



COUNCIL OF STATE.

Tuesday, the 6th September, 1921.

The Council met in the Council Chamber at Eleven of the Clock on Tuesday, the 6th September, 1921, with the Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

RECRUITMENT FOR MILITARY SERVICE FROM BIHAR AND ORISSA.

53. The HONOURABLE MAHARAJA BAHADUR KESHAVA PRASAD SINGH, OF DUMRAON : (a) Will the Government be pleased to state the total number of people from Bihar and Orissa recruited for military service during the last war ?

(b) How many of them were wounded, killed or otherwise disabled ?

(c) What steps have the Government taken to relieve the families of those who were killed or disabled to do any active work ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) The total number of men recruited from Bihar and Orissa during the Great War were—

Combatants	...	...	...	...	...	...	...	...	...	...	8,576
Non-Combatants	...	...	...	...	...	...	...	...	...	...	32,976
										Total	41,552

(b) Altogether, 1,099 casualties were sustained during the war, among the personnel recruited from the province of Bihar and Orissa. It is regretted that detailed information is not available to show how many of these were killed, wounded or otherwise disabled.

(c) Family pensions, which range between Rs. 6 and Rs. 50, according to the status of the individual, are granted to the families of those men who were killed. In addition to these pensions, a children's allowance ranging from Rs. 1-8-0 to Rs. 4 per mensem according to the rank held by the parent, is admissible for each legitimate child.

Disability pensions under the conditions laid down in Army Regulations, India, Volume I, are also granted to those who have been disabled. The present rates of disability pensions are under revision.

WORKING EXPENSES OF THE GREAT INDIAN PENINSULA RAILWAY.

54. The HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (a) Is it a fact that in the current year the estimated working expenses of—

(i) Great Indian Peninsula Railway are 75·80 per cent. of its gross receipts ;

- (ii) North-Western Railway are 75.40 per cent. of its gross receipts ;
- (iii) Bombay, Baroda and Central India Railway are 67.51 per cent. of its gross receipts ; and
- (iv) East Indian Railway are 50.94 per cent. of its gross receipts ?

(b) If so, will Government kindly explain the reason why the working expenses of the East Indian Railway are, as compared with all other Indian Railways, the lowest ?

(c) Will Government kindly state why the working expenses of other Railways in India cannot be reduced to the same level as is the case with the East Indian Railway ?

The HONOURABLE MR. SHAFI : (a) The percentages of working expenses to gross receipts as given by the Honourable Member are in accordance with the receipts and expenditure anticipated in the Budget for the current year.

(b) and (c) The low percentage on the East Indian Railway is mainly due to favourable situation near the coal fields which provides a cheap fuel supply. It is also due in a lesser degree to easy gradients and freedom from special expenditure such as ghats and ferries which handicap other lines. The low figure in relation to earnings is also of course largely attributable to the high earning capacity of a line which serves about the richest large tract in India. It is impossible to expect other lines whose geographical position does not give them these advantages to be worked at the same relative rates.

ENHANCEMENT OF PASSENGER FARES ON EAST INDIAN RAILWAY.

55. The HONOURABLE RAJ-BAHADUR LALA RAM SARAN DAS : (a) Is it a fact that the East Indian Railway proposes to enhance its passenger fares from 1st October 1921 ?

(b) Will the Government kindly state the reason for the enhancement ?

(c) Do the Government propose to consider the desirability of advising the East Indian Railway administration to desist from enhancing the passenger fares ?

The HONOURABLE MR. SHAFI : (a) The reply is in the affirmative.

(b) The working expenses of the East Indian Railway which were Rs. 4,22,77,000 in 1915-16, rose to Rs. 6,11,45,000 in 1919-20 and to Rs. 7,66,02,000 in 1920-21. This represents an increase of about 81 per cent. in the working expenses for 1920-21 as compared with those for 1915-16. The percentage of working expenses to gross earnings on the East Indian Railway rose from 39 in 1915-16 to 44.93 in 1919-20 and 52.72 in 1920-21.

(c) In the circumstances explained above, Government do not propose to take the action suggested.

The HONOURABLE MR. A. H. FROMM : May I put a supplementary question, Sir? Having regard to these increased working expenses of the railways in India, is it a fact that the railways were ready to introduce a revised

freight tariff from the 1st of October? And if it is a fact, would the Government be pleased to state why the revised tariff was not introduced on that date?

The HONOURABLE MR. SHAFI: I must have notice of that question.

The HONOURABLE MR. LALUBHAI SAMALDAS: May I put a supplementary question, Sir?

In view of the fact that the East Indian Railway expenses are only 52·72, as stated by the Honourable Member in reply to Question No. 55, and the percentages of expenses on other railways are so high, is it necessary that there should be an increase in the passenger fares?

The HONOURABLE MR. SHAFI: That is a matter of opinion.

COLONIAL AND INDIAN PROBATIONERS FOR FOREST SERVICE.

56. The HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to give particulars showing the number of British, Colonial and Indian probationers trained for Forest Service in India at the Universities of Oxford, Cambridge and Edinburgh, respectively, during the last five years?

The HONOURABLE MR. B. N. SARMA: Of 23 British recruits 14 were trained at Oxford, 3 at Cambridge and 6 at Edinburgh. Of 2 Indian recruits 1 was trained at Oxford and 1 at Edinburgh. In addition 25 British and 4 Indian probationers were selected last year, but the Government of India do not know how these have been distributed among the Universities. The Government of India have no information as to whether any of the recruits were from the Colonies.

SUBSIDY FROM INDIAN REVENUES TO UNIVERSITIES.

57. The HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state the amount of subsidy, if any, paid by the Secretary of State during the last five years from the Indian revenues to the Universities of Oxford, Cambridge and Edinburgh, respectively, for Forestry studies?

The HONOURABLE MR. B. N. SARMA: So far as is known the Secretary of State pays no subsidy to the Universities on account of Forestry studies.

CREATION OF POST OF DIRECTOR OF FORESTRY STUDIES AT OXFORD.

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

- (a) In what year was created the post of "Director of Forestry Studies" at Oxford for helping Indian forest probationers in the United Kingdom?
- (b) What are his duties?
- (c) Who is the present incumbent, when was he appointed and what is his pay?
- (d) What is his present age and for what fixed period, if any, is the appointment made?

The HONOURABLE MR. B. N. SARMA : (a) In 1911.

(b) The duties of this appointment are :—

- (1) To arrange for and direct the training in practical forestry of the probationers for the Imperial Forest Service and to exercise supervision over them while so engaged.
- (2) To consult with all Universities where there may be Imperial Forest Service probationers as to the special studies to be undertaken by them, and as to the examinations or tests of proficiency to be required of them.
- (3) To give lectures, if so required by the Secretary of State, in Indian Forestry to Forest probationers at an approved Forest School.
- (4) To serve, if so required, on the Board of Enquiry for reporting on the qualifications of candidates.

(c) and (d) Mr. A. M. F. Caccia, C.B., M.V.O., retired Conservator of Forests, is the present incumbent. He was first appointed to the post on its creation in 1911, and held it until December 1916 when it was temporarily discontinued owing to suspension of recruitment on account of war. The post was revived in 1919, and the same officer was again appointed to it for a period of 5 years on a salary of £900 per annum. His present age is 52½ years.

ESTABLISHMENT OF EMPIRE FORESTRY RESEARCH INSTITUTE.

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

- (a) if they have received from the Secretary of State any proposal with regard to the establishment at some centre in the United Kingdom of an Empire Forestry Research Institute;
- (b) if so, whether they will give an assurance that they will take no action thereon before obtaining the views of the Council of State and the Legislative Assembly; and
- (c) what are the estimated initial and recurring contributions to be made by India to such Institute if the proposal is adopted?

The HONOURABLE MR. B. N. SARMA : (a), (b) and (c) Proposals were made at the Empire Forestry Conference in England in 1921 for the establishment of an Empire Forestry Bureau in England. These proposals, so far as India's participation is concerned, are under the consideration of the Government of India; the contributions required will depend upon the extent to which the Home Government, the Dominions and the Colonies agree to participate and before the Government of India are committed the contribution, if any, proposed will be subject to the vote of the Assembly.

COST OF BUILDING IN LONDON FROM INDIAN REVENUES.

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

- (a) if the whole or any portion of the cost of the building in London in which is situated the India Office was paid out of the Indian revenues and, if so, what was the amount so paid; and
- (b) if the cost of the fittings and furniture were also paid out of the Indian revenues and, if so, the amount thereof?

The HONOURABLE MR. E. M. COOK: No information on the subject is available in India but it has been asked for from Home. If the Honourable Member will kindly repeat his question later on, I hope to have the information ready.

ANNUAL RENTS FOR OFFICES IN LONDON.

61. The HONOURABLE MR. PHIROZE C. SETHNA: Will Government be pleased to state the amount of annual rents payable for the offices in London (a) of the High Commissioner for India, and (b) of the Trade Commissioner?

The HONOURABLE MR. SHAFI: (a) The only rent payable for the building occupied by the High Commissioner in London is a ground rent of £154 per annum. Government have purchased the lease of the two houses for 35 years.

(i) An annual rent of £ 2,250 is paid for the offices in London of the Indian Trade Commissioner.

The HONOURABLE MR. PHIROZE C. SETHNA: May I ask a supplementary question, Sir? I understood the Honourable Member to say that Government had purchased the lease for 35 years. May I know the amount paid for the same?

The HONOURABLE MR. SHAFI: I shall give information as to that later on.

LIST OF RAILWAYS FOR DACCA DIVISION.

62. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: Will Government be pleased to make a statement giving a list of Railways projected up to date for the Dacca Division, noting in each case the stage of progress reached, the proposed gauge, length, initial and terminal points, estimated cost, estimated return and the order of urgency and importance fixed by the Government?

The HONOURABLE MR. SHAFI: A statement giving the information asked for is laid on the table.

Aricha-Munshiganj Railway	E. B.	Aricha to Munshiganj with branches to Rajban Lohaju, etc.	Not (Reconnoitred in 1916).	2' 6"	100	104.97	6%	<p>railway drainage and sanitary experts and representatives of the steamer companies and certain public bodies, was appointed, last year, to investigate the general question of railway extensions in this area and the committee's recommendations are awaited.</p> <p>Proposals for construction under Branch Line Terms have been received from private promoters but these projects have been held in abeyance in view of the difficulty of financing them under existing conditions.</p>	
Netrakona Mohungunge Railway.	M. B. B.	Netrakona to Mohungunge.	Surveyed in 1916..	3' 3 $\frac{3}{4}$ "	17 $\frac{1}{2}$	17.00	6%		
Mymensingh Brairab Bazar Railway extensions.	M. B. B.	Kishoregunge to Bigitpur Atharabari to Gogh Bazar Atharabari to Hoseimpur Kishoregunge to Goneshpur.	Surveyed in 1920..	3' 3 $\frac{3}{4}$ "	43 13 26 13	68.59	6%		
Bakshiganj-Jamalpur Nalitabari Railway.	E. B.	Bakshiganj to Jamalpur with an extension to Nalitabari.	Surveyed in 1916..	3' 3 $\frac{3}{4}$ "	38	34.47	5%		
Mymensingh Phulpur Haloesgat Railway.	M. B. B.	Mymensingh to Phulpur with an extension to Haloesghat.	Surveyed in 1916..	3' 3 $\frac{3}{4}$ "	26	23.23	6%		
Faridpur-Bhangat Railway.	E. B.	Faridpur to Barisal via Bhangat.	...	5' 6"	84		Reconnaissance sanctioned in 1920.
Jessore Faridpur Chord	E. B.	Jessore to Faridpur	Not.	5' 6"	58	83.00	3%		Reconnoitred in 1917. As the project is by no means an urgent one it has been dropped for the present.

TRANSFER OF DACCA SECTION TO ASSAM BENGAL RAILWAY COMPANY.

63. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: (a) What has been the result of the negotiations for the transfer of the working of the Dacca Section of the Eastern Bengal Railway to the Assam Bengal Railway Company, Limited?

(b) Will Government be pleased to lay on the table the latest correspondence on this subject between Government and the authorities of the Assam Bengal Railway Company, Limited?

The HONOURABLE MR. SHAFI: (a) The matter is still under consideration and no definite decision has yet been reached.

(b) It is not considered that any useful purpose would be served by giving publicity to the correspondence while the case is still *sub judice*.

RAILWAY BETWEEN GAUHATI AND SHILLONG.

64. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA: What progress has been made regarding the question of construction of a Railway between Gauhati and Shillong or between Pandua and Shillong?

The HONOURABLE MR. SHAFI: The proposal to provide Shillong with railway communication was first considered in 1912, when a survey was made for a line along the existing motor road between Gauhati and Shillong, but this project was abandoned as it would interfere with the motor transport and bullock cart traffic. Subsequently a line from Pandua to Shillong was surveyed in 1919, but in view of the poor prospects of the project, the limited money at present available for new construction, and the more urgent and important projects waiting to be undertaken, the question of the construction of the Pandua Shillong Railway has had to be deferred.

RELAYING OF THE HYDERABAD-BADIN RAILWAY.

65. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

(a) whether it is a fact that orders had been issued for the relaying of the Hyderabad-Badin Railway?

(b) If so, what has become of these orders, and why no work has as yet been started?

(c) When it is expected to start the work?

The HONOURABLE MR. SHAFI: (a) Yes.

(b) and (c) Work has already been started and the following progress has been made. Preparation of ballast for the whole line, and repairs to staff quarters and buildings at certain stations have been completed, and a certain amount of work on minor bridges has been carried out. Tools and plant and certain engineering stores have been collected and are held in readiness for relaying the line.

Further progress has been delayed for want of requisite materials.

ARTICLE HEADED " LALA SRI RAM SUD " IN *TRIBUNE*.

66. The HONOURABLE MR. G. M. BHURGRI: (a) Has the attention of the Government been drawn to the article headed " Lala Sri Ram Sud " in the *Tribune* of the 22nd July last?

(b) Is any proposal of granting land to this official under the consideration of the Government of India or the Local Government?

(c) If so, what are the reasons for such special grant?

The HONOURABLE MR. H. D. CRAIK: (a) Yes.

(b) No.

IMPERIAL FOREST ENGINEERING SERVICE.

67. The HONOURABLE MR. G. M. BHURGRI: (a) Is it a fact that the Imperial Forest Engineering Service has lately been inaugurated by the Secretary of State for India?

(b) How many probationerships were advertised by the Secretary of State, and how many appointments were made?

(c) Were there any Indian applicants from India?

(d) How many selected candidates were Indians?

(e) Is it not the intention of Government to recruit Indians for this Service?

(f) Is the Government prepared to entertain such applications?

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

(b) The Secretary of State advertised for 13. 17 appointments were made.

(c) The Government of India have no information.

(d) None.

(e) There is at present no intention to recruit further for this Service; when the question arises every endeavour will be made to recruit suitable Indians.

(f) Not at present for the reasons given in the answer to (e).

TRAINING OF INDIAN OFFICERS IN THE CIVIL SERVICES.

68. The HONOURABLE MR. G. M. BHURGRI: Will the Government be pleased to state—

(a) whether they have tried the experiment of training Indian officers in the Civil Services (both the Imperial and Provincial Service) as Reserve officers for the Indian Army on a similar basis as the European civilians are trained in the Indian Army Reserve of Officers?

(b) If so, with what measure of success?

(c) If not, the reasons why Government do not try the scheme?

The HONOURABLE MR. SHAFI: The Departments concerned in the reply to this question are still in consultation. With your permission, Sir, may we give the answer to this question at the meeting on the 19th?

The HONOURABLE THE PRESIDENT: I think, as a general rule, Government should be prepared to give answers of some kind on the day for which questions are set down. But in the circumstances stated by the Honourable Mr. Shafi, I see no objection.

CHEMICAL SERVICE COMMISSION'S REPORT.

69. The HONOURABLE SARDAR JOGENDRA SINGH: Will the Government be pleased to state what action has been taken on the Chemical Service Commission's Report and when the Indian Chemical Service will be started?

The HONOURABLE MR. E. M. COOK: The main recommendations of the Chemical Services Committee were:—

- (1) the creation of an all-India Chemical Service;
- (2) the establishment of a Central Chemical Research Institute under the control of the Imperial Government;
- (3) the establishment of provincial research institutes at the chief centres of industries in the various provinces under Local Governments.

The opinions of the Local Governments were invited on these proposals and on the Committee's recommendations generally, and on receipt of their replies the Government of India would ordinarily have proceeded to take further action. But, as in the meantime the reformed constitution had come into being, they considered it desirable that Provincial Governments in their new form should be given an opportunity of giving their opinions on the proposals, in particular on the proposal to constitute an all-India Chemical Service.

The subject was accordingly discussed at a Conference between the Provincial and Central Departments of Industries in May last as the result of which the Ministers in charge of the development of Industries asked for further time in which to consider the question of constituting an all-India service. It is hoped that a final opinion will be given in January next.

The Government of India are most anxious to be able to proceed with the more important recommendations of the Chemical Services Committee, and they wish, pending the decision regarding the proposed Chemical Service, to take up at once the establishment of a Central Chemical Research Institute. Land has already been acquired for this purpose at Dehra Dun, and the Legislative Assembly is being asked during its present Session to agree to a proposal being placed before the Secretary of State that a post of Director of the Institute be sanctioned from the next financial year. As soon as a Director is appointed the plans for the Institute and other details can be worked out.

INDIAN CLAIMS IN KENYA.

70. The HONOURABLE SARDAR JOGENDRA SINGH: What action is the Government of India going to take to protect Indian claims in Kenya?

The HONOURABLE MR. B. N. SARMA: The policy of the Government of India towards the Indian question in Kenya Colony was fully explained in their despatch of October 21st, 1920, which has already been published. The action which they may take to protect Indian claims must depend on the extent to which the recommendations contained in that despatch are accepted.

DEPUTATION FROM LANCASHIRE RE: COTTON.

71. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA : (a) Is there any proposal of a deputation from Lancashire to come to India to discuss the situation caused by the imposition of the new tariff on the import of cotton goods ?

(b) If so, will Government be pleased to make a statement regarding the matter ?

The HONOURABLE MR. SHAFI : In April last His Majesty's Secretary of State for India invited the views of the Government of India on a proposal of the Lancashire Members of Parliament that a British Delegation should visit India to discuss with the Legislative Assembly and other interested bodies the best method of increasing good-will and amicable trading relations between the United Kingdom and India. The Government of India in their reply welcomed the proposed visit on the ground that there would be great mutual advantages to the British and Indian business communities if the Delegation learnt first-hand from Indian leaders the Indian point of view on such matters as the Indian demand for fiscal autonomy and the necessity for the recent increases in import duties. They made it clear, however, that the visit would not be in any way an official visit and that the Delegation should make their own arrangements for meeting Chambers of Commerce and Piece-goods Associations in India. If the Delegation came out during the Simla or Delhi Session of the Legislative Assembly, the Government of India anticipated no difficulty in arranging for the Members to meet informally Members of the Assembly. The Government of India have been informed that His Majesty's Secretary of State for India has taken steps to have this message communicated to representatives of the trade in Lancashire, and they understand from reports which have appeared in the Press that the question of a Deputation of Lancashire Cotton employers and employees being sent to India is now being considered by the trade.

RUPEE LOAN SUBSCRIBED IN ENGLAND AND INDIA.

72. The HONOURABLE MAHARAJA SOSHI KANTA ACHARYYA CHAUDHRI, OF MUKTAGACHA : Will Government be pleased to make a statement showing the total amount of the new rupee loan subscribed in England and India, respectively, and, how much of the same is represented by cash subscription, and how much by converted war bonds for 1921 and 1922 ?

The HONOURABLE MR. E. M. COOK : The Honourable Member is referred to the reply I gave yesterday to the Honourable Rai Bahadur Lala Ram Saran Das' question on the same subject.

LEAFLET ENTITLED "RELIGIOUS FUTWA OF THE MUSLIMS."

73. The HONOURABLE SAIYID RAZA ALI : (a) Has the attention of Government been drawn to the order of the Chief Commissioner of the Delhi Province, forfeiting to Government all copies of a *futwa* which bore the signatures of about 500 leading Maulvis throughout India and was issued by the *Jamiatul Ulemas* ?

(b) What are the reasons which led the Delhi administration to take this step ?

[Saiyid Raza Ali.]

(c) Will Government be pleased to make a full statement on the subject, including the measures it is contemplated to take to remove this Muslim grievance?

The HONOURABLE MR. H. D. CRAIK : The order of the Chief Commissioner declared forfeited to Government all copies and all translations of a leaflet in Urdu entitled the "Religious Futwa of the Muslims of all India." The leaflet was not in fact the *futwa* drawn up by the Ulemas' Conference of November last, but purported to contain extracts from that *futwa*. The order of proscription was issued at the suggestion of the Government of India, and they take full responsibility for the action taken. The leaflet, of which I have a photographic copy here in my hand, contains a sentence of which the following is a literal translation.

'All Government services, which are a help to Government, are unlawful (*haram*). It is specially very sinful to serve in the police or in the army because they have to fire on their brethren.'

Government consider that this sentence is an incitement to Muslim soldiers in His Majesty's Army to disregard, or fail in, their duty, and they have evidence that it has been widely distributed in the Army. It will thus be obvious that the leaflet is of a political rather than of a religious character, and that its proscription involves no encroachment on the religious liberties of Muhammadans in regard to which Government have no intention of departing from its well-established policy of non-interference with religious questions. This policy has been affirmed on many occasions and is well-known to be one of the fundamental rules underlying our system of government. But no Government can be expected to stand by and permit an attempt such as is made in this leaflet to tamper with the loyalty of its troops, which is moreover a clear contravention of the ordinary criminal law.

The HONOURABLE MR. H. D. CRAIK : May I add that I am obliged to the Honourable Member for giving me an opportunity of explaining the attitude of Government in regard to this matter? If the Honourable Member, or any other Member, desires any further information on the subject, I shall be glad to furnish it to the best of my ability. Government are particularly anxious that their attitude on this question should be fully understood and that there should be no misunderstanding whatever.

MOTION FOR ADJOURNMENT.

The HONOURABLE THE PRESIDENT : Before we proceed to the business of the day, I may say that I have received a notice from the Honourable Lala Sukhbir Sinha, that he desires to move the adjournment of this Council on the 15th instant in regard to certain matters which he states in his letter. I think I must draw the attention of this Council to the fact that, if an Honourable Member desires to move for adjournment under rule 11, he must move at the very earliest opportunity. The power to move for an adjournment under rule 11 is not a substituted power for the power to bring in a Resolution. It is a power which enables a Member of this Council to bring a matter of urgent public importance before the Council. Therefore, when an Honourable Member desires to move in that sense, he should certainly ask for the earliest possible open date and not for a date at a distance, because by doing so he shows that he does not consider the matter to be of urgent public importance. I think it is my duty to call the attention of this Council to this matter, because the procedure by motion for adjournment under rule 11 does not seem

to be thoroughly understood. I will not say that, if the Honourable Member gives me notice of the same matter later on, I will not treat it as a matter of urgent public importance, because circumstances may have changed in the meantime; but this particular notice, I am afraid, I must discard.

The HONOURABLE LALA SUKHBIR SINHA: May I say a word, Sir? I was informed that 15th September was the date fixed for the next meeting of the Council, and therefore I gave notice for the 15th. My idea was to take up the matter at the earliest possible date, but as I was told that 15th was the next date, I gave notice for that day. The matter might be taken earlier, I have no objection.

The HONOURABLE THE PRESIDENT: I have tried to explain to the Honourable Member that if he thought the matter was of such urgent importance he should have moved for the adjournment of the House to-day.

I understand that it is desired to make a motion with reference to the message which was received from the Legislative Assembly yesterday in regard to the address to His Royal Highness the Prince of Wales.

MEMBERS TO FRAME ADDRESS TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

The HONOURABLE SIR MANECKJI DADABHOY: Sir, I beg to propose that the following Honourable Members be appointed to serve on the Joint Committee for drafting an address of welcome to His Royal Highness the Prince of Wales. The other House has appointed fourteen members on the Committee and though I believe that number is rather unwieldy, I have no option but to propose a similar number here. I propose that the following members be appointed on the Committee:—

Honourable Sir D. E. Wacha, Honourable Mr. A. H. Froom, Honourable Mr. G. M. Bhurgri, Honourable Sir Alexander Murray, Honourable Sir B. C. Mitter, Honourable Mr. E. L. L. Hammond, Honourable Sir Zulfikar Ali Khan, Honourable Mr. J. A. Richey, Honourable Mr. V. G. Kale, Honourable Mr. E. S. Lloyd, Honourable Sardar Jogendra Singh, Honourable Mr. G. S. Khaparde, Honourable Saiyid Raza Ali and the Honourable Mahamahopadhyaya D. E. Ganga Nath Jha.

The HONOURABLE SAIYID RAZA ALI: Is it too late to move that the Honourable the Mover of the Resolution be added to the Committee?

The HONOURABLE SIR MANECKJI DADABHOY: I wish to be excused because my movements are uncertain.

The HONOURABLE THE PRESIDENT: It is a well-known rule that no Member's name should be brought forward to serve on any Committee or otherwise unless the Honourable Member has previously ascertained the willingness of the Member in question to serve.

The motion was adopted.

STATEMENT LAID ON TABLE.

The HONOURABLE MR. B. N. SARMA: I lay on the table the correspondence regarding the policy of Government with regard to the utilisation of the various large waterways in the country for the purposes of trade, with reference to the Honourable Sir Dinshaw Wacha's *question in Council on the subject on the 14th February, 1921.

*Vide page 29 of Volume I of Council of State Debates.

[Mr. B. N. Sarma.]

No. 21 Public Works.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

Civil Works—Irrigation.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

*His Majesty's Secretary of State for India.**Simla, the 4th September 1919.*

SIR,

WE have the honour to refer to your despatch No. 35-P.W., dated the 19th July 1918, forwarding a copy of a question asked in the House of Commons on the 20th June 1918, and of the answer made to it, on the subject of the constitution of a Waterways Board in India to deal with questions of river transport, and requesting that information may be furnished to enable you to reply to the specific points raised in the question. Subsequent to the receipt of this despatch, we received with the India Office letter No. P. W.-638-19, dated the 8th April 1919, a copy of a representation made by Lord Inchcape and others on the same subject, and of your reply thereto, dated 28th March 1919.

2. As regards the formation of a Waterways Board for the whole of India, such as is apparently contemplated in Mr. Shaw's question, we would explain that inland steamer navigation is almost exclusively confined to Burma and to what may be termed the Ganges-Brahmaputra-Megna group of waterways which connect Bengal with Bihar and Orissa on the one side and with Assam on the other. Elsewhere the rivers have been very extensively tapped for irrigation purposes, and the amount of steamer navigation is practically negligible; a limited number of such vessels continue to ply on the Indus, but these also will probably cease when the large irrigation canals in the Punjab and Sind, at present under investigation, are constructed. Burma may be left out of consideration for the present as there is no evidence of any desire for centralized control in connection with the navigable channels in that province, nor has any representation been received in regard to the numerous rivers in other provinces upon which navigation by country boats is practised; interference by any central authority in regard to the management of the latter would almost certainly be strongly resented by the Local Governments concerned. The question of the formation of a Waterways Trust has arisen only in Bengal, where the rivers are used for navigation to a greater extent than elsewhere, and we shall confine this despatch to a discussion of the subject in so far only as the waterways of that province are concerned.

3. As you are already aware, in March 1912, the Steamer Companies of Bengal submitted a representation to the Secretary of State urging that steps might be taken towards the improvement of the waterways of the province, and in Lord Crew's despatch No. 23-P. W., dated 3rd May 1912, the Government of Lord Hardinge were requested by His Lordship to furnish him with their observations on that representation. In reply, the Government of India, in their despatch No. 3-P. W., dated the 30th January 1913, reported that the question was already engaging the attention of the Government of Bengal, that a reorganized and enlarged Standing Committee had been appointed to advise the Local Government on the subject of the measures to be taken, and that a further communication would be made on receipt of the matured views of the Local Government. Owing to shortage of staff and to the numerous pre-occupations arising out of the war, which have seriously delayed the preparation and submission of the Grand Trunk Canal Project, upon the execution of which the question of the feasibility or otherwise of the formation of the proposed Trust largely depends, the Local Government had not yet furnished us with their final opinions when your despatch under reply was received, but the question has, throughout, received their most careful consideration, and the improvement of their waterways has occupied a foremost place

in their provincial programme. Much important and useful work has already been carried out, and in this connection we would invite your attention to pages 25—29 of the Review of Irrigation in India for 1917-18, copies of which were submitted for your information with our Public Works Secretary's letter No. 213-I., dated 30th July 1919, as also to the completion report of the Madaripur Bhil Route, which was forwarded with our despatch No. 4-P. W., dated the 19th March 1919.

4. On receipt of your despatch of 19th July 1918, we requested the Government of Bengal to report to what extent public opinion favoured the constitution of a Waterways Board, to give a history of what had been done in the past, and to set out the policy which the Local Government proposed to adopt for the future. The Government of Bengal have dealt with the whole question exhaustively in their letter No. 407-I., dated the 11th February 1919, a copy of which is forwarded with this despatch.

5. In that letter, the Government of Bengal have given a clear exposition of the past history of the case which, in our opinion, refutes completely the allegations that non-official interests have not been adequately considered and safeguarded. The Local Government have worked throughout in close communication with the Steamer Companies and with the Bengal Chamber of Commerce, as is shown by the increased numbers of non-officials who have been nominated to the Standing Waterways Committee. Whereas, in 1906, this Committee consisted of three officials and one commercial representative, it now consists of four officials, one railway representative, one representative of the Calcutta Port Trust and four representatives of commercial interests.

6. In 1914 and again in 1917, the question of the formation of a Waterways Trust was discussed by the Standing Waterways Committee, but, in spite of the strong non-official representation, no conclusion was arrived at, mainly because the Committee were unable to put forward any practical constructive proposals for the establishment of such a Trust on a sound financial basis. In April 1918, the subject was again re-opened in a letter from the Joint Steamer Companies of Calcutta in which that body urged the necessity for centralized control, representing that greater co-ordination in the matter of river conservancy between the various Local Governments concerned was desirable, that there was, under the existing system, a lack of continuity of policy owing to the frequent changes in the executive; and that the interests of the waterways were insufficiently safeguarded in comparison with those of the railways. Later in the year, the Bengal and the Narayanganj Chambers of Commerce addressed the Local Government upon the same subject, strongly advocating, on similar grounds, the immediate formation of the suggested Waterways Trust.

7. The three points raised by the Steamer Companies may now be examined and discussed. As regards the validity of the arguments put forward in favour of more co-ordination between the various Governments concerned, it is, of course, clear that when steamers have to ply through three provinces in the course of a single voyage, it must necessarily be inconvenient if three different systems of river conservation are in force. It does not, however, appear to us that this fact in itself has any great weight as bearing on the question of the formation of a Trust, and we are of opinion that the co-option of representatives of the other provinces on the Bengal Standing Waterways Committee would equally well serve the purpose of obtaining the desired co-ordination.

8. With reference to the second point urged by the Steamer Companies in favour of unified control, namely, the lack of continuity of the executive in the past, while the list of Chief and Superintending Engineers who have held charge of the Irrigation Branch and of the South-Western Circle lends colour to the charge, the Local Government challenge the statement that there has been any lack of continuity in policy owing to the frequent changes in personnel. There may, however, be some grounds for the complaint, and in our opinion it can best be met by the institution of a separate branch of the Public Works Department in Bengal responsible for the construction and up-keep of all work relating to irrigation, drainage, inland navigation and river conservancy. Hitherto, the officers of the Public Works Department in that Presidency have been borne on a single list and have been responsible for the multifarious duties included under buildings, roads, irrigation and waterways. The Government of Bengal are preparing a scheme for the reorganisation of their Irrigation staff, and we understand that they desire a complete separation of the Buildings and Roads Branch from that responsible for hydraulic work; indeed this separation would probably have already been effected had it not been for the war, and the scheme will now be carried out as soon as it is financially possible. With a separate Branch, whose sole duty will be the control of rivers in the joint interests of navigation, drainage and irrigation, there should be no risk of discontinuity of policy.

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9. Adverting to the third point urged by the steamer companies, namely, the security of waterways interests, the allegation is made that, in the absence of a representative trust, the Companies are unfairly handicapped in their competition with the railways. This is an argument to which we cannot subscribe. It is true that, in the past, we have occasionally had to reject the demands of the Companies in regard to bridge headways, etc. (a fact which appears to form the basis of the allegation) but such action has only been taken when the demands put forward were wholly unreasonable. It has been claimed, for example, that waterways and headways, sufficient to pass the largest vessels of the fleets, should be provided at the railways' expense, not only over rivers on which steamer services are already established, but also over those on which, either because they are unsuitable for navigation or for other reasons, no services are run at present. It has also been claimed that it is incumbent on the railways to provide headways suitable for steamers of considerably greater size than those at present in use, in order that the Companies may be able, in future, should they so desire, to increase the dimensions of their boats. Compliance with such demands would add largely both to the capital cost of railways within the area in question and also to their recurring working charges, owing to the greater rise and fall which would have to be negotiated by all traffic passing over the bridges, and in some localities would practically put a stop to railway expansion. It is, of course, to be remembered in this connection that it is to the interests of the Steamer Companies to restrict such expansion in the Gangetic area within the narrowest possible limits, and we are inclined to think that some of the representations received have been to some extent coloured by this fact.

10. In deciding the question of headways over navigable channels we are guided largely by the opinions of the Local Governments concerned, which may invariably be trusted to support, within all reasonable limits, the interests of navigation, and in almost every case their considered views are accepted. We have, moreover, in February of this year, issued certain definite rules for determining the headways and waterways of bridges over navigable rivers, the effect of which is to transfer the decision to the Local Government and to local opinion. A copy of these rules is enclosed for your information.

11. In our opinion, the proposal for the formation of a Trust must be resisted on two grounds; firstly, because for many years to come, there is no prospect of such a Trust being able to be constituted on any sound financial basis, and, secondly, because it is essential that in any projects for the conservation of the rivers in Bengal, the interests of irrigation and drainage, and not solely those of navigation, should be weighed and safeguarded. The Local Government have made it clear that none of the advocates of the Trust have so far suggested any method of financing it, except that Government should do so, but, in our opinion, any arrangement under which Government would undertake the responsibility for finding the funds, while at the same time divesting themselves of the responsibility for their proper application, must be ruled out as opposed to all accepted tenets of sound finance and administration. A Trust formed on the lines advocated by the Steamer Companies would, indeed, be a negation of the whole principle of a 'Trust,' such as the Port Trusts, the essence of which is that they should be self-supporting; and the proposal that the Government should unreservedly place funds at the disposal of such a body is one which we find ourselves unable to endorse. It appears to us, moreover, probable that the Trust would prove a more expensive agency for the execution of work than does the Public Works Department.

12. In paragraph 19 of their letter, the Bengal Government show that during the last twelve years, the cost of maintenance of the waterways in Bengal has exceeded the amount received in tollage by more than half a crore of rupees, and that a further loss of 8 lakhs is anticipated during the next five years. If the Grand Trunk Canal is sanctioned, the Trust would be committed to a further expenditure of 288 lakhs of rupees, while it is anticipated that the receipts from this scheme will not cover the working expenses until the ninth year after the commencement of construction, and that the arrears of interest will not be wiped out till seven years later. There can, therefore, be no hope of a self-supporting Trust in the near future and, as we have already explained, we could in no case contemplate one formed on any other basis. Until the receipts from tollage are at least sufficient to cover the working expenses, it would, in our opinion, be unjustifiable to finance the development of waterways in the manner proposed, since this might enable an otherwise unremunerative undertaking to compete with the railways, and thus merely result in our subsidising the less economical form of transport. The only Trust which could possibly be formed at the present juncture would be one in which the running of the steamers and the maintenance of the waterways were combined, the cost of the latter being paid from the profits of the former,

with, possibly, some financial assistance from Government. This is, however, a suggestion which the Steamer Companies have never put forward, and which they would be extremely unlikely to accept.

13. It will, of course, be understood that the remarks made in the last paragraph are not intended in any way to prejudice consideration of the construction of the Grand Trunk Canal or of projects of the same kind, where these can be shown to be capable of earning their maintenance and interest charges. Where this essential condition exists the construction of such works is certainly legitimate, but until the stage has been reached when the waterways of Bengal as a whole fulfil this condition, it appears to us premature even to consider the formation of a Trust such as that proposed.

14. As a guide to the expenditure which might be incurred in making suitable for steamer traffic the 20,000 miles of Bengal waterways, which are said to be navigable, experience with the Mississippi and Missouri rivers in America may be quoted. More than £16½ millions have been spent on 15,000 miles of navigable waterways on these rivers, and the bulk of this was spent on a length of some 700 miles. But even with this expenditure the Steamer Companies were unable to divert traffic from railways except when the volume offering was too great for the railways to carry. We do not suggest that the physical conditions of the Bengal and American rivers are exactly similar but, having regard to the admitted instability of the rivers of Bengal, it is safe to state that American rivers are not less stable, and consequently that river conservancy works are at least as permanent in their nature as those of India are likely to be. From American experience it is evident that large schemes and programmes for the conservancy of rivers for navigation purposes in India should be closely scrutinized before expenditure is undertaken, and we deprecate the disbursement of State funds on facilities solely for the benefit of public carriers, unless the revenue to be recovered in dues will give a return on the capital and cover ordinary working expenses. There has, in the past, been no tendency on the part of the Steamer Companies to pay tolls which will give a fair return on the capital expenditure on works carried out for their use.

15. A further and, in our opinion, a very weighty argument against the formation of the proposed Trust is that to which the Government of Bengal themselves refer in paragraph 20 of their letter, *viz.*, that the maintenance of rivers cannot be carried on solely with a view to the interests of the Steamer Companies. There are other functions, besides navigation, which the rivers fulfil, such as the irrigation and drainage of the country, the latter being a matter of special importance in Bengal. It might quite easily happen that measures taken to improve rivers for navigation would cause deterioration to them or to their branches as drainage channels, while irrigation interests have also to be considered. All these interests are interconnected and could not properly be controlled by a staff which was only concerned with one of them, as would be the case with a Waterways Trust.

16. The lines of policy recommended by the Government of Bengal are recapitulated below:—

- (i) to increase the personnel under the Irrigation Department and to create new Waterways Circles;
- (ii) to construct the Grand Trunk Canal and ultimately to place the control of it and its attendant feeder channels under an executive Trust;
- (iii) to create a Communications Board for All-India, on which would sit representatives of water transport by boat as well as of land transport by rail; and
- (iv) enlarge the sphere of the existing Waterways Advisory Committee by making it possible to have extra-provincial representatives.

For the reasons already stated we are of opinion that the formation of a Trust is out of the question. We advocate the continuance of the present system and its improvement by organizing, as recommended in paragraph 8, a special branch of the Public Works Department to deal with irrigation, navigation and drainage, thus forming a body of trained engineers to deal with all hydraulic questions. We are also prepared to consider favourably the advisability of constructing the Grand Trunk Canal, but we must reserve our final recommendations on that project until the estimate, which has lately been received by us, has been examined by our technical advisers. It may possibly be feasible eventually to place it and other artificial (as opposed to natural) navigation channels under the control of an executive trust, as proposed, but this question cannot be taken up until the projects are constructed and have proved themselves to be remunerative. We also accept recommendation (iv) of the

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Local Government regarding the enlargement of the sphere of the existing Waterways Advisory Committee, co-ordination between the several Governments concerned being secured by permitting the Committee to co-opt nominees of the Bihar and the Assam Governments.

17. We are not favourably impressed with the third recommendation made by the Government of Bengal, *viz.*, the formation of a Communications Board for All-India on which the interests of water-borne traffic would be represented along with others. In the first place, as stated in paragraph 2 of this despatch, river communications are not confined to Bengal; there is navigation of various kinds on many other rivers in regard to which the Government of India have not been asked to interfere, and, though the important waterways in Bengal may originate in other provinces, the main problems arising in connection with them fall within the sphere of the Bengal Government. This being so, their administration should also remain within the provincial sphere. Moreover, so far as the safeguarding of waterways as opposed to railway interests is concerned, we consider that the former are safer in the hands of the Public Works Department than they would be if they were represented on a Communications Board, upon which the railways would naturally have a predominant influence. It would further prove extremely difficult, if not impossible, satisfactorily to demarcate the field of action of the proposed Communications Board and its engineering staff, in so far as navigation rights were concerned, and the field of action of the Bengal Government and its staff so far as riparian and water rights were concerned; that the latter rights must remain under the control of the Local Government appears to us to be axiomatic.

18. As, therefore, it appears to us inadvisable to constitute either a Waterways Trust for Bengal or a Communications Board for the whole of India, the only alternative is to continue the existing arrangements, suitably modified, and the conclusions at which we have arrived and which are detailed in the preceding paragraphs may be summarized as follows:—

- (i) that the Irrigation Branch of the Public Works Department in Bengal should be separated entirely from the Buildings and Roads Branch, and that its duties should be confined to the charge of irrigation, navigation and drainage; the services of an expert body of men who have been trained in these special works being thus secured,
- (ii) that the construction of the Grand Trunk Canal, or of any other navigable channel which can be shewn to be a productive work, should be taken up on the same principles as Government now takes up irrigation works, and
- (iii) that the existing Waterways Committee in Bengal should be continued; that the sphere of its action should be enlarged by the nomination to it of extra-provincial representatives, and that the consideration of the question of a Waterways Trust should be postponed for the present.

We have the honour to be,

Sir,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.

„ C. C. MONRO.

„ G. R. LOWNDES.

„ G. S. BARNES.

„ W. H. VINCENT.

„ R. A. MANT.

„ H. F. HOWARD.

„ MUHAMMAD SHAFI.

Schedule of Enclosures.

1. Letter No. 407-I., dated 11th February 1919, from the Government of Bengal.
2. Rules for determining the headways and waterways of bridges over navigable channels in Bengal.

GOVERNMENT OF BENGAL.
PUBLIC WORKS DEPARTMENT.

Irrigation Branch.

No. 407-I.

FROM THE HON'BLE MR. F. A. A. COWLEY,
Secretary to the Government of Bengal,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
PUBLIC WORKS DEPARTMENT.

Dated Calcutta, the 11th February 1919.

SIR,

I am directed to refer to your letter No. 276-I., of the 27th September 1918, regarding a proposal for the constitution of a Waterways Board in India to deal with questions of river transport, in which the Government of Bengal were asked to furnish a report explaining to what extent public opinion favours the constitution of such a Board, with a history of what has been done in the past and setting out the policy which the Local Government propose to adopt in regard to the question. It appears from the enclosure to your letter that the question of a Waterways Board in India to look after the interests of river transport in India was raised by a question in the House of Commons by Mr. Shaw in June 1918. No proposal for a Waterways Board, with jurisdiction over the whole of India has hitherto been mooted as far as this province is concerned, but a proposal to constitute a Waterways Trust to control and manage the waterways of Bengal and the adjacent administrative areas of Bihar, the United Provinces and Assam, has been mooted in various forms at different times within the last ten years in Bengal. I am directed to furnish in the following report, first of all, a history of the past discussions and negotiations; and, in the second place, the lines of the policy which the Government of Bengal, as at present advised, would be disposed to support.

1.—History of the proposals for the constitution of a Waterways Trust.

2. In the year 1906, when the Government of Bengal had for several years been at work on the improvement of the navigation channel which is now known as the Madaripur Bil Canal, the question arose whether the charge of this canal should remain with the Bengal Government or with the Government of Eastern Bengal and Assam. By the partition of Bengal in the year 1905 the district in which the Madaripur Bil Canal lies became part of the province of Eastern Bengal and Assam. It was decided, with the concurrence of the Government of Eastern Bengal and Assam, that the Bengal Government should retain charge of that canal, and that the Government of Eastern Bengal and Assam should be consulted with respect to its management and development. It was also considered desirable that the natural and artificial channels connecting Calcutta with the districts of Eastern Bengal and Assam, which were largely used by steamers, as well as by country boats, should receive attention from both provinces. It was deemed that this object would be met by the appointment of a Standing Committee, on which the Governments of both provinces and the Agents of the Steamer Companies would be represented. It was, therefore, directed, with the concurrence of the Government of Eastern Bengal and Assam, that a Standing Committee be appointed to inspect periodically the natural and artificial waterways between Calcutta and Eastern Bengal, and to suggest measures for their improvement.

The constitution of the Committee as then fixed was as follows:—

- | | |
|---|---------------------|
| Chief Engineer and Secretary to the Government of Bengal, Irrigation Department. | } <i>President.</i> |
| Superintending Engineer, South Western Circle, Bengal. | |
| Superintending Engineer, Eastern Bengal Circle, Eastern Bengal and Assam. | } <i>Members.</i> |
| A representative of the Steamer Companies to be nominated by the Managing Agents of the India General Navigation and Railway Company and the Agents of the Rivers Steam Navigation Company, acting jointly. | |

[Mr. B. N. Sarma.]

It was further decided that at that time the scope of the Committee should be limited to the channels from Calcutta as far as Barisal and Madaripur. The Committee was instructed to furnish both Governments with suggestions in respect to the measures of construction and maintenance which might be required to give greater facilities of traffic, and also to measures of control or regulation of the traffic.

3. In 1911, Mr. A. Pointon of the India General Navigation and Railway Company put forward un-officially certain proposals for the enlargement of the Standing Committee by the addition thereto of non-official members. Mr. Pointon based his arguments upon the fact that in Prussia the Chief and Local Advisory Councils who advised Government on waterways matters were so comprised, that not more than one-third of the members were Government paid officials, while the rest, who were appointed by the State, represented Commerce, Navigation, Agriculture, Fisheries, and other interests. Mr. Pointon's proposal was that the Standing Committee of Bengal and Eastern Bengal and Assam, which consisted of three official, and one non-official, members, should be converted into a preliminary Waterways Advisory Council for Bengal and Eastern Bengal and Assam and consist of two official, and four non-official, members; their duties being the same as those of the Standing Committee of 1906.

Mr. Pointon then went further and suggested that the Governments of Bengal and Eastern Bengal and Assam should, at an early date, create Local Waterways Advisory Councils and extend the representation on the preliminary Advisory Council and convert it into a General or Central Advisory Council for the two provinces.

He also suggested that the proposed General or Central Advisory Council for Bengal and Eastern Bengal and Assam should, as soon as possible subsequently, be converted into a responsible Waterways Commission for Bengal and Eastern Bengal and Assam on the lines of the Port Trust of Calcutta, with a permanent staff of executive officers.

4. In February 1911, the Bengal Chamber of Commerce addressed the Secretary to the Government of Bengal, Irrigation Department, on the same subject. The Chamber of Commerce pointed out that the Standing Committee of 1906 had been in existence for nearly five years, and there was a feeling that its usefulness might be enhanced if its membership were enlarged by the addition of mercantile representatives. They were also of opinion that it was desirable that the Commissioners for the Port of Calcutta should be represented on such a body as the Commissioners are necessarily deeply concerned with the progress of the waterways of both provinces and their co-operation would, therefore, add great advantage not only to the Government, but to the trade also. The Chamber also considered that it might be possible and advisable to bring all the waterways in Bengal and Eastern Bengal and Assam within the scope of the Committee, and the Committee would thus be to all intents and purposes an advisory body for the waterways of both provinces. The Committee would also be a medium of communication between Government as the controlling authority of the waterways and the commercial community by whom they are mainly utilized. In conclusion, the Chamber expressed the hope that a still further advance in the same direction might be made at no distant date. It seemed to them that the Standing Committee might consider measures for a much greater enlargement of its power and duties, that there was nothing unreasonable in anticipating that it might become not merely an advisory, but also an executive, body responsible for the conservation and improvement and general management of the waterways of both provinces. Such an organization would, of course, work under the control of Government and in intimate association with the trading community. It might also be aided in this work by the formation of Local Committees or Local Advisory Councils. The waterways might be divided into four or five divisions in each of which a Local Committee could be formed. It would be the business of these bodies to examine and to consider the needs of their districts and to make recommendations and suggestions to the central authority. There would thus be eventually called into existence a systematized form of administration on which every interest concerned with inland navigation could be represented and which would be capable of thoroughly developing and efficiently improving and managing the waterways.

5. The observations and recommendations of the Bengal Chamber of Commerce were duly considered by the two Governments concerned. In July 1911, the following additions were made to the existing Standing Committee of 1906 :—

- (i) a representative of the commerce of the province of Bengal to be nominated by the Bengal Chamber of Commerce;

- (ii) a representative of the commerce of the province of Eastern Bengal and Assam to be nominated by the Lieutenant-Governor of Eastern Bengal and Assam ;
- (iii) the Chief Engineer and Secretary to the Government of Eastern Bengal and Assam, Public Works Department ; and
- (iv) the Vice-Chairman of the Commissioners for the Port.

6. The next stage was reached in February 1912, when the non-official members of the Standing Waterways Committee made the following proposals for the constitution of a Waterways Department under Government :—

- (1) That a Waterways Department should be formed, which should have control of the Ganges, Brahmaputra, and Megna system of rivers, including its delta.

If this proposal was carried out, the whole of the waterways of the new provinces of Bengal, Assam, and Bihar would come under one control, together with certain sections of the Ganges and Gogra and such other waterways in the United Provinces of Agra and Oudh as may be thought necessary.

- (2) That the new department should be in charge of a high official conversant with waterways and possessing a good knowledge of modern dredging.
- (3) That he should have under him a permanent staff of officers and, so far as it is possible, they should be specially qualified for this class of work.
- (4) That the present Standing Waterways Committee should be re-named "The General Waterways Advisory Council," and that its sphere of action should include all the above waterways.

The Standing Waterways Committee supported these proposals ; and recommended that the present standing Waterways Committee should be re-named "The General Waterways Advisory Council," and that its sphere of action should include all the waterways under the control of the proposed Waterways Department, that it should be representative of those interested in the waterways of the three provinces concerned, and that its powers and duties would be periodically to discuss and criticize schemes prepared by the Waterways Department and have power to submit schemes and suggestions for the consideration of the Waterways Department.

7. Shortly afterwards in March 1912, and before any orders had been passed by Government on the Resolutions, the non-official members of the Standing Waterways Committee addressed Government and asked for a special meeting of the Standing Waterways Committee to consider :—

- (i) that the waterways remain under the Revenue and Agricultural Department ;
- (ii) that the system of waterways be at once placed under a body constituted on the same lines as the Port Trusts of Calcutta and Bombay ; and
- (iii) that, failing the appointment of such a body or in the event of any delay taking place before its appointment, a special officer be appointed to give his whole time to the work at present in hand and contemplated.

The Government of Bengal sanctioned the discussion of these proposals ; but requested the non-official members to formulate definite proposals and to work them out in some detail. Information on the following points was considered particularly desirable :—

- (1) the proposed constitution of a Trust ;
- (2) its power ;
- (3) its source of funds ;
- (4) the proposed strength and pay of members of the Trust and its officers ;
- (5) the proposed establishment for carrying out works and its pay ;
- (6) a financial forecast for fifteen years, showing that after this period the Trust would be likely to be in a sound financial condition and would not be levying an unduly heavy tax on the traffic ; and
- (7) A budget for the next two years of anticipated receipts and expenditure, with a rough programme of the work to be carried out.

Unfortunately, the proposed meeting never took place, as it was considered that the re-distribution of the territories of Bengal, with effect from the 1st April 1912, would require the re-construction of the Committee.

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8: The new Government of Bengal took up the matter, and reviewed the position in May 1912; and in July 1912 a special meeting of all the interests concerned was convened to consider the formation of a new Waterways Standing Committee.

It was decided that the enlargement of the Advisory Waterways Committee was desirable, and that it should be composed of the following members:—

Member of the Executive Council in charge of the Public Works Department portfolio.	} <i>President.</i>
Chief Engineer for Waterways	
An officer with Financial experience	} <i>Members (Official).</i>
Superintending Engineer, South-Western Circle	
A Railway representative	
Vice-Chairman, Port Commissioners	} <i>Members (Non-official).</i>
A Commercial Member, Bengal	
Ditto ditto, Eastern Bengal	
A representative of Steamer Companies	
An Indian representative from the National Chamber of Commerce.	

It was decided that the Committee should, in all cases in which other provincial interests were affected, ask the Chief Engineer of that province to attend the meeting.

This meeting also recommended that a Special Committee composed of the following should prepare a scheme for the formation of a Waterways Trust:—

- (1) a representative of the Steamer Companies;
- (2) the Vice-Chairman, Port Commissioners;
- (3) a Public Works Department officer;
- (4) a representative of the Chamber of Commerce; and
- (5) an officer with a special knowledge of Accounts and, if possible, of Canal Accounts.

It may be of interest to record that at this meeting Sir Frederick Dumayne, speaking on behalf of the non-official members, desired to explain that the proposal to form a Trust should not be taken as in any way reflecting on the conduct of waterway affairs in the past by the Public Works Department officers. He said that the commercial community fully realized how much they were indebted to the Chief Engineers and other officers of the department for their efforts to maintain the Bengal waterways.

9. The first recommendation was accepted by the Bengal Government in the following terms in August 1912:—

(1) That a Standing Committee be appointed to advise Government on the subject of the measures to be taken for the maintenance and improvement of the waterways of the Presidency of Bengal and for the regulation of traffic on those waterways, and that the said Committee be composed of the following members, with such additional members as may be appointed by Government, from time to time:—

The Member of the Executive Council in charge of the Public Works Department portfolio.	} <i>President.</i>
The Chief Engineer to the Government of Bengal	
An official Member to be nominated by Government to advise the Committee on Financial matters.	} <i>Members.</i>
The Superintending Engineer, South-Western Circle	
A representative of Railway interests to be nominated by Government.	
The Vice-Chairman, Port Commissioners, Calcutta	
A Member to be nominated by the Calcutta Chamber of Commerce.	
A member to be nominated by the Bengal National Chamber of Commerce.	
A member to represent the Commercial interests of Eastern Bengal to be nominated by the Narayanganj Chamber of Commerce.	
A member to be nominated by the Managing Agents of the India General Navigation and Railway Company and the Agents of the Rivers Steam Navigation Company, acting jointly.	

(2) That the Government of Bihar and Orissa and the administration of Assam be asked to assist the Committee, when occasion shall arise, by deputing their Chief Engineers to advise the Committee upon such matters as may come under its consideration which directly affect the waterways situated in those provinces.

As regards the second recommendation, dealing with the formation of a Waterways Trust, the Bengal Government examined it carefully. They were not favourably impressed by the financial possibilities of such a Trust, but agreed that the Advisory Waterways Committee might consider the matter, especially the methods of financing such a Trust.

A Sub-Committee was accordingly appointed under the Waterways Committee.

Its final recommendations were submitted in April 1914, and were as follows :—

- (a) that there was no possibility of the formation of a Waterways Trust until the new Grand Trunk Canal had been sanctioned and funds provided for its construction ; and
- (b) that the Government of India would be required to guarantee the interest on the capital raised for work in the same way as Government now guarantees the interest on capital raised for Railway construction or for the Port of Calcutta.

Mr. Pointon, who signed the report as a representative of the Steamer Companies, submitted a note explanatory of the financial position of a proposed Trust, with a list of the waterways which the Trust should control. A financial statement prepared on the best data then available, showing the probable expenditure and revenue on Mr. Pointon's proposal, resulted in a net deficit of Rs. 14,00,000 per annum, which Mr. Pointon proposed should be met from subsidies by the Government of India, the Governments of Bengal, Bihar and Orissa, and Assam, and by certain District Boards.

10. The report of the Sub-Committee was considered at a meeting of the Standing Waterways Committee in December 1914. The Government attitude was defined as favouring the establishment of a Waterways Trust when such a step was justified by the financial position of the new Grand Trunk Canal. The non-official members of the Committee pressed for the immediate formation of a Trust and for the construction of the canal by engineers under the control of the Trust. It was also pointed out that, before a Trust which would control the waterways in three provinces could be formed, legislation would be necessary by the Imperial Government. The official Members, however, maintained that, as Government was to be called upon to provide the funds for the construction of the canal, it was essential that Government should either carry out the project, or control the Trust who carried it out.

11. The subject was again discussed by the Standing Waterways Committee in February 1917 after the revised project for the Grand Trunk Canal had been prepared. It was again urged by the non-official Members of the Committee that the formation of a Trust should be decided upon from the outset of the construction of the Grand Trunk Canal. The view of one of the non-official Members was that the scheme would bring about an enormous improvement from the business-point of view in encouraging trade, cheapening transport, and relieving delay; but still more from the point of view of the health and sanitation of one of the most insanitary areas in Calcutta. He also thought that one great advantage to be obtained from the early starting of a Trust was the great interest which it would evoke amongst the commercial community and the incentive which it would be to those anxious to take up land for jute presses and so on. He also emphasized that if the mercantile, shipping, and railway people were strongly represented on the Trust this would have a very beneficial effect in bringing about greater co-operation and would result in an enormous development of the Port of Calcutta. Another non-official member reiterated his conviction that the Waterways Trust should be formed at once, with executive powers. He held that a body that watched over and controlled the scheme from the beginning would be better able to promote the growth of industries and give better financial results than a body brought into existence many years later after the scheme had been completed. It was also the case that a body of this kind would be able to build up an expert waterways staff, which was not practically possible under the present system of the Public Works Department owing to constant changes of officers. The security to Government was ample and the canal would not disappear. The Honourable Member of Council in charge of the Public Works portfolio, as President of the Committee, again pointed out that the proposed Trust would control not only this canal, but the waterways of Bengal and Assam generally.

[Mr. B. N. Sarma.]

The general opinion of the Committee was that a Trust should be started at once ; but if Government must retain full financial control, the Trust should have power to lay out land and develop it, with limited financial and constructional powers until the scheme became a paying concern.

12. The subject was re-opened in April 1918 when the joint Steamer Companies addressed Government at length on the subject. The preceding discussions were summarized in the following terms :—

“The Waterways Advisory Committee recommended to Government in 1912 the desirability of the formation of a Waterways Trust or Department which would deal administratively with all matters concerning the waterways of Bengal and the Eastern districts. The Government of Bengal was favourably inclined towards this proposal, but as the Grand Trunk Canal Scheme was under consideration at that time—as a matter of fact it is still under consideration—Government was of opinion that the formation of the Trust should await the completion of the Grand Trunk Canal, the working of which would form a nucleus for its administrative activities.

“The mercantile community, as voiced by the Chambers of Commerce of Calcutta and Narayanganj, was of a different opinion, and suggested that the Trust should be formed as early as practicable and should charge itself with the control of all existing waterways and, *inter alia*, the construction of the Grand Trunk Canal, if and when that scheme fructified.

“The matter of the formation of a Trust did not go any further at this point but, in order to render the Waterways Advisory Committee a more effective one in dealing with water-borne trade, it was enlarged to eleven members, including representatives of Commercial, Railway, Port Trust, and Steamer interests, in addition to the departmental officers intimately connected with the Public Works of the provinces concerned.

“This body is really the nucleus of the Waterways Trust, but it lacks one important factor—Authority. It can advise, suggest, object, or criticize, but it cannot act, and is thus incapable of vigorously addressing itself to the many important questions which arise from time to time in connection with waterways and water-borne traffic.”

The letter then proceeded to give its grounds for centralized control.

“The necessity for systematized control appears to us to be threefold : (1) co-ordination between the various Governments ; (2) continuity of executive ; and (3) security of waterways interests.

“(a) Taking these in order we would point out that the great rivers of Northern and Eastern India flow through the provinces of Bengal, Assam, Bihar and Orissa, and the United Provinces. Many of our steamers in the course of a single voyage pass through three of the above four provinces. There is no common system of river conservancy and each Government has its own departments with necessarily divergent views as regards river control. We respectfully submit that there should be a central authority over the whole system of rivers with a common control, irrespective of political boundaries.

“(b) With reference to the second point—continuity of executive—we would point out the numerous changes that have been made in the past in the executive charged with the control of waterways. We have already touched upon this in an earlier part of this memorial, but we would respectfully urge the formation of a Trust somewhat after the lines of the Port Commissioners of Calcutta where a compact body of experts deals with the varied questions arising in connection with the river and trade of Calcutta with authority based upon a long familiar and continuous handling of these subjects. At one time the changes in Chief Engineers, Superintending Engineers, and Executive Engineers in the Public Works Department were bewildering in their frequency, and with each change there were inevitable alterations of programme, differing opinions, and the natural hesitation of decision while the responsible officer was picking up the threads of an unfamiliar subject.

“(c) The third point—security of waterways interests. This is an important matter as under the present procedure the interests of waterways where they conflict with those of railways are not secure. As an example of conflicting interests of waterways and railways we might instance the matter of bridge headways. The railway officer naturally wishes to construct his bridge as cheaply as possible with a low headway and short span. These limitations throttle water-borne traffic and in extreme cases may stop it altogether. It should never be lost sight of that the right to use a waterway is a public one of much longer standing than any rights acquired subsequently by railways. If railways desire to bridge waterways there can be no objection to their doing so, but only on the understanding that the right of navigation is not permanently interfered with, and that water communication should be free and open to all, as before. The present procedure in such cases where

waterway and railway interests are in conflict is for the Local Government to consider schemes and make recommendations to the Railway Board. A comparatively recent scheme might be instanced as an example. When the Sara-Serajganj Railway was designed the interests of waterways and railways in the matter of bridge headways were found to be in sharp conflict. Much discussion resulted, and the Local Government ultimately held a meeting, of which the Member of Council holding the Public Works portfolio was Chairman, and at which the Public Works Department waterways and railways concerned were fully represented. Considerable difference of opinion was revealed at the meeting and the Chairman stated that the Local Government would submit a report to the Railway Board. The waterways representatives were subsequently advised that 'the decision of the Railway Board' would be conveyed to them in due course. Thus the ultimate decision in a conflict of opinion as between waterways and railways rests with the representatives of one of the interests concerned. The vital interests of the public in waterways and the interests of those who work the traffic carried on waterways cannot possibly be secure under such an arrangement.

"It is not, in our opinion, correct that the onus of upholding the right of a free waterway should devolve upon private carriers, and we hold that such onus should be on a suitably constituted Trust including representatives of the carriers.

"The usefulness of water transport is being demonstrated at the moment of writing. The East Indian Railway is unable to carry the goods tendered for carriage, and a very welcome relief is at hand in the shape of steamer services on the Ganges. These services are able to convey goods to and from stations in Bihar and the United Provinces, Bengal, and Assam. Thus Patna and Buxar are in direct touch with Dacca, Gauhati, and Dibrugarh to the great advantage of the trade of the country. Very much more could be done in this direction if the Ganges received the attention that it deserves. Three Governments are concerned, working without any reference to each other, with the result that there is not efficient executive charged with the conservancy of the river as a whole, and the trade of the country suffers in consequence from this neglect of an Imperial duty in maintaining the rivers in the highest degree of efficiency such as obtains on the Rhine, etc.

"There is one further aspect which can be alluded to in this connection, and that is the security of communication by water in the event of railways being tampered with and temporarily rendered non-effective. As an example, the security of Dacca and the Eastern districts depends principally upon the integrity of the Eastern Bengal Railway. Patna and Bihar are also dependent upon the East Indian Railway. In both cases water transport would be immediately available, and would be inviolable."

13. The representatives of the Steamer Companies were then invited to put forward a definite scheme for the consideration of Government. They were also informed that, presumably, a Trust of this sort would have to be self-supporting; that at the present time Government spend large sums annually and the receipts barely cover the outlay on establishment and maintenance and the tolls certainly yield no profit on the capital expenditure involved. The representatives of the Steamer Companies were not, however, prepared with any definite scheme or any definite proposal, but asked for the compilation of the net financial results on the operation of the locked lengths of the Circular and Eastern Canals system. This has been since prepared after a careful and exhaustive examination of the accounts as far back as the year 1885.

The Bengal Chamber of Commerce shortly after this, in May 1918, addressed Government in terms similar to those used by the Steamer Companies. The Chamber of Commerce was also requested to inform Government how they proposed that such a Trust should be financed and, in reply, the Chamber stated that the Trust might be financed by loans, the payment of the interest on which, and the repayment of the principal, being guaranteed by Government; that the revenue required might be derived from dues or charges, to be recovered from the users of the canals and waterways, or other facilities provided and controlled by the Trust; and that, if waterways schemes not directly benefiting users of the waterways or their constituents, were undertaken for some general reason considered to be necessary by Government, or for purposes of irrigation or sanitation, Government would, as at present, finance, or contribute to the financing of, such schemes.

14. Finally, in August 1918, the Narayanganj Chamber of Commerce also addressed Government in favour of some systematized control of waterways. They suggested the establishment of a permanent Waterways Trust, with powers corresponding to those of the Railway Board, as the most suitable means of dealing with all matters pertaining to waterways; and pointed out the dissatisfaction that existed in connection with the decisions of the Railway Board regarding bridge headways.

[Mr. B. N. Sarma.]

2.—*Lines of future policy.*

15. The above summary of the past history of the case indicates that the attitude of the Steamer Companies, who are the bodies most concerned, to the proposal for the creation of a Waterways Trust in Bengal has been governed by different considerations at different times. One such consideration was that the changes in the personnel of the Chief Engineers of that branch of the Bengal Public Works Department which deals with the conservancy of waterways, namely, the Irrigation Branch, have led to changes in policy. A list of the Chief Engineers who held office since 1889 is annexed in appendix A. It may be conceded at once that a continuity of the executive is undoubtedly desirable, but His Excellency in Council does not subscribe to the argument that owing to the changes amongst the officers there has, in fact, been no continuity with reference to the engineering aspect of the case.

16. Another factor in determining the views of the Companies was the want of harmony between the interests of waterways and railways which came into acute conflict when the question of constructing a railway bridge over a navigable waterway arose. The Government of Bengal are prepared to concede that the present position is unsatisfactory. The practice is that the Local Government on being consulted by the railway concerned endeavours to ascertain the views of all the parties concerned and all the relevant facts regarding the particular problem, and then submits a report to the Railway Board. If the views of the Local Government are accepted orders are issued to the Railway Administration concerned; but if the views are not accepted, or if the Railway Administration enters any *caveat*, then a prolonged three-cornered controversy is instituted, while the Steamer Companies consider that the Railway Board, which has the last word on the subject, has prejudiced views on their claims.

17. A third factor which has governed the representations of the Steamer Companies is the desirability of co-ordination between the action taken within the limits of the different provinces. On this point the Government of Bengal are in accord with the view that it is desirable that there should be some centralized organization dealing with the handling of river problems in the areas affected by the great river systems of the Ganges and the Brahmaputra.

18. The above being the factors which have promoted the suggestions of the Steamer Companies, it is apparent from the history of the case that their recommendations have taken the following forms:—

- (i) the constitution of a purely advisory body;
- (ii) the constitution of a Waterways Department under the Government of Bengal;
- (iii) the constitution of a local Trust representative of official, commercial, and shipping interests, with executive powers to deal with provincial problems; and
- (iv) the constitution of a Central Board for the whole country.

The first three proposals have been mooted locally, and the fourth appears to have been mooted through the London representatives of the Steamer Companies concerned.

19. The question which above all others is to be answered in dealing with a problem of this nature is whether any change of any kind is desirable. The present system is that the conservancy of the rivers in this province is handled by a branch of the Public Works Department, and the representatives of the steamer interests are careful to point out that they have no complaint against the existing personnel, and that much has been done, and is being done, to conserve and improve navigable channels. A change may, however, be considered desirable on economic, administrative, or political grounds. As regards any economic justification for a change it is clear that no trust would be in a better financial position than Government itself. During the last twelve years the total expenditure, including capital expenditure on the Bengal waterways, has been nearly 1½ crores; while the revenue has been nearly ⅓rd of a crore. The resulting deficit is 58½ lakhs. It has been met from provincial funds. Again, the programme of work allotted for the next five years for only obligatory expenditure, exclusive of any capital expenditure, amounts to 51 lakhs, whereas on the most optimistic basis the gross expected receipts for the same period will be only 42½ lakhs. This excludes all consideration of capital expenditure on the Grand Trunk Canal, on the new waterways now under investigation in the Dacca division, on the improvement of Tolly's Nullah, and on other similar projects.

The view of the Bengal Government has been that they favour the formation of a Waterways Trust when such a step can be justified by the financial conditions under which such a Trust could be constituted. But the above figures show that it is not financially

possible to constitute a self-contained Trust on the lines of the Port Trusts of Bombay and Calcutta which would be self-supporting.

20. As regards any suggestion that there are reasons for change on administrative grounds, I am to say that it is only too apparent that the existing staff of the Irrigation Department in Bengal is too small to deal efficiently with the interests involved. There should be created one, preferably two, Waterways Circles, in charge of Superintending Engineers with the necessary complement of Executive and Assistant Engineers and Upper and Lower subordinates. The sole duties of these officers would be to deal with the problem of the conservancy of the waterways and the efficient drainage of the country, their work should be controlled by the Chief Engineer for Irrigation. It is perhaps somewhat lightly assumed that as there is little irrigation proper in Bengal there is little work in the Irrigation Department. The letter No. 243E, dated the 23rd January 1918, from this Government to the Public Works Department of the Government of India has given a full statement of the duties of the Chief Engineer for the Irrigation Department; and the duties therein indicated, so far as they relate to (a) protection from floods or from the sea, (b) drainage from the interior to the sea, and (c) conservancy of all navigable channels, are all inter-connected and can only be efficiently performed by an appropriate staff. His Excellency in Council has in view the creation of such waterways circles under the Chief Engineer for the Irrigation Branch as soon as it is financially possible.

21. There is much to be said on administrative grounds for the creation of a Trust or Board which would control the trunk waterways of the Province of Bengal, Bihar, and Assam; for action in Bihar or Assam might profoundly affect the water facilities of Bengal. But, if such a Board is to be extra-provincial, it must be under the Government of India; and it would be only on rare occasions that representatives from all the three provinces could be brought together. It would be more satisfactory if the existing Bengal Advisory Waterways Committee were permitted, as was suggested in 1912, to co-opt in its deliberations nominees of the Bihar and Assam Governments. Until the Grand Trunk Canal is a completed project, at which time it may be possible to create a self-supporting Board to administer it and its feeder channels, His Excellency in Council maintains that any Trust in Bengal must be advisory.

22. As regards a third possible reason for a change, namely, political grounds, it is desirable that the Steamer Companies in this province should not be subjected to an unfair handicap in competition with the railway communications. His Excellency in Council is not in favour of accentuating the existing differences by creating a separate Waterways Trust or Board merely as a counterpoise to the Railway Board. He thinks that the more natural line of development, and one which is followed in other countries, would be to create an organization which could deal fairly and finally with both sets of contending interests. He would, therefore, favour the creation of an All-India Communications Board, on which the waterways interests would be represented, in place of the existing Railway Board. The views of the Industrial Commission in paragraph 279 of their Report would appear to lend support to this proposal. In the past, in Bengal, the development of railways and water communications has followed to a considerable extent the respective lines of least resistance; but at the present and in the future their spheres of influence are tending more and more to overlap and to come into conflict. The Local Government are not in a position to act as arbiter, while, as already stated, the Railway Board is looked upon by one of the parties as prejudiced in favour of one of the interests concerned.

23. I am, therefore, to recapitulate the lines of policy which, as at present advised, the Governor in Council would favour:—

- (i) to increase the personnel under the Irrigation Department and create new Waterways Circles;
- (ii) to construct the Grand Trunk Canal and ultimately to place the control of it and its attendant feeder channels under an executive Trust;
- (iii) to create a Communications Board for All-India on which would sit representatives of water transport by boat as well as of land transport by rail; and
- (iv) to enlarge the sphere of the existing Waterways Advisory Committee by making it possible to have extra-provincial representatives.

I have the honour to be,

SIR,

Your most obedient servant,

F. A. A. COWLEY,

Secretary to the Government of Bengal.

[Mr. B. N. Sarma.]

APPENDIX A.

List of Chief Engineers, Irrigation Department, since 1889.

NAME.	DATE OF CHARGE.	
	From—	To—
Lieut.-Col. C. W. I. Harrison, R.E.	8-7-1886	14-1-1890
Col. J. M. McNeille, R.E.	15-1-1890	29-3-1891
Mr. C. W. Odling	30-3-1891	29-4-1891
Col. J. M. McNeille, R.E.	30-4-1891	4-3-1892
Mr. C. W. Odling	5-3-1892	21-3-1894
Lieut.-Col. A. D. McArthur, R.E.	22-3-1894	1-5-1894
Mr. C. W. Odling	2-5-1894	11-3-1895
Lieut.-Col. A. D. McArthur, R.E.	12-3-1895	8-3-1898
Mr. T. H. Clowes	9-3-1898	8-4-1898
Col. A. D. McArthur, R.E.	9-4-1898	8-3-1899
Mr. D. B. Horn	9-3-1899	15-4-1899
Col. A. D. McArthur, R.E.	16-4-1899	15-7-1899
Mr. R. B. Buckley	16-7-1899	22-8-1902
Mr. D. B. Horn	23-8-1902	2-3-1905
Mr. W. A. Inglis	3-3-1905	17-7-1907
Mr. T. Butler	18-7-1907	10-10-1907
Mr. W. A. Inglis	11-10-1907	24-1-1908
Mr. R. E. Carter	25-1-1908	26-3-1908
Mr. W. A. Inglis	29-3-1908	4-12-1908
Mr. T. Butler	7-12-1908	7-9-1911
Mr. C. A. White	8-9-1911	10-3-1912
Mr. T. Butler	11-3-1912	31-3-1912
Mr. B. K. Finnimore	1-4-1912	24-7-1912
Mr. H. H. Green	25-7-1912	14-10-1912
Mr. B. K. Finnimore	15-10-1912	28-8-1913
Rai A. P. Sarkar Bahadur	1-9-1913	19-3-1914
Lieut.-Col. A. C. deL. Joly deLotbiniere, R.E., C.S.I., C.I.E.	20-3-1914	8-12-1914
Mr. F. A. A. Cowley	9-12-1914	25-4-1916
Mr. C. P. Walsh	26-4-1916	25-10-1916
Mr. F. A. A. Cowley	26-10-1916	...

List of Superintending Engineers in charge of the South-Western Circle, since 1889.

NAME.	DATE OF CHARGE.	
	From—	To—
Major A. D. McArthur, R.E.	4-6-1888	5-4-1890
Mr. W. H. King	6-4-1890	5-7-1890
Lieut.-Col. A. D. McArthur, R.E.	6-7-1890	22-3-1893
Mr. D. B. Horn	23-3-1893	19-6-1893
Lieut.-Col. A. D. McArthur, R.E.	20-6-1893	21-3-1894
Mr. D. B. Horn	22-3-1894	2-5-1894
Lieut.-Col. A. D. McArthur, R.E.	3-5-1894	11-3-1895
Mr. D. B. Horn	12-3-1895	6-3-1898
Mr. K. H. Stephen	7-3-1898	4-12-1898
Mr. D. B. Horn	5-12-1898	8-3-1899
Mr. K. H. Stephen	9-3-1899	16-4-1899
Mr. D. B. Horn	17-4-1899	15-3-1900
Mr. T. Butler	16-3-1900	1-6-1900
Mr. D. B. Horn	2-6-1900	2-7-1900
Mr. A. H. Thomson	3-7-1900	28-9-1900
Mr. D. B. Horn	29-9-1900	21-4-1901
Mr. O. C. Lees	22-4-1901	15-9-1901
Mr. G. C. Maconochy	16-9-1901	16-10-1901
Mr. O. C. Lees	17-10-1901	23-3-1903
Mr. G. C. Maconochy	24-3-1903	29-3-1903
Mr. P. G. Jacobs	30-3-1903	24-10-1904
Mr. P. G. Maconochy	25-10-1904	30-10-1904
Mr. O. C. Lees	31-10-1904	19-11-1905
Mr. R. E. Carter	24-11-1905	2-4-1906
Mr. G. C. Jacobs	3-4-1906	24-1-1908
Rai A. P. Sarkar Bahadur	25-1-1908	3-5-1910
Mr. C. Addams-Williams	4-5-1910	31-8-1913
Lieut.-Col. A. C. deL. Joly deLotbiniere, R.E., C.S.I., C.I.E.	1-9-1913	1-1-1914
Mr. C. Addams-Williams	2-1-1914	19-3-1914
Rai A. N. Das Bahadur	20-3-1914	24-6-1916
	25-6-1916	...

SUPPLEMENT TO TECHNICAL PAPER No. 192.

Rules embodying the principles to be observed in determining the headways and waterways under railway bridges over navigable channels in Bengal and Assam.

No. 65 P.-16, dated Simla, the 3rd February 1919.

From—W. R. HORN, Esq., Assistant Secretary, Railway Board,

To—
 (1) The Secretary to the Government of Bengal, Public Works Department, Railway Branch,
 (2) The Honourable the Chief Commissioner of Assam.

With reference to the correspondence ending with ^{(1) your} (2) Your Public Works Department letter No. (1) 5220-L., dated the 7th-27th November 1917 (2) 5524-B. Rys., dated the 17th December 1918, regarding the principles to be observed in future in determining the headways and waterways to be provided under railway bridges over navigable channels in Assam and Bengal, I am directed to say that the Government of India accept generally the recommendations of the Conference, which was held in Calcutta on the 17th November 1917, to consider the suggestions made by the Railway Board in their letter No. 65 P.-16, dated the 25th May 1917, on the subject, and after considering the remarks offered thereon by the Government of Bengal and the Assam Administration, the Government of India are of opinion that the rules contained in the enclosure to this letter will reasonably safeguard the legitimate interests of the steamer companies and of railways.

2. I am accordingly to request that if ^{(1) His Excellency the Governor in Council sees} no objection, the principles embodied in these rules may be observed ^{(2) you see} in future in fixing headways and spans for railway bridges over the waterways of ^{(1) Bengal} (2) Assam.

ENCLOSURE TO LETTER No. 65 P.-16, DATED THE 3RD FEBRUARY 1919.

Rules embodying the principles to be observed in determining the headways and waterways under railway bridges over navigable channels in Assam and Bengal.

In the case of rivers on which steamer services are already established full provision should be made for these services by the railway. Reasonable provision should also be made at railway cost for any development of river traffic that can be shown to be definitely in sight when the construction of a railway is taken in hand.

2. In the case of rivers which are navigable but which have not hitherto been served by steamers, the railways should not be called upon to provide greater headways or wider spans than are necessary for the passing of flood water and country boats of the largest size among those which habitually use the stream unless the Steamer Companies can show that there is a genuine prospect of river services being opened within a reasonable period and that such services are required in the public interest. What is a genuine prospect and what is a reasonable period are questions of fact to be decided in each case as it arises.

3. As regards rivers which are unsuitable for steamer traffic railways should not be required to provide any facilities for steamer services, since possible improvements in the future must be purely hypothetical. Whether a river is suitable or unsuitable for navigation should be decided by the Local Government after hearing the Steamer Companies and the railway concerned.

4. In all cases other than those mentioned in clauses 1 and 2, Steamer Companies should provide the whole or such portion, as the Government of India may in each case determine, of the additional cost of any increase of span or headway which they desire should be provided and which is not necessary for the purposes of the railway.

5. Headways should generally be calculated above the normal high flood level, taking, if possible, an average of not less than ten years' recorded high flood levels.

[Mr. B. N. Sarma.]

6. In fixing headways it must be remembered that if railways are required to make bridges high enough to pass all established steamer traffic, Steamer Companies, on their part, should reasonably be expected to adopt a suitable type of steamer with dipping funnels, kept as low above water level as possible, so as not to raise the cost of bridges unnecessarily. It is considered that standard types of steamer, requiring headways, as detailed below, will be suitable for all kinds of river traffic :—

14 Feet.

20 Feet.

28 Feet.

35 Feet.

40 Feet.

Over 40 feet (with the previous approval of the Local Government.)

With the steamers classified thus, it will merely be necessary in order to determine what headway should be provided over a river in any given cases to decide for what particular type of steamer the bridge should be constructed.

7. If the cost of providing the required headway should prove excessive lifting or swing bridges may be substituted for fixed spans. In that case provision must be made for opening the movable span at reasonable intervals so as not to obstruct the steamer traffic unnecessarily.

8. Provision should be made for country boat traffic in the case of all rivers, on which country boats ply or it is possible for them to ply.

9. In regard to the waterway to be provided, in any given case, provision should be made for spans of width sufficient to pass steamers with two flats alongside in the case of large river and steamer with one flat along side in the case of smaller rivers.

10. Disputes or differences of opinion in particular cases should be settled in respect of each case by the Local Government after reference, if required, to a local Committee representative of all interests and presided over by the Commissioner of the Division or Valley concerned.

INDIA OFFICE, LONDON,

5th February 1920.

Public Works,

No. 14.

To

HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR
GENERAL OF INDIA IN COUNCIL.

MY LORD,

I have received the letter from Your Excellency's Government No. 21 P. W., dated the 4th September last, in which you discuss the feasibility of the improvement of river transport in India. Question of measures for the improvement of river transport in India.

2. I agree with your Government that the formation of either a Waterways Board or a Communications Board for the whole of India is undesirable, and that in present conditions the proposal that a Trust should be constituted to undertake the conservancy and development of the navigable waterways of Bengal, Bihar and Assam cannot be entertained. The existing arrangements, with the modifications indicated in the last paragraph of your letter, must therefore apparently be continued for the present.

3. I caused a copy of your letter to be communicated to Mr. Alexander Shaw, M.P., who has since informed me that both he and Lord Inchcape recognise the soundness of your conclusions. They only desire to urge that the use of the waterways of India, giving employment, as they do, for thousands of people and offering cheap means of transport, should be encouraged, and nothing should be done in constructing railway bridges over waterways which would be likely to interfere with river traffic. As to the latter point, the rules of February 1919, which formed an enclosure to your letter under reply, appear to be adequate to meet the legitimate claims of the steamer companies.

4. While deciding on projects for new navigable channels by the test of productivity, you will not of course overlook the fact that expenditure on the improvement of existing waterways from which it may be impossible to obtain any direct revenue return, may still be justified by its effects upon the increase of trade and of general prosperity.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Signed) EDWIN S. MONTAGU.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : Sir, I move for leave to withdraw the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, which was introduced in the Council of State on the 21st February 1921. In asking for leave I wish to make an explanation, which I am afraid may occupy a little time, as to the attitude of Government and the reasons which have determined it to put the motion in this form. When the Bill was introduced in this Council in February last by the Honourable Sir William Vincent, he explained that it had a somewhat chequered career. It was originally introduced in the old Legislative Council as long ago as March 1914. It was then circulated for opinion and referred to a committee containing a number of very eminent lawyers, Sir George Lowndes, Mr. Justice Piggott, Mr. Justice Kumaraswami Sastri, Mr. (now Lord) Sinha and Sir James Walker. They submitted a report in accordance with which the Bill was modified and then re-introduced on the 26th September 1917. At that time, however, it was impossible to proceed with the Bill owing to other pre-occupations arising out of the war. After the Bill had been introduced in this Council last February, a motion was made in this Council to refer it to a Joint Committee of both Houses of the Legislature, and that was passed in this Council on the 28th of February. A few days later a motion was made in the Legislative Assembly to accept the recommendation of the Council of State and to appoint a Joint Committee to consider this Bill.....

The HONOURABLE MR. G. M. BHURGRI : What date ?

The HONOURABLE MR. H. D. CRAIK : That was on the 1st of March.

That motion was defeated in the Assembly. Certain Honourable Members raised a point that they had not sufficient time to consider the provisions of the Bill owing apparently to a mistake on the part of the department concerned in circulating the papers. The refusal of the Legislative Assembly to accept the motion raised a position which was at the time a novel one.—I believe it was the first instance of the kind which had occurred,—and the matter was discussed in this Chamber, when you, Sir, gave a ruling on the subject. The purport of your ruling was that this House had full power to discuss the Bill and it was open to the Member in charge, subject of course to the rules as to notice, to make any other motion in regard to the Bill which he could have made after introduction, but he was not entitled to repeat during the same Session the motion that it be referred to a Joint Committee. Well, Sir, Government have considered most carefully what is the proper attitude to take in these circumstances, and they have come to the conclusion, after considerable hesitation, that they should be guided in this matter entirely by the

[Mr. H. D. Craik.]

wishes of this Council. The form of my motion, it is true, asks for leave to withdraw, but I do not in the least wish to press for withdrawal. The only object of Government is to facilitate the progress of the Bill, and if it is the general sense of this Council that it should be proceeded with in this House, I shall be glad not to press the motion which stands in my name.

The last thing which Government wishes, I may explain, is to take any steps whatever in this matter, or I may say in any other matter, which would be incompatible with the dignity of this Council, or would in any sort of way belittle its position or derogate from its control of the legislative business coming before the Indian Legislature. If, therefore, I may take it that it is the general sense of this House that the Bill should be proceeded with here, either in the form of a renewal of the motion for a Joint Committee of both Houses or in any other form, then Government will be quite prepared to accept that view. I merely bring this motion before the House in order that the House may have an opportunity of expressing its opinion in the matter, and, as I said, I am quite prepared to withdraw it if the House should prefer that the Bill should be proceeded with in this House.

The HONOURABLE SIR ALEXANDER MURRAY: I believe, Sir, that I am expressing practically the unanimous opinion of the non-official Members of this House when I say that in their opinion the Bill ought to remain in this House, and that the Government ought to consider whether we should proceed further either by a reference to a Joint Committee, which I think most of us would prefer, or by the appointment of a Committee of this House. If the Honourable Member is prepared to accept that as the view of this House, I am prepared to sit down, but if not I am afraid I shall have to bring the whole question before the House. May I sit down and await a reply?

The HONOURABLE THE PRESIDENT: I think the Council would like the Honourable Mr. Craik to give a further expression of his opinion which will make the matter quite clear.

The HONOURABLE MR. H. D. CRAIK: I am quite prepared to accept that.

The HONOURABLE MR. G. M. BHURGRI: Sir, after what has fallen from my Honourable friend my task has become lighter. I confess I came prepared to oppose the motion, but I feel that at this juncture I should say one word in fairness to the other House in regard to the reference of the motion to a Joint Committee. From the proceedings of that House, I find that the sole ground on which that House objected to the motion was that they were not supplied with copies of the Bill in time. As a matter of fact, one Honourable Member said that he received a copy of the Bill only the night before, and another Honourable Member said that he had not got a copy at all. So it is clear that that House did not object to the Bill being introduced in this House, but they threw out the motion solely on the ground that the Members of that House had not received a copy of the Bill in time. I believe that if I had been in that House I too would have taken up that position. Therefore, Sir, I think that if the Honourable Member cares to accept the suggestion of my Honourable friend, Sir Alexander Murray, I do not think that House will disagree with us now.

The HONOURABLE SAIIYID RAZA ALI : Sir, I do not propose to take up much time of this Council after the declaration that has been made by the Honourable Mr. Craik. I am glad that the Government have recognised that a motion to withdraw a Bill of this character, without consulting this House, would no doubt be a reflection on this House, and I am very glad and thankful to Government for modifying their view and for the declaration that has been made by the Honourable Mr. Craik. To me, it seems, Sir, that it is quite open to us under rule 29 of the Rules of this Council to appoint a Select Committee of this House and proceed with the Bill.....

The HONOURABLE THE PRESIDENT : A Select Committee of this House can only be appointed on a motion. We have no motion for the appointment of a Select Committee before us. It is not open to the House to appoint a Select Committee without a motion.

The HONOURABLE MR. SAIIYID RAZA ALI : These are the alternatives that we can adopt. What we can do is that at a subsequent stage a Select Committee can be appointed and we can proceed with the Bill ourselves. But I think that will not be a very proper course, especially in view of what has happened in the past. The grounds on which the Legislative Assembly did not accept the motion for having a Joint Committee are known to most of the Honourable Members here, and the Honourable Mr. Bhurgri has already mentioned them. Now I believe there has been sufficient time at the disposal of the Members of the Assembly to go through and consider the draft Bill. In these circumstances, I think the best course for us would be to adopt a motion at a subsequent stage for a Joint Committee again, and to invite the co-operation of the members of the Legislative Assembly. If in this matter they co-operate with us,—and I do hope that the real objection having been removed they will do so,—so much the better. But in case it is thrown out by them, it will be open to us to appoint a Select Committee of our own and proceed with the Bill. All the same, this is a very important matter, and we as Members of this Council, should insist on our rights, and if any Bill is referred to this House, I submit, Sir, that we are entitled under the Government of India Act to proceed with it unless the Government show very good reasons to the contrary. I am glad that in this case the Government have taken a very reasonable view.

The HONOURABLE SIR MANECKJI DADABHOY : Sir, I may be allowed to add one word to this discussion. I thank the Honourable Mr. Craik for wisely adopting the only course that was open to him in this matter. I may at the same time say that this Council will always most jealously watch its privileges, and will not allow or suffer to be done anything which would be incompatible with its dignity. As regards the course to be adopted, I think we should leave the Government to exercise its judgment, but if the Government decides that this Bill should be expeditiously proceeded with in this Council, we will readily welcome it and will enter upon our task.

The HONOURABLE MR. H. D. CRAIK : Sir, I have only one word to say, but I should like to assure my Honourable friend Saiyid Raza Ali Khan that I fully realise the importance of the question raised in this discussion, and I do not think Honourable Members will expect me to make a definite announcement as to what course we intend to pursue. We must have time for consideration, but the wishes of this House will be respected. I understand, Sir, that I have the leave of the Council to withdraw the motion that stands in my name.

The motion was, by leave of the Council, withdrawn.

[Mr. H. D. Craik.]

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. D. CRAIK : Sir, I move for leave to introduce a Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.

Sir, it will be within the recollection of Honourable Members of this Council that during the last Session the Right Honourable Mr. Srinivasa Sastri moved a Resolution on the 3rd of March recommending to the Governor General in Council that the Code of Criminal Procedure, and if necessary other enactments, be so amended as to secure certain points in the suppression of riots and unlawful assemblies. I need not trouble the Council with all these points, of which there were 8 in all, but the important one is number 5, which was to the effect that before a crowd is actually fired on a previous warning shall be given. That portion of the Right Honourable Mr. Sastri's Resolution was accepted by Government, and the result was that Government gave an undertaking to introduce legislation to give effect to it and the principle therein stated, and the Bill which I ask for leave to introduce to-day is the outcome.

One Honourable Member told me just before the Council met that he had not received a copy of the Bill, and as it is a very short one and has only one operative section, I may perhaps be permitted to read it out to the Council. The effect is to add to the Code of Criminal Procedure after section 131 a new section which will run as follows :—

‘131-A.—Where under the provisions of this Chapter any person determines to disperse any such assembly by the use of fire-arms, such person shall, before directing that the assembly be fired on, warn the assembly by such means, if any, as may be available at the moment that, unless it disperses forthwith, it will be fired on.’

The Council will observe that the section contains the words “ by such means, if any, as may be available at the moment.”

Circumstances may arise where an officer whose duty it is to disperse a crowd may have no means whatever of communicating a warning to the mob. The noise may be so great or the crowd may be so close around him that his words would not be heard and he may not have a whistle or any other instrument of that sort at hand.

I do not think, Sir, that I need detain the House by enlarging on the provisions of the Bill which, as I have already said, is a very simple one. I hope the Bill will eventually be passed without giving rise to much discussion. I need only add that the provisions embodied in the Bill are already contained in the Executive Instructions which the Government has issued, in the Indian Army Regulations and in the various Police Manuals. But having given an undertaking that legislation would be initiated to give effect to the principles stated by the Right Honourable Mr. Sastri, the Government wish to abide by that promise in the most scrupulous manner possible, and they therefore propose to embody in the statutory law what is already embodied in their Executive Instructions.

I need only, in conclusion, add, Sir, that I am sure the whole House will agree with me when I say that it is a matter of regret that the Right Honourable Mr. Sastri, who is really in a way the originator of this Bill, is absent on this occasion.

The HONOURABLE THE PRESIDENT : Does the Honourable Sir Maneckji Dadabhoy desire to oppose the motion ?

THE HONOURABLE SIR MANECKJI DADABHOY : No, Sir, I only want to suggest that there is a general feeling in this House that the Bill should be expedited and passed this Session, if possible.

The motion was adopted.

THE HONOURABLE MR. H. D. CRAIK : Sir, I now beg to introduce the Bill.

CATTLE-TRESPASS (AMENDMENT) BILL.

THE HONOURABLE MR. H. D. CRAIK : Sir, I beg to move for leave to introduce a Bill further to amend the Cattle-trespass Act, 1871.

This Bill, Sir, cannot be described as a very urgent or a very important piece of legislation, but, at the same time, I think it will introduce a reform which will be of considerable practical value. The Cattle-trespass Act, which was passed in 1871, laid down in section 12 a fixed scale of fines which could be imposed for cattle impounded. The scale ran from 2 rupees for an elephant to one anna for a ram, ewe, sheep, lamb, goat or kid.

An amending Act was introduced and passed at a later stage which empowered Local Governments, in localities where cattle were habitually allowed to trespass, to notify and enforce a scale of fines double that laid down in the original Act.

But except for that power of doubling the scale of fines, Local Governments had no discretion in the matter and, owing to the rise in prices, the scale even when doubled became inadequate. You cannot, for example, feed a horse on 4 annas a day, or even on 8 annas a day these days. It is, therefore, provided in the Bill, which I ask for leave to introduce, that the minimum fines shall be levied in accordance with any scale which shall be presented from time to time by the Local Government by Notification in the official Gazette. Different scales may be prescribed for different localities, and that will give Local Governments complete discretion in the matter and will make the Act more useful as a legislative measure. I do not think any further remarks are required as the Bill is a very simple one.

The motion was adopted.

THE HONOURABLE MR. H. D. CRAIK : Sir, I now beg to introduce the Bill.

INDIAN FACTORIES (AMENDMENT) BILL.

THE HONOURABLE MR. SHAFI : Sir, I beg to move that, to fill an existing vacancy, I be nominated to serve on the Joint Committee appointed to consider and report on the Bill further to amend the Indian Factories Act, 1911.

The motion was adopted.

INDIAN ELECTRICITY (AMENDMENT) BILL.

THE HONOURABLE MR. SHAFI : Sir, I beg to move that, to fill an existing vacancy, I be nominated to serve on the Joint Committee appointed to consider and report on the Bill further to amend the Indian Electricity Act, 1910.

The motion was adopted.

The HONOURABLE THE PRESIDENT : I would ask the Government if they are in a position to make any announcement as to the legislative business or other kind of business to be brought forward on Monday, the 19th.

GOVERNMENT BUSINESS FOR 19TH SEPTEMBER 1921.

The HONOURABLE Mr. SHAFI : The next meeting of the Council for official business will be held on Monday, the 19th September, and the following business will probably be brought forward on that day :—

1. A motion to introduce a Bill to amend section 503 of the Code of Criminal Procedure.
2. Motions to consider and pass the Code of Criminal Procedure (Amendment) Bill, which is on the agenda for to-day's meeting for introduction, and any other legislative measures which may have reached this stage.
3. Bills which may be passed by the Legislative Assembly at its meetings prior to the 19th September will be laid on the table in this Chamber.

The Council adjourned till Thursday, the 15th September, at 11 O'clock.

...

... The motion was adopted.

The Honorable Mr. H. D. CHAKRA...

INDIAN FACTORIES (AMENDMENT) BILL

The Honorable Mr. SHAFI : I beg to move that...

The motion was adopted.

INDIAN EMPLOYMENT (AMENDMENT) BILL

The Honorable Mr. SHAFI : I beg to move that...

The motion was adopted.

