

COUNCIL OF STATE DEBATES

MONDAY, 5th OCTOBER, 1931

Vol. II—No. 9

OFFICIAL REPORT



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SIMLA
GOVERNMENT OF INDIA PRESS
1931

Price Five Annas

COUNCIL OF STATE.

Monday, 5th October, 1931.

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

MEMBERS SWORN :

The Honourable Khan Bahadur Sir Muhammad Israr Hasan Khan, Kt., C.I.E. (United Provinces : Nominated Non-Official).

The Honourable Mr. Ram Chandra (Joint Secretary, Department of Education, Health and Lands).

QUESTIONS AND ANSWERS.

CASE OF MR. R. P. VARMA, AN ASSISTANT MASTER OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT KHAGAUL.

131. THE HONOURABLE MR. MAHMOOD SUHRAWARDY (on behalf of the Honourable Mr. S. C. Ghosh Maulik) : (i) Is it a fact that Mr. R. P. Varma, an assistant master of the Khagaul East Indian Railway High School (Dinapore) was dismissed from the Mokamah Middle School, Patna and the Katya Middle School, District Saran ? If so, on what grounds ?

(ii) Is it a fact that Mr. Varma created trouble in the Khagaul School ?

(iii) Is it a fact that the Khagaul School authorities took no action whatever ?

(iv) If the answer to the above be in the affirmative, do Government propose to take any action ?

THE HONOURABLE MR. J. C. B. DRAKE : (i) Government have no information but Mr. Varma's appointment to the Khagaul School was confirmed by the local educational authorities.

(ii) and (iii). It is understood that on two occasions charges were brought against Mr. Varma. These were fully investigated by the School Managing Committee and Mr. Varma was definitely cleared of the charges.

(iv) Certainly not.

ALLOWING INCOME-TAX ASSESSEES TO CARRY FORWARD BUSINESS LOSSES INCURRED IN ANY ONE YEAR TO THE NEXT YEAR, ETC.

132. THE HONOURABLE MR. MAHMOOD SUHRAWARDY (on behalf of the Honourable Mr. S. C. Ghosh Maulik) : (a) What is the position with reference to the hope held out in the speech of the Finance

Member in introducing the Budget of 1930-31 of allowing the assesseees to carry forward their losses somewhat on the analogy of the British practice, from the year 1931-32 ?

(b) Will Government be pleased to state the proportion of the different communities amongst the income-tax assesseees as also the communal composition of the staff, gazetted and non-gazetted, for bringing in the Revenue ?

THE HONOURABLE MR. A. H. LLOYD: (a) What the Honourable Finance Member said in his speech when introducing the Budget for 1930-31 was that if the normal economic progress of India was maintained during the following 12 months it ought to be possible to enter on the following year in a stronger financial position and that he then hoped to be able to make a start in introducing the principle of allowing business losses incurred in any one year to be carried forward to the next year. It is hardly necessary to point out that the normal economic progress of India has not been maintained.

(b) A statement showing the composition of the gazetted and non-gazetted staff of the Income-tax Department excluding inferior servants is laid upon the table. I regret that the other information asked for by the Honourable Member is not available as income-tax assesseees are not classified in the returns according to the communities to which they belong.

Communal composition of the staff (excluding inferior staff), of the Income-tax Department as it stood on the 31st December, 1930.

	Hindus.	Muslims.	Europeans and Anglo-Indians.	Sikhs.	Indian Christians.	Others.	Total.
(1) Gazetted ..	204	66	46	9	13	42	380
(2) Non-gazetted	1,490	381	22	21	63	199	2,176

PAY OF MEMBERS OF THE RAILWAY BOARD.

133. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) What is the expenditure incurred by the Government of India on account of the pay and allowances of the Members of the Railway Board, with their personal assistants, etc.? Do Government propose to cut down their pay? If not, why not?

(b) Is it a fact that the pay of a Member of the Railway Board is equivalent to that of a High Court Judge?

THE HONOURABLE MR. J. C. B. DRAKE: (a) The pay of the Members of the Board is Rs. 4,000 per mensem. No allowance is drawn by them. There are no posts of Personal Assistants to Members of the Board.

(b) Yes.

PAY AND ALLOWANCES OF THE MEMBERS OF THE PUBLIC SERVICE COMMISSION.

134. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) What is the expenditure incurred by Government on account of pay and allowances of the Members of the Public Service Commission ?

(b) Do Government propose to reduce the pay of the Members of the Public Service Commission ?

THE HONOURABLE MR. H. W. EMERSON : (a) About Rs. 2,46,000 a year.

(b) This question will be examined in connection with any recommendations that may be made by the Retrenchment Committee regarding the Public Service Commission.

MUSLIM GAZETTED OFFICERS IN THE GOVERNMENT OF INDIA OFFICES, ETC.

135. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) What are the Departments and offices (attached and subordinate) under the Government of India where no Muslim has been appointed to the rank of a gazetted officer during the last 25 years ?

(b) What are the offices under the control of the Government of India, where the percentage of Muslims is less than 10 per cent. of the total strength ?

THE HONOURABLE MR. H. W. EMERSON : (a) The information is not readily available and cannot be collected without an amount of labour which would be disproportionate to the results. I therefore regret that I am unable to undertake to collect it.

(b) I have no up to date information, but the position as on the 31st December, 1930 can be ascertained from the statements showing the communal strength of the clerical establishments of the Government of India Secretariat and its attached and subordinate offices, a copy of which is available in the Library.

PUBLICATION OF THE REPORTS OF THE DIFFERENT RETRENCHMENT COMMITTEES.

136. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) Will Government be pleased to state when they are going to publish the reports of the different Retrenchment Committees for the information of the public ?

(b) What is the amount of expenditure incurred by Government on account of the various Retrenchment Committees and what is the amount of saving proposed by them ?

(c) Do Government propose to amalgamate the Legislative and Assembly Departments ? If not, why not ? Is it the recommendation of the Retrenchment Committee ?

THE HONOURABLE MR. A. H. LLOYD : (a) The reports are being published as soon as they are ready. Those submitted by the General Purposes Sub-Committee, the Stores and Stationery and Printing Sub-Committee, and the Public Works and Audit and Accounts Sub-Committee were published

on the 29th ultimo. The Army and Posts and Telegraphs reports are now in the Press.

(b) I place a statement on the table.

(c) The recommendations of the General Purposes Sub-Committee on this question are awaited.

Statement.

—	Expenditure up to date.	Estimated savings (in lakhs) for 1932-33.
	Rs.	Rs.
Main Committee	8,079	
Army Committee.. .. .	27,595	278·5
General Purposes Sub-Committee	21,215	121·2
Stores, Printing and Stationery Sub-Committee	3,503	11 (approximate ly).
Public Works, Accounts and Audit Sub-Committee.	1,465	70
Posts and Telegraphs Sub-Committee	6,476	17*
Railways Sub-Committee	2,318	Report not yet received.

The above estimates do not include any amounts on account of 'cuts' in pay.

*Ultimate savings, Rs. 47 lakhs.

PROPORTION OF MUSLIMS IN THE GOVERNMENT OF INDIA SECRETARIAT.

137. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) What is the proportion of Muslims to the total population of India as revealed by the recent census.

(b) What is the proportion of Muslims in the Secretariat of the Government of India as compared with their proportion to the total population ?

(c) What is the proportion of Muslim graduates to the total Muslim ministerial staff in the Government of India Secretariat and what is the proportion of Hindu graduates to total Hindu ministerial staff in the Government of India Secretariat ?

THE HONOURABLE MR. H. W. EMERSON : (a) 22 per cent.

(b) In the Government of India Secretariat the percentage of Muslims in 1930 was about 19.

(c) The information is not readily available and Government do not propose to collect it as the labour involved would be incommensurate with the value of the results obtained.

PROPORTION OF MUSLIMS IN THE GOVERNMENT OF INDIA SECRETARIAT.

138. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Is it a fact that the proportion of Muslims in the Government of India Secretariat and in the attached offices is lower than what the Government have agreed it should be ?

THE HONOURABLE MR. H. W. EMERSON : The Government of India have not accepted the principle of proportional representation of any community in the services under their control. The question does not therefore arise. They have accepted the principle of reserving appointments for minority communities in order to redress communal inequalities.

POLICE ARRANGEMENTS FOR THE PROTECTION OF OFFICIALS OF THE GOVERNMENT OF INDIA.

139. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : (a) Will Government be pleased to state if they have provided adequate arrangements for the protection of officials of the Government of India, in view of the outrages in recent times by terrorists ?

(b) Is it a fact that police protection is provided in the offices of the Government of India during office hours ?

(c) What are the usual office hours of the Government of India ?

(d) Is it a fact that some of the doors of the offices have to be kept open after office hours some times till late at night because some of the staff of the Government of India work during late hours ?

THE HONOURABLE MR. H. W. EMERSON : (a) Arrangements have been made which are considered adequate.

(b) Yes.

(c) and (d). The question of office hours is, within limits, one for each Department to decide for itself but generally the prescribed hours of work in the Secretariat are from 10-30 A.M. to 4-30 P.M. except on Saturdays when the hours are usually 10-30 A.M. to 2 P.M. Both officers and establishment however, have sometimes to work to a late hour.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to provide against the publication of matter inciting to or encouraging murder or violence, which was passed by the Legislative Assembly at its meeting held on the 3rd October, 1931.

STATEMENT RE RECOMMENDATION CONCERNING THE PREVENTION OF INDUSTRIAL ACCIDENTS ADOPTED BY THE TWELFTH INTERNATIONAL LABOUR CONFERENCE, 1929.

THE HONOURABLE SIR. C. P. RAMASWAMI AYYAR (Law Member) : On the 10th March, 1930, a Resolution moved on behalf of Government was

[Sir C. P. Ramaswami Ayyar.]

adopted by this House recommending that the Governor General in Council should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents adopted by the Twelfth International Labour Conference, 1929, and that the results of this examination should be placed before this House within 18 months from that date. In pursuance of this Resolution a letter was addressed to all the major Local Governments and the Chief Commissioner of Delhi asking for their views. The replies have now been received, in the light of which the Government of India have undertaken a further examination of this Recommendation.

While there is a general agreement with the principle underlying the Recommendation, there is considerable criticism of the details. The Recommendation is divided into four parts and comprises no less than 23 Articles covering a very wide field of activities. The preamble to the Recommendation extends its application "to agriculture, taking into account the special conditions of agricultural work." The general view of Local Governments, with which the Government of India are in agreement, is that in some respects the Recommendation goes beyond what is possible or necessary in the existing stage of industrial development of the country. In particular it is considered that, even with the proviso contained in the preamble, the application of this Recommendation in any form to agriculture would be inoperative in practice. The use of machinery in agricultural operations is in its infancy throughout India and it would be impossible to take any effective action which would ensure that legislative or administrative orders were carried out. Moreover, it is pointed out that both Parts I and II of the Recommendation presuppose an amount of co-ordination and co-operation between the three parties concerned, namely, Government, the employer and the employee which cannot be expected in existing Indian conditions. Labour in this country is still to a large extent migratory, illiterate and insufficiently organised to be able to undertake the various duties which are implicitly required of it by the Recommendation. In addition, there are certain proposals, particularly those relating to industrial accident insurance, psychological and physiological research, which postulate the existence of organisations and agencies which are either non-existent or still imperfectly developed.

On the other hand, the replies from Local Governments indicate that many of the items in the Recommendation are already in operation in varying degrees and that, in certain directions, further progress is possible and desirable. Indeed, many of the details involved in the Recommendation also find mention in the report of the Royal Commission on Labour. Thus, although the terms of the Recommendation cannot be accepted as immediately practicable, they may be regarded as forming a standard which employers, employees and inspecting authorities may gradually work up to in the future. Of the four parts into which the Recommendation is divided, Part III dealing with the legislation which each State Member should undertake is the only one on which definite action can be taken by Government. For the remaining parts Government are dependent on persuasion and must first secure the co-operation of private organisations and associations. So far as legislation is concerned, Government are anxious that it should not be undertaken piecemeal. The

RECOMMENDATION CONCERNING THE PREVENTION OF INDUSTRIAL ACCIDENTS
ADOPTED BY THE TWELFTH INTERNATIONAL LABOUR CONFERENCE, 1929.

Royal Commission on Labour have examined the working of the Factories Act and the Mines Act which are the principal Acts concerned and have made recommendations for their amendment and revision including proposals for industrial safety. The Recommendation of the International Labour Conference will need to be re-examined in the light of the Report of the Royal Commission on Labour, which has only lately been published. The examination of the Report is at present being pursued, but until this is completed Government will obviously not be in a position to take any action. It may also be mentioned that the last reply from a Local Government to the Government of India's circular letter regarding this Recommendation was received only towards the end of June last, and, in view of the numerous criticisms of the details, the time available has been inadequate for arriving at any definite conclusions. As the Report of the Royal Commission on Labour covers the same ground as the Recommendation, the Government of India propose to proceed with the consideration of the latter simultaneously with the former and to give effect to it as far as may be practicable.

RESOLUTION *RE* RECOMMENDATION OF THE INTERNATIONAL
LABOUR CONFERENCE CONCERNING FORCED OR COMPULSORY
LABOUR.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary) : Sir, I beg to move the following Resolution :

" This Council, having considered the Draft Convention and Recommendations concerning Forced or Compulsory Labour, adopted by the 14th Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention."

I do not propose to engage the time of the House by a detailed account of the Draft Convention and Recommendations, and I shall try to confine myself to a brief description of the relevant objects and terms of the Convention and to a statement of the reasons why the Government of India are compelled with great reluctance to recommend to the House that the Convention be not ratified. The Draft Convention, which has been under discussion for some years, was passed at the 14th Session of the International Labour Conference, held at Geneva, in June, 1930. Under our Treaty obligations it has to be brought for consideration before the Indian Legislature within a limited period, and it is in accordance with these obligations that I have moved the Resolution. The object of the Convention is to secure the stoppage of forced or compulsory labour, except where such labour is clearly necessary in the interests of the State or of the community. The exceptions include compulsory military service; the exaction of labour from convicts; the employment of forced labour in times of emergency, as, for instance, war, flood, famine, earthquake, pestilence, etc. It is a measure designed on humanitarian principles, and it is hardly necessary for me to say that the limitation and regulation of forced labour has the complete sympathy of the Government of India. This has been made quite clear in the correspondence that has passed on the subject and also in the attitude adopted by the official representatives of the Government of India at the Conference of 1930. Moreover, Government have done all that is possible to secure such amendments in the Draft Convention as would admit

[Mr. H. W. Emerson.]

of its ratification. Unhappily those efforts were unsuccessful, and this is the more unfortunate since in relation to the general scope of the Convention the matters which present difficulties are of comparatively small but yet of vital importance. The chief obstacle to ratification is the fact that the Draft Convention contains no exemptions which cover the case of the administration of criminal tribes. If, therefore, the Convention is ratified, Local Governments must abandon the work they are doing in this respect—a course which in their opinion and that of the Government of India would be definitely retrograde both for the community at large and for the individuals concerned. In this respect the House will no doubt wish to know a little about the work that is being done in connection with criminal tribes. There are in India 61 settlements of members of these tribes containing over 31,000 persons; there are 34 schools for the education of the children of these tribes. I need hardly remind the House that the criminal tribes are by heredity addicted to crime and that the objects of the work now being done are two-fold, firstly, reformatory and secondly, preventive. The community is protected against their depredations, while provision is made for members to obtain an honest livelihood and education is given to children with the object of making them useful citizens. The opinion of the Local Governments concerned is unanimous that at the present time work of the greatest value is being done. I will give a few instances. In 1918 there were in the Punjab over 30,000 registered members of wandering and settled criminal tribes; these were under the full restrictions permitted by the law. By 1930 it had been possible to remove the restrictions for over 16,000 of these persons who were then living amongst the ordinary population as free men, and, speaking generally, without any harm at all to the community. In Bombay the number of discharges on license has exceeded the number of persons placed in settlements, and free colonies have been established for those discharged who have no homes of their own. The population of these colonies has increased from about 3,000 in 1928 to about 5,000 at present. The conditions of labour under which the inmates of these settlements live are far from irksome and there are many cases in which those discharged return of their own accord to the settlements because of the labour and favourable wages available. On the reformatory side, therefore, there is ample evidence that the work being done is of real value. The same is true of the preventive side. In the Punjab the reported figures of crime attributed to members of the criminal tribes is now only one-tenth of what it was 14 years ago. I think that is rather a remarkable figure and shows what effect the administration of the tribes has had on the incidence of crime. In Bombay there is, or rather was, a criminal tribe known as the Chapparbands, whose particular amusement it was to forge coins. Work was begun amongst them in 1909, when 200 of them were in jail, and most of those who were not in jail had previous convictions against them. In 1930 the settlement consisted of only 10 adults, and there had not been a single case of coining against any person of the tribe for ten years. There is another tribe in the United Provinces known as the Bhandus who were notorious dacoits. As a result of reformatory methods they are now among the best settlers. These instances show that it would be a real disaster, both from the point of view of the community and of the individual, if it were necessary to abandon this work. One

result would almost certainly be a recrudescence of serious crime and both society and the individual would suffer. Unfortunately, the ratification of the Draft Convention would leave Government no option at all in this respect. The legal view taken is that the definition of compulsory labour would undoubtedly include the labour taken from inmates of the criminal tribes settlements, even though the labour in the great majority of cases is willingly given and in no case is excessive. Similar difficulties arise in the case of children and adolescents placed for training in industrial and other schools established under the various Children's Protection Acts. Much of the work now being done in reformatory schools would have to be abandoned if the Convention were ratified. In these circumstances Government are constrained to recommend to this Council that the Draft Convention be not ratified. I would again make it clear, however, that the attitude of Government is based not on any disagreement with the principles and objects of the Convention but because ratification would involve the abandonment of humanitarian work to which the Government of India and Local Governments attach great importance. While, therefore, they cannot recommend ratification, they have accepted in another place an amendment the effect of which is to commit themselves to action in other respects in accordance with the provisions of the Draft Convention. The same amendment will be moved in this House by my friend, the Honourable Mr. Whitty, and if accepted by the Council will leave no room for doubt in regard to the position of the Government of India.

Sir, I move.

*THE HONOURABLE MR. J. T. WHITTY (Bihar and Orissa : Nominated Official) : Sir, I move :

“ That for the original Resolution the following be substituted, namely :

‘ While considering that the Draft Convention on forced labour could not be ratified until Article 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act, the Good Conduct Prisoners' Probational Release Act and other similar legislation in force, this Council recommends to the Government of India that they proceed to take action on all other provisions contained in the Draft Convention and the Recommendations as soon as may be practicable.’ ”

As the Honourable Mover of the Resolution has accepted this amendment and has explained why it has been accepted, I have nothing further to say, Sir. I move that this amendment be adopted in place of the original Resolution.

The motion was adopted.

THE HONOURABLE THE PRESIDENT: I understand that the only business remaining before the House for disposal in the current Session is the consideration of the Bill which was laid on the table just now, the Bill commonly known as the Press Bill, which was passed by the Legislative Assembly on Saturday. The House knows that under the Standing Orders the Bill has to lie for three days before a motion to take it into consideration can be made. At the same time, the Chair has power to suspend that Standing Order and to shorten the period of notice or dispense with it altogether. In order that I may exercise my discretion in the matter, I should be very glad if Honourable Members would indicate their views as to when the consideration of the Bill should be taken up.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, as this is rather an important measure and as certain Members will be sending in amendments, I propose that the Bill be taken up on Wednesday next.

THE HONOURABLE MAJOR NAWAB SIR MOHAMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I have to request that the Bill be taken up as early as possible and if it is not agreeable to this House to discuss the Bill to-morrow, then it should not be delayed any further, but it should be taken on Wednesday. But my own view, Sir, is that we know all about the Bill and if it is taken up to-morrow it cannot be any inconvenience to anybody because all the Members have been attending and have heard the discussion in the other place about the Bill, so I think that if it is taken up to-morrow it will not be inconvenient to anybody. Still, if Members insist that it should be delayed and not taken up to-morrow, then I quite agree that the Bill should be taken up on Wednesday.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI (Punjab : Sikh) : I know, Sir, Honourable Members are very anxious to leave Simla, some of them at least, and I have no desire to put them to any inconvenience ; but I think it would be sheer injustice if this important measure is hurried through and taken into consideration to-morrow. Had the Bill been sent to the residences of Honourable Members on Saturday evening, then there would have been justification for that. It was only put before us this morning and if the literature which the Home Department kindly sent to us on Saturday evening, had been supplied to us a few days earlier, we could have gone through it. In spite of honest efforts to go through it, I could not even finish one, so I think it is to the convenience of Honourable Members that the Bill should be taken into consideration on Wednesday and not earlier.

THE HONOURABLE RAI BAHADUR RADHA KRISHNA JALAN (Bihar and Orissa : Non-Muhammadan) : Sir, I shall be glad if Honourable Members would realise that we have other work to attend to. This is a matter which has already been well understood and if it is taken up to-morrow I think that will be much better.

THE HONOURABLE SARDAR BAHADUR SHIVDEV SINGH UBEROI : I at least admit that it is not understood by me and I am not prepared to take part in the debate unless I go through all the papers and read them carefully.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay : Non-Muhammadan) : Sir, I think that the Bill should be taken up to-morrow. It is only a question of 24 hours and I think it will be of greater convenience to all the Members if the Bill is taken up to-morrow.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I also endorse the view that the Bill should be taken up as early as possible and to-morrow will suit all of us because we got the literature on Sunday and we have had time to discuss the matter and we know what the Press Bill is. If some of my friends are anxious that the matter should be delayed, I would request them not to put other Members to inconvenience in order to suit their convenience.

THE HONOURABLE MR. P. H. BROWNE (Bengal Chamber of Commerce) : Sir, I would also like to support the Members who are in favour of taking up the Bill to-morrow and I hope the Members who are against it will give way on that point.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, I endorse the same view as the previous speaker has taken on this point.

THE HONOURABLE THE PRESIDENT : It appears that at least there is a majority in favour of proceeding with the Bill to-morrow. The only consideration which would induce me to require longer notice of this motion is that Honourable Members should be given an opportunity to draft and put in amendments and so far I have not been told by any Honourable Member that it is his intention to move amendments.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : It is my intention to move amendments.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : I also desire to move amendments.

THE HONOURABLE THE PRESIDENT : There are two Honourable Members desiring to move amendments. It seems to me they have in the lists of business in another place ample guidance as to the amendments that might be possible for the list of amendments in the other place was very long. I still think that it will be in the interests of the House and for the convenience of Honourable Members if the Session is not further delayed and so I adjourn the House till to-morrow morning at 11 o'clock.

The Council then adjourned till Eleven of the Clock on Tuesday, the 6th October, 1931.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 3, Government Place, West, Calcutta.
