

26th March 1927

THE

# LEGISLATIVE ASSEMBLY DEBATES

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FIRST SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1927



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# LEGISLATIVE ASSEMBLY.

Saturday, 26th March, 1927.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President in the Chair.

## QUESTIONS AND ANSWERS.

### REVISED SCALE OF PAY OF THE SUBORDINATE ACCOUNTS SERVICE, CIVIL AND POSTAL AND TELEGRAPH AUDIT OFFICES UNDER THE AUDITOR GENERAL.

1198. \*Mr. Chaman Lall: 1. Is it a fact that:

(a) the scale of pay of the Subordinate Accounts Service, Civil and Postal and Telegraph Audit Offices under the Auditor General was revised in 1925 and that the pay of present incumbents in the revised scale was fixed under Fundamental Rules 22 and 28?

(b) the pay of those who were in Rs. 150, 170, and 190 stages (old scale) was fixed at Rs. 200 (revised scale), i.e., men having put in one year, two years and three years' service in the Subordinate Accounts Service were brought on the same level and thus those getting Rs. 190 got a meagre increase of Rs. 10 only?

2. (a) Is it a fact that by fixation of pay under Fundamental Rules 22 and 28, the present incumbents would reach the maximum in the 18th year of service while the new entrants would attain it in the 16th year?

(b) If so, do Government desire to remove the difference now when the pay of the Subordinate Accounts Service members attached to the Controller of Currency and offices subordinate to him was fixed according to length of service?

**The Honourable Sir Basil Blackett:** 1 and 2. (a) I presume that the Honourable Member refers to offices to which the scale of Rs. 200—20—500 applies, in which case the reply is in the affirmative.

2. (b) There are no such appointments in the Currency Department. The corresponding appointments in that Department are those of Superintendents, whose pay on the new scale was also fixed under Fundamental Rules 22 and 28 and not according to length of service.

### OFFICE HOURS OF MUSLIMS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, DELHI, DURING THE RAMZAN.

1199. \*Mr. Chaman Lall: Is it a fact that the Muslims in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, attend

office during the Ramzan from 8 A.M. to 1 P.M. daily even though the Ramzan may fall during summer or winter? If so, why is this concession by a Muslim Deputy Accountant General allowed to the Muslims in that particular office while the Muslims in all other Government offices attend office at usual hours?

**The Honourable Sir Basil Blackett:** The answer is in the affirmative. The present Deputy Accountant General is not responsible for the practice which was started in 1921. The practice has not been authorised by the Accountant General who has taken steps to stop it.

**ACTION TAKEN ON THE RECOMMENDATIONS OF THE INDIAN AUXILIARY  
AND TERRITORIAL FORCES COMMITTEE.**

1200. \***Mr. Chaman Lall:** Has any action been taken on the recommendations of the Shea Committee appointed by the Government to inquire into the working of the Auxiliary and Territorial Forces?

**Mr. G. M. Young:** Action is being taken to give effect, as far as possible, to the recommendations mentioned in paragraphs 25(V) (b) and 26(h) of the Auxiliary and Territorial Forces Committee's Report. Action on the remaining recommendations depends on the sanction of the Secretary of State which is awaited.

**SELECTION OF CANDIDATES FOR APPOINTMENT IN THE SECOND GRADE,  
SUPERIOR TRAFFIC BRANCH, TELEGRAPH DEPARTMENT.**

1201. \***Mr. Chaman Lall:** (a) Is it a fact that the colour question is allowed to count much in selecting candidates for appointment in the second grade, Superior Traffic Branch of the Telegraph Department?

(b) If the answer to the above question is in the negative, will the Government please state the number of such appointments sanctioned and as it stood on the 1st April, 1925, quoting the number of appointments held by Indians and non-Indians assigning cause for minority of Indian element in the above branch?

**The Honourable Sir Bhupendra Nath Mitra:** (a) No.

(b) The number of appointments sanctioned on 1st April, 1925, was 85. Of these one was held by a European and 84 by Indians (including Anglo-Indians who are Indians by Statute). Out of these 84, only 2 are Indians of unmixed descent, and 82 are Anglo-Indians. The reason why the number of the former is relatively so low is the existing preponderance of Anglo-Indians in the ranks from which recruitment to the superior Traffic Branch is made. As due regard must be paid to seniority when making selections for this Branch it follows that Anglo-Indians mostly have been selected.

**Mr. A. Rangaswami Iyengar:** May I know, Sir, if any steps have been taken to prevent this kind of undue preference occurring in the future?

**The Honourable Sir Bhupendra Nath Mitra:** I think, Sir, I have on several occasions in recent months informed the House that the whole question of the future recruitment of departmental telegraphists is now engaging my consideration.

ARTICLE IN THE *MUSLIM OUTLOOK* REGARDING THE FORMATION OF A  
WHITE LEAGUE IN NEW ZEALAND.

1202. \*Mr. Chaman Lall: (a) Has the article entitled "Formation of a White League in New Zealand" published in the *Muslim Outlook* of Lahore, datéd 30th October, 1926, been brought to the notice of the Government?

(b) Are Government aware that there is a fairly large number of Indian settlers in New Zealand?

(c) Are Government prepared to use their good offices with the Government of New Zealand to curb the propaganda of this League so that the interests of the Indian settlers may not suffer?

**Mr. J. W. Bhore:** The Honourable Member is referred to the reply given by me on the 23rd March to Raja Ghanzanfar Ali Khan's question No. 1146 on the same subject.

ARTICLES IN THE *MUSLIM OUTLOOK* REGARDING THE PITTIABLE CONDI-  
TION OF MR. SALAMAN, A NATIVE OF AMRITSAR, NOW RESIDENT  
IN AUCKLAND, NEW ZEALAND.

1203. \*Mr. Chaman Lall: (a) Has the attention of Government been drawn to two articles published in the *Muslim Outlook* of Lahore in its issues dated 12th and 13th February 1927, wherein the pitiable condition of one Mr. Salaman a native of Amritsar and now resident in Auckland is vividly described?

(b) If so, do Government propose to take any action in the matter to alleviate the sufferings of Mr. Salaman at a very early date?

**Mr. J. W. Bhore:** The Honourable Member is referred to the reply given by me on the 23rd March, 1927, to Raja Ghazanfar Ali Khan's question No. 1147 on the same subject.

LARGER USE OF BRITISH TYPEWRITERS IN GOVERNMENT OFFICES.

1204. \*Mr. Chaman Lall: 1. Have Government seen the recent report in the press of an increase of 400 per cent. in orders for British typewriters in England as a result of the King's comment last year regarding the use of foreign typewriters in that country in preference to British machines?

2. Will they be pleased to state the number of (a) British, and (b) American typewriters, in use in Government offices in India?

3. Have Government taken any action favourable to the larger use of British typewriters in their services and departments?

**The Honourable Sir Bhupendra Nath Mitra:** 1. Yes.

2. Particulars are not available of all the typewriters used in Government offices throughout India. \*The collection of the information will involve an amount of expenditure of time and money wholly incompatible with the advantage to be derived from the special census.

3. The answer is in the negative.

DIFFERENCE BETWEEN ATTACHED AND SUBORDINATE OFFICES OF THE  
GOVERNMENT OF INDIA.

1205. \*Mr. Chaman Lal: Will the Government be pleased to state:

- (a) the names of the attached and subordinate offices of the Government of India?  
 (b) the difference between the attached and subordinate offices of the Government of India? and  
 (c) the status of the Army Headquarters and Railway Board offices?

**The Honourable Sir Alexander Muddiman:** (a) A list is being laid on the table.

(b) The Honourable Member is referred to the reply given to starred question No. 621 on the 26th February last.

(c) The status of the Army Headquarters is very fully described in Chapters 4, 5 and 22 of the book entitled "The Army in India and its Evolution", a copy of which will be found in the Library. The Railway Board is a Department of the Government of India.

Statement prepared in 1925 showing Attached and Subordinate Offices of the Government of India.

1	2	3	4	5
Local Clearing Office.	Director, Botanical Survey.	Office of Auditor Genl.		
Mlly. Adv.-in-Chief, Indian States forces.	Director, Zoological Survey.	Office of Examiner, Government Press Accounts, Calcutta.	Office of the Dy. A. G. (Telegraph Branch).	Calcutta Mint.
A. G., Railways.	Keeper of Records.	Office of Examiner of Customs Accounts.	Telegraphs, Check, Office.	Bombay Mint.
G. S. Branch.	Librarian, Imperial Library.	Office of Director of Army Audit and offices Subdte. to it.	Office of A. G., Railway Office.	Assay Office, Bombay.
A. G.'s Branch.	Trustees' Office, Indian Museum.	Office of A. G., Bengal.	Chief Auditor, N. W. Railway.	C. O., Calcutta.
Q. M. G.'s Branch.	Curator, Indian War Memorial.	Office of the A. G., Calcutta Revenue.	Chief Auditor, E. B. Railway.	C. O., Bombay.
Master Genl. of Supply Branch (late Ordnance Br.)	Mlly. A. G.	Office of the A. G., B. & O.	Chief Auditor, U. I. P. Railway.	C. O., Karachi.
Mlly. Secy.'s Br.	D., P. I.	Office of the A. G., U. P.	Government Examiner, Assam Bengal Railway.	C. O., Cawnpore.
Engineer-in-Chief's Br.	M. S. Y.'s Office.	Office of the A. G., C. P.	Government Examiner, E. I. & E. N. Railways.	C. O., Lahore.
Medical Directorate.	P. S. V.'s Office.	Office of Comptroller, Assam.	Central Indian Coal-field Railway Construction.	C. O., Madras.
Judge, Advocate Genl.'s Branch.	P. S. V.'s Press.	Office of the A. G., Madras.	Government Examiner, M. & S. Maharashtra Railway.	C. O. Rangoon.
Asstt. Mlly. Secy. (Personal).	D., I. B.	Office of the A. G., Punjab.	Government Examiner, S. I. Railway.	Military Accts. Offices.

Statement prepared in 1925 showing Attached and Subordinate Offices of the Government of India—contd.

1	2	3	4	5
Royal Air Force.	Chief Controller of Stores, I. S. D.	Office of the A. G., Burma.	Government Examiner, Rohilkund and Kumaon Railway.	
Commercial Intelligence.	Chief Inspector of Mines in India.	Office of the A. G., Bombay.	Government Examiner, B., B. & C. I. Railway.	
Tariff Board.	Controllor of Patents and Designs.	Audit Office, Bombay Development Scheme.	Government Examiner, G. I. P. Railway.	
Office of Metropolitan's Chaplain, Calcutta.	Chief Inspector of Explosives.	Audit Office, Lloyed Barrage and Canal Construction.	Khyber Railway Construction.	
Office of Presy. Senior Chaplain, Ch. of Scotland, Calcutta.	Director Genl. of Observatories.	Audit Officer, Indian Stores Department.	Government Examiner, Burma Railways.	
Registrar of Diocese, Calcutta.	Controllor of P., S. & Stamps (C. P. O.).	Office of the A. G., P. & T.	Government Examiner, B. and N. Western Railway.	
D. G., I. M. S.	Supdtg. Engineer Impl. Circle, Simla.	Office of the D. A. G., P. & T., Delhi.	Chief Auditor, E. I. Railway.	
Agr. Adviser.	D. G., P. & T.	Office of the D. A. G., P. & T., Nagpur.	Controllor of Currency.	
Dir. Genl. of Archaeology.	Geological Survey of India.	Office of the D. A. G., P. & T., Madras.	Dy. C. C., Bombay.	
Surveyor Genl. of India.	Central Board of Revenue.	Office of the Dy. A. G., P. & T. (Postal Branch).	Dy. C. C., Northern India.	

**REFUND OF A SUM OF MONEY RECOVERED FROM MR. K. V. RAMIAH, A POSTAL CLERK IN THE NILGIRI DIVISION.**

1206. \*Mr. Ohaman Lall: (a) Will the Government be pleased to state if it is a fact that under instructions from the Madras Audit office, a sum of Rs. 97-9-0 was recovered from Mr. K<sup>o</sup> V. Ramiah, a postal clerk in the Nilgiri Division, on the ground that the period of a break from the 15th December 1906 to 31st January 1907 in his officiating service was wrongly condoned and allowed to count for increments in the time-scale?

(b) Did Mr. K. V. Ramiah subsequently produce evidence to show that during the period of that break he was on authorised leave of absence; and was not that evidence admitted by the Director-General of Posts and Telegraphs and the pay of the official refixed again counting the period of that break towards increments?

(c) Did Mr. K. V. Ramiah apply to the Director-General on the 26th December 1924 for the refund of Rs. 97-9-0 recovered from him and was his request refused? If so, on what grounds?

(d) Are Government now prepared to direct the refund of the amount to the official? If not, why?

**The Honourable Sir. Bhupendra Nath Mitra:** (a) Yes.

(b) Yes.

(c) The refund was refused because the orders sanctioning the concession of allowing authorised leave without pay to count for increments did not authorise the drawal of a higher rate of pay in respect of any period of service prior to the 1st April 1922—the date of those orders.

(d) As Mr. Ramiah has not submitted any representation to Government against the final decision of the Director-General which was communicated to him more than two years ago Government do not propose to take any action in the matter.

ALLEGATIONS AGAINST MR. GOVINDAN NAIR, ACTING HEAD CLERK OF  
THE NILGIRI POSTAL DIVISION.

1207. \***Mr. Chaman Lall:** (a) Will the Government be pleased to state if it is a fact that Mr. M. Govindan Nair, the present acting Head Clerk of the Nilgiri Postal Division, was reverted in 1928 from the amalgamated cadre of Inspectors and Superintendents' Head Clerks and that one of the causes of his reversion was that he submitted a false diary for July 1923 when he was acting as Inspector of Post Offices, Coimbatore Sub-Division, by not noting his journey to Erode, a place beyond his jurisdiction in it?

(b) Is it a fact Mr. Govindan Nair was again taken as Superintendent's Head Clerk in 1926? If so, what was the reason?

**Sir Ganen Roy:** (a) and (b). The Honourable Member's attention is invited to the reply given to Mr. M. K. Acharya's question No. 784 on the 7th March 1927.

TIME-TEST OF THE RAILWAY MAIL SERVICE.

1208. \***Mr. Chaman Lall:** (a) Is it a fact that the Deputation of the All-India (including Burma) Postal and Railway Mail Service Union pointed out to the Honourable Member in March 1925 that the time-test for the Railway Mail Service was defective and mentioned some of the items of work that were not included in the time-test?

(b) Was this matter discussed at one of the annual conferences of the Heads of Circles held at Calcutta?

(c) Is it a fact that they recommended that some items not found in the then existing time-test should be included in the time-test for the Railway Mail Service?

(d) Is it a fact that the above recommendation was accepted by the Government and increased staff sanctioned in certain offices and sections; and that the Director General afterwards issued orders not to include the new items in the time-test?

(e) What is the reason for refusing to include in the time-test the items of work not covered by it?

**The Honourable Sir Bhupendra Nath Mitra:** (a) Yes.

(b), (c), (d) and (e). The facts are as stated in the reply given by me to Mr. N. M. Joshi's unstarred question No. 96 on the 16th February 1927.

PROVISION OF ELECTRIC FANS IN THE RAILWAY MAIL SERVICE OFFICE  
IN MADRAS, ETC.

1209. \*Mr. Chaman Lall: (a) Will the Government be pleased to state (1) the area of the space provided for sorting work in the Madras Railway Mail Service and (2) the number of men including inferior service engaged to work there?

(b) Is it a fact that fans are not provided in the Madras Railway Mail Service office?

(c) Was any representation made so far back as 1924 for the installation of fans; and if the reply be in the affirmative, what action was taken?

(d) Is there a Post Office named "Park Town Sub-Office" in the same building where the Madras Railway Mail Service is located?

(e) How many men including postmen and inferior servants are employed in the Post Office there?

(f) Is it a fact that fans have not been provided in the Post Office?

(g) Is it not a fact that there is electric installation for providing lights? If the reply be in the affirmative, will the Government please state why fans could not be provided?

(h) Do Government propose to consider the question of providing fans before the next summer season commences?

Sir Ganen Roy: (a). (1) 5625 square feet, (2) 149.

(b) Yes.

(c) Yes. The question of providing electric fans was taken up, but had later to be held in abeyance in connection with the larger question of making additions and alterations to the building in order to afford more accommodation for the office, as it was undesirable to put up an electric fan installation at considerable expense which might not fit in with the final arrangements for the distribution of accommodation.

(d) Yes.

(e) 60.

(f) Yes.

(g) Information is not readily available why fans were not provided when the electric lights were installed many years ago.

(h) I am already dealing with this matter.

AMOUNT OF CONVEYANCE ALLOWANCE PAID TO INSPECTORS OF POST  
OFFICES IN MADRAS, BOMBAY AND CALCUTTA.

1210. \*Mr. Chaman Lall: (a) Will the Government be pleased to state the amount of conveyance allowance paid to the Inspectors of Post Offices in Madras City and to similar class of employees in Bombay and Calcutta?

(b) Are the Government aware that the conveyance charges at Madras are not less than those at Bombay and Calcutta?

(c) Is the price of bicycles lower at Madras than at Calcutta and Bombay, and if not, what is the reason for granting a lower conveyance allowance at Madras?

**Sir Ganen Roy:** (a) The Town Inspectors of Post Offices in Madras City are granted a conveyance allowance of Rs. 20 each a month; those in the cities of Bombay and Calcutta a conveyance allowance of Rs. 80 each a month.

(b) No.

(c) I have no information, but the question of conveyance allowance in Madras City will be re-examined.

REMOVAL OF THE FLOWER BAZAR POST OFFICE IN MADRAS TO  
A MORE SUITABLE BUILDING.

1211. **\*Mr. Chaman Lal:** (a) Will the Government be pleased to state the dimension (length, breadth and height) of the hall in which the Flower Bazar Post Office in the Madras City is located?

(b) How many officials including inferior servants are working in the office?

(c) What is the space occupied by tables, chairs and almirahs?

(d) In what year was the building first occupied for the Post Office and what was the strength of the staff of that office at that time?

(e) Has there been any increase of accommodation for Post Office work?

(f) Are Government aware that the present building is unsuitable for a Post Office owing to (1) congestion, and (2) unhealthy condition?

(g) Is it under contemplation to remove the Post Office to a more suitable building? If so, do Government propose to expedite the matter?

**Sir Ganen Roy:** (a) Length 80 feet.

Breadth 16 feet.

Height 10 feet.

(b) 15, of whom 18 work at one time.

(c) 211 square feet.

(d) On the 4th October 1908. The strength of the office staff at the time was 5.

(e) No.

(f) Yes.

(g) Yes; to a departmental building under construction which will be ready for occupation in 1927-28.

INCREASE OF THE ESTABLISHMENT OF THE CORRESPONDENCE DEPARTMENT  
OF THE MADRAS GENERAL POST OFFICE.

1212. **\*Mr. Chaman Lal:** (a) Have the Government received any proposal to increase the establishment of the Correspondence Department of the Madras General Post Office?

(b) Is it a fact that the sanctioned establishment of the Correspondence Department is 28 clerks?

(c) Is it a fact that reserve clerks are attached to the Correspondence Department for the correspondence work in addition to the permanent staff?

(d) Is it a fact that as a rule 35 men are engaged in correspondence work?

(e) Is it a fact that in leave vacancies reserve clerks from other departments are brought to the Correspondence Department to make up the strength of 35 working men?

(f) Are Government prepared to consider the question of increasing the number of clerks in the Correspondence Department of the Madras General Post Office?

**Sir Ganen Roy:** (a) No.

(b) The sanctioned clerical staff is 29, including the head clerk.

(c) The services of any reserve clerk available after leave vacancies have been filled are utilised for work in the Correspondence Department as in other departments.

(d) No.

(e) No.

(f) There appears to be no reason to do so.

NUMBER OF SELECTION GRADE APPOINTMENTS IN THE CORRESPONDENCE DEPARTMENT OF THE CALCUTTA, BOMBAY AND MADRAS GENERAL POST OFFICES.

1218. \***Mr. Chaman Lall:** (a) Will the Government be pleased to state the number of officials with the number of selection grade appointments in the Correspondence Department of (1) the Calcutta General Post Office, (2) Bombay General Post Office, and (3) Madras General Post Office?

(b) Is not the Correspondence Department divided into groups?

(c) Will the Government be pleased to state the number of such groups in each of the above offices and the number of clerks attached to each group?

(d) Have Government considered the question of sanctioning selection grade appointments for the clerks in charge of groups with five or more clerks?

**Sir Ganen Roy:** (a) :

	Selection grade appointments.	Time scale clerical appointments.	Total.
(1) Calcutta G. P. O. . . . .	4	100	104
(2) Bombay " . . . . .	8	109	117
(3) Madras " . . . . .	1	28	29

(b) Yes.

(c) A statement furnishing the desired information will be sent to the Honourable Member.

(d) The question is under consideration.

ARTICLE UNDER THE CAPTION "SAVINGS BANK DEPARTMENT" IN THE  
SEPTEMBER ISSUE OF THE GENERAL LETTER OF THE  
MADRAS CIRCLE POSTAL UNION.

1214. \*Mr. Chaman Lall: (a) Has the attention of the Government been drawn to the editorial article under the caption "Savings Bank Department" published in the September issue of the General Letter of the Madras Circle Postal Union?

(b) Are the items of work described in the said article not included in the time-test and not actually taken into account in calculating the staff necessary for Savings Bank work?

(c) If the reply be in the affirmative, do Government propose to include them in the time-test? If the answer is in the negative, will the Government please state how the aforesaid work is done?

Sir Ganen Roy: (a) Yes.

(b) and (c). Some of the items are covered by the time allowances for items included in the time test and the performances of the work involved by them is thus provided for. A number of items do not appear to be so covered. The matter will be examined.

SANCTION OF ADDITIONAL STAFF FOR THE SAVINGS BANK DEPARTMENT  
OF THE MADRAS GENERAL POST OFFICE.

1215. \*Mr. Chaman Lall: (a) Will the Government be pleased to state (1) the number of active Savings Bank accounts in the Madras General Post Office on 1st April, 1904 and 1st April, 1926, (2) the daily average number of Savings Bank deposits and withdrawals on 1st April, 1904 and 1st April, 1926, and (3) the strength of the clerical staff in that department on 1st April, 1904 and 1st April, 1926?

(b) Was the staff augmented in proportion to the increase of work? If not, why?

(c) Is it not a fact that the staff was overworked all these years?

(d) Was any proposal for increase of staff received by the Postmaster General, Madras; and if so, what action was taken thereon?

(e) Do Government propose to instruct the sanctioning authority to expedite sanction of additional staff?

Sir Ganen Roy: (a). (1) 24,470 and 88,917.

(2) Deposits 152 and 240 and withdrawals 109 and 168.

(3) 9 and 9.

(b) The Postmaster-General has reported that the strength in 1904 was fixed apparently on a wrong basis, with the result that the Savings Bank Department was over-staffed. The number of clerks was reduced to eight in January 1925 and again increased to nine with effect from the 1st April 1926, the number in each case being that found to be justified on statistics of work.

(c) No.

(d) A proposal has been received by the Postmaster-General and is under examination by him.

(e) The Postmaster-General will be requested to expedite his examination of the matter. On receipt of his report, the question whether any additional staff is required will be decided.

NUMBER OF CLERKS EMPLOYED IN EACH DEPARTMENT OF THE CALCUTTA, BOMBAY AND MADRAS GENERAL POST OFFICES, ETC.

1216. \*Mr. Ohaman Lall: Will the Government be pleased to lay on the table a statement showing (1) the number of clerks employed in each department of the Calcutta, Bombay and Madras General Post Offices, (2) the number and the scale of selection grade appointments in each department of the Calcutta, Bombay and Madras General Post Offices, (3) the number and the scales of selection grade appointments and the number of clerks employed in each of the selection grade Town Sub-offices in the cities of Calcutta, Bombay and Madras.

Sir Ganen Roy: Statements furnishing the desired information will be sent to the Honourable Member.

NUMBER OF TOWN SUB-OFFICES IN MADRAS CITY WHICH JUSTIFY SELECTION GRADE APPOINTMENTS.

1217. \*Mr. Ohaman Lall: (a) Will the Government be pleased to state the number of town sub-offices in the Madras City which according to the principle laid down by the Postal Enquiry Committee of 1920 justify selection grade appointments, but which are at present in charge of officials on the time-scale of pay?

(b) Will the Government be pleased to state why those offices have not been raised to the status of selection grade offices?

Sir Ganen Roy: (a) I am not aware that there is any such office in Madras City.

(b) Does not arise.

INADEQUACY OF THE NUMBER OF SELECTION GRADE APPOINTMENTS IN THE MADRAS GENERAL POST OFFICE GROUP.

1218. \*Mr. Ohaman Lall: (a) Will the Government be pleased to state if it is a fact that in many of the important town sub-offices and departments of the General Post Office in Madras, there is only one appointment in the selection grade, and that the Deputy Sub-Postmasters and the Joint Head Clerks are placed on the ordinary time-scale of pay?

(b) Is it a fact that the Deputy Sub-Postmasters and Joint Head Clerks do similar work to that performed by the Sub-Postmasters and Head Clerks and are in charge of offices and departments when the latter are off duty? If so, what is the reason for not placing the Deputy Sub-Postmasters and Joint Head Clerks in the selection grades?

(c) Was not the inadequacy of the number of selection grade appointments in the Madras General Post Office group placed before Sir Geoffrey Clarke and Sir Ganen Roy by the deputation of the All-India Postal and Railway Mail Service union, Madras Circle and did not they reply that the appointments would be increased?

(d) Will the Government be pleased to state whether effect will be given to their assurances? If so, when, and if not, why?

**Sir Ganon Roy:** (a) to (c). The facts are being ascertained and a reply will be sent to the Honourable Member as soon as possible.

(d) The question of inadequacy or otherwise of the number of selection grade appointments in Madras City has been examined ever since the introduction of the time-scale of pay in September 1920 with the result that the number has in the interval been increased from 18 to 29. The question of further additions to selection grade posts will receive due consideration from time to time.

**PUNISHMENTS INFLICTED BY LIEUTENANT SHUJUT ALI, SUPERINTENDENT,  
RAILWAY MAIL SERVICE, "T" DIVISION.**

1219. **\*Mr. Chaman Lall:** Will the Government be pleased to lay on the table a statement showing the various punishments inflicted by Lieutenant Shujut Ali, Superintendent, Railway Mail Service, "T" Division, from the date he assumed charge of that division to the 31st January, 1927 and the various punishments inflicted by his predecessors during the corresponding period on the officials of that division with the names of the officials and the nature of the offence committed by each?

**The Honourable Sir Bhupendra Nath Mitra:** The answer is in the negative. The compilation of the statement will require an expenditure of labour and money which is not justified by the public advantage to be gained from such compilation.

**PROVISION OF ELECTRIC FANS IN THE POST OFFICES IN MADRAS  
CITY.**

1220. **\*Mr. Chaman Lall:** Will the Government be pleased to state if electric fans will be fitted in the Post Offices in the Madras City, where they have not been provided for the use of the clerical and postmen staff? If so, when, and if not, why?

**Sir Ganon Roy:** Electric fans or punkhas are either already provided or will be provided for shortly in 19 offices. The necessity for punkhas in other offices is being considered.

**MAXIMUM SALARY OF THE HEAD CLERK TO THE ASSISTANT COLLECTOR  
OF INCOME-TAX IN THE UNITED PROVINCES.**

1221. **\*Sardar Gulab Singh:** Is it a fact that the maximum salary drawn by the Head Clerk to the Assistant Commissioner, Income-tax, in the United Provinces, is much less than the maximum salary drawn by the Head Clerks to the Assistant Commissioner in the Provinces of Bengal, Bombay and Punjab? If the answer be in the affirmative, will the Government be pleased to state the maximum salary drawn by the Head Clerks in the United Provinces and other provinces and state the reason for this difference in the scale of pay?

**The Honourable Sir Basil Blackett:** The answer is in the negative. Except in Calcutta and in Bombay city the maximum pay of such clerks is lower in Bengal and Bombay than in the United Provinces. In the Punjab the maximum pay of two such posts is higher than in the United Provinces, and the maximum pay of one post lower.

**TRAVELLING ALLOWANCE OF CLERKS DRAWING SALARIES OF RS. 150 TO RS. 200 IN THE INCOME-TAX OFFICES IN THE UNITED PROVINCES.**

1222. **\*Sardar Gulab Singh:** Is it a fact that the clerks in the Income-tax Offices, United Provinces, drawing a salary of Rs. 150 to Rs. 200 are treated as third class officers for the purpose of travelling while the other clerks drawing the same amount of pay in the same province serving the Local Government are entitled to second class travelling allowance?

**The Honourable Sir Basil Blackett:** Clerks in the Income-tax Offices, United Provinces, drawing a salary of Rs. 150 to Rs. 200 are treated as third class officers for the purpose of travelling.

**PROMOTION OF HEAD CLERKS OF INCOME-TAX OFFICES IN THE UNITED PROVINCES TO THE POST OF ASSISTANT INCOME-TAX OFFICERS.**

1223. **\*Sardar Gulab Singh:** Is it a fact that the Head Clerks of Income-tax Offices in the Provinces of Bombay, Bengal and Punjab have a chance of being promoted to the post of Assistant Income-tax Officers? If the answer be in the affirmative, is the same practice permissible in the United Provinces of Agra and Oudh?

**The Honourable Sir Basil Blackett:** It is open to a Commissioner of Income-tax to appoint any suitable person as a permanent Assistant Income-tax Officer with the powers of an Income-tax Officer, (if such posts exist in his Province), subject to the approval of the Local Government in each case.

**PLACING OF ORDERS FOR RAILS WITH FIRMS OTHER THAN THE TATA IRON AND STEEL COMPANY.**

1224. **\*Sir Walter Willson:** 1. Are Government aware that other steel-making interests in India are seriously concerned at the prospect of being unable to get any Government orders for rails within the next seven years owing to Government acceptance of the Tariff Board's recommendation that all the Railway Board's requirements of rails should be bought from the Tata Iron and Steel Company over the next 7 years?

2. With reference to the statement of the Honourable Sir Charles Innes in the Steel Industry Protection Bill Debates that Government hoped to "get new firms and new capital to engage in that industry", will Government please state whether there will be any opportunity, and if so, to what extent, for other firms to make and sell rails to Government within—say the last 2 years of that period?

**The Honourable Sir Charles Innes:** (1) I have had one representation to this effect from a firm which is not making steel nor even iron.

(2) The answer to this question depends of course to some extent on the probable requirements of Indian Railways for rails in 1932-33 and 1933-34. I think, however, that it may be taken that during the 7-year period the great bulk of Indian requirements of rails will be met by the Tata Iron and Steel Company and that new firms in the first year or two after they have begun production will have to concentrate on other products.

MEMORIAL TO HIS EXCELLENCY THE VICEROY FROM MR. SATYENDRA,  
CHANDRA MITRA, A POLITICAL DETENU.

1225. \*Mr. Gaya Prasad Singh: (a) Is it a fact that the following memorial, dated Mandalay, the 20th October, 1926, was received by the Government from Mr. Satyendra Chandra Mitra:

" TO HIS EXCELLENCY THE GOVERNOR GENERAL OF INDIA, IN  
COUNCIL, DELHI.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honour to state that I have been elected a Member of the Indian Legislative Assembly, but I am a detenu confined in Mandalay Jail, Burma, under section 11 of the Bengal Criminal Law Amendment Act, 1925. I take the earliest opportunity to bring to Your Excellency's notice the fact that I am anxious to take the oath of allegiance to the Crown as contemplated by section 24 of the Legislative Assembly Electoral Rules, and also to attend the Assembly meetings, and to take part in its deliberations as a Member.

It would not be altogether out of place to mention here that detenus under the Bengal Criminal Law Amendment Act, 1925, are allowed occasional leave of absence from Jail to conduct their civil suits, to appear for University Examinations, to attend *Shradh* or marriage ceremonies, to attend on their sick relations, or to look after their family affairs. I was also allowed when I was detained in a Calcutta Jail, to consult my eye surgeon in his private residence.

I therefore pray that Your Excellency may be pleased to grant me the most fundamental and legitimate right of a subject to swear allegiance to his Sovereign, and that I may be allowed to attend the inaugural meeting of the freshly elected Indian Legislative Assembly to be held for the first time in the newly built Imperial City, which will be a unique event in the history of India. I am taking this liberty of approaching Your Excellency as the highest authority in the land at least so far as matters of internal administration are concerned."

(b) Has any petition from Mr. S. C. Mitra's election agent been received for the refund of his deposit money; and if so, has the money been refunded?

Mr. L. Graham: (a) A memorial to that effect was received by the Government of India.

(b) An application for the refund of the deposit was made to the returning officer and was rejected.

Mr. Chaman Lal: May I ask the Honourable Member why no favourable action was taken in regard to this memorial?

The Honourable Sir Alexander Muddiman: The memorial in question was sent to the Bengal Government, under whose orders the person in question has been detained.

Mr. A. Rangaswami Iyengar: May I know whether this memorial was actually placed before His Excellency the Viceroy before being forwarded?

The Honourable Sir Alexander Muddiman: The method of disposal of business in the Government of India is a confidential matter which, my Honourable friend may rest assured, I shall not disclose under any circumstances whatsoever.

Mr. Gaya Prasad Singh: With regard to the answer to part (b) of the question, is it a fact that under exactly similar circumstances the Government of Bengal in 1925 refunded the deposit money of Mr. S. C. Mitra though he was not given an opportunity then to take his oath?

Mr. L. Graham: The Government of India have no information on the subject; and I cannot understand under what rule they did it, if they did.

**Mr. Gaya Prasad Singh:** Mr. S. C. Mitra has written to me to that effect.

**Mr. K. O. Neogy:** Is it intended that the deposit money should be forfeited in this instance?

**Mr. L. Graham:** No orders have been made for forfeiting; and though that might be done by the Governor General, he has not done so.

**Mr. A. Rangaswami Iyengar:** May we know whether the Governor General has this matter under consideration?

**Mr. L. Graham:** The making of an order of forfeiture?

**Mr. A. Rangaswami Iyengar:** Making an order of forfeiture or refusing the refund—whichever way you put it?

**Mr. L. Graham:** It is not a question of refusing a refund because that does not arise under the rules. It is possible to leave the matter open till the gentleman in question has had an opportunity of attending this House.

**Mr. A. Rangaswami Iyengar:** Having regard to the statement recently made by the Honourable the Home Member, may I know whether the question of his attending the House is going to be reconsidered by the Government of India?

**The Honourable Sir Alexander Muddiman:** That, Sir, is a matter which rests with the Bengal Government.

**Mr. A. Rangaswami Iyengar:** I want to know whether the question of Mr. S. C. Mitra being able to attend the Legislative Assembly Sessions here is a matter which does not concern the Government of India, or whether the Government of India are incompetent to deal with the matter?

**The Honourable Sir Alexander Muddiman:** The Government of India are perfectly competent to deal with all matters which are in their discretion, and the question of the attendance of the Honourable gentleman will automatically arise if the Government of Bengal withdraw the order they have made against him.

**Mr. A. Rangaswami Iyengar:** May I know whether having regard to the policy which was declared by the Honourable the Home Member the other day in this House in regard to these detenus, the question of Mr. Mitra's being permitted to attend the Assembly under similar conditions in pursuance of the same policy, is going to be examined?

**The Honourable Sir Alexander Muddiman:** The Honourable Member does not remember what I said. I said that as regards Regulation III prisoners the Governor General in Council was the authority responsible. I also said as regards the general policy followed in the Bengal Criminal Law Amendment Act the Governor General was also directly responsible. But I made it perfectly clear that the case of individual persons under the Bengal Criminal Law Amendment Act is a matter for the Bengal Government.

**Mr. A. Rangaswami Iyengar:** I have again to ask, Sir, whether the Honourable the Home Member does not consider that the question of Mr. Mitra's attending the Legislative Assembly is a matter which concerns the Government of India and as such whether the Government of India should not move in the matter, even if necessary by asking the Government of Bengal to take the necessary action?

**The Honourable Sir Alexander Muddiman:** I dare say that will be perfectly open to the Governor General in Council if he so desires. I am not prepared to make any statement on the matter, however.

**Mr. A. Rangaswami Iyengar:** May I know whether the Government of India are prepared to consider it?

**The Honourable Sir Alexander Muddiman:** We are always considering the question of the release of these persons wherever possible in the interests of public safety.

**Mr. Gaya Prasad Singh:** Do Government consider that it is an honest and proper course to stop Mr. Mitra from taking the oath of allegiance and then to forfeit his deposit money?

**The Honourable Sir Alexander Muddiman:** As regards the forfeiture of the deposit money, I understand from my Honourable friend that there is no question of the forfeiture of the deposit.

**Mr. K. C. Neogy:** Is it a fact that Mr. Mitra was under detention under Regulation III before, and that an order under the Bengal Criminal Law Amendment Act has since been substituted for it?

**The Honourable Sir Alexander Muddiman:** I think that is right; speaking from memory, I believe that that is so.

**Mr. K. C. Neogy:** What was the object in allowing the order under Regulation III to be substituted by an order under the Criminal Law Amendment Act?

**The Honourable Sir Alexander Muddiman:** In order, Sir, that, if the conduct of the person was of such a character, he might be detained under a less severe form of detention. I made it clear the other day.

**Mr. K. C. Neogy:** Is it a fact that one of the objects of Government in allowing this substitution to be made was to avoid the trouble of answering questions on the floor of this House with regard to this question?

**The Honourable Sir Alexander Muddiman:** No, Sir. Had that been the object of the Government, we would have transferred all Regulation III prisoners to the Bengal Criminal Law Amendment Act.

**Mr. K. Ahmed:** Has the Government of India any knowledge that the new Governor, His Excellency Colonel Jackson, who is arriving in Bengal on Monday next the 26th March, will consider the matter as soon as he reaches Calcutta?

**The Honourable Sir Alexander Muddiman:** That is a question which I cannot answer.

**Mr. Ram Narayan Singh:** Is it not a fact that the Government wanted some sort of assurances from these detenus as a condition of their release?

**The Honourable Sir Alexander Muddiman:** I explained the position very clearly in the statement I made in the House not so long ago, and I think if the Honourable Member will refer to that statement he will see exactly what I said and how far assurances would be of any avail.

#### PURCHASE OF RAW HIDES FOR THE CAWNPORE HARNESS AND SADDLERY FACTORY.

1226. **\*Mr. T. A. K. Shervani:** (a) Is it a fact that in previous years the raw hides for the Cawnpore Harness and Saddlery Factory (Army Department) were supplied by means of lowest tenders on lime weight rates?

(b) Is it a fact that that system has been abolished from the last year and the raw hides are now bought on commission basis?

(c) If the answer to (b) is in the affirmative, is it a fact that the Government have entered into an agreement with British India Corporation, Limited, to buy hides through one Mr. Corbett on a commission basis?

(d) Is it a fact that the new system does not guarantee quality and weight and compliance with the schedule?

(e) Is it a fact that under the new system the supply is made at the risk of the aforesaid Harness Factory and the new system involves all the risks of lime rejection and market fluctuations?

(f) Are the Government aware that under the old system of lowest tender the European firms had to compete with the Indian firms and in the majority of cases the lowest tenders were those of Indian firms?

(g) Was any Indian firm invited to supply under the new system of supply on commission?

(h) If the answer to (g) is in the negative, will the Government be pleased to lay on the table all the papers and reports concerning the matter to enable the House to know whether the new system is more advantageous and better?

**Mr. G. M. Young:** (a) The tender system was employed but the lowest tender was not necessarily accepted.

(b) Yes. Commission is paid only on hides accepted after liming for which Government pay the actual purchase price plus commission.

(c) The agreement into which Government have entered with Cooper Allen and Co. is to obtain their hides jointly through a common buyer on commission. The common buyer is a Mr. Corbett.

(d) No, Sir. Acceptances are subject to weight and quality guarantee and adherence to a given schedule of deliveries.

(e) No. On the contrary the new system abolishes the risk of lime rejections, and greatly diminishes the risk of loss from market fluctuations.

(f) Yes.

(g) No firm was asked to supply.

(h) No, Sir. The new system is an experiment. It is about to be examined in detail and reported on by an officer of the Auditor General's Department. Government will review the whole question again on receipt of his report. If the Honourable Member desires any further information on the subject and will communicate with me, I will readily give him what information I can.

REORGANISATION OF THE OFFICE OF THE ACCOUNTANT GENERAL,  
CENTRAL REVENUES.

1227. \***Mr. M. S. Aney:** (1) Is it a fact that the office of the Accountant General, Central Revenues, is at present under reorganisation? If so, when was the special staff for reorganisation first entertained? What are the sections into which the office is divided? Which of these have yet

been fully reorganised? How much longer is the reorganisation work likely to last? Is it expected that all the sections will be fully reorganised by that date?

(2) What has been the strength of the reorganisation staff from time to time? What has been the cost of the reorganisation work up to the end of February, 1927? How much more is the work likely to cost?

(3) Is it a fact that a special officer with a special staff was employed to reorganise the office in July, 1925, and that he worked for over three months in the office examining in detail every section of the office, and making definite recommendations for the improvement of the working of each? Is it a fact that an honorarium was granted to the officer and that some members of his staff were specially promoted? If so, what was the necessity for employing the present reorganisation staff? If their work was not done completely and thoroughly why was the honorarium paid to them and their services specially recognised?

#### REORGANISATION OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1228. \*Mr. M. S. Aney: (1) Is it a fact that the Auditor General has a permanent staff of two Deputy Auditors General to examine on his behalf the working of all Audit and Accounts offices in India and Burma? Is it a fact that except in the particular instance mentioned in the previous question the Deputy Auditor General has been considered fully competent to find out the defects of all Audit and Accounts offices and has actually done so in the past? When was the office of the Accountant General, Central Revenues, last inspected by a Deputy Auditor General? Did that inspection disclose any serious or uncommon defects in the working of the office? When was the next inspection due? What was the reason for employing in supersession of the regular inspection of a Deputy Auditor General a special machinery to find out the defects of the office?

(2) When did the present Accountant General, Central Revenues, take over charge of the office? Was he at any time before connected with this particular office? How long after taking over charge did he discover the necessity for special measures of reorganisation and apply for the special officer and staff mentioned in part (3) of the previous question? Did he discover this necessity as the result of any detailed examination of the working of the various sections of his office? If not, how was he convinced of the necessity of reorganisation?

#### ALLEGATIONS AGAINST THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

1229. \*Mr. M. S. Aney: (a) Has the attention of the Government been drawn to the complaints against the present administration of the office of the Accountant General, Central Revenues, which have appeared from time to time in the Press? Has any enquiry been instituted into the complaints and, if so, with what result? Is it a fact that a clerk of the office who was bitten by a rabid dog and was actually under treatment at Kasauli was dismissed for absence in spite of a certificate from the officer in charge of the Kasauli Institute that his continued attendance at the Institute was necessary for a complete recovery? Is it a fact that the clerk had to be reinstated at the instance of a very high official after his appeals to the Accountant General and Auditor General had failed?

(b) Is it a fact that clerks who fell ill and even produced medical certificates, were nevertheless granted leave without pay for the period of their absence?

(c) Is it a fact that the present Accountant General, Central Revenues, considers a large proportion of his existing Subordinate Accounts Service and clerical staff inefficient? If the answer is in the affirmative, is it a fact that he nevertheless stands in the way of any of these men obtaining a transfer to other offices?

(d) Is it a fact that the present Accountant General, Central Revenues, travelled from Delhi to Nagpur and to Bombay to recruit men from the local Audit and Accounts offices for the reorganisation of his own office? How many men were actually recruited by this means from each of these places? What was the amount of travelling allowance actually drawn by the Accountant General, Central Revenues, for these journeys? Is there any precedent of the head of an Accounts Office having made a similar journey for a like purpose in the past? Could not the recruitment be effected by means of correspondence? Are Government aware that just at the time when the present Accountant General, Central Revenues made his journey to Bombay at public expense, his son was sailing to Europe from Bombay? Is it contemplated as a matter of policy to allow Accountants General to perform such long journeys at public expense for the purpose of recruiting men for their offices?

(e) Has the attention of Government been drawn to advertisements in several daily papers to the effect that matriculates of the Punjab, Delhi and the United Provinces Universities are allowed to sit for the annual recruitment examination for clerical appointments in the office while young men who have studied elsewhere are excluded?

(f) If the answer to (e) is in the affirmative, what is the reason for such differential treatment to young men of different provinces in the matter of employment in an office under the Central Government? Are there similar restrictions in any other office under the Central Government in Delhi? If not, what are the special circumstances which would justify restrictions in the case of this one office?

(g) Is it a fact that the immediate result of the above restrictions has been such a dearth of good and eligible candidates that an intensive campaign of advertisement had to be instituted before the last few recruitment examinations?

(h) How many recruitment examinations have been held during the period that the office has been under the present Accountant General? What has been the expenditure on advertisements in connection with each of these examinations?

(i) Are Government aware that the entire staff is thoroughly discontented with the present administration of the office? Is it a fact that the present Accountant General was not wanted even by the Local Governments where he served as Accountant General, e.g., Punjab, Bihar and Orissa and the Central Provinces?

**The Honourable Sir Basil Blackett:** I propose to reply to questions Nos. 1227 to 1229 together. •

The collection of the complete information asked for would involve considerable time and trouble and I trust that the Honourable Member will recognise that the results are unlikely to be commensurate with the labour

involved. He will, however, find some information regarding the reorganisation of the office of the Accountant General, Central Revenues, in the proceedings of the meetings of the Standing Finance Committee for 21st January, 1926, and 4th February, 1927. I would also invite his attention to the reply I gave yesterday to Mr. K. C. Neogy's question No. 1188. With regard to part (a) of question No. 1229 I may explain that the clerk in question was reinstated by the order of the Auditor General.

**Mr. K. C. Neogy:** May I assume, Sir, that the statements made in this question have been examined by the Honourable Member in charge?

**The Honourable Sir Basil Blackett:** No, Sir.

**Mr. K. C. Neogy:** Does he propose to examine them?

**The Honourable Sir Basil Blackett:** I certainly do not think that it is the duty of the Finance Member to attempt to answer in this House questions of this nature or to go into enormous details of this sort about particular individuals on the orders passed by the Auditor General.

**Mr. K. C. Neogy:** Does the Honourable Member realise that some of the statements made are rather serious?

**The Honourable Sir Basil Blackett:** It depends upon the quarter from which they come.

**Mr. K. C. Roy:** Is the Honourable the Finance Member aware that a considerable amount of dissatisfaction exists in connection with the administration of the office of the Accountant General, Central Revenues?

**The Honourable Sir Basil Blackett:** Yes, Sir; I am aware of it. I do not wish the House to understand that I have not and do not intend to pay special attention to this question. It is a matter which has been under my consideration.

**Mr. K. Ahmed:** With regard to question No. 1229 (a), do Government propose to reconsider the case of a clerk of the office who was bitten by a rabid dog and was actually under treatment at Kasauli, and who was dismissed for absence in spite of the certificate from the officer in charge of the Kasauli Institute that his continued attendance at the institute was necessary for a complete recovery? In view of that fact, Sir, do Government propose to revise their orders passed in the case of this clerk or make an inquiry, and come to a favourable decision in the matter if he has not yet been reinstated?

**The Honourable Sir Basil Blackett:** I have already said in my reply that the clerk has been reinstated by the Auditor General.

#### EXAMINERS FOR THE IMPERIAL SECRETARIAT EXAMINATION.

1280. **\*Mr. Bhabendra Chandra Roy:** 1. Will the Government be pleased to state the names of the examiners appointed for examining the papers set by the Public Service Commission at the examination held for the recruitment of the staff of the Imperial Secretariat?

2. Is it a fact that officers of the Government of India were selected as examiners of the papers set by the Public Service Commission at the last examination? If so, what are the names and qualifications of those examiners? Why was this method of examining papers by the officers adopted instead of the papers being examined by independent educationists? Do Government propose to do away with this principle of examination of men of the Departments by their own officers?

**The Honourable Sir Alexander Muddiman:** (1) It would be contrary to all accepted practice to make public the names of examiners.

(2) In the matter of appointing examiners the Public Service Commission took over the arrangements already made by the Staff Selection Board before the Commission met. The Staff Selection Board appointed educationists to examine in English Essay and General Knowledge, but for the technical subjects of precis-writing and drafting they preferred to appoint officers of the Government of India possessing technical knowledge which an educationist could not be expected to possess.

**ALLOWANCE PAID TO THE SECRETARY OF THE LATE STAFF SELECTION BOARD.**

1231. **\*Mr. Bhabendra Chandra Roy:** Is it a fact that the Assistant Secretary of the Home Department used to be paid an allowance as Secretary of the late Staff Selection Board? If so, on the appointment of the Public Service Commission has that allowance been stopped or is it continued in the name of some special work? If the latter, in what capacity is that allowance being continued to be paid to the late Secretary of the Staff Selection Board?

**The Honourable Sir Alexander Muddiman:** The reply to the first part of the question is in the affirmative. The allowance ceased on the transfer of Staff Selection Board work to the Public Service Commission.

**PERIOD OF THE STAY OF THE GOVERNMENT OF INDIA IN DELHI.**

1232. **\*Mr. Bhabendra Chandra Roy:** Will Government be pleased to state if it was laid down in the despatches leading to the transfer of the capital from Calcutta to Delhi that the stay of the Government of India in Delhi will be for 7 months in the year? If so, from what year do Government propose to act up to that decision?

Will Government state if weather conditions in Simla and Delhi at the time of each of the moves are taken into consideration when the dates of moves are fixed.

**The Honourable Sir Alexander Muddiman:** (a) The question was discussed in the despatches† referred to by the Honourable Member, but no decision was taken. The Honourable Member is referred to the answer given to Mr. Kelkar's unstarred question No. 151.

(b) The answer is in the negative

**PERCENTAGE OF HINDUS IN THE GOVERNMENT OF INDIA SECRETARIAT.**

1233. **\*Mr. Bhabendra Chandra Roy:** Will Government be pleased to lay on the table of the House a statement showing the percentages of the increase or decrease of Hindus in the staff of the Secretariat Department during the last five years?

**The Honourable Sir Alexander Muddiman:** The figures for the last five years which the Honourable Member asks for are not immediately available, but I give such figures as are in my possession. In 1911 the percentage of Hindus in the staff of the Secretariat Departments of the Government of India was 47.5; in 1925 it was 59.2; and in 1926 61.3. I may mention that that was due to increase in Indianisation.

†These despatches have been published.

RESIDENT CLERKS ATTACHED TO DEPARTMENTS OF THE GOVERNMENT OF INDIA.

1284. \*Mr. Bhabendra Chandra Roy: Are there resident clerks attached to some of the Departments of the Government of India? If so, will Government kindly name those Departments and state in which of them has an Indian as distinguished from an Anglo-Indian been so far appointed to any of these posts? If not, why not? What is the extra remuneration paid to these resident clerks? Do Government propose to do away with any racial distinction? If not, will they be pleased to state the reasons?

The Honourable Sir Alexander Muddiman: Resident clerks are employed in the Home, Foreign and Political and Army Departments.

One of the two resident clerks employed in the Army Department while that office is at New Delhi is an Indian. In the Simla season the night duty in that Department is performed by five or six men who take turns. The clerks employed on this duty in the Simla season are, with one exception, all Indians.

The extra remuneration paid to these clerks is Rs. 5 per night.

The remainder of the Honourable Member's question does not arise.

POSITION OF AN UPPER TIME-SCALE ASSISTANT UNFIT FOR PROMOTION TO A SUPERINTENDENTSHIP.

1285. \*Mr. Bhabendra Chandra Roy: Will Government state what action it takes when an assistant on the upper time-scale has reached his maximum but before getting a Superintendship becomes unfit for such promotion? Is he allowed to stay in his place and block the way of other people coming into the upper time-scale or is he removed to the ordinary time-scale on the maximum of his pay and some one else afforded a chance of showing his fitness for the upper time-scale and Superintendship?

The Honourable Sir Alexander Muddiman: Cases of the nature quoted by the Honourable Member would be exceptional and would be dealt with on their merits. I am not aware of any rule on the subject.

COUNTING OF SERVICE FOR INCREMENTS IN THE TIME-SCALE OF PAY OF ASSISTANTS AND CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1286. \*Mr. Bhabendra Chandra Roy: Have any uniform rules been laid down for the counting of service for increments in the time-scale at the time of confirmation in the case of assistants and clerks in the Secretariat? If not, why not?

Are Government aware that there are cases where a man entering the Secretariat in a previous year has been confirmed on a lower pay than another with the same qualification entering the Secretariat later? If not, do Government propose to enquire into such cases and rectify the anomalies? If not, what are the reasons of Government in not ameliorating such cases of hardship?

The Honourable Sir Alexander Muddiman: The general rule contained in Government of India, Home Department, Resolution No. 1062, dated the 27th May 1920, is that the regular minima of the various divisions

can be drawn only on confirmation, and temporary, and officiating service prior to that event therefore does not count for increments.

Certain exceptions to this general rule were allowed on account of the special conditions prevailing during the War and it is possible that these gave rise to discontent in individual cases. Where anomalies have been brought to light they have been examined.

PAY OF THE STAFF OF THE GOVERNMENT OF INDIA SECRETARIAT.

1237. \***Mr. Bhabendra Chandra Roy:** (a) Are the Government aware that there is a large number of men who are not satisfied with the pay which has been fixed for them since the introduction of the time-scale of pay in the Secretariat? Are Government prepared to go into their cases?

(b) Is it a fact that each department has got a Standing Committee attached to it? If so, do Government propose to lay the representations *re* pay or other hardships of the men of the department before the Standing Committee of the department concerned? If not, why not?

**The Honourable Sir Alexander Muddiman:** Government have received a representation on the subject, and it is under examination.

Standing Committees are attached to some of the Departments; but cases of this nature will not come within the purview of such committees.

ASSESSMENT OF RENT FOR OFFICERS' BUNGALOWS AND CLERKS' QUARTERS IN NEW DELHI.

1238. \***Mr. Bhabendra Chandra Roy:** Will Government be pleased to state whether the system of assessing rent of bungalows in New Delhi for officers is different from the system applicable to the case of quarters for clerks? Is the means of assessing rents for officers' bungalows cheaper than the one for the clerks' quarters. If so, do Government propose to adopt the same means of assessment for both classes of Government servants? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra:** The system of assessing rent in the case of the clerks' quarters is practically identical with the system for officers' bungalows, the only difference being the method of pooling the cost. The gazetted officers' bungalows and clerks' quarters are divided into 4 classes each, and for the purposes of calculating rents the cost of the former is pooled as a whole while that of the latter is pooled by classes. The reason for this differentiation is that the gazetted officers' bungalows of each class, though providing for practically the same area of accommodation, vary considerably in design, whereas in the case of clerks' quarters the type of each class is practically uniform.

ARCHITECT FOR THE NORTH WESTERN RAILWAY.

1239. \***Mr. Bhabendra Chandra Roy:** (a) Will Government be pleased to state whether the post of a qualified architect advertised by the authorities of the North-Western Railway last year has been filled up? If so, will Government be pleased to state whether the gentleman selected for the post is a qualified Indian architect?

(b) Will Government be pleased to state whether the vacancy was advertised in England? If so, in what month and whether before or after the publication in India?

(c) Will Government be pleased to state whether the vacancy was advertised in any paper published in Bombay or Calcutta? If not, why not?

**The Honourable Sir Charles Innes:** The Honourable Member is presumably referring to an advertisement issued by the Railway Board inviting applications for the post of Architect for the North-Western Railway. No one has been selected so far.

The vacancy was not advertised in England.

The advertisement appeared in three newspapers in Calcutta and two newspapers in Bombay.

#### REFERENCE DUTIES IN CIVIL ACCOUNTS OFFICES, ETC.

1240. **\*Mr. V. V. Joglah:** Is it a fact that the reference duties in the Civil Accounts Offices and in the Telegraph (Engineering) Audit office under the Accountant General, Posts and Telegraphs, are paid at the rate of Rs. 60 to Rs. 230? If so, why are reference duties in the other Accounts offices under the same Accountant General, Posts and Telegraphs, not paid at the same rate?

#### TIME-SCALE OF PAY OF LOWER DIVISION MEN IN ACCOUNTS OFFICES.

1241. **\*Mr. V. V. Joglah:** Is it a fact that the Auditor General in his letter No. 91-E. K. W.-1228-21, dated 15th January 1923, assured the lower division memorialists that "he will see to this at the time of revision", against their prayer (b) for the sanction of a time-scale of pay Rs. 60-6-210, in case the classification of the upper and the lower divisions be maintained? If so, why has the scale of pay Rs. 60-6-210 not yet been sanctioned for them? Do Government now propose to consider the desirability of granting the said scale? If not, why not?

#### REVISION OF THE PAY OF LOWER DIVISION CLERKS EMPLOYED UNDER THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

1242. **\*Mr. V. V. Joglah:** Will the Government be pleased to state whether the grievances regarding the pay and prospects of the lower division clerks in India under the Accountant-General, Posts and Telegraphs, have not yet been redressed, and whether the sufferers submitted various memorials to the Viceroy and the All-India Civil and Postal Accounts Offices Conference passed in all its sessions, resolutions urging on the authorities for the immediate revision of the scale? If still unredressed what do Government propose to do to redress those grievances?

**The Honourable Sir Basil Blackett:** The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

This reply covers Questions Nos. 1241 and 1242 as well as 1240.

(1) NEW PENSION RULES.

(2) SUBSTITUTION OF A PROVIDENT FUND FOR THE SYSTEM OF PENSIONS.

1248. \*Mr. V. V. Jogiah: Will the Government be pleased to state:

(a) when the revised pension rules for the Government servants will be published?

(b) whether the scheme of the provident fund system in lieu of the pension system is under the consideration of the Government?

**The Honourable Sir Basil Blackett:** (a) I would refer the Honourable Member to my reply to question No. 152 by Mr. N. C. Kelkar on the 1st instant. It is not possible to say when the revised pension rules for All-India services and for other services under the control of the Central Government will be introduced.

(b) The answer to the second part is in the affirmative.

MEDICAL CERTIFICATES OF EMPLOYEES OF THE CALCUTTA POSTAL AUDIT OFFICE, CALCUTTA TELEGRAPH (ENGINEERING) OFFICE AND CALCUTTA TELEGRAPH CHECK OFFICE.

1244. \*Mr. V. V. Jogiah: (a) Is it a fact that the medical certificates from registered practitioners submitted for leave on medical grounds by the applicants engaged in the Calcutta Postal Audit Office, Calcutta Telegraph (Engineering) Audit Office and Calcutta Telegraph Check Office, are not forwarded to the Civil Surgeons for counter-signature, if necessary, as per Supplementary Rule 228?

(b) If so, what are the reasons?

**The Honourable Sir Basil Blackett:** Under Supplementary Rule 228 the authority competent to grant leave has discretion to accept a certificate from the applicant's medical attendant without countersignature by the Civil Surgeon or the Chief Medical Officer, as the case may be.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM CLERKS IN THE OFFICE OF THE AUDITOR GENERAL.

226. Mr. Abdul Haya: What is the total number of clerks in the office of the Auditor General and how many of them are Muslims?

MUSLIM CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

227. Mr. Abdul Haya: What is the total number of clerks, both permanent and temporary, in the office of the Accountant General, Central Revenues, and how many of them are Muslims?

**The Honourable Sir Basil Blackett:** I propose to reply to questions Nos. 226, 227 and 280 together.

I would refer the Honourable Member to the reply given by the Honourable Sir Charles Innes on the 27th January, 1927, to Mauvi Muhammad Yakub's unstarred question No. 8. That reply holds good in the case of the offices referred to in these questions.

MUSLIM CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

228. **Mr. Abdul Hays:** What is the total number of clerks, permanent and temporary, in the office of Director General, Posts and Telegraphs, and how many of them are Muslims?

**Sir Ganen Roy:** 233, of whom 20 are Muslims.

PAUCITY OF MUSLIMS IN THE DEPARTMENT OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

229. **Mr. Abdul Hays:** (a) Is it a fact that the Anjuman Islamia, Simla, in September, 1926, brought to the notice of the Director General, Posts and Telegraphs the paucity of Muslims in his Department?

(b) What action, if any, did the Director General, Posts and Telegraphs, take to ensure proper representation of Muslims in his Department since his letter No. A. M.—65/26, dated 25th September 1926, to the address of the Anjuman Islamia, Simla?

**The Honourable Sir Bhupendra Nath Mitra:** (a) The Honourable Member evidently refers to a letter No. 128, dated the 12th August 1926, from the Anjuman-i-Islamia, Simla, to the address of the Director-General, Posts and Telegraphs.

(b) The matter is under consideration along with rules for the future recruitment of postal subordinates.

NUMBER OF MUSLIM CLERKS AND ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, RAILWAYS.

†230. **Mr. Abdul Hays:** (a) What is the total number of clerks, temporary and permanent, in the office of the Accountant General, Railways, and how many of them are Muslims?

(b) Is it a fact that there are one hundred accountants in the Railway Accounts Department, and only two of them are Muslims?

(c) If the answer to (b) above is in the negative, will the Government please state the exact number of Muslims and non-Muslims accountants in the Railway Accounts Department?

(d) What action, if any, has the Accountant General, Railways, taken to give the Muslims their due share in his Department since he was addressed on the subject by the Anjuman Islamia, Simla, in November 1925 and December 1926?

MUSLIMS IN THE MILITARY ACCOUNTS DEPARTMENT.

231. **Mr. Abdul Hays:** (a) Will the Government please lay on table a statement showing the number of Muslim and non-Muslim accountants and clerks separately in the offices of the Financial Adviser, Military Finance, Military Accountant General and each of the offices of Controllers of Military Accounts of the various Districts?

†For answer to this question, see answer below Question No. 227.

(b) What action, if any, did the Financial Adviser, Military Finance, and Military Accountant General take to increase the number of Muslims in the Military Accounts Department since they were addressed on the subject by the Anjuman Islamia, Simla, in July 1926?

**The Honourable Sir Basil Blackett:** (a) There is no accountants' grade in the office of the Financial Adviser, Military Finance. A statement showing the number of Muslim and Non-Muslim assistants, accountants and clerks (including temporary establishments) employed in the office of the Financial Adviser, Military Finance and in the several offices of the Military Accounts Department on the 31st December 1926 is placed on the table.

(b) The Military Accounts Department has still a very large number of temporary clerks over and above the permanent sanctioned strength and until these men are absorbed or discharged it will not be possible for that Department to make any fresh recruitment in its clerical service. The point, however, will be borne in mind when fresh recruitment is opened.

Statement showing the number of Muslim and Non-Muslim Assistants, Accountants and clerks (including temporary establishments) employed in the office of the Financial Adviser, Military Finance and the Military Accounts Offices in India on the 31st December 1926.

Offices.	Muslims.	Non-Muslims.	Total.
Financial Adviser, Military Finance	10	82	92
Military Accountant General	3	97	100
Controllers of Military Accounts—			
Northern Command and Rawalpindi and Kohat Districts	73	418	491
Peahawar District	35	212	247
Lahore District	43	317	360
Waziristan District	89	220	259
Sind-Rajputana District	9	136	145
Western Command and Baluchistan District	26	230	256
Southern Command and Poona and Bombay Districts	6	384	390
Madras District	1	172	173
Central Provinces District	5	194	199
Eastern Command and United Provinces District	32	349	381
Allahabad Independent Brigade Area	6	100	106
Presidency and Assam District	9	217	226
Burma District	6	120	126
Controller of Army Factory Accounts	21	420	441
Field Controller of Military Accounts, Poona	1	29	30
Controller of Marine Accounts	2	71	73
Controller of Royal Air Force Accounts	12	70	82
Total	339	3,838	4,177

#### CASE OF MR. F. M. IZZAT BEG OF THE INDIAN CORPS OF CLERKS.

282. **Mr. Abdul Hays:** 1. Is it a fact that F. M. Izzat Beg, who belonged to the Indian Corps of Clerks and was working in the Station Staff Office, Solan, was transferred to Ferozepore in June 1925 and was

ordered to report on 25th June 1925 for duty at Headquarters, Ferozepore Brigade Area?

2. Is it a fact that the said F. M. Izzat Beg, in the last week of June 1925 applied for sick leave on medical certificate and the same was granted to him.

3. Is it a fact that on 6th July 1925 he submitted another application for extension of leave, which was supported by a medical certificate granted by Major A. H. Heslop, R.A.M.C., Civil Surgeon, Kasauli, and countersigned by Major C. L. Franklin, R.A.M.C., British Station Hospital, Solan?

4. Is it a fact that on 15th July 1925, a telegram was despatched to F. M. Izzat Beg from the Ferozepore Brigade Area asking him to join Headquarters forthwith?

5. Is it a fact that in reply thereto F. M. Izzat Beg wired saying that he had submitted a medical certificate and that he would join on 23rd July 1925 when his leave expired?

6. Is it a fact that this extension of leave was in the first instance granted to F. M. Izzat Beg?

7. Is it a fact that F. M. Izzat Beg joined the Headquarters Ferozepore Brigade Area on 23rd July 1925, when he was, at once, placed under suspension and the very next day he was discharged from service under section 16 and item (XX) of the table annexed to rule 18 of the Indian Army Act, on the ground that he was unlikely to become an efficient soldier?

8. Will the Government please state what occasions the Brigade Major had of forming an opinion about the capacity of F. M. Izzat Beg to become an efficient soldier beyond this that he appeared before him for the first time on 23rd July 1925 when he was immediately placed under suspension?

9. Is it a fact that the Brigade Major in fact suspected that F. M. Izzat Beg was not really ill and had submitted an application containing a false excuse? If so, was any enquiry made into this matter?

10. If the answer to No. 9 is in the negative, will the Government please state for what other reasons the Brigade Major came to the conclusion that F. M. Izzat Beg was not likely to become an efficient soldier?

11. Is a clerk who is neither an attested person nor a recruit liable to discharge on the ground specified by the Brigade Major?

12. Are Government prepared to reconsider this case or at least to institute an enquiry into the allegations against F. M. Izzat Beg?

**Mr. G. M. Young:** 1. Mr. F. M. Izzat Beg, then a clerk in the Station Staff Office, Solan, on the 31st March 1925, arranged mutually for a transfer to the Ferozepore Brigade Area in June 1925. The transfer was sanctioned and he was ordered to report at Ferozepore on the 25th June 1925.

2. On this date, Mr. Izzat Beg wired from Jullundur, to which place he had proceeded on 8 days' joining leave, that he had fallen sick and on the 27th June wrote in confirmation enclosing a medical certificate from a local doctor. He subsequently returned to Solan and endeavoured to obtain a medical certificate from the Sub-Assistant Surgeon of the British Station Hospital on the ground that he was sick and in need of

sick leave. This request was refused whereupon he endeavoured to obtain a certificate from the Officer Commanding British Station Hospital, who informed him that if he was sick he should report at the British Station Hospital in the usual way.

3. Instead of doing so, Mr. Izzat Beg proceeded to Kasauli and returned with a certificate from the Civil Surgeon of that place, dated the 5th July, 1925, to the effect that he was suffering from hill diarrhoea, and recommending him for the grant of a fortnight's leave.

4 to 6. This leave, it appears was not formally granted, but Mr. Izzat Beg was allowed to remain at Solan until the 15th July, 1925, when he received orders from the Headquarters of the Ferozepore Brigade Area to proceed, and, if necessary, report sick, there. He refused to do so, and stated that he would join on the 23rd July. He reported for duty at Ferozepore on the 23rd July, 1925.

7 to 10. Owing to his unsatisfactory conduct in the matter he was discharged under item (xx) of the Table annexed to rule 13 of the Indian Army Act Rules.

11. Mr. Izzat Beg was enrolled under the Indian Army Act and, subject to the provisions of that Act for the purposes of discipline and discharge. Government are advised that his discharge under this item was, therefore, legal.

12. Petitions from this man have already been considered and rejected both by the Government of India and by the military authorities at Army Headquarters on six occasions and Government do not propose to reconsider their decision.

**CASE OF MR. MOHAMAD USMAN, LATE AN INSPECTOR OF WORKS AT PANIPAT, EAST INDIAN RAILWAY.**

**283. Mr. Abdul Hays:** 1. Are Government aware of the fact that the services of Mr. Mohamad Usman, an Inspector of Works drawing Rs. 240 per mensem at Panipat during the years 1921—25, were dispensed with at the time of the transfer of the D. U. K. section of the East Indian Railway to the North Western Railway?

2. Is it a fact that this Mohamad Usman had already put in about 8 years' service in the East Indian Railway at Allahabad during the years 1904—12?

3. Is it a fact that Mohamad Usman was taken on the permanent cadre of the East Indian Railway from 1st April 1924?

4. Is it a fact that the name of Mohamad Usman was shown as permanent Inspector of Works in the East Indian Railway Classified Printed List of January, 1925?

5. Is it a fact that paragraphs 2 and 3 of the Railway Board's memorandum received with the Agent, East Indian Railway's letter No. 25456, dated 25th August, 1924, clearly mentioned that permanent staff and not temporary of the East Indian Railway was to be transferred to the North Western Railway?

6. Is it a fact that the name of Mohamad Usman was included in the list of permanent staff handed over to the North Western Railway at the time of the transfer of the D. U. K. Railway to the North Western Railway?

7. Is it a fact that the Chief Engineer, East Indian Railway, asked the Divisional Superintendent, North Western Railway, Delhi, to serve Mohamad Usman with a notice of discharge simply on the ground that he (Mohamad Usman) was a temporary hand?

8. Is it a fact that after dispensing with the services of Mohamad Usman his post was filled by the appointment of one Surveyor (B. Ganpat Rai) who had never worked before as Inspector of Works and later by one Dilbag Rai, a Sub-Inspector of Works, a man much junior to Mohamad Usman, and drawing only Rs. 190 per mensem?

9. Is it a fact that His Excellency the Viceroy was pleased to say in his speech that "at the transfer of the company line to the Government of India the railway staff will not be affected"?

10. Is it a fact that after his discharge, Mohamad Usman represented his case to the Agent, East Indian Railway, the President, Railway Board, and His Excellency the Viceroy?

11. Do Government propose to see their way to reinstate Mohamad Usman in his original post of Inspector of Works or offer him a similar post on the North Western Railway?

**Mr. A. A. L. Parsons:** Without going into all the detail covered by the Honourable Member's question, I may say that Mr. Mohamad Usman did appeal against his discharge, but the Government of India did not see sufficient reason to interfere. I am afraid that I cannot give the assurance asked for by the Honourable Member.

**CANTONMENT FUND NET RECEIPTS AND EXPENDITURE FOR 1925-26 IN RESPECT OF CANTONMENTS WITHOUT ELECTED OR NOMINATED BOARDS.**

284. **Rao Bahadur M. C. Rajah:** (a) Will Government be pleased to furnish a statement showing Cantonment Fund net receipts and expenditure on "general administration" and "collection of revenue" for the year 1925-26 with respect to such Cantonments as have no elected or nominated Boards?

(b) Are Government prepared to take steps to reduce the expenditure in this connection if it is shown that any of these cantonments has to spend nearly one-third of its total net fund receipts on general administration and collection of revenue?

**ANNUAL EXPENDITURE ON CANTONMENT FUND OFFICE ESTABLISHMENT IN THIRD CLASS CANTONMENTS.**

285. **Rao Bahadur M. C. Rajah:** (a) Will Government be pleased to state:

- i. What was the annual expenditure on Cantonment Fund office establishment in the case of third class Cantonments before the separation of judicial and executive work in 1924?
- ii. And what is the present expenditure on the same?

(b) In cases where an increase is reported, are Government prepared to take the necessary steps to curtail this expenditure in proportion to the work to be done?

**Mr. G. M. Young:** With your permission, Sir, I will answer questions Nos. 284 and 285 together.

The statement and comparative figures are not readily available, but I will endeavour to obtain them, and communicate the result to the Honourable Member.

#### QUALIFICATIONS OF PERSONS ENTRUSTED WITH THE PREPARATION OF ASSESSMENT LISTS IN CANTONMENTS.

**286. Rao Bahadur M. C. Rajah:** Are Government aware that even a member of any Cantonment Board is not deemed eligible to be a member of the Assessment Committee under section 68, sub-section (4), and that whenever any new house or building is erected its valuation and assessment are made by an Assessment Committee and not by any single individual?

Do Government propose to lay down the qualifications necessary for assessors to ensure that untrained men may not be entrusted with the work of preparing the assessment lists?

**Mr. G. M. Young:** Sub-section (4) of section 68 of the Cantonments Act lays down that the Assessment Committee shall consist of not less than three persons, and where there is a Board, it shall not be necessary to appoint to the Assessment Committee any member thereof. From this it is clear that members of Cantonment Boards are eligible to serve on Assessment Committees.

The assessment of new houses and buildings is not made by the Assessment Committee, but by the Cantonment Authority itself.

Government do not propose to prescribe any such qualifications. In their opinion section 66 of the Act provides all that is necessary for an efficient preparation of the list.

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#### THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

##### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. J. W. Bhoré** (Secretary, Education, Health and Lands): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923.

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#### THE GOLD STANDARD AND RESERVE BANK OF INDIA BILL.

##### NOMINATION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY TO SERVE ON THE JOINT COMMITTEE.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to establish a gold standard currency for British India and constitute a reserve Bank of India, namely:

Sir Purshotamdas Thakurdas, Mr. R. K. Shanmukham Chetty, Mr. Jamnadas M. Mehta, Mr. A. Rangaswami Iyengar, Mr. N. C. Kelkar, Pandit Madan Mohan Malaviya, Mr. Fazal Ibrahim Rahimtulla, Raja Ghazanfar Ali Khan, Mr. Yakub C. Ariff, Mr. H. G. Cooke, Sir Victor Sassoon, Mr. Kikabhai Premchand, Mr. V. K. Aravamudha Ayangar, and the Mover."

The motion was adopted.

## THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

### NOMINATION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY TO SERVE ON THE JOINT COMMITTEE.

**The Honourable Sir Basil Blackett** (Finance Member): Sir, I move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Imperial Bank of India Act, 1920, for certain purposes."

Sir, the names are the same as before, and with your permission, I will not read them out.

The motion was adopted.

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): Sir, may I ask when this Committee is intended to sit and when we are likely to receive the Report?

**The Honourable Sir Basil Blackett**: Sir, if I may be allowed, the intention of the Government is, if possible, that the Select Committee should complete its labours before the Simla Session. I should like to say that I shall be very glad myself to have an opportunity of meeting the members of this Committee some time to-day or Monday with a view to considering the preliminary question of our convenience as to dates of sitting.

**Mr. K. C. Roy** (Bengal: Nominated Non-Official): Sir, shall I be in order in saying one word at this stage?

**Mr. President**: Does the Honourable Member wish to give any information on this point?

**Mr. K. C. Roy**: May I ask the Honourable the Finance Member whether he has taken anybody from Bengal?

**Mr. President**: Order, order. That stage is past. The Honourable Member was at liberty to move amendments.

**Mr. Jamnadas M. Mehta** (Bombay City: Non-Muhammadan Urban): Sir, it is desirable that we should know whether we meet on Monday or not, because Monday is probably the last day of the Session, I see there is a general desire that the Committee should have a preliminary meeting before we leave; and I think the Honourable the Finance Member would do well to tell us whether he has definitely fixed Monday.

**The Honourable Sir Basil Blackett**: My difficulty is that the members have not yet been appointed by the Council of State and I am not quite sure when they will be, but perhaps independently of that, it would be well if we were definitely to arrange to meet at, say 10-80 on Monday morning, in one of the Committee rooms, just to have a preliminary discussion.

**Mr. Jamnadas M. Mehta**: With the Members of the Council of State or alone?

**The Honourable Sir Basil Blackett**: With whatever is possible.

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## THE MADRAS SALT (AMENDMENT) BILL.

**Mr. V. K. Aravamudha Ayangar** (Finance Department: Nominated Official): Sir, I rise to move that the Bill further to amend the Madras Salt Act, 1899, for a certain purpose, as passed by the Council of State, be taken into consideration.

This is a very simple Bill and does not require a long explanation. Under the Madras Salt Act, section 48B, private manufacturers of salt are required to pay a certain percentage of the cost of the preventive establishment, which is represented by the difference between the cost of the establishment and 5 per cent. of the duty collected. Its object, Sir, was two-fold, first, to make the Government bear in normal circumstances the normal cost of a normal factory working with normal economies; second, Sir, it was to ensure the opening of factories at places which were suitable and making salt manufacturers exercise due diligence and care in manufacture.

This percentage worked satisfactorily when the salt duty stood at Rs. 2-8, but that duty has since been changed, and the cost of establishment has increased. The result has been, first, that private manufacturers and through them the consumers are made to bear a portion of the cost of establishment which should ordinarily be borne by Government; and secondly, it has had an unfortunate result for the Madras agriculturists who find a hot weather occupation in those small salt factories which are located in various parts of Madras. The present 5 per cent. limit throws a burden on the manufacturers of salt and threatens the extinction of these small factories. In order to avoid these two difficulties, it is proposed to give power to the Central Board of Revenue to fix a proper percentage which will represent the proper cost to be borne by Government and which would ordinarily be fixed with reference to the rate of salt duty.

Sir, I move.

**Mr. President:** Motion moved:

"That the Bill further to amend the Madras Salt Act, 1889, for a certain purpose, as passed by the Council of State, be taken into consideration."

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I beg to move the amendment that stands in my name.

**Mr. President:** Order, order. The Honourable Member has been long enough in the House to know that this is the consideration stage.

The question is:

"That the Bill further to amend the Madras Salt Act, 1889, for a certain purpose, as passed by the Council of State, be taken into consideration."

The motion was adopted.

**Mr. President:** The question is:

"That clause 2 do stand part of the Bill."

**Mr. A. Rangaswami Iyengar:** Sir, I beg to move:

"That for clause 2 of the Bill the following be substituted:

'2. Sub-clause (4) of clause B of section 45 of the Madras Salt Act, 1889, shall be omitted.'

Sir, the purpose of my amendment is exactly the same as that which the Government profess. Only the amendment which I move will in effect carry out what they profess to do, whereas the amendment of the Madras Salt Act put down by the Government leaves it still in the discretion of the Government to carry out or not the intention which they profess. Sir, so far as this is concerned, I take it that the Government do definitely accept the principle—accepted by all modern systems of finance—that the cost of collection of any tax should necessarily be a charge on the tax collector and should not be levied from those who by some unfortunate stress

[Mr. A. Rangaswami Iyengar.]

of circumstances are placed at the mercy of the Government. Sir, this Madras Salt Act, under which this cess has been levied on the salt manufacturers in my province, is a very antiquated legislation and it cannot be said that it conforms to any modern principles of financial administration. These salt manufacturers have been repeatedly petitioning the Government that the various hardships, that the various difficulties and burdens that have been imposed upon them, should be removed so that they might really take steps to improve the manufacture of salt and they may make an honest penny in a trade which they say has been very much depressed by reason of these exactions of the Government. Sir, what is it that the Government want these salt manufacturers to do? They want them to pay and to submit themselves to a variety of impositions. Under section 48 of the Madras Salt Act, these salt manufacturers are bound to pay not merely the salt duty but also:

"(1) the rent or assessment of the land occupied by the factory and of the land or buildings on or in which the salt was stored . . .

(2) interest at 5 per cent. per annum on the capital cost of the works constructed at the expense of Government within the factory of any of the descriptions or for any of the purposes mentioned in section 31,

(3) the cost of any works executed under section 32 and not recovered thereunder,"

and then the last clause is the one which is now being amended:

"(4) so much of the annual expenditure incurred by the Government on the establishments maintained at the factory or place of storage for the purposes of guarding the salt and of realizing the revenue thereon as may exceed 5 per centum on the duty levied on the salt therein sold in preceding official years and as has not been recovered by Government."

In other words, Sir, the Government want these manufacturers to pay a percentage of the cost of collection of the tax, a percentage of the expenditure which the Government have to incur necessarily to protect the salt monopoly which they possess. Sir, the salt duty is in itself a most iniquitous impost on this country. So far as that duty is concerned, I do not think any civilised Government will rely upon it as a normal source of taxation. On the other hand, I can well understand any modern system of Government going to levy a duty on salt in emergencies. Any sound system of finance should rely on the salt duty as an emergency resource at their hands and should not seek to tap a source which is an impost on the necessities of life of the poor Indians. Therefore, Sir, everything that adds to the difficulties of the salt tax is necessarily an infliction on the poor of the country apart from the loss inflicted on the salt manufacturers, for, after all, it finally falls on the consumers of salt. Sir, these salt manufacturers, as my Honourable friend Mr. Aravamudha Ayengar pointed out, bore a proportion of this expenditure which when the salt duty was higher was certainly smaller in dimension. But as the salt duty was lowered, the percentage on that increased to such an extent in accordance with the terms of the Statute that they themselves find it iniquitous and want to remedy it. But instead of proceeding the right way of remedying it, they still take power to levy this extra cess on the salt duty on the ground that though they agree to the principle that in all normal factories they will see that the expenditure on establishments is not imposed on the contractors, they want to take power in abnormal conditions or in abnormal factories to levy an extra cess upon the manufacturers. I am told, Sir, that the object of that is not even to meet expenditure out of that imposition but to prevent salt factories being established at places where they may

prove unremunerative, to discourage the continuance of factories in places where the cost of manufacture is so great that the extra cess will deter him from continuing the manufacture of salt. Sir, if all that is correct, the proper way to do that is not to amend the law so as still to retain in their hands the power to levy this impost, but to abolish this impost altogether as out of date, unscientific and unjust and to prevent directly the formation of new factories or to take steps for closing factories which have proved unremunerative. That is the fair and right way of dealing with it and this round-about way is very wrong. Sir, I have in my hand a memorial which has been submitted by the lessees and licensees of salt pans and salt factories in my constituency and they very properly point out that apart from the increase in the expenditure of the establishments of the Government which thereby imposes on them an additional charge, the Government are not only collecting this tax for the purpose of maintaining this staff but they also call upon these people to execute necessary repairs to irrigation works, channels and various other things which are needed for the manufacture of salt on those lands. Sir, where people own lands on which crops are grown, and on which there is a system of irrigation, where water is conducted for various purposes of cultivation, the Government have acknowledged their duty and have been discharging the duty of carrying out repairs of these irrigation works, of these channels and other works, which are appurtenant to the system of culture of the land in question. Where it is a land upon which salt is manufactured, salt is cultured, the Government say that every expenditure that has to be incurred should be borne by the manufacturers or licensees and that they should also pay an interest upon such works as the Government have executed. We must not forget, Sir, that the Government is claiming a monopoly and is claiming a right to protect that monopoly and therefore, where the Government wants to retain this monopoly, it is the duty of the Government to maintain these works, to maintain these establishments for preventive as well as for other purposes, and if their monopoly is to be protected, it is not the licensee that should be called upon to pay for it. There are various other hardships which these people are put to, but they do not necessarily arise on this occasion. I am pointing them out only for the purpose of showing that it adds to the burdens of these people. Sir, I have put in a motion, if this is not passed, for a larger limit of exemption for them than is provided in the present Act, so that, at least they may be sure that beyond a certain percentage they will not be taxed. But having regard to the fact that this House has accepted a further reduction in the salt duty from Rs. 1-4-0 to Rs. 0-10-0 a maund, I do not think that that amendment will now work and I consider that on the whole, the logical, the just and the fair way of dealing with it is to abolish this impost altogether. The Government say that they want to do it; only they want to keep the power for abnormal circumstances. Considering that abnormal circumstances must be dealt with on their own merits in each case as it arises and that it should not be provided for by Statute, I move that this clause be omitted.

**Mr. C. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I also have given notice of a similar motion and therefore I entirely adopt all the arguments put forward so eloquently and so lucidly by my Honourable friend Mr. A. Rangaswami Iyengar. Sir, it has been rightly said by him that the salt duty is in itself iniquitous. That Madras salt should be specially penalised is still more iniquitous and to select a Madras gentleman for putting forward this

[Mr. C. Duraiswamy Aiyangar.]

sort of proposal is the most iniquitous of all and I am extremely sorry that Madras has to say to Mr. Aravamudha Ayangar "*Et tu Brute.*" Sir, I am further sorry that my friend Mr. Aravamudha Ayangar, young as he is and early in his public life, has become a greater bureaucrat than the confirmed bureaucrats in his *suaviter in modo, fortiter in re* policy. He has been exhibiting a good deal of sympathy for the Madras agriculturists, for unemployment and for so many other things and has made suggestions about opening further factories, all for the purpose of what? Further penalising the present salt. Sir, I consider that this salt duty, this additional cess upon the salt is another form of protective duty for imported salt. The imported salt of Calcutta has to bear only Rs. 1-4-0 or Rs. 0-10-0, whatever that may be, whereas the indigenous salt has not only to bear the salt duty but also excess charge which means so much of protection to the imported salt which does not bear this excess duty. Therefore, Sir, it is highly inequitable that you should select the indigenous salt and particularly Madras salt, for the purpose of protecting the imported salt and penalising the consumers by levying additional charges upon them. We find, Sir, from the Statistical Abstract that year after year there is always an amount of about 5 annas or 3 annas in excess of the ordinary duty that is levied upon salt and from a footnote on page 158 of the Statistical Abstract of India I find that there were also other rates varying with the quality and age of salt and with reference to auction sales. The prices ranged from 2 as 6 pies to Rs. 1-10-0 per maund in 1916-17 and to Rs. 2-8-0 in 1917-18. This is in addition to the salt duty that is levied and is called the selling price of it. Sir, it is highly unjust that such a selling price should be added to the ordinary duty which is considered as a great hardship. It is stated in the Statement of Objects and Reasons that this 5 per cent. was fixed at a time when the salt duty was Rs. 2-8-0 and now that it has been reduced to Rs. 1-4-0 it is but proper to raise it still further, and in order to avoid all contingencies they want to leave the section as vague as possible. This rate of Rs. 2-8-0 was introduced in 1888, that is at the time when this Salt Act was passed—the Madras Salt Act was passed in 1889. It continued up to only 1902 and from 1902 to 1922-23 it continued to be only at Rs. 1-4-0 and sometimes even at one rupee, and this idea of altering the section had not been taken up all along. But now it is stated that this clause B (4) of section 48 of the Madras Salt Act was passed at a time when the salt duty was Rs. 2-8-0 and it is time enough for changing that section. Why did not this idea occur between 1902 and 1922-23 and why should it occur now? The reason is also a little plain from the Statement of Objects and Reasons. They have increased enormously the cost of establishments, they have made extravagant additions to their establishments, and in order to make that up you want to make the consumer of salt pay all the charges. What is the justification for maintaining an extravagant establishment for the so-called detective or preventive duties and levying all the charges upon the consumer? For instance, in the case of income-tax if you employ a large number of officers, do you levy all that charge on the assesses? This is part of the collection expenditure and it is no justification for throwing the preventive expenditure, the detective expenditure upon the consumer. I think that there is absolutely no justification for the step that is now being taken by the Government in amending this Act. Therefore, if there is any real *bona fide* in the expression that is made in the Statement of Objects and Reasons, that "it is the intention of the Government that

normally the cost of preventive establishment should be borne by themselves, not by the licensees"—if there is any good faith in that, I ask them to consent to the deletion of this clause altogether. If "normally" there means an exception, abnormality being the ordinary rule of this Government, Sir, there is absolutely no protection even if you say that the Statement of Objects and Reasons is an article of good faith, but in practice you use all your sword and weapon to enhance the duty and make it a hardship upon the consumer. I have now to communicate to you a message—a message which is ordinarily conveyed to the House through Mr. Gupta—it is this. The Council of State has reversed the decision of this Assembly in the matter of the salt tax by 27 votes to 9. (*An Honourable Member*: "Shame.") I suppose the other side will receive it with applause when Mr. Gupta reads out that Message to us, but we will have enough of it on Monday. But for the present I will advise my Honourable friend, Mr. Aravamudha Aiyangar not to be a party to throw a sword upon his own mother province, the province of Madras.

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): I do not wish to take part in this debate at any length but I should like to correct a mistake, a bad mistake, which My Honourable friend, Mr. Duraiswamy Aiyangar has made. He said that in Bengal salt has to pay nothing except the duty. I should like to tell him that the salt there has to pay charrandars' fees, has to pay fees for the scales which are used for weighing out the salt to see how much the Government ought to collect as duty, has to pay for the hire of the scales, overtime fees, and all the landing charges in addition. Furthermore, he will hardly believe it, the owner of the salt in Calcutta has to pay for the tape and the ceiling wax which seals the salt in bond down.

**Mr. C. Duraiswamy Aiyangar**: I will only ask my Honourable friend to look at page 158 where he will find Bengal Rs. 1-4-0 and Madras and other provinces where salt is manufactured, an additional sale price, and I believe that the expenses which my Honourable friend mentioned apply to other provinces as well.

**Sir Walter Willson**: My knowledge is superior to the book.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): Whenever salt comes up for discussion in this House it is always with a heavy heart that I rise to speak on it. I am interested in the salt manufacture on the Orissa coast and I know, as my Honourable friend over there knows, for a long time our Orissa salt was under the Madras Salt Department, and it is contiguous to the Madras salt area. It is this additional charge over the 5 per cent. for guarding the salt and collecting revenue thereon that has been responsible for the abolition of so many factories. During the last three or four years no less than 8 factories have been abolished. Excepting one, the land of which was required for the Vizagapatam Harbour all the 7 factories were abolished probably owing to this charge. When the year before last on my motion for reviving Orissa Salt a pious suggestion was thrown out that any one in Orissa will be allowed to manufacture salt, if he so desires and applies for it, I was told in private conversation that it is this charge which made it impossible for Orissa salt to be revived again. This charge originally—I do not probably understand the twisted significance of it—was for "guarding the salt" and "collecting

[Pandit Nilakantha Das.]

the revenue". It has come to mean "guarding the entire monopoly" and "collecting all kinds of charges". Thus probably the two items contemplated in sub-clause (4) have been widened in meaning and application. As I now understand the thing, and probably it is the fact, all the preventive charges, that is, the prevention of smuggling, the prevention of illicit manufacture and any other act of commission calculated to be detrimental to the monopoly of salt in that area and all other kinds of far fetched charges called preventive, are calculated for this purpose. Are not many of these charges borne by Government in areas having no salt manufacture? Suppose there is no salt manufactured in the Orissa coast—there is another big factory in Ganjam in the Oriya country, I mean Surla, which has been abolished and I have seen the pans there lying open and people looking at them with tearful eyes. They have no occupation now. You call it a subsidiary occupation on the authority of experts, but my experience is that on the seacoast in my part of the country it is practically the main occupation for many people. And when there is no salt manufactured in these areas, as I was going to say, there must be permanent preventive measures adopted in these places; there is every natural facility for manufacturing salt, there must of necessity be a preventive establishment who bears the cost of prevention in these cases? But if in these areas there is salt manufacture, is there any deduction of the charges on account of the ordinary and otherwise permanent preventive establishment which there must necessarily be even if there be no salt manufacture in the area at all? But I presume all these preventive charges are added to this charge now under discussion.

Whether it is equitable or inequitable, I am not going to discuss here. I know that salt is one of the principal ingredients of human blood, blood of all animals, and specially of human blood. And when we tax salt we put a tax on the very blood or life of man. Properly understood this is the emblem, the visible symbol, as my Honourable friend behind me put it the other day, of alien or foreign exploitation of our very lifeblood. I do not therefore like to say anything on the propriety or the equitability of this tax or any other tax or charge which it may please Government to add to those already existing there and thereby create a monopoly to crush Indian manufacture and to promote perhaps foreign imports.

In the Statement of Objects and Reasons there is expressed a very pious solicitude, so to say, that Government will have the discretion to relieve the people in normal years. Government realises, it is said, that because the salt duty has been reduced to 1s. 4d., this 5 per cent. is not enough. Government is going to apply its discretion so that no more factories will be established and perhaps more small factories will be started. We have seen Government discretion exercised year after year, so far as the import duty is concerned. The import duty is the main thing which handicaps the Indian salt manufacture and year after year any discussion of that question in the House has been practically avoided under the subterfuge of a sentence in the Tariff Act. It has been said there that whereas in all other cases the duty is fixed in amount in weight or say, so much per maund or 20 or some other per cent., *ad valorem*, in the case of imported salt it is just as much as the excise duty on the salt of Indian manufacture of the place into which the salt is imported. This practically precludes the House from considering the question and therefore

Government have never thought of putting forward any discretionary measure for the protection of salt of Indian manufacture. By this time they might have saved not only the factories but they might have started many other small factories and might have come to the rescue of those unfortunate men, who, as I told the House the other day, are in the grip of famine and who live on grass. The House will now realise the significance of discretion. Without saying anything more now—I have got another amendment to move; perhaps when it comes I shall have to speak more on the subject—I support my Honourable friend Mr. Rangaswami Iyengar's amendment.

**Mr. V. K. Aravamudha Ayangar:** Sir, I am afraid there has been a good deal of misunderstanding regarding the scope of the present Bill. I can assure the House it is for the benefit of the Madras agriculturist and for the benefit of the Madras consumer that I have taken this pleasant task of moving this Bill to-day.

In the first place I can assure the Honourable Mr. Rangaswami Iyengar again that the intention of Government is to increase the percentage to be borne by Government from 5 to 7½ per cent., so that hardly any factory in Madras will have to pay any portion of the cost of establishment.

Secondly, Sir, my Honourable friend Pandit Nilakantha Das referred to the general question of salt manufacture and also put forward the case of Orissa. I would refer him to the assurance given by the Honourable the Finance Member in connection with the discussions on the Salt Demand when he said:

"The Government of India are perfectly prepared to consider any proposal for the protection of the manufacture of salt in Orissa which is economic."

I think, Sir, I cannot go beyond the terms of that assurance.

My friend Mr. Rangaswami Iyengar himself has admitted that in regard to the factories which are not worked on an economic basis it is necessary that Government should have powers . . . .

**Mr. A. Rangaswami Iyengar:** No, no; that they will close them down.

**Mr. V. K. Aravamudha Ayangar:** Let me tell him that if clause (4) of section 43 (B) is omitted, Government would still have power.

**Pandit Nilakantha Das:** Do your economies include all these charges?

**Mr. V. K. Aravamudha Ayangar:** I am afraid I do not understand the Honourable Member. There is a certain portion of the cost of the preventive establishment which has to be borne by the manufacturer which it is now proposed that Government should bear.

I was referring to Mr. Rangaswami Iyengar who thought that by omitting clause (4) of section 43(B) he would be improving the position. I am afraid that Mr. Iyengar is, next to the Finance Member, the most hardworked man in the Assembly and that he has not taken the trouble to go into the other parts of the Salt Act. Licences have to be given by Commissioners on certain conditions. As a matter of fact in Bombay in cases where the cost of the establishment is recovered, the recovery is made under the section which provides. . . . .

**Mr. A. Rangaswami Iyengar:** I think it is an abuse of the section. They have no business to put conditions of this onerous character under the plea of granting licences.

**Mr. V. K. Aravamudha Ayangar:** At any rate it has not been objected to so far and it is a separate question which should be taken by itself. I think the Central Board of Revenue will study the discussions on this Bill and consider the question very carefully. I therefore ask the Honourable Member not to press this amendment.

**Mr. President:** The question is:

“That for clause 2 of the Bill the following be substituted:

‘2. Sub-clause (4) of clause B of section 43 of the Madras Salt Act, 1889, shall be omitted.’”

The motion was negatived.

**Mr. President:** Mr. Rangaswami Iyengar does not move his alternative amendment?

**Mr. A. Rangaswami Iyengar:** No, Sir, I am not moving it.

**Mr. President:** Does Mr. Duraiswamy Aiyangar wish to move his alternative amendment?

**Mr. C. Duraiswamy Aiyangar:** No, Sir.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Mr. V. K. Aravamudha Ayangar:** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

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### THE PROVIDENT FUNDS (AMENDMENT) BILL.

**Mr. J. W. Shore** (Secretary, Education, Health and Lands): Sir, I move that the Bill further to amend the Provident Funds Act, 1925, for a certain purpose, as passed by the Council of State, be taken into consideration.

This is a very small amending Bill intended to modify the rigidity of the definition of “Government Provident Fund” in clause (d) of section 2 of the Provident Funds Act, 1925. It was brought to our notice by the Madras Government that the provisions of the Act at present exclude from its benefits such low-salaried staff as clerks employed under District Educational Councils and clerks and librarians in educational institutions. and they suggested that the Act should be modified and that this anomaly should be removed. Agreeing with that view, Sir, we have brought in this small amending Bill, the object of which is to make the definition in clause (d) of section 2 sufficiently elastic to include grades other than teachers employed on educational work or in connection with it. Sir, I beg to move.

The motion was adopted.

Clause 2 was added to the Bill.

> Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**Mr. J. W. Bhore:** Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

### THE INDIAN FOREST BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as passed by the Council of State, be taken into consideration.

Sir, in moving this motion I wish very briefly to recapitulate the facts why I happen to be the mover of this motion. The Statute Law Revision Committee, which was constituted some time in 1921, set to work with a view to revising the statute law of the country.

[At this stage Mr. President vacated the Chair which was occupied by Mr. Deputy President.]

It found that the Statute-book was overloaded with a very large number of supplementary amending and explanatory Acts and the first thing that the Committee decided was that the Statute-book should be purged of all these supplementary and amending pieces of legislation with a view to ensure compactness and convenience for the sake of reference. As such, a very large number of Acts were consolidated and went into one cover of the Indian Succession Act, which was passed by this House two years ago. Another piece of legislation which was also consolidated is the Merchant Shipping Act and Honourable Members will find from the Schedule appended to this Forest Act that no less than eight amending Acts have been consolidated in this one Act.

Now, I find on the agenda a very large number of amendments suggesting improvements and amendments on the merits of the various sections. I wish to point out, Sir, that the primary object of a consolidating Statute is to consolidate and not to amend. If any amendment is necessary that must be taken up as a separate matter. The object of consolidation, I submit, is to bring together within the compass of one Act what is found scattered over perhaps a very large number of pages of the Statute-book. Therefore, so far as the principle underlying the motion which I beg to move goes, it is that we really desire consolidation and consolidation only. So far as the question of consolidation is concerned, Local Governments were consulted and verbal changes—and they are no more than verbal changes, I have gone through the whole Act from first to last—have been made for the purpose of bringing out the real meaning of the various provisions of the Act and they are in substance and in form merely drafting changes. I submit, therefore, that the House must deal with this question as one of consolidation, pure and simple, and agree with the Council of State in passing this piece of legislation. Sir, I move it. •

**Mr. O. Duraiswamy Aiyangar** (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I have given notice of an amendment that the Bill be circulated for the purpose of eliciting opinions thereon. I have heard patiently the achievements of Sir Hari Singh Gour on the

[Mr. C. Duraiswamy Aiyangar.]

Statute Law Revision Committee and the number of Bills which he has consolidated into whole Acts . . . . .

**Sir Hari Singh Gour:** On a point of personal explanation, I have said nothing about having consolidated any Bills at all. I was all along referring to the work of the Statute Law Revision Committee.

**Mr. C. Duraiswamy Aiyangar:** I meant no offence to Sir Hari Singh Gour—I meant only a compliment.

**Sir Hari Singh Gour:** It is an undeserved compliment, Sir.

**Mr. C. Duraiswamy Aiyangar:** I do not know why my Honourable friend, Dr. Gour feels shy of any amendment being made or any improvements being made upon the Bill he has presented to the Assembly on this occasion. Sir, there is nothing to prevent this House, under the rules or standing orders or the Act, from taking cognisance of a Bill . . . .

**The Honourable Sir Alexander Muddiman (Home Member):** On a point of order, Sir. If I understood the Honourable Member who is moving that the Bill be circulated—that is a motion that cannot be made on a Bill which has been passed by the other Chamber. The rule is quite clear—rule 29 of the Indian Legislative Rules: "He may move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried the Bill shall be referred to a Select Committee." I submit, Sir, that rule is exhaustive and therefore my Honourable friend's motion is out of order.

**Mr. Deputy President:** Has Mr. C. Duraiswamy Aiyangar anything to say on the point of order?

**Mr. C. Duraiswamy Aiyangar:** I submit to your ruling.

**Mr. Deputy President:** I think the rule is quite clear and this amendment cannot be moved. There is also another amendment in the name of Mr. Aney to the same effect, and under the rule just quoted this amendment also falls to the ground. There is then an amendment of Mr. Duraiswamy Aiyangar; I would like to know if he wants to move it.

**Mr. C. Duraiswamy Aiyangar:** Yes, Sir. I move that the Bill be referred to a Select Committee and I may consolidate in the amendment the names given by my Honourable friend Mr. Aney in his motion, to form the Select Committee. Sir, I submit that when a Bill is placed before us for consideration it is the duty of the Assembly to see that, even if it be a consolidating Bill, it is a Bill good in form and beneficial to the country. It is not a sufficient ground to say that the object of the present Bill is only to consolidate all the various pieces into one and the object is not to improve it or make useful to the public. If it is possible for this House to amend the enactment in such a manner as to make it beneficial to the public interests, then I think it is the duty of this House to enter into that question without shirking it. Thereby, Sir, I will be doing a double honour to the gentleman who is responsible for this consolidation, by making it not only a consolidating Act but also a consolidating and good Act.

Sir, the troubles which the people undergo, particularly the agricultural class, in the matter of the forest rules and the provisions of the Forest Act, are so enormous that every Member of this House who has come in contact with the agricultural population must be well aware how that forms the greatest grievance of the people of this country. The forest reservations, the forest areas, the troubles undergone by the

agricultural population, particularly those living in villages, the prosecutions they have to go through, all these are a sad tale to relate at present. It is absolutely necessary that the Forest Act should be so worked that the people will receive more of benefit from the forests than of hardship and trouble. The very fact that there are 882 amendments to the various provisions of this Bill that has been placed before this House will go to show that considerable hardship is being felt under the present system. Personally, so far as the Madras Presidency is concerned, this Act does not directly relate to it. But I am anxious that the principle of a proper and useful method of working the Act should be established in the central legislature, so that the Madras Forest Act also may receive the benefit of it and be worked accordingly and such changes introduced in it as this House sets the example on this Bill. Therefore, Sir, I am anxious that this Bill should be referred to a Select Committee and nothing will be lost by the short time that will be taken by the Select Committee if by doing so this House will be rendering an immense public service and I therefore, Sir, commend to this House the acceptance of the motion to refer this Bill to a Select Committee.

**Mr. M. S. Aney** (Berar Representative): Sir, I rise to support the amendment moved by my friend Mr. Duraiswamy Aiyangar. It is unfortunate, Sir, that his first amendment to circulate the Bill for public opinion was found to be out of order. If that amendment was not ruled out of order, this House would probably have had the benefit of ascertaining the views of those who are being most affected by the working of the present Act. One of the claims which my friend Dr. Gour has made, and to a certain extent rightly made, about this Bill, was that it was a straightforward consolidation measure. To a large extent that claim is true. But those who have gone through the present Bill and have compared it with the three or four Acts it seeks to consolidate, will find that it is not a completely consolidation measure in the strict sense of the term . . . . .

**Sir Hari Singh Gour:** Give us an instance.

**Mr. M. S. Aney:** I will; you please wait. If I had not enough material in my pocket, I would not have urged this point at all. In fact, if my Honourable friend had gone through the debate which took place on this measure in the other House and the speech which the Honourable Sayyed Raza Ali made in introducing it last year, he himself would have found without my giving any instances that in this Act of 1878 there are certain sections which do not find a place in the present Bill and there are amendments made to the Act which are to some extent, in my opinion, of a substantial nature. First, I will draw the attention of my friend to a passage in the speech of the Honourable Mr. Raza Ali, from which he will see that there are omissions and alterations—whether they are of drafting nature or not is a different question altogether—and on that point I shall speak later. There are at least two alterations which, in my opinion, cannot be said to simply make the sections more lucid or more unambiguous in the present measure. In the first place, to satisfy my friend I should like to read out one passage, and the House will see that section 84 of the old Act has been omitted. It does not find a place here at all. In fact, the whole of Chapter V is omitted. That Chapter has no corresponding Chapter in this Bill, and the reason given is that on investigation it was found that that section was spent and it could no longer be of any use.

**Sir Hari Singh Gour:** Obsolete.

**Mr. M. S. Aney:** I am going to argue that also. It cannot be spent; it is not spent. That is my position. That might be the view of the learned members who sat on the Statute Revision Committee, but those who happen to read that law in a different spirit will find that the section cannot be spent; in fact, it only indicates that the members of the Statute Revision Committee had possibly not got with them full information about the working of this Act in different provinces. It shows nothing more than that. But I think my Honourable friend will be satisfied when I read out to him one passage from the speech of his colleague. and it is this, that "on investigation it was found that section 84 was spent and it was no longer possible to make use of it". So my friend will admit it is not a consolidation measure in the strict sense of the term. Now I shall read out to the House section 84 of the old Act, and then this House will, I am sure, be perfectly satisfied that it is not a section which could be construed as one that is now spent. It is still operative if that section is properly understood. The section reads thus:

"Within twelve months from the date on which this Act comes into force in the territories administered by any Local Government, such Government shall, after consideration of the rights of the Government and private persons in all forest-lands or waste lands then under its executive control for purposes of forest conservancy, determine which of such lands (if any) can, according to justice, equity and good conscience, be classed as reserved forests or protected forests under this Act, and declare by notification in the local official gazette, any lands so classed to be reserved or protected forests, as the case may be;

Provided that such declaration shall not affect any rights of the Government or private persons to or over any land or forest produce in any such forest, which have, previous to the date of such declaration, been inquired into, settled and recorded in a manner which the Local Government thinks sufficient:

Provided also that if any such rights have not on such date been so inquired into, settled and recorded, the Local Government shall direct that the same shall be inquired into, settled and recorded in the manner provided by this Act for reserved or protected forests, as the case may be; and, until such inquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights."

Of course, this is rather a long section, like the supplementary questions which my friend Mr. Kabeerud-Din Ahmed sometimes puts in this House, and I am afraid sometimes the very length of it makes it impossible for a man to follow the sense of it. So Honourable Members might have found it somewhat difficult to catch the particular point that I have in view in reading out this whole section, but it was necessary that I should read out the whole of this section. This section, Sir, first of all makes it incumbent upon the Local Government immediately after the Act is applied to any particular tract . . . .

**Sir Hari Singh Gour:** Which Act?

**Mr. M. S. Aney:** The Act of 1878. I am reading section 84 from the Act of 1878, and not of your Bill. The Consolidation Bill ceases to be a consolidation Bill according to me on account of the omission of this section. That is my point and charge also. So under section 84 of the Act of 1878 it has been made incumbent upon the Local Government to classify the lands within 12 months as reserved forests or protected forests under the provisions of that Act. That classification has to be made within a period of 12 months.

**Sir Hari Singh Gour:** Was to have been made within 12 months in 1878.

**Mr. M. S. Aney:** Within 12 months from the date on which this Act comes into force . . . . .

**Sir Hari Singh Gour:** Then it must be 1878.

**Mr. M. S. Aney:** You are entirely mistaken. The Act is applied to certain provinces as late as 1911, and as this section remains there, the period of 12 months should be counted only after 1911.

**Sir Hari Singh Gour:** Then it is 1912.

**Mr. M. S. Aney:** Why are you so impatient? Before you hear me fully, you cannot by adding one more year to the year which I have mentioned gain your point. I say that all the learning of the learned doctor has failed in enabling him to analyse and to understand the proper meaning of this section. That is my point, and it is a pity that so many learned doctors and so many eminent lawyers sitting on the Statutes Revision Committee should have overlooked this important point. That is my charge. The point is this, that the classification has to be made within a period of 12 months, and what the section further lays down is that before that declaration is made, the Local Government has to inquire into the private rights of other persons in accordance with equity, justice and good conscience over the waste land which is to be classed as reserve or protected forests. If such rights had already been inquired into and settled or recorded before, then those rights would be respected under the first proviso, and they would not be in any way affected. But the second proviso definitely lays down if no such inquiry was held, then the rights, which private persons already enjoy over the land, shall remain unaffected or un-abridged till that inquiry is made and the rights are duly recorded. Now, Sir, the position will become clear if I take a concrete instance. In Berar this law was applied in the year 1911, and in the notification by which this law was made applicable it was declared that all the land classed as State forests under the Berar Forest Act should be treated under this law as reserve forests. But as far as I know no such inquiry as is contemplated by section 84 was ever made with regard to the private rights of individuals in the lands classed as State forests and therefore the rights which the people had over them subsist to-day in spite of that declaration of the Government under proviso 2 of this section. That is the position. Certain valuable rights of village communities and private individuals over lands which are Reserve forest under this section subsist because the Local Government did not make any inquiries into the rights of those individuals or make any record thereof as required. That is the position as it stands to-day. But if you take away section 84 altogether with these salutary provisos, hundreds of persons will find their rights altogether annihilated and that will cause a serious difficulty. I do not mean to say that the Government have not got the right to hold an inquiry hereafter if they like, but so far as the protection of the existing rights are concerned, it was done under section 84 and Government could not take steps against those persons for using those rights under any one of the other sections of the Act of 1878. But if this whole Chapter is omitted and if these protective clauses are dropped, any use of those rights by them may become unlawful because it is a use of reserve forests without permission from the Government. Perhaps it may be possible to argue in a different and opposite way also. I do not deny the possibility. What I am trying to drive at is that the omission of this clause in the Bill is not merely alteration of a formal nature. "On investigation" it is stated "it was found that

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this section was spent." I maintain that the true position is like this. I do not want to dispute the fact that the members of the Statute Law Revision Committee had made an investigation but probably the fact is that they did not or could not find out whether this Act had come into force in all the provinces on one and the same date; and further whether in every province where it was made applicable such inquiries as are contemplated under section 34 were invariably made by the local Government. But if they had not made any inquiries in any such province or tract, I am sure that certain rights which the people are in possession of, are yet unaffected. But I am afraid that by the omission of this section in this Bill we are practically destroying those rights to-day. This is the position created by the omission of section 34.

I would draw my learned friend's attention to another thing. Take section 81. I will read out, Sir, only the first part of this section which is relevant for the purpose of my argument.

"The Local Government may from time to time subject to the control of the Governor General in Council make rules to regulate the following matter."

Now, if we look to the corresponding section in this 'consolidating Bill, the House will find that the words "subject to the control of the Governor General in Council" are omitted. Whatever the reasons for this omission may be, I am not going to inquire into them now. But if it becomes possible for me to move my amendments later on I would give very cogent reasons to show why these words should be omitted and some important new words substituted for them. The omitted words meant that the rule-making power of the Local Government under this section was restrained to some extent and controlled to some extent by the Governor General in Council, and the reason for such control was very sound. The Provincial Governments were called upon to execute and administer an Imperial Act and it was necessary therefore that the Governor General in Council should see that the rules framed under that Act were such as were in no way inconsistent with the spirit of the Act. It was for this reason that those words were there: "subject to the control of the Governor General in Council." I think my Honourable friend is satisfied that these words do not exist in the present Bill.

**The Honourable Sir Alexander Muddiman:** What is the section the Honourable Member is referring to?

**Mr. M. S. Aney:** I am referring to section 81 of the old Act.

**Sir Hari Singh Gour:** Section 82.

**Mr. M. S. Aney:** Let us take section 89 of the old Act. This important clause calculated to restrain the rule-making power of the Local Government in these two sections is omitted in this Bill. To my mind it seems that the powers of the Local Government to make rules under this Act have therefore to that extent been extended and widened by the present Bill.

**The Honourable Sir Alexander Muddiman:** Sir, to save my Honourable friend taking the time of the House I may explain to him that section 89 does not contain the words "with the previous sanction of the Governor General in Council". My Honourable friend is reading from an old Act words which have been struck out by the Devolution Act. Those words have been struck out from section 89.

**Mr. M. S. Aney:** I have only tried to show that section 89 of the old Act contained those words.

**The Honourable Sir Alexander Muddiman:** But that Act was amended in 1920 by the Devolution Act.

**Mr. M. S. Aney:** So there are these two things. And the third point (*An Honourable Member:* "The second point.") is that there is some slight change in the wording of section 42 of this Act. The wording of the present Bill differs. Paragraph 2 of section 42 in the Bill is differently worded from paragraph 2 of the old Act of 1878. That is perfectly clear. Now what I submit is this. What was probably left under the old law as a matter for the discretion of the Court has now been definitely provided for as a matter to be ruled by the Provincial Government in its rules. That is the clear meaning of the change. A double penalty to be inflicted was under the old Act a matter for the discretion of the Court under certain circumstances. But now it has been provided for by the rules themselves. That was not the position under that Act. To sum up what I mean is this. There are certain changes made in the Bill and changes which to my mind are not altogether of a drafting nature. I think that I have cleared this position. It has been pointed out to us that this is a consolidating measure, therefore it must not be scrutinised very closely for the purpose of amending the existing law. But I have shown that it is not a consolidating measure in the strict sense. Even if it be, my point is that if this is a law which is likely to affect the interests of the people in various ways, then the mere fact that it is a consolidating law ought not to deter us from giving such consideration to it as it deserves.

There is one more reason, Sir, which I would like to urge in connection with this motion. This Act has been passed in the year 1878. Subsequent Acts have been passed later on to amend it. But for so many years it has practically remained there on the Statute-book unaltered, and the Act has been working for a very long time like that. It is now coming up in this compact form of a consolidating Bill before us for consideration. I think, Sir, it is the proper time for this House to urge such reforms as they choose to make in the existing Act with a view to bringing it into line with the requirements of the people. Because, if that is not done now and if it be left to a private Bill I do not think any changes are possible. I think it is not necessary for me to tell the Honourable Members of this House how difficult it would be to get any reform carried out, if the question be overlooked now. That is another reason why I wish that this Bill should be referred to Select Committee. If we look at the various principles underlying this Act we find that those principles are entirely out of conformity with the requirements of the day. This Act is based upon certain ideas which no longer hold good at the present time. The framework of this Act will show that an attempt was made to vest the Forest Officer with as much power as it was possible and to limit the powers of the courts or even of the Revenue Officers to a great degree. That is the basic principle running through the whole of this Act. In fact, this Act and the subsequent amendments made to this Act mark a triumph of the forest experts over the Revenue Officers who here carrying on a struggle to safeguard the interests of the people against the encroachment of the Forest Department. That is the position under this Act. The fundamental idea is not any respect for the rights which were in existence from times immemorial and which the people have been in enjoyment for generations together, but

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to see how it would be possible for the Forest Department to claim such lands or privileges as they think proper to be included or enjoyed within the boundaries of the forest and to make use of the Indian forests with a view to exploit them for the sake of larger and larger revenues. It is in that spirit that the law was framed and rules also were made under the Act. That is a matter about which there is a good deal of heart-burning and grievance. I believe that it cannot be denied by anybody,—even the Administration Reports of every province will amply show—that there has been serious complaint on behalf of the people on this matter. The authors of the official reports have very often mentioned those complaints. As the matter has now come before the House it is up to this House to see whether the framework of this law cannot be so amended as to create a reasonable hope for the redress of those grievances and to leave a certain margin for the people to get their grievances redressed; as well as at the same time, to take precautions that no material harm is done to the objects which the Forest Department has in view and with which it is carrying on its work. Whether a sort of compromise, some reconciliation, between the interests of the people and the interests of the Forest Department could be brought about or not it is up to this House to find out and I believe that it can be done only by taking this Bill to a Select Committee and considering there the various amendments in the light of the legitimate grievances of the people and examining these provisions with a view to giving proper relief to the people. Government are not going to lose anything by accepting a motion of this nature. The reason is this. This Bill is after all nothing more than all the other laws which are now in operation put together. That being the position Government are not going to lose anything. But at the same time, if the measure is sent to a Select Committee, the Government will be giving a very good opportunity to the representatives of the people to put forward their case and to make suggestions for finding out whether a reasonable compromise between the interests of the Forest Department and the interests of the people which are adversely affected cannot be made. There is no reason why the Government should be reluctant to give such an opportunity by accepting the motion which has been moved by my friend Mr. C. Duraiswamy Aiyangar. What would it mean? I know it will be unfair to propose all the amendments of which I have given notice and ask the Honourable Members to consider them on the floor of the House. It would be unfair on my part to do so. I see that position. But at the same time if, as my Honourable friend Mr. Duraiswamy Aiyangar has mentioned, the Bill makes it necessary for so many amendments to crop up it is because there are so many sections which according to the people require to be amended and so many grievances awaiting their day of redress. Why should the Government, when they are trying to revise this law from the consolidation point of view, not also think of revising it to make it more equitable, more just and profitable both to the Department and to the people? Why should the Government not do it? Where is the harm for the Government in doing that I cannot understand. (Laughter on Government Benches.) I am sorry I have missed what my Honourable friend said.

**Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): He said nothing. He did something.

**Mr. M. S. Aney:** Already the position is this, that so far as the present motion to refer the Bill to a Select Committee is concerned, there is no

material harm which will be done to the interests of the Government if it is accepted. That is one thing. Secondly, Sir, I really think that at the present day we are in what may be called the reform period and it is well known that this is already a transferred subject in certain provinces. The Committee of which my Honourable friend the Honourable the Home Member was Chairman has also recommended this as one of the subjects which could be immediately transferred in every province. It means that the Honourable the Home Member also thinks that this is a matter which is eminently fit for the consideration of the people as such, and if the people take charge of this Department and administer the whole of this law, it is not likely to cause any disadvantage to the parties concerned. That is the position taken by the very fact that a recommendation to that effect is made in that Committee's Report. If that is so, why then, when this law is brought before the representatives of the people here, should the Government be reluctant to give them an opportunity to think over the whole matter and to place before this House their considered view? I do not understand why the Government should be so reluctant on that point. If the matter were not brought before this House that would be a different question altogether. As my Honourable friend the Home Member knows, I am generally opposed to the taking up in this House of any piece of legislation which is really a subject for the Provincial Governments under the Reforms to deal. Such a matter should not be brought forward here, but if it is brought, then I claim that the representatives of the people should have the same right over that Bill as they would have if it were brought in the provincial Legislatures. It cannot be denied that the people have got a number of grievances about the operation of the Forest Act. I do not want to detail them here. Once I begin to throw myself into those details I do not know where and when I shall end. I will leave that question aside for the present. I only want this House to accept the general fact that the present administration of the Forest Department in certain matters has become practically harassing. That is the position, and the intensity of the grievance is such that it led to disturbances in certain parts and this matter must be known to the official Members. In my own province it happened in 1918 and 1917. So I mention the fact with emphasis that people are dissatisfied there and still those grievances remain unredressed. When we actually know that a particular Statute has given rise to intense dissatisfaction amongst the people then it is proper that when the Government comes for the revision of that Statute for any purpose, that dissatisfaction also should be taken into consideration. They should consider the popular aspect and concede to the wishes of the people so that their grievances are minimised as far as possible. I believe that my learned friend Sir Hari Singh Gour, who comes from the same province as I do, (Hear, hear) as well as the Honourable the Home Member and the official Members will look at it from that point of view. Most of them are administrators in the districts. I believe that some of them at least have got experience as District Officers and I am sure they know that there are genuine grievances of the people in regard to forest administration. I hope they will also take a sympathetic view of the motion which is placed before this House. I do not want to speak at length and I do not want to detain the House any further. I support the amendment.

**The Honourable Sir Alexander Muddiman:** Sir, I do beg of the House to be cautious in this matter. I am addressing a few words to the House because I was President of the Statute Law Revision Committee and I rather think that Dr. Gour and myself did some of the work on this Bill

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before I left that post. If the House takes the view that whenever a consolidation Bill is brought before us the whole of the substance is open to discussion, then it is quite clear that a consolidation Bill can never be brought before this House. My Honourable friend Mr. Aney and his supporter suffer from the delusion which was so common in the House of Commons and which has been repressed with difficulty by the Speaker of that House. It is that whenever a consolidation Bill is brought up every Member of Parliament who has got a grievance against any clause in the Act is enabled to bring it forward. That has done more harm to the course of legal reform than anything I know of. It prevented for many years the consolidation of the company law. I think that this House very wisely has taken the line quite definitely that on a consolidation Bill motions regarding substance cannot be made. We saw the Assembly do that on a very important Bill which I was connected with also, the Merchant Shipping law. If the House had not taken that sensible point of view, it is quite impossible for any consolidation to have been done at all. It did take that view and I think afterwards the Government were enabled very largely from the fact that the law was thus brought up to date to bring in an amending Bill. I think that the Honourable Member in charge of the Department will agree that that consolidation Bill enabled future reform. That is a point of great importance. This Bill in its Preamble states quite clearly that it is a Bill to consolidate the law on the subject.

My Honourable friend took two lines. As regards the first line, he said that it was not a consolidation Bill, but apparently later on in his speech the truth came out as it will even in an affidavit, and he told us the Bill was putting all the law together. I ought to say that I quite agree with him that in the debate on a consolidation Bill he is entitled to point out any changes in the existing law or to show that there have been any slips in the consolidation and if he can do that I am sure the House will be grateful to him. It does rather appear from his own arguments that he has not supplied himself with an up-to-date copy of the Act. That is a precaution which the draftsman usually takes and one which a critic of drafting might well take. He has not observed the fact that certain small amendments were made by the Devolution Act of 1920. That disposes of two of his points. As to the third point, the question of section 84 of the Forest Act, he appears to be under a delusion that whatever this House does will affect the law in Berar. This House has no power to affect the law in Berar, and if he has any grievance, which as a matter of fact he has not, as regards Berar there is nothing which this House can do to remedy it. Moreover, section 84 is a section which allows extension within 12 months from the date it comes into force in any particular province. Will my Honourable friend tell me of any province in British India in which this Act has not been in force more than 12 months? Will he name any province in British India? If he cannot name any province, then it is perfectly clear that section 84 is spent and it is part of the duty of the Statute Law Revision Committee not merely to put the law together but to amputate, to cut off those dead parts of the law which are no longer in force. My Honourable friend will find that a consolidation Bill very generally contains the omission of certain clauses which are spent. His contention that the clause is not spent has been disposed of and the justification for its omission is complete if it is admitted that it has been spent.

I have disposed, as far as I can, of the suggestion that the draftsmen have not carried out their work properly. My Honourable friend, Sir

Hari Singh Gour will no doubt be able, if it is necessary, to further explode any difficulties that may remain. But I come to the main point, which I wish to bring before the House, and, if it was not an important general proposition, I should not have troubled the House with a speech. It is this that, if this House insists that on a consolidation measure it can go into the substance of the law, then the Statute Law Revision Committee had better dissolve and we had better abandon all hope of going on with statute law revision. I do hope that the House will not take that view and that they will not obstruct these Bills which are of very great value. We see that they are of great value because we have an instance of it here. Here is my Honourable friend, Mr. Aney, asking the House to deal with a point of law on which he has been led into an error from the fact that he has an unamended copy, whereas if you have a consolidated Act you will have all your law together. It is a singular instance of the great advantage of consolidation. I am making no suggestions against Mr. Aney. I myself in another capacity, who am supposed to be supplied with a correct copy of the Acts, have occasionally been very badly trapped by the fact that some small amending Bill had not been noted on my copy. I sympathise with my Honourable friend but his misfortune should make him a strong supporter of the Bill which I hope the House will now pass without further criticism. If the House should not do so and should try to amend the Bill, I should be forced to oppose it on behalf of the Government.

**Sir Hari Singh Gour:** After the very lucid speech of the Honourable the Home Member to whom I feel grateful, I should like to reply categorically to the motion moved by my Honourable friend, Mr. Duraiswamy Aiyangar, and supported by my Honourable friend, Mr. Aney. Mr. Duraiswamy Aiyangar says that he is impelled by a desire to do a little service to me by taking this Bill to the Select Committee. The best service Mr. Duraiswamy Aiyangar can do to me is to withdraw his motion, because if he is really sincere in serving me in the way he has professed it will prolong the discussion and we shall be compelled to withdraw the Bill and leave the eight Acts of the Indian Legislature to do the service which they have been indifferently doing and would be doing for a long time to come but for this consolidation. May I ask Mr. Duraiswamy Aiyangar, who was a Member of the last Assembly, this question? Do you object to finding your law in one place or would you prefer to find it scattered over a dozen or more Acts? We consolidated the Indian Succession Act. That Act was passed as long ago as 1865. It had been subsequently amended\* by no less than 14 Acts, and as stated at the time when introducing that Bill, we were indebted to the labours of the Honourable Sir Alexander Muddiman who put these 14 Acts together. The result has been that we now see one consolidated Indian Succession Act instead of having to roam over 14 Acts of the Indian Legislature to find out what our law of succession is. The Merchant Shipping Act is another instance of the same kind. Instead of going into a very large number of Acts for finding out how the law stands, the Statute Law Revision Committee have put into one Act all the various amending and repealing Acts and given the living law as it obtains in the country. That is the sole object of a consolidating\* statute. So far as the present Act is concerned, I have already pointed out in my opening speech that all that we desire is to ask you to read into one Act what is contained in 8 different Acts, and it does not mean only 8 amendments for if you turn to the statement of

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amendments and repeals you will find that there are no less than 81 amendments and repeals which modify the law as it was enacted in 1878.

I therefore submit that so far as the principle of consolidation is concerned this House must give its decision whether it does not  
 1 P.M. approve of the purging of the Statute-book of a large number of small Acts which modify and amend one main Statute and whether they would not like to find their law within the compass of one Act instead of having to find it in 10, 12 and sometimes 20 different Acts of the Legislature. That is the sole question. Now, Sir, the Honourable the Home Member very rightly pointed out that the Statute Law Revision Committee stands committed to the policy of shortening the Indian Statute-book by purging therefrom all these repealing and amending Acts for the sake of convenience. It is not its duty, nor, indeed, as now constituted, would it be its legitimate function to revise or amend the Indian Statutes, and I therefore submit that if this House is of the same view as myself, that we should purge the Indian Statute-book of this large number of confusing amendments and repeals, then I submit this measure must be passed and the motion of the Honourable Mr. Duraiswamy Aiyangar resisted.

Now Mr. Aney has taken a different line of attack. I am perfectly certain when my Honourable friend hears me he will find, I think, that he has been under some misapprehension of the facts. He says that this Bill does revise and amend the existing law. He refers to section 84. Now, Sir, what is the meaning of section 84? Many Acts of the Indian Legislature contain certain transitory provisions and this Act contained one such provision that within 12 months certain enquiries should be made. The Honourable Mr. Aney is perfectly aware of that fact, but he says in Berar the Act was only extended in 1911. To that I have two answers to give. The Act was never extended by the force of the Indian Legislature. It was done by a notification in the Foreign Department. Honourable Members will remember that Berar is technically not a part of British India and whatever British laws are extended to Berar are extended by force of notification in the Foreign Department of the Government of India. Consequently, so far as section 84 is concerned it has no operation as such in Berar. But I go further and say that even if Berar were a part of British India the Forest Act, according to Mr. Aney, was extended to Berar in 1911. Consequently within one year of that date section 84 became spent. Now if, on the other hand—and that is a question I put to Mr. Aney—supposing the Statute Law Revision Committee had re-enacted section 84. Look at the absurdity it would lead us into. It would start a fresh enquiry into a right which should have been made and completed as far back as 1879, within 12 months of the first enactment of the Indian Forest Act, and it would unsettle titles which have been hushed and settled as far back as 1879. Could any Legislature tolerate a position of this character? That would be the effect of re-inserting section 84 of the old Act of 1878 into the enactment which is under reference here. That is the *reductio ad absurdum* to which the re-enactment of section 84 of the Forest Act of 1878 would lead.

Then he referred to section 81. The Honourable the Home Member has already pointed out that in the old section of 1878 the power was vested in the Governor General in Council but with the advent of the Reforms the Devolution Rules altered those powers conferring them on the Local Government, and the amending Act of 1920 transferred these powers

to the Local Government. Consequently when the consolidating draftsman was presented with the existing law the power of the Governor General had ceased to exist and ceased to exist for a long number of years.

Then he referred to section 42. Now, Sir, he said you have made a very serious inroad on the powers of the civil court. Now Honourable Members may rest content that if there had been any inroad at all, much less a serious inroad, I certainly would not have been here to ask this House to support my motion. When I read section 42 of the Indian Forest Act and I have the copy which Mr. Aney has used in supporting his argument, where is the power of the court? The old section says: "The Local Government may by such rules prescribe penalties." This Mr. Aney reads to mean that under the old Act the penalties are to be prescribed by the Court.

**Mr. M. S. Aney:** I am very sorry to interrupt but I was reading the second paragraph.

**Sir Hari Singh Gour:** Now, so far as the first paragraph of section 42 is concerned the penalties are not to be prescribed by the Court at all. My Honourable friend has drawn my attention to paragraph 2. I shall not omit to answer him. I am dealing with paragraph 1 first. So far, therefore, as the first paragraph is concerned, it is definitive of the authority which can prescribe the penalties; and paragraph 2 of section 42, which, with due respect to Mr. Aney, he has misread, simply lays down the quantum of penalty. The penalising authority is mentioned in the first clause; the quantum of penalty is given in the second clause and that is reproduced in the corresponding section of the present Bill. There has not been deviation by one hair's breadth from the principle of the old section 42 of the Indian Forest Act; and if my Honourable friend will do me the honour of reading the section once more and comparing it with the corresponding section of the Bill he will, I think, find that he was somehow or other misled into making those observations.

**Mr. M. S. Aney:** I was misled by the Mover's speech in the Council of State.

**Sir Hari Singh Gour:** My Honourable friend says that his mistake was due to the mistake of another Member in another place. Well, Sir, I am not here concerned with that question; I am glad that my Honourable friend now finds that he has made a mistake.

Now comes the last point—that is the policy of consolidation. My Honourable friend has made a fervid and passionate appeal to this House that the forest rights must be reinstated, the whole question re-agitated and a Select Committee must go into the whole question. Sir, the Honourable the Home Member has pointed out that if you were to re-enact and put into it such amendments as you wish to suggest and bring your Statute up to date, not only as to the wording of your Statute but also as to its subject matter, consolidation will become a practical impossibility. Is it consistent with the underlying principle of consolidation that a Statute should be looked into for the sake of its merits and improved upon and amended wherever necessary? That, as the Honourable the Home Member has pointed out, is a different question altogether and I submit, Sir, we are not concerned with that question at present. The Honourable the Home Member has pointed out that if this House gives sanction to the revision of the Act upon its merits he will be constrained and I shall be constrained to withdraw the Bill. And what will be the result?

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The result will be as you were in 1878, supplemented and amended by the various Acts that have been passed from that date down to 1921. It will keep your confusion in the state in which it has been on account of the multiplicity of these amending Acts. I have not the slightest doubt that my Honourable friends will see the wisdom of withdrawing their motions which will lead to no good result, and let this motion for concurrence with the motion of the other House go through.

**Mr. Deputy President:** The original question was :

"That the Bill to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce, as passed by the Council of State, be taken into consideration."

Since which the following amendment has been moved :

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

**Mr. M. S. Aney:** May I point out, Sir, that in this amendment the Honourable Mover is incorporating the names of the gentlemen mentioned in my motion?

**Mr. Deputy President:** If this amendment falls to the ground, your amendment also will fall.

**Mr. M. S. Aney:** My point is this, Sir, that in putting this amendment, the names of Members included in my amendment were adopted by the Mover of this amendment and they may be put.

**The Honourable Sir Alexander Muddiman:** That can be moved afterwards.

**Mr. Deputy President:** If this motion is passed, then I think we will take the other motion. The question is that the amendment be made.

The Assembly divided :

(During the division Mr. Deputy President vacated the Chair, which was resumed by Mr. President.)

AYES—51.

Abdul Latif Saheb Farookhi, Mr.  
Abdul Matin Chaudhury, Maulvi.  
Aiyangar, Mr. C. Duraiswamy.  
Aney, Mr. M. S.  
Ariff, Mr. Yacoob C.  
Ayyangar, Mr. K. V. Rangaswami.  
Bhargava, Pandit Thakur Das.  
Biria, Mr. Ghanshyam Das.  
Chaman Lall, Mr.  
Chetty, Mr. R. K. Shanmukham.  
Chunder, Mr. Nirmal Chunder.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Dutta, Mr. Sriish Chandra.  
Ghazanfar Ali Khan, Raja.  
Gulab Singh, Sardar.  
Haji, Mr. Sarabhai Nemchand.  
Ismail Khan, Mr.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jogiah, Mr. Varahagiri Venkata.  
Joshi, Mr. N. M.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C.  
Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.

Mehta, Mr. Jannadas M.  
Misra, Mr. Dwarka Prasad.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Murtaza Saheb Bahadur, Maulvi  
Sayyid.  
Naidu, Mr. B. P.  
Natique, Maulvi A. H.  
Nehru, Pandit Motilal.  
Neogy, Mr. K. O.  
Prakasam, Mr. T.  
Purshotamdas Thakurdas, Sir.  
Rang Behari Lal, Lala.  
Rao, Mr. G. Sarvotham.  
Roy, Mr. Bhabendra Chandra.  
Roy, Rai Bahadur Tarit Bhusan.  
Sarda, Rai Sahib Harbilas.  
Sarfaraz Hussain Khan, Khan  
Bahadur.  
Singh, Mr. Gaya Prasad.  
Singh, Mr. Narayan Prasad.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Ganganand.  
Sinha, Mr. Ambika Prasad.  
Yusuf Imam, Mr.  
Zulfqar Ali Khan, Nawab Sir.

## NOES—46.

Abdul Aziz, Khan Bahadur Misn.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Acharya, Mr. M. K.  
 Ahmed, Mr. K.  
 Akram Hussain Bahadur, Prince  
 A. M. M.  
 Allison, Mr. F. W.  
 Ashrafuddin Ahmad, Khan Bahadur  
 Nawabzada Sayid.  
 Ayyangar, Mr. V. K. Aravamudha.  
 Ayyangar, Rao Bahadur Narasimha  
 Gopalaswami.  
 Bhore, Mr. J. W.  
 Coatman, Mr. J.  
 Cocke, Mr. H. G.  
 Dalal, Sir Bomanji.  
 Donovan, Mr. J. T.  
 Dunnett, Mr. J. M.  
 Ghulam Kadir Khan Dakhan, Mr.  
 W. M. P.  
 Ghuznavi, Mr. A. H.  
 Gidney, Lieut.-Colonel H. A. J.  
 Gour, Sir Hari Singh.  
 Graham, Mr. L.  
 Greenfield, Mr. H. C.  
 Haigh, Mr. P. B.  
 Heslett, Mr. J.

Howell, Mr. E. B.  
 Innes, The Honourable Sir Charles.  
 Jowahir Singh, Sardar Bahadur  
 Sardar.  
 Kabul Singh Bahadur, Risaldar-Major  
 and Honorary Captain.  
 Keane, Mr. M.  
 Khin Maung, U.  
 Lamb, Mr. W. S.  
 Macphail, The Rev. Dr. E. M.  
 Moore, Mr. Arthur.  
 Muddiman, The Honourable Sir  
 Alexander.  
 Nasir-ud-din Ahmad, Khan Bahadur.  
 Paddison, Sir George.  
 Parsons, Mr. A. A. L.  
 Rajah, Rao Bahadur M. C.  
 Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Roy, Sir Ganen.  
 Ruthnaswamy, Mr. M.  
 Singh, Rai Bahadur S. N.  
 Sykes, Mr. E. F.  
 Tonkinson, Mr. H.  
 Willson, Sir Walter.  
 Yakub, Maulvi Muhammad.  
 Young, Mr. G. M.

The motion was adopted.

**Mr. C. Duraiswamy Aiyangar:** Sir, I move that the Select Committee do consist of Mr. Jamnadas Mehta, Mr. Sesha Ayyangar, Mr. Duraiswamy Aiyangar, Mr. K. C. Neogy, Dr. Moonje, Mr. Mukhtar Singh, Mr. Jinnah, Mr. G. Sarvotham Rao, the Revd. Dr. Macphail, Mr. Vidya Sagar Pandya, the Honourable the Home Member . . . .

**The Honourable Sir Alexander Muddiman:** I decline to serve on the Committee.

**Mr. President:** The Honourable Member has not got the consent of the Home Member. (*An Honourable Member:* "Drop him.")

**Mr. C. Duraiswamy Aiyangar:** Then I leave him, Sir; Mr. Greenfield, and Mr. M. S. Aney.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I move, Sir, that the name of Mr. Ram Narayan Singh be substituted for the name of the Honourable the Home Member?

The motion was adopted.

**Mr. President:** The question is:

"That the Select Committee do consist of Mr. Jamnadas Mehta, Mr. M. S. Sesha Ayyangar, Mr. C. Duraiswamy Aiyangar, Mr. K. C. Neogy, Dr. Moonje, Mr. Mukhtar Singh, Mr. M. A. Jinnah, Mr. G. Sarvotham Rao, the Revd. Dr. Macphail, Mr. Vidya Sagar Pandya, Mr. Greenfield, Mr. Ram Narayan Singh and Mr. M. S. Aney, and that the number of members whose presence . . . .

**Sir Walter Willson** (Associated Chambers of Commerce: Nominated Non-Official): I move, Sir, that the name of Mr. Skyes be substituted for that of Dr. Macphail who will not at that time be a Member of the Assembly.

**Mr. President:** The question is:

"That the name of Mr. Skyes be substituted for that of Dr. Macphail."

The motion was adopted.

**An Honourable Member:** I move, Sir, that the name of Dr. Gour be added to the list.

**Mr. President:** The question is:

"That the name of Dr. Gour be added to the list."

The motion was adopted.

**Sir Hari Singh Gour:** Sir, I have been told by my friends that the object of this motion is merely to examine the Bill as regards consolidation. I therefore wish to move, Sir, that the following clause be added.

**Mr. President:** Order, order. This is merely a motion to approve the names of the members of the Select Committee and nothing else.

The question is:

"That the Select Committee do consist of Mr. Jamnadas M. Mehta, Mr. M. S. Sesha Ayyangar, Mr. C. Duraiswamy Aiyangar, Mr. K. C. Neogy, Dr. Moonje, Mr. Mukhtar Singh, Mr. M. A. Jinnah, Mr. G. Sarvotham Rao, Mr. Skyes, Mr. Vidya Sagar Pandya, Mr. Greenfield, Mr. M. S. Aney, Sir Hari Singh Gour and Mr. Ram Narayan Singh, and that the number of members whose presence shall be necessary to constitute a meeting shall be 7."

**Sir Hari Singh Gour:** May I beg to point out, Sir,

**Mr. President:** Order, order.

**Sir Hari Singh Gour:** There was a defect in this, and I want to point out . . . . .

(Mr. President again repeated the question.)

The Assembly divided:

AYES—37.

Abdul Latif Saheb Farookhi, Mr.  
Aiyangar, Mr. C. Duraiswamy.  
Aney, Mr. M. S.  
Ayyangar, Mr. K. V. Rangaswami.  
Bhargava, Pandit Thakur Das.  
Birla, Mr. Ghanshyam Das.  
Chaman Lall, Mr.  
Chetty, Mr. R. K. Shanmukham.  
Das, Mr. B.  
Das, Pandit Nilakantha.  
Dutt, Mr. Amar Nath.  
Dutta, Mr. Srish Chandra.  
Gulab Singh, Sardar.  
Haji, Mr. Sarabhai Nemchand.  
Iyengar, Mr. A. Rangaswami.  
Jayakar, Mr. M. R.  
Jogiah, Mr. Varahagiri Venkata.  
Joshi, Mr. N. M.  
Kartar Singh, Sardar.  
Kelkar, Mr. N. C.

Kidwai, Mr. Rafi Ahmad.  
Kunzru, Pandit Hirday Nath.  
Lahiri Chaudhury, Mr. Dharendra  
Kanta.  
Mehta, Mr. Jamnadas M.  
Misra, Mr. Dwarka Prasad.  
Moonje, Dr. B. S.  
Mukhtar Singh, Mr.  
Murtuza Saheb Bahadur, Maulvi  
Sayyid.  
Naidu, Mr. B. P.  
Neogy, Mr. K. C.  
Purshotamdas Thakurdas, Sir.  
Rang Behari Lal, Lal.  
Rao, Mr. G. Sarvotham.  
Rov. Mr. Bhabendra Chandra.  
Sarda, Rai Sahib Harbilas.  
Singh, Mr. Ram Narayan.  
Sinha, Kumar Gangaranand.

## NOES—24.

Abdul Matin Chaudhury, Maulvi.  
 Abdul Qaiyum, Nawab Sir Sahibzada.  
 Acharya, Mr. M. K.  
 Ahmed, Mr. K.  
 Akram Hussain Bahadur, Prince  
 A. M. M.  
 Arif, Mr. Yacoob C.  
 Cocke, Mr. H. G.  
 Ghasanfar Ali Khan, Raja.  
 Ghulam Kadir Khan Dakhan, Mr.  
 W. M. P.  
 Ghuznavi, Mr. A. H.  
 Gidney, Lieut.-Colonel H. A. J.  
 Ismail Khan, Mr.

Jowahir Singh, Sardar Bahadur  
 Sardar.  
 Khin Maung, U.  
 Lamb, Mr. W. S.  
 Macphail, The Revd. Dr. E. M.  
 Moore, Mr. Arthur.  
 Natiq, Maulvi A. H.  
 Rajan Bakhsh Shah, Khan Bahadur  
 Makhdum Syed.  
 Sykes, Mr. E. F.  
 Willson, Sir Walter.  
 Yakub, Maulvi Muhammad.  
 Yusuf Imam, Mr.  
 Zulfiqar Ali Khan, Nawab Sir.

The motion was adopted.

**Mr. President:** I may inform the House that this Bill which has just been referred to a Select Committee is a consolidating Bill and therefore its scope is very limited. It will be the duty of the Chairman of the Committee, under the circumstances, to see that the Committee restricts itself to the scope and does not travel outside it. Amendments of substance cannot be made in the Bill.

The House stands adjourned till Monday morning at eleven o'clock. On that day the first business on the agenda will be the consideration of amendments that the other House might make in the Finance Bill, if any; and then the remaining items of to-day's agenda will be taken up.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th March, 1927.