occupies one place to-day in the order of succession and to-morrow you come along and put another person over him or put the same person below somebody else, it will unsettle rights to an extent that is not warranted by sound principles of legislation. There are other objections which I do not want to go into at this stage very minutely. The Bill does require consideration both in drafting and in substance.

With regard to Sir Sankaran Nair's statement that it was well considered by the other House and circulated for opinions I beg very seriously to differ from him. On both the occasions when it was brought, in 1923 and in 1928, it was hurried through at the fag end of the Session and adequate consideration was not given to the Bill. I will only refer to one small speech of four lines made by an Honourable Member who opposed the passing of the Bill in 1923.

"I oppose this motion. My submission is that this is a matter which will have very far-reaching consequences and at the fag end of the Session, when the House is very thin and when a large number of Honourable Members have left the station and some of them are packing their luggage and phoning to the station master to reserve their berths, I submit that it would not be proper for us in the absence of our other Honourable colleagues to consider this motion and pass it."

Then Mr. J. N. Mukherjee said :

"We are all packing up and most of us are half in the station."

The circulation that was said to have taken place was not to public bodies but to provinces. The public had no opportunity of giving an opinion on it. On the last occasion there was a very thin House, and the whole debate covers about 15 lines. I find there are no speeches and no consideration. It is not, therefore, in a spirit of delay that I make this proposal but in the interests of the persons whose rights we are here to protect.

With these words I beg to move my motion that this Bill be referred to Select Committee. I hope Honourable Members will see that I have no intention of defeating this Bill, and I beg of them to vote for my motion.

THE HONOURABLE THE PRESIDENT: The amendment moved is :  
"That the Bill be referred to Select Committee."

I ask Honourable Members who desire to speak on this motion to confine themselves strictly to that amendment, that is to say, to the question whether the Bill should be referred to a Select Committee or not.

THE HONOURABLE SIR ARTHUR FROOM (Bombay Chamber of Commerce): Sir, when I first read the motion standing in the name of the Honourable Mr. Ramadas Pantulu, it appeared to me that it was a dilatory motion, because I understand the original Bill had been considered by a Select Committee in the other House, and I believe I am correct in saying so. (*Several Honourable Members* : "No, it was not".) The original Bill was considered by a Select Committee of the other House. (*An Honourable Member* : "That Bill died.") That being so, I thought that my Honourable friend, Mr. Pantulu, had taken advantage of a fortuitous circumstance that this Bill, although exactly similar, was not the original Bill so that this Bill before us had not been considered by a Select Committee, and therefore his motion was in order. I listened with considerable attention to the speech made by the Honourable Sir Sankaran Nair and also to the speech made by the Honourable Mr.

Ramadas Pantulu, and have come to the conclusion that there was a good deal in what the Honourable Mr. Pantulu said. He has declared that his motion is not in any way intended to be a dilatory one; that he supports the Bill but that he thinks that a Select Committee of this House should approve it. I support his motion that the Bill be referred to a Select Committee of this House, and I heartily support the Honourable Mr. Pantulu's statement that he would like the report of the Select Committee made at an early date as possible, in support of his contention that he is not trying to block this Bill in any way.

THE HONOURABLE SIR SANKARAN NAIR: My Honourable friends have declared their love for this Bill and what they say is that they want to improve the Bill and not to see it thrown out. But the Standing Order says that if a Bill is to be taken into consideration the Report must be made available for the use of Members for seven days before it comes on for consideration, unless the President in the exercise of his power suspends the Standing Order. The result of this motion is that, if the Bill be referred to Select Committee and say they report on it after two or three days, you will have to wait for seven days before the Bill is taken into consideration. That gets rid of the Bill during this Session.

THE HONOURABLE SIR ARTHUR FROMM: The President may suspend the Standing Order.

THE HONOURABLE SIR SANKARAN NAIR: You can assume that. Whether he suspends it or not depends on the questions before him and the nature of the Report. It is only at that time he can make up his mind. Of course if he says now he will suspend the Rule it is a different matter. I would agree that the Select Committee should be asked to report in two days. Now one question is whether the son's widow should come before the others. The question has not been considered by the Legislative Assembly Committee. It is a new question that has come up here and whatever the Report may be—(*An Honourable Member*: "It was raised in the Assembly also.") it is not in the papers that I have—if a Member says, I want to move amendments, the President might hesitate as he did when I requested to him in this very matter to suspend the three days' rule. It depends upon circumstances as to what he is going to decide upon. So that I submit there is no doubt that what my friend wants is calculated to get rid of the Bill, and therefore I say it is intended to get rid of the Bill. What are the amendments which are now sought to be brought forward? Some are verbal amendments. They are all questions for the Law Department. We will accept whatever the Law Member says, except, of course, my Congress friends. They are not likely to accept the Law Member's opinion as to what those verbal alterations should be.

Then we will turn to the next question. Apart from the verbal amendments, there are other questions of great importance, that is, the right of the brother's widow, the sister's son. They are all going to be decided by this Council. How can the Select Committee decide it? It is not a question to be decided in Select Committee. The Select Committee is intended to deal primarily with those cases where we have circulated for opinions. That is why it is said when a Bill had been referred to a Select Committee in the Legislative Assembly, we cannot refer it to a Select Committee.

[Sir Sankaran Nair.]

As I told you, not one but many opinions were received. One of the questions which my friend has raised is whether the brother's widow should come in or not. It cannot be decided without the representative of the Government and without knowing what attitude he will take with reference to the right of the Government. The man who opposed the Bill tooth and nail was there, Mr. Rangachariar; then the author of the Bill was there. We have not got the assistance of any one of them in the Select Committee. The original Bill has been completely altered by the Select Committee. Every sentence has been modified. I will not say every word has been altered because I find there are only half a dozen words left. All the rest of the Bill has been modified. The Select Committee of the Assembly has bestowed careful consideration to all the matters. And is the Select Committee sitting here for two days going to deal with these important questions brought forward by my friend? Those questions have not been discussed, so far as I can see, anywhere, because they could not come within the scope of the Bill at all. They are all questions which are eminently fit for discussion on the floor of this Council, except the verbal amendments. My friends say, "We are fond of this Bill; we want this Bill. The Bill is one that is absolutely wanted, but at the same time I want a small thing which will have the effect of putting it off this Session. I am therefore against it."

THE HONOURABLE MR. NARAYAN PRASAD ASHTHANA (United Provinces Northern : Non-Muhammadan) : Sir, I rise to oppose the amendment that has been moved, and my grounds are that the Select Committee might improve it, but it will improve this Bill out of sight altogether. My reason for saying so is that the amendments made in the Bill will necessitate its going back to the Legislative Assembly and being considered there and this I do not think can be done during this Session. Even if the words "31st day of July 1928" are omitted, under the rules, this Bill must go to the Legislative Assembly for the purpose of ratification or for the purpose of agreeing with the amendment made by this House. Now this means that the Bill must go to the Legislative Assembly again, and we do not know when it will be considered by that body and when this Bill can be put on the Statute-book. They may not agree altogether and the Bill might be shelved again, and therefore I submit that the effect of committing this Bill to the Select Committee for improving it in any respect would be now to shelve the Bill altogether. If any improvement is going to be made and if any improvement is contemplated, that can be made by an amending Act afterwards. If my friends who have moved for the appointment of a Select Committee consider that the principle of the Bill is sound, that these heirs must come in, and that their case is so obviously just, then they should agree to the Bill being passed as it stands, so that it may not be necessary to send this back to the Legislative Assembly, and when it is put on the Statute-book then they may bring forward an amending Act for the purpose of improving it, so that the son's widow, and all other persons whom they want to include among the list of heirs might be included. Therefore my submission is that the committing of this Bill to the Select Committee means shelving it and shelving it for an indefinite time, rather killing it, and therefore I oppose this motion.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I cannot share the apprehensions which have been advanced in this House both by Sir Sankaran Nair and my friend there in support of their opposition to the very reasonable amendment of my friend Mr. Ramadas Pantulu. I had myself sponsored this Bill in this Council in 1923 and I am to-day, as I was then, entirely in favour of the principles embodied in this Bill. But we cannot lose sight of the fact that this law contemplates very radical changes in the law of succession prevailing among the Hindus for over several centuries. This is a most important piece of legislation and there may be differences of opinion, reasonable differences of opinion, on some matters connected with it. Personally I do not think it is fair to the other Members of this House who are opposed to this Bill to deal with it in a hasty manner. I do not see any serious objection to this Bill going to the Select Committee for the purpose of being fully considered and also for examining the arguments of some of our friends on the opposite side who are not in support of the Bill. In a matter of this character, where the law of succession which has prevailed for many years and administered by our courts for over 70 years, what difference will it make if the consideration of the Bill is adjourned for 7 days or so, even if the full time is claimed after it comes back into this House ? I even go further and say that even if there be no time to consider this Bill—which I do not believe, I think we are likely to sit this Session till the end of this month—even if it comes for discussion at the fag end of this Session or at a later Session, a little delay does make very little difference in such a serious matter where radical changes in the law of succession are to be made. I think every respect should be shown to the opposite view and I do not think the interests of the mover of the Bill will in any way suffer. Our friend there urged that this Bill will have to go back, in case further amendments are made, to the Legislative Assembly. Perhaps such a course may even be possible. The Legislative Assembly is not going to become extinct by efflux of time till 1930 ; and even if this Bill is to go back to the Legislative Assembly and considered at the next Session, I do not think anything will be lost by such delay. I think it is only right and fair that we should not hastily pass this Bill. We should consider the other side of the question too and give our friends every opportunity of arguing their case and placing it before the Select Committee. For these reasons, I support the motion to refer the matter to a Select Committee.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal : Non-Muhammadan) : Sir, it has been pointed out by the Honourable mover that there was a Select Committee when the old Bill was before the Legislative Assembly and that public opinion was invited on that Bill. But, Sir, the original Bill which was placed before the Legislative Assembly was not the Bill as it emerged out of the Legislative Assembly in 1923 and it is not the identical Bill which has now been sponsored by Sir Hari Singh Gour. The Bill was not circulated for eliciting public opinion but it was circulated by the Government of India to the heads of the different provinces for the purpose of having their official opinion and the opinions of such other bodies as they would like to have. Through the courtesy of the Legislative Department I have got a copy of the opinions that they got at that time. I find that at that time the majority of the provinces did not declare them-

[Srijut Rama Prasad Mookerjee.]

selves to be in favour of this Bill in the sense that many of the provinces that were not affected by the original Bill as drafted did not express any opinion ; and as regards the provinces which were affected, there also the opinions were so divergent that the Government in each place asked the Government of India to maintain a position of strict neutrality and also to get the opinion of the Hindu public before this Bill was passed into law. When the matter went before the Select Committee at that stage any member who cares to read the proceedings will find that notices were not properly issued, the members did not meet when the meetings had been called and the report had not been signed by all the members of the Select Committee. This was the situation in the old Council. The Bill on that occasion came before the Legislative Assembly at the fag end of the Session—I think on the very last day. Although objection was taken by some Members, that objection went unheeded. The Bill has been brought in this time by Sir Hari Singh Gour and, as was pointed out by my Honourable friend Mr. Pantulu, it was passed by the Legislative Assembly in the course of a few minutes. Many of the Hindu Members were not in the Assembly at that time. These facts show conclusively that this Council should ponder deeply on this Bill and not allow it to pass lightly in a reforming mood and attempt to remedy an alleged defect which has been in the Hindu law for centuries past. The females ought to have larger and larger rights. Nobody is against that ; coming from Bengal where females have certainly higher rights than in many parts of Northern India I would not stand in the way of females getting larger and larger rights, but I would certainly not agree to any proposal which affects millions of the Hindu population before we have pondered over the Bill and taken into consideration the effect that will be produced on other portions of Hindu law. I would not go into details at this stage. There are other provisions in the Hindu law which have not been taken into account by the Honourable Mover of this Bill. The effects that would be produced on other portions of the Hindu law by the passing of this measure have to be taken into consideration. You will find, Sir, that in the Bill as drafted and as passed by the Legislative Assembly, steps are being proposed to be taken only for changing the order of succession for inheritance to property from males, but no word is mentioned about succession to property from females. Broadly speaking, succession to *Stridhan* property is regulated, where the marriage is in one of the approved forms, according to the order of succession in the husband's family. Thus an anomalous position would arise by passing this Bill—one member of the family would get the property from the husband and another member from the wife. That point of view has to be taken into consideration by the Select Committee and that is a matter which cannot be gone into by the full House. It may be necessary for the Select Committee to go very carefully into the question about the date from which the Bill is to be given effect to, and that is most important. It is proposed to give this Bill retrospective effect from the 31st July 1928. That is a very serious matter. That date has probably been taken from the previous Bill which had been introduced in the Legislative Assembly by Mr. Seshagiri Aiyar. In the earlier Bills, the date mentioned was 31st July 1923 or 1924. The year only was changed by the sponsor of the Bill and the time that would be taken in passing the Bill through

both the Chambers of the Legislature and for getting the assent of the Governor General was not taken into consideration. I would therefore strongly impress upon the Members of this Council to send the Bill to the Select Committee so that there may be free discussion among the members, and after the Bill comes back from the Select Committee it will be open to the Council either to accept or to reject this measure. There is no question of hurry. The present state of things has been in existence for centuries and even if the Bill is passed in January next that would not upset Hindu Society. Speaking for myself I do not know that there has been any demand from the Hindu public for a change of this character. This is a change which was first put forward by Mr. Bashyam Iyengar in the early nineties. Then it was dropped. Then it was brought up by Mr. Seshagiri Aiyar. Again it was dropped. Now it has been taken up again by Sir Hari Singh Gour. It is certainly possible to dispose of this measure before the life of the Council comes to an end and my friend the Honourable Mr. Pantulu has pointed out that it is not by way of a dilatory motion that he has brought forward this proposal. He wants the Bill to be brought up before this Council before the end of the Session. Judging from what is happening in the Assembly, it seems quite likely that we may be sitting for another two weeks and there will be sufficient time for all these matters being gone into. I would therefore suggest that the proposition made by the Honourable Mr. Pantulu should be accepted.

THE HONOURABLE MR. MAHENDRA PRASAD (Bihar and Orissa : Non-Muhammadan) : I cannot understand the solicitude of my friends Sir Sankaran Nair and Mr. Ashthana that this Bill should be rushed through this Session at Simla. The Bill that is before the House is the one that emerged from the Select Committee in 1923, but it still is full of defects as has been categorically stated by the Honourable Mr. Ramadas Pantulu and to which list of defects I could myself add, but I do not want to do so. That alone should have satisfied my friends over there that this Bill should be referred to a Select Committee. Sir Sankaran Nair suggested that some people say things in favour of the Bill and in the end want to shelve it. It is a most unjust criticism against the Leader of my Party. He has made his position absolutely clear that he agrees with the principle of the Bill and that he wants it to be properly looked after by people who are interested in it. I think it is absolutely unfair to try to rush this Bill through and I hope that the House will agree to send the Bill to the Select Committee. The Honourable Mr. Narayan Prasad Ashthana has said that if any amendment is made the Bill will have to go to Assembly. I cannot understand what harm there will be if it has to go to the Assembly. It may be, it may not be passed this Session, but that should not be a reason for rushing through such legislation. Even if it does not come up before this Session it will certainly come up in the Delhi Session and much harm will not be done to the Hindu society during the interval. I therefore strongly support the motion that has been brought by my leader, Mr. Ramadas Pantulu.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir, I have always opposed these attempts at piecemeal improvements of the Hindu law of my friend, Sir Hari Singh Gour, who has been continually bringing in these small things by way of improvement of the Hindu law. Now the Hindu law is a system and if you want to alter a system, you must take all parts of the system into consideration before introducing all kinds of improvements. As it

[Mr. G. S. Khaparde.]

is, Hindu law is being improved out of existence. Marriages are sought to be reduced to the form of Gandharva marriages, and the system of divorce, corresponding to the Muhammadan form of *Talakh*, is sought to be introduced. Similarly in the present case it is admitted that there are many defects, and yet it is argued that if these defects and difficulties are sought to be removed that would cause great delay; therefore this imperfect legislation ought to pass. I say, "Why this indecent haste?" The laws of inheritance have been in existence for centuries, and why should a delay of a few months frighten people and make them so very anxious to pass the present Bill with all its defects and faults? My friend over there said, "Oh, you can bring in a supplementary Bill." Sir, that reminds me of an old story of a woman who went to a neighbour and said, "My husband has been working the whole day and without food, therefore would you give me some food for him?" The neighbouring woman said, "What shall I give to my husband who will return very hungry?" "I shall provide medicine for him", said the woman. The neighbour replied "Why don't you give medicine to your own husband, let my husband have his meal as usual." Now in the same way, with regard to this imperfect Bill, my Honourable friend says, "Well, let my Bill pass and you bring a fresh Bill to improve it. I ask, "Why this impatience? Let me improve your Bill now." I remember in England there was a proposal that a person should be permitted to marry his deceased wife's sister. I remember in my time it took 40 years for that Bill to be passed through the House of Commons.

AN HONOURABLE MEMBER: More than that.

THE HONOURABLE MR. G. S. KHAPARDE: And here, with regard to the laws of inheritance they are sought to be amended at once, on the ground that it would otherwise cause too much delay. I do not understand this argument. I object to carrying out piecemeal legislation to improve the Hindu law out of its existence. Such a step to my mind is very undesirable. I therefore strongly support my friend, the Honourable Mr. Pantulu's proposition, that it should go to a Select Committee.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the Bill to alter the order in which heirs of a deceased Hindu dying intestate are entitled to succeed to his estate, as passed by the Legislative Assembly, be taken into consideration."

Since which an amendment has been moved:

"That the Bill be referred to a Select Committee."

The question is that the Bill be referred to a Select Committee.

The motion was adopted.

THE HONOURABLE MR. V. RAMADAS PANTULU: Sir, I move that the Select Committee do consist of the Honourable Sir Sankaran Nair, the Honourable Srijut Rama Prasad Mookerjee, the Honourable Mr. Anugraha Narayan Sinha, the Honourable Rai Bahadur Lala Ram Saran Das—and may I substitute the name of the Honourable Mr. Narayan Prasad Ashthana for that of the Honourable Raja Moti Chand who has not come, because I want the United Provinces to be represented on the Committee?—the Honourable Mr. Haig, the Honourable the Law Member and the Mover—if I have your permission, I should like to add two more names, those of the Honourable Sir Maneckji Dadabhoj and of the Honourable Mr. Khaparde—and that the number of members whose presence shall be necessary to constitute a meeting of the Committee, shall be five.

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

“That the Select Committee to which the Bill has been referred shall consist of the Honourable Sir Sankaran Nair, the Honourable Srijut Rama Prasad Mookerjee, the Honourable Mr. Anugraha Narayan Sinha, the Honourable Rai Bahadur Lala Ram Saran Das, the Honourable Mr. Narayan Prasad Ashthana, the Honourable Mr. Haig, the Honourable Sir Maneckji Dadabhoy, the Honourable Mr. Khaparde, the Honourable the Law Member and the Honourable Mr. Ramadas Pantulu, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

**THE HONOURABLE MR. V. RAMADAS PANTULU :** I request you, Sir, to direct that the Report may be made ready in three days.

**THE HONOURABLE THE PRESIDENT :** That is a point for the Council to direct. There is nothing to prevent in this particular case the Report being submitted to the Council at as early a date as possible because it must be more than three months since this Bill was first published in the Gazette. But without a motion being moved and the decision of the Council, I am not able to direct anything with regard to the presentation of the Select Committee's Report.

**THE HONOURABLE MR. V. RAMADAS PANTULU :** Then, with your leave, Sir, I move that the Report of the Select Committee be presented within three days.

**THE HONOURABLE MR. G. S. KHAPARDE :** Sir, I oppose that motion. I do not think the matter can be ready in three days. The law has gone on for centuries. It cannot be amended in half an hour or two days or three days ; matters cannot be advanced in that manner.

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

“That a direction should be given to the Select Committee to report within three days.”

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 18th September, 1928.