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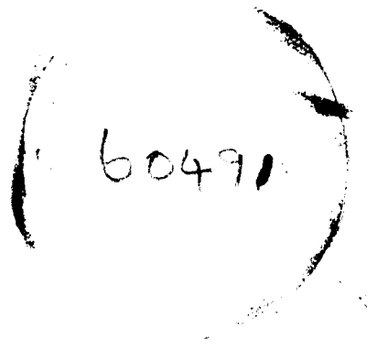
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THE

COUNCIL OF STATE DEBATES

(OFFICIAL REPORT OF THE FOURTH SESSION OF THE THIRD COUNCIL OF STATE.)

VOLUME II—1932.

COUNCIL OF STATE.

Tuesday, 20th September, 1932.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, being the first day of the Fourth Session of the Third Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Henry Moncrieff Smith, Kt., C.I.E.) was in the Chair.

MEMBERS SWORN :

The Honourable Chaudhri Zafrulla Khan (Education, Health and Lands Member).

The Honourable Major-General John Wallace Dick Megaw, C.I.E., M.B., K.H.P., I.M.S. (Director-General, Indian Medical Service).

The Honourable Mr. Cecil Bernard Cotterell, C.I.E. (Madras : Nominated Official).

The Honourable Mr. Guru Saday Dutt (Bengal : Nominated Official).

The Honourable Rai Bahadur Madan Mohan Sinha, M.B.E. (United Provinces : Nominated Official).

The Honourable Sardar Buta Singh (Punjab : Sikh).

The Honourable Mr. John Austen Hubback (Bihar and Orissa : Nominated Official).

The Honourable Mr. Vinayak Vithal Kalikar (Central Provinces : General).

The Honourable Mr. James Barrie Glass (Burma Chamber of Commerce).

The Honourable Mr. Tin Tüt (Government of India : Nominated Official).

The Honourable Mr. Alan Hubert Lloyd, C.I.E. (Government of India : Nominated Official).

The Honourable Mr. James Braid Taylor (Finance Secretary).

The Honourable Mr. Maurice Garnier Hallett, C.I.E. (Home Secretary).

The Honourable Mr. Edward Charles Benthall (Bengal Chamber of Commerce).

DEATH OF RAJA LAXMANRAO BHONSLE.

THE HONOURABLE THE PRESIDENT: Before we proceed to any business I have to ask the Council to join with me in an expression of regret at the death, since we last met, of one of our Members, Raja Laxmanrao Bhonsle of the Central Provinces. The deceased was a Member of this Council for a very short time, having been elected at the end of 1930. I am sure it is the unanimous desire of the House that I should send a message of our sympathy to the bereaved family.

QUESTIONS AND ANSWERS.

TOTAL EXPENDITURE INCURRED ON THE TOUR OF THE INDIAN FRANCHISE COMMITTEE.

1. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Will Government be pleased to state the total cost of the touring of the Indian Franchise Committee otherwise known as the Lothian Committee?

(2) Have the provinces contributed any sum towards the cost of this Committee? If so, what are their respective quota?

(3) (*a*) What was the daily or monthly allowance of the individual members of the Committee? (*b*) Was there any difference in the scale of such allowance between the European and the Indian members? (*c*) If so, will Government be pleased to state why this distinction was made? (*d*) Did the amount of allowance of the President of the Committee vary from that of the other members?

(4) Will Government be pleased to state whether in the terms of reference of the Committee there was anything mentioned that they would have to finish their work within a stipulated period of time? If not, were there any special reasons other than what are found in their report, why the province of Assam and the Central Provinces were not visited by the Committee?

THE HONOURABLE SIR BROJENDRA MITTER: (1) If by the expression "total cost of touring" the Honourable Member means the total cost of the Committee the amount has been estimated at £17,500.

(2) The cost of the Indian Franchise Committee was shared between the Government of India and His Majesty's Government. The provincial Governments bore the cost only of the local Committees set up by them.

(3) The President and members—European and Indian—were paid at a uniform rate, namely, a compensatory allowance of Rs. 1,500 per mensem and a tour allowance of Rs. 300 per mensem.

(4) The replies to both parts of the question are in the negative.

OPINIONS OF CERTAIN ASSOCIATIONS, ETC., ON THE REPORT OF THE INDIAN FRANCHISE COMMITTEE.

2. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state whether they have invited the opinions of the European Association, British Indian Association, Calcutta, Indian Association, Calcutta, European Chambers of Commerce of those provinces where

there are such chambers, Western India Liberal Association, Bengal Landholders' Association, Indian Trade Union Congress and the Federation of Indian Merchants' Chambers, on the Report of the Indian Franchise Committee?

(*b*) If so, will Government be pleased to lay on the table a statement showing the trend of views of each of the above mentioned public bodies?

(*c*) If Government have not invited any opinion of the public institutions of India, have they so far received any opinion of any public institution voluntarily submitted to Government by it?

(*d*) If so, will Government be pleased to let this House know in brief the gist of such opinion?

THE HONOURABLE SIR BROJENDRA MITTER: (*a*), (*b*) and (*c*) Government have not invited the opinions of the associations and bodies referred to by the Honourable Member. Several associations have submitted representations voluntarily.

(*d*) The substance of all these communications is that the particular interests represented should receive consideration in franchise decisions.

TOTAL EXPENDITURE INCURRED ON THE PRINTING OF THE REPORT OF THE INDIAN FRANCHISE COMMITTEE.

3. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the cost of the printing of the Report of the Indian Franchise Committee and how many copies have been printed? Have Government made any arrangements to let the non-English-knowing people and, especially, the public in general who will be enfranchised on the recommendations of the Indian Franchise Committee, know the salient features of the Report?

THE HONOURABLE SIR BROJENDRA MITTER: I lay on the table a statement containing the information asked for by the Honourable Member in the first part of his question.

As regards the second part of the question, I may mention that copies of a summary of the Report were supplied at the time of publication by the Committee's Secretariat to all local Governments, with the suggestion that translations might be issued to the vernacular press in each province.

Statement showing the number of copies printed and cost of printing the Indian Franchise Committee's Report.

Volume No.	No. of copies printed.	Cost of printing.
I	10,272	7,548
II	3,050	3,735
III	3,050	4,005
IV	2,000	10,200
V	2,000	(approximately).

NUMBER OF BRANCH AND FEEDER LINES OF THE ASSAM BENGAL RAILWAY CONSTRUCTED SINCE 1927.

4. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state the number of branch lines and feeder lines that were constructed to join the main line of the Assam Bengal Railway since 1927 and the approximate annual gross receipts, line by line ?

THE HONOURABLE MR. J. C. B. DRAKE: I lay on the table a statement which gives the information required in connection with the lines added to the Assam Bengal Railway system and opened for traffic since January, 1927.

Statement showing lines added to the Assam Bengal Railway system and opened for traffic since January, 1927.

Name of line	Gross receipts for 1931-32.
	Rs.
1. Sibsagar Road—Khowang	1,54,151
2. Furkating-Badulipara-Jorhat	1,85,484
3. Karimganj-Longai Valley	1,15,329
4. Netrakona-Mohanganj	51,872
5. Shaistaganj-Habiganj	42,628
6. Shaistaganj-Balla	41,699
7. Feni-Belonia	38,086
8. Senchoa-Mairabari	55,489
9. Chittagong-Nazirhat	1,05,987
10. Chittagong Duhazari	86,000

CONSTRUCTION OF A BRIDGE OVER THE MEGNA RIVER BETWEEN BHAIRAB AND ASHUGANJ ON THE ASSAM BENGAL RAILWAY.

5. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state whether there was a scheme to construct a bridge over the Megna river between Bhairab and Ashuganj on the Assam Bengal Railway ? If so, how does that project stand now ?

THE HONOURABLE MR. J. C. B. DRAKE: Yes. Construction has unfortunately had to be postponed, but the acquisition of land has been sanctioned.

SPECIAL OR CONCESSIONAL RATES FOR GOODS TRAFFIC, SUCH AS TEA, JUTE, KEROSENE, PETROLEUM, ETC., ON THE ASSAM BENGAL RAILWAY.

6. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state whether the Assam Bengal Railway Company gives any special or concession rates for goods traffic, such as tea, jute, kerosene and petroleum, etc. ?

THE HONOURABLE MR. J. C. B. DRAKE: Presumably the Honourable Member refers to rates which are special or concessional in relation to the ordinary class rates quoted in the Indian Railways General Classification of Goods. If this is so, the answer is in the affirmative, and particulars of the special rates will be found in the Assam Bengal Railway Company's Goods Tariff and Jute Tariff.

PROGRESS OF INDIANISATION ON THE ASSAM BENGAL RAILWAY.

7. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government kindly lay on the table a statement showing the gradual progress of Indianisation by the Assam Bengal Railway Company by stating particularly the number of Indian officers serving as assistant traffic superintendents, district traffic superintendents, assistant engineers, assistant auditors, assistant medical officers, etc. ?

THE HONOURABLE MR. J. C. B. DRAKE: The information available as to the progress of Indianisation on the Assam Bengal Railway will be found in Appendix F of Volume I and Appendix C of Volume II of the Report by the Railway Board on Indian Railways for 1930-31 and in these Reports for previous years, which are in the Library of the House.

OWNERSHIP OF COLLIERIES BY INDIAN RAILWAYS AND SUPPLY OF COAL THEREFROM.

8. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state whether any of the Indian Railways own any colliery or collieries for their own coal supply ?

THE HONOURABLE MR. J. C. B. DRAKE: Yes. Details will be found in pages 228-29 of Volume II of the Railway Board's Report on Indian Railways for 1930-31.

DIVISIONAL SYSTEM OF ADMINISTRATION ON STATE AND COMPANY-MANAGED RAILWAYS.

9. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Will Government be pleased to state whether any of the Railways, State or Company-managed, have adopted the divisional system or decentralised system of administration ? If so, which of the Railways have done so ? Has the innovation been found more efficient and economical than the previous centralised method ?

(2) Will Government be pleased to state whether the divisional system is still continuing on the East Indian Railway in spite of the economy campaign in that Railway ?

(3) Will Government be pleased to state the actual cost the East Indian Railway incurred for the introduction of this divisional system and in which year this system came into force ?

THE HONOURABLE MR. J. C. B. DRAKE: (1) A divisional system is in force on the East Indian and North Western Railways, and to a certain extent, on the Great Indian Peninsula Railway. I would invite the Honourable Member's attention to a note written by Major Wagstaff on the subject, a copy of which is in the Library of the House.

(2) Yes.

(3) It was estimated in 1924 that the amalgamation of the Oudh and Rohilkhund with the East Indian Railway and the introduction of the divisional system of management thereon would result in a saving of over Rs. 5 lakhs. The divisional system was actually introduced in 1925. The results achieved have been reviewed on this as well as on other railways in Major Wagstaff's note on the financial and operating effects of divisionalisation on the North Western, East Indian and Great Indian Peninsula Railways, a copy of which is available in the Library of the Legislature.

NUMBER OF AMERICAN TOURISTS IN INDIA DURING THE WINTER OF 1931-32 AND TOTAL EARNINGS BY INDIAN RAILWAYS FROM THEIR TRAVELS.

10. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) the number of American tourists that travelled in this country during the winter of 1931-32;

(*b*) the total earnings made by Indian Railways from their travels;

(*c*) how many of them were introduced to this country through the Publicity Bureau of the Railway Board at New York;

(*d*) the expenditure incurred on the Publicity Bureau of Indian Railways at New York in 1930-31?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*), (*b*) and (*c*). Records are not available at all ports particularly Bombay, showing the nationality of people entering India, and as to whether they come as tourists or are returning to India after a visit abroad. No accurate figures can therefore be given either of numbers or earnings, but certain estimates will be found in the Annual Report of the Central Publicity Bureau for 1931-32 which might interest the Honourable Member. Copies of the Report will be found in the Library of the House.

(*d*) Rs. 2,34,051.

PUBLICATION OF THE CORRESPONDENCE OF THE FEDERAL FINANCE COMMITTEE AND DISCUSSION OF ITS RECOMMENDATIONS.

11. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) whether they will publish the reports and communications made by the different provincial Governments to the Federal Finance Committee of the Round Table Conference;

(*b*) whether the Indian Legislature will be afforded an opportunity to discuss the recommendations of the Federal Finance Committee of the Round Table Conference?

THE HONOURABLE SIR BROJENDRA MITTER: (*a*) The Committee did not make available for public use the material supplied to it by provincial Governments. Publication is not contemplated.

(*b*) It is of course open to the Honourable Member to put down a Resolution on the subject.

NUMBER OF BENGALI AND PUNJABI HINDUS AND MUSALMANS EMPLOYED ON THE NORTH WESTERN AND EASTERN BENGAL RAILWAYS, RESPECTIVELY.

12. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) the number of Bengalis (1) Hindus (2) Musalmans employed at present in the upper and lower subordinate services on the North Western Railway;

(*b*) the number of Punjabis (1) Hindus (2) Musalmans that are working at present in the upper and lower subordinate services on the Eastern Bengal Railway;

(*c*) the number of Bengalis (1) Hindus (2) Musalmans posted in the officer's grade on the North Western Railway at present:

(*d*) the number of Punjabis (1) Hindus (2) Musalmans posted in the officer's grade on the Eastern Bengal Railway at present?

THE HONOURABLE MR. J. C. B. DRAKE: All the information available is contained in the classified lists of subordinates of the railways concerned and the classified list of officers which is published in one volume for all Indian Railways. Copies of these are in the Library of the House. Government regret that they are unable to initiate inquiries to supplement the information contained therein.

HIGHER RATES FOR PASSENGER, PARCELS AND GOODS TRAFFIC ON THE EASTERN BENGAL RAILWAY AS COMPARED WITH THE EAST INDIAN RAILWAY.

13. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) the particular reasons for which the Eastern Bengal Railway have fixed higher rates for passenger, parcels and goods traffic than the East Indian Railway;

(*b*) the particular reasons for which usual goods and train services are being cut down on that system;

(*c*) the number of high posts that have been abolished on that system as a result of economy of late;

(*d*) the number of offices that have been amalgamated recently on that system for the sake of economy;

(*e*) the number of offices that have of late been altogether abolished on that system for economy's sake?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) The rates for parcels and goods traffic over the Eastern Bengal Railway are generally the same as over the East Indian Railway. Special rates are, however, quoted on both railways which, in some cases, may be higher and in others lower than on the other railway. Such differences are due to local conditions obtaining on each of these railways. Passenger fares on the Eastern Bengal Railway are generally on a higher basis than on the East Indian Railway for purely revenue reasons.

(*b*) The curtailment of passenger train services has been necessitated by a decrease in the number of passengers travelling, and the need under present conditions for cutting out services that do not fully justify themselves. The number of goods trains run is regulated entirely by the volume of traffic offering.

(*c*) Six gazetted posts have been abolished out of which three were in the Traffic Department. Fifteen posts in the subordinate grades of the Traffic Department on a pay of Rs. 250 and over have also been abolished.

(*d*) The offices of the Transportation Manager and the Commercial Manager have been amalgamated into the office of the Traffic Manager and the office of the Assistant Traffic Superintendent, Santahar, has been amalgamated with the office of the District Traffic Superintendent, Paksey.

(*e*) No offices have been entirely abolished.

NUMBER OF BENGALI PILGRIMS THAT PASS THROUGH MUGHALSERAI TO BENARES ANNUALLY.

14. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) whether they have an idea of the number of Bengali pilgrims that pass through Mughalserai to Benares annually;

(*b*) whether they have statistics of the Bengali pilgrims that pass through either Agra City or Delhi Junction every year to Ajmere, Pushkar and Dwarka;

(*c*) whether they know how many Bengali pilgrims resort annually to Muttra for Brindaban?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*), (*b*) and (*c*). No.

EXTENSION OF THE BENGAL AND NORTH-WESTERN RAILWAY SYSTEM TO ALLAHABAD JUNCTION.

15. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) what prevents the Bengal and North-Western Railway line being extended to Allahabad Junction station;

(*b*) whether representations on behalf of the public have been made several times to the Railway Board to have the Bengal and North-Western Railway lines extended to Allahabad Junction station?

THE HONOURABLE MR. J. C. B. DRAKE: The question was discussed at length in September, 1929 on a Resolution recommending the construction of a new central station at Allahabad moved in this House by the Honourable Mr. Narayan Prasad Asthana, and I would refer my Honourable friend to the speech made on that occasion by the Honourable Mr. Woodhead. I might add that the Resolution was negatived, and that the times are even less propitious now for incurring the considerable expenditure involved.

FUNCTIONS OF THE INDIAN TRADE COMMISSIONER AT HAMBURG.

16. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) the specific functions of the Indian Trade Commissioner posted at Hamburg;

(*b*) the name of that official;

(*c*) his pay and emoluments;

(*d*) whether his pay and emoluments are paid out of Indian revenues;

(*e*) the normal amount of the value of purchases made through him for India;

(*f*) whether he assists Indian students seeking admission into workshops and laboratories in Germany;

(*g*) what sort of control has he over Indian students in general residing in Germany?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) A statement giving the information required is laid on the table.

(*b*) Mr. S. N. Gupta, I.C.S.

(*c*) Pay—£1,400 per annum in the scale of £1,000—50—1,500.

Representation allowance—£250 per annum.

Rent allowance—£150 per annum.

(*d*) Yes.

(*e*) The Trade Commissioner's duties do not include the purchase of foreign goods for India.

(*f*) No.

(*g*) None.

Statement showing the principal duties of the Indian Trade Commissioner, Hamburg.

The principal duties of the Indian Trade Commissioner, Hamburg, are:

(1) to answer trade enquiries which are directed to the development of markets for Indian goods in the area for which he is responsible, namely, Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Holland, Norway, Poland, Sweden and Switzerland;

(2) to compile an index of firms of good standing in his area dealing in goods such as India produces or is capable of producing for export;

(3) to furnish commercial information directed to the development of Indian export trade required by departments of the Government of India or by local Governments, by Indian States, by the High Commissioner for India or by the Director-General of Commercial Intelligence and Statistics;

(4) to report spontaneously to the Director-General of Commercial Intelligence and Statistics any local developments, official or unofficial, likely to affect Indian trades;

(5) to visit local firms and represent to them the means of securing Indian goods suitable to their requirements;

(6) to test the local markets for Indian goods by means of trial consignments if so desired ;

(7) to assist, by means of letters of introduction and advice, visitors to his area engaged in the development of the Indian export trade ;

(8) to take such steps as are possible to settle trade disputes arising in his area involving claims by merchants in India ;

(9) to maintain a library of Indian trade publications available for consultation by interested local enquirers ;

(10) to organise exhibits of Indian goods at local exhibitions or fairs on lines approved, and within the scope of funds allotted for the purpose, by the High Commissioner ; and

(11) to represent the possibilities of Indian trade by means of lectures, the display of films and other suitable methods.

QUANTITY OF PUNJAB WHEAT SHIPPED FROM KARACHI TO CALCUTTA AND BOMBAY.

17. THE HONOURABLE SARDAR BUTA SINGH : (1) Will Government be pleased to state the quantity of Punjab wheat shipped from Karachi to Calcutta and Bombay ?

(2) Why was not this wheat carried by Railway ?

(3) Has the freight on wheat flour been raised on the ground that the mills in Bengal will have to compete with the mills in Upper India ?

THE HONOURABLE MR. J. C. B. DRAKE : (1) The total quantity of wheat shipped from Karachi is as follows :

Periods.	To Calcutta.	To Bombay.
	Tons.	Tons.
1930-31	3,062	55,150
1931-32	94,397	95,380
April to July, 1932	28,794	19,213

(2) Traders presumably found it both cheaper and more convenient to import their wheat by sea through Karachi.

(3) The railway freight on wheat flour was enhanced over the East Indian Railway on representations submitted to that Administration by flour mills situated on the East Indian Railway system, who were adversely affected by the stoppage of imports of cheap Australian wheat. The serious decline in railway earnings, in the opinion of that Administration, justified the enhancement in the freight rates and incidentally a reversion to the position prior to 1920 when the freight rates on the East Indian Railway for flour were higher than those for wheat.

RECOMMENDATIONS OF THE BANKING ENQUIRY COMMITTEE.

18. THE HONOURABLE SARDAR BUTA SINGH : What action do Government propose to take on the recommendations of the Banking Enquiry Committee ?

THE HONOURABLE MR. J. B. TAYLOR : A summary is being prepared and will be laid on the table during the current session.

FALL IN COMMODITY PRICES.

19. THE HONOURABLE SARDAR BUTA SINGH : Has the attention of Government been drawn to the finding of the Controller of Currency given in his Report for the year 1931-32, " That fall in commodity prices had increased the real burden of indebtedness by more than 50 per cent. and such an increase would be beyond the capacity of most debtors to pay ". If so, what action do Government propose to take ?

THE HONOURABLE MR. J. B. TAYLOR : Yes. The fall in commodity prices is due to world causes and is not confined to India. The steps to be taken to raise prices are engaging the serious attention of all Governments.

EASTERN COMMAND.

20. THE HONOURABLE SIR DAVID DEVADOSS : Will Government be pleased to state :

(*a*) when the Eastern Command was constituted ;

(*b*) what was the cost of the former staff ;

(*c*) what is the cost of the present staff ;

(*d*) what is the present necessity for this expenditure in view of the need for economy ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (*a*) The Eastern Command was constituted on the 1st November, 1920.

(*b*) I am afraid it is not possible to furnish the information as to the cost of the staff which exercised the functions now performed by the staff of the Eastern Command. It was formerly merged in the total cost of the staffs at Army Headquarters and the Headquarters of the Northern Command.

(*c*) The pay and allowances of the staff amount to about Rs. 9½ lakhs a year.

(*d*) I am satisfied that the retention of the Eastern Command is essential in the interests of efficiency and economical administration. If the Command were abolished, it would be necessary either to bring the three districts and one independent brigade, of which it is composed, under the direct control of Army Headquarters, or else to allocate these formations to other Commands. The former would involve a partial return to the old system of centralised administration and increased staffs at Army Headquarters, which experience proved to be unsatisfactory. The latter, by increasing the size of commands, would prevent the close personal relations between commands, staffs and troops, which are essential to any satisfactory system of military organisation.

ASSESSMENT UNDER THE INDIAN INCOME-TAX ACT OF PENSIONS AND ALLOWANCES PAID OUTSIDE INDIA FROM INDIAN REVENUES.

21. THE HONOURABLE SIR DAVID DEVADOSS : Will Government be pleased to state :

(*a*) what steps have been taken to assess, under the Indian Income-tax Act, pensions and allowances paid outside India out of Indian revenues ;

(*b*) if no steps have been taken, the reasons therefor ?

THE HONOURABLE MR. J. B. TAYLOR : (*a*) None.

(*b*) I would refer the Honourable Member to the answer given by Sir George Schuster to question No. 1222 asked by Mr. Gaya Prasad Singh on the 7th November, 1931 (Legislative Assembly debates, Volume VII, page 1723).

NUMBER OF BOOKS AND PUBLICATIONS PROSCRIBED IN THE YEARS 1930 AND 1931.

22. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(*a*) the number of books in English with their names that have been proscribed by them, or under their orders, or at their instance, in 1930 and 1931 ;

(*b*) the number of books in the Indian vernaculars with their names that have been proscribed by them, or under their orders, or at their instance, in 1930 and 1931 ;

(*c*) the number of books with their names that were prevented from coming into the country under the special provisions of the Sea Customs Act, in 1930 and 1931 ;

(*d*) the number of books and publications with their names that were forfeited under the special provisions of the Indian Post Office Act, in 1930 and 1931.

THE HONOURABLE MR. M. G. HALLETT : (*a*) and (*b*). All orders of proscription whether under the Criminal Procedure Code or the Press (Emergency Powers) Act are issued by local Governments and I do not know of any instance in which the Government of India have suggested that this action should be taken by a local Government. The total number of publications proscribed by local Governments in 1930 was over 500 while the number proscribed in 1931 was nearly 400.

(*c*) The number of books in respect of which orders have been issued under the Sea Customs Act was five in 1930 and three in 1931. All notifications issued under this Act are published in the Gazette of India and Government do not see any necessity to publish a list of such books.

(*d*) The information is not readily available and its collection from local Governments or Postal Circles would involve considerable time and labour, which would be out of proportion to the value of the result.

COMMUNAL RIOTS IN BOMBAY.

23. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(*a*) Whether they have had official correspondence with the Government of Bombay on the subject of the recent communal riots in Bombay ?

(*b*) If the answer to (*a*) is in the affirmative—to what causes have the Bombay Government apportioned the blame for the origin of the riots ?

(*c*) To what causes have that Government ascribed the recrudescence of the riots and their long duration ?

(*d*) What steps have the Bombay Government adopted to guard against such communal outbursts in other places in the province in future ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) Yes.

(*b*) The communiqué issued by the Government of Bombay on the 20th May deals with the first phase of the riots and shows that various comparatively trivial incidents in Nagdevi Street were suggested as the immediate cause of this unfortunate communal outbreak ; but the fact is that feelings between the two communities had been strained for some time and had been further embittered by the interference of Congress with Muhammadan traders. The ground was thus prepared for a disturbance and with the approach of Muharram any cause was sufficient to provoke it.

(*c*) This may be ascribed to the number of stray assaults which aggravated the extreme bitterness of feeling that existed between the two communities.

I may add with reference to both questions (*b*) and (*c*) that the Government of Bombay will publish in due course an official report about the riots which will no doubt deal more fully with these points.

(*d*) As the Honourable Member will no doubt realize, it is not possible to adopt hard and fast measures for preventing the outbreak of communal strife. The methods of dealing with this problem must depend to a considerable extent on local conditions and on the causes of friction but the Honourable Member may rest assured that the local Government are making, and will continue to make, every effort to guard against communal outbreaks in other places in the Presidency.

TOTAL EXPENDITURE INCURRED ON THE CENTRAL RETRENCHMENT COMMITTEE.

24. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state the total amount that has been spent on the Central Retrenchment Committee :

(*i*) for personal attendance of members ;

(*ii*) for their railway fares, etc. ;

(*iii*) for incidental and other expenses of the Committee from its formation up-to-date ?

THE HONOURABLE MR. J. B. TAYLOR : (*i*) Rs. 32,455

(*ii*) Rs. 22,429.

(*iii*) Rs. 9,066.

REPORT BY THE TARIFF BOARD ON THE INDIAN GLASS INDUSTRY.

25. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (*a*) Will Government be pleased to state whether it is a fact that the Tariff Board have submitted its Report to Government on the Indian Glass Industry ? If so, when was the Report submitted ?

(*b*) Will Government place a copy of this Report on the table ?

(*c*) Has any action been taken by Government on this Report ?

(*d*) If so, what action ?

(*e*) If not, what action does Government propose to take and when ?

(*f*) Will the subject of the Report or the recommendations contained therein come up for discussion before the House in the September session ?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) The Report was submitted towards the end of March, 1932.

(*b*) It is not usual to lay copies of the Tariff Board's Reports on the table but on publication a copy is sent to each Member of the Legislature.

(*c*), (*d*) and (*e*). The Report is being examined by the Government of India and until this is completed the action that will be taken cannot be indicated.

(*f*) No, Sir.

LEVY OF A SURCHARGE OF 15 PER CENT. ON COAL FREIGHT.

26. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (*a*) Will Government be pleased to state whether it is a fact that a surcharge of 15 per. cent. on coal freight is being levied ?

(*b*) Will Government state whether the surcharge is intended for revenue purpo es ?

(*c*) Is the surcharge levied on the amount of railway freight paid by consumers of coal on tonnage weight ?

(*d*) Did Government consult any commercial body before deciding upon the method of this surcharge ? If so, what were the opinions received ?

(*e*) Did the Railway Board receive a complaint from any glass manufacturers anywhere about the present method and did they suggest that the surcharge be levied on the tonnage of coal and not on the amount of freight in order to remove the injustice that is at present being felt by industries situated far away from the collieries ? If so, what was the reply ?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) and (*b*). Yes.

(*c*) The surcharge is calculated on the freight and the latter is calculated on the weight.

(*d*) The matter was discussed with representatives of the Indian Mining Association and the Indian Mining Federation in November, 1931. They were not in favour of any increase in the freight rates on coal.

(*e*) Yes, from the Ogale Glass Works. The reply was that before the basis for charge was fixed, all circumstances had been taken into account.

EXTENSIONS OF SERVICE TO OFFICERS IN THE CUSTOMS AND INCOME-TAX DEPARTMENTS IN THE BOMBAY PRESIDENCY.

27. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (*a*) Will Government be pleased to state how many officers in the Customs and Income-tax Departments in the Bombay Presidency have been given extensions during the last four years and the reasons for such extensions ?

(*b*) How have other officers, who have suffered in consequence of such extensions, been compensated by Government ?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) The number of officers in the Customs and Income-tax Departments (gazetted and non-gazetted non-ministerial) in the Bombay Presidency to whom extensions of service were granted during 1928-29 to 1931-32 was 24 and 7, respectively. The extensions in all cases were granted in the interests of public service.

(*b*) No claim to compensation arises in such cases.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will the Honourable Member give their names and their nationality ?

THE HONOURABLE MR. J. B. TAYLOR: I should like to have notice of that question, Sir, as I have not got the names.

NUMBER OF URBAN UNITS FORMED UNDER THE INDIAN TERRITORIAL FORCE ACT IN EACH PROVINCE.

28. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (*a*) Will Government be pleased to state the number of urban units formed so far under the Indian Territorial Force Act in each province, together with the names of their locality and the strength of men enrolled in them ?

(*b*) Will Government state approximately the amount of initial expenditure required for forming an average urban unit and the annual expenditure for maintaining it ?

(*c*) Will Government state the details of establishment of military officers and equipment required for maintaining an average urban unit together with the amount of expenditure required under each head ?

(*d*) Will Government state whether there has been any case of an urban unit having had to be discontinued for want of necessary strength of enrolment in the unit ?

(*e*) Will Government give similar information for rural units also ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: A statement is laid on the table.

Statement showing the numbers, etc., of A.—Urban units and B.—Provincial units formed under the Indian Territorial Force Act in each Province.

A.—URBAN UNITS.

(*a*) Four.

Unit.	Station.	Establishment.	Strength.		
			1929.	1930.	1931.
1st (Parsi) Urban Infantry ..	Bombay ..	725	14	13	21
2nd (Bombay Presidency) Urban Infantry.	Bombay ..	346	31	97	191
3rd (Madras Presidency) Urban Infantry.	Madras ..	346	36	64	101
4th (United Provinces) Urban Infantry.	Allahabad and Lucknow.	346	104	166	259

(*b*) Initial—Rs. 78,000 (2 companies). Recurring—Rs. 44,500, exclusive of the pay and allowances of 1 British officer, *vide* item *c*(*i*).

(*c*) (*i*) *Regular officers*—1 Administrative Commandant.

Expenditure—Rs. 14,500.

(*ii*) The scale of equipment, clothing, etc., for individual non-commissioned officers and men of the Indian Territorial Force is laid down in Appendix XXI of the Regulations for the Indian Territorial Forces. The scale for units is given in the Regulations for the Equipment of the Territorial Force (India). A copy of the former is in the Library ; and a copy of the latter publication will be sent to the Honourable Member for perusal, if he so desires. The expenditure on equipment, clothing and stores for urban and provincial units is :

Urban units. Initial—Rs. 74,000. Recurring—Rs. 13,000.

Provincial units. Initial—Rs. 1,48,000. Recurring—Rs. 26,000.

(*d*) Yes. The 1st (Parsi) Urban Infantry was disbanded on the 30th September, 1931 in consequence of the low strength of the unit, and training and recruiting for the 3rd (Madras Presidency) Urban Infantry were suspended from the 1st April, 1932 for the same reason.

B—PROVINCIAL UNITS.

(*a*) Eighteen.

Name.	Station.	Establishment exclusive of Regular officers.	Strength on 1st July, 1932.
11/1st Punjab Regiment	Jhelum ..	719	666
11/4th Bombay Grenadiers ..	Ajmer ..	719	716
11/5th Mahratta Light Infantry ..	Belgaum ..	719	684
11/6th Rajputana Rifles	Agra ..	719	620
11/7th Rajput Regiment	Fyzabad ..	719	662
11/9th Jat Regiment	Meerut ..	719	546
11/12th Frontier Force Regiment ..	Nowshera ..	719	704
11/13th Frontier Force Rifles ..	Campbellpore	719	719
11/14th Punjab Regiment	Delhi ..	719	684
11/15th Punjab Regiment	Ambala ..	719	627
11/17th Dogra Regiment	Jullundur ..	719	682
11/18th Royal Garhwal Rifles ..	Landsdowne ..	719	529
11/19th Hyderabad Regiment—			
(B. and O. Wing)	Dinapore ..	719	398
(Bengal Wing)	Calcutta ..		310
11/20th Burma Rifles	Mandalay ..	719	598
11th Battalion, Madras Pioneers ..	Bangalore ..	719	500
12th Malabar Battalion	Cannanore ..	719	602
13th Malabar Battalion	Cannanore ..	719	578
14th Coorg Battalion	Mercara ..	346*	260

* Recruitment restricted to 2 companies.

(*b*) Initial—Rs. 1,54,000. Recurring—Rs. 71,000, exclusive of the pay and allowances of British officers, *vide* paragraph *c* (*i*) below.

(*c*) (*i*) *Regular officers.*—6 per battalion.

4 British officers—Rs. 50,000.

2 Indian officers—Rs. 3,000.

(*ii*) Equipment, clothing and stores, *vide* the remarks against paragraph *c* (*ii*) of the statement regarding urban units.

(*d*) No.

INSTITUTION OF CONTRIBUTORY PROVIDENT FUNDS IN LIEU OF PENSIONS.

29. THE HONOURABLE SARDAR BUTA SINGH : What is the present position with reference to the assurances given on behalf of Government during the debates on the Resolutions moved in this Council on the 18th February, 1924, 18th February, 1931 and 3rd March, 1932, on the subject of the institution of Contributory Provident Funds in lieu of pensions ?

THE HONOURABLE MR. J. B. TAYLOR : The Government of India have recently consulted provincial Governments on the acceptability of the tentative scheme referred to in the debate which took place in this House on the 3rd March, 1932. Their replies are awaited and until they have been received and considered, I am afraid that I cannot express any opinion whether the scheme will be adopted or as to the date on which it might come into force.

NUMBER OF EUROPEAN AND INDIAN TRUSTEES IN EACH OF THE PORT TRUSTS ON 1ST JANUARY, 1922 AND ON 1ST JANUARY, 1932.

30. THE HONOURABLE SIR PHIROZE SETHNA: Will Government lay on the table a tabular statement giving the number of European and Indian Trustees in each of the Port Trusts on 1st January, 1922 and on 1st January, 1932?

THE HONOURABLE MR. J. C. B. DRAKE: A statement is laid on the table.

Statement showing the number of European and Indian Trustees in each of the Port Trusts.

Port Trusts.	1st January, 1922.			1st January, 1932.		
	Europeans.	Indians.	Total.	Europeans.	Indians.	Total.
Chittagong ..	7	2	9	8	4	12
Calcutta ..	14	2	16	14	5	19
Madras ..	11	4	15	11	4	15
Bombay ..	12	5	17	13	9	22
Rangoon ..	12	1*	13	12	5†	17
Karachi ..	9	2	11	8	6	14
Aden	6	3‡	9	8	3§	11

* 1 Burman.
‡ 2 Arabs and 1 Indian.
† 2 Burmans and 1 Chinese.
§ 1 Arab and 2 Indians.

NUMBER OF EUROPEANS, ANGLO-INDIANS AND INDIANS IN THE DIFFERENT PORT TRUSTS ON SALARIES OF RS. 500 AND OVER ON 31ST MARCH, 1932.

31. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to lay on the table a tabular statement giving the number of Europeans, Anglo-Indians and Indians as at 31st March, 1932, in the different Port Trusts whose salaries are between (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999, and (3) Rs. 2,000 and over but excluding in class (1) those whose initial salaries are below Rs. 500?

THE HONOURABLE MR. J. C. B. DRAKE: The information asked for is being obtained and will, when received, be laid on the table.

NUMBER OF NEW APPOINTMENTS CREATED IN THE DIFFERENT PORT TRUSTS ON SALARIES OF RS. 500 AND OVER SINCE JANUARY, 1922.

32. THE HONOURABLE SIR PHIROZE SETHNA: Will Government lay on the table a statement showing how many new appointments have been made by the different Port Trusts since January, 1922, in positions with initial salaries of (1) Rs. 500 and over, (2) of Rs. 1,000 and over, (3) of Rs. 2,000 and over of persons who at the time of such appointments were not already in Port Trust employ, giving the number of Europeans, Anglo-Indians and Indians in each of the three classes in each Port Trust?

THE HONOURABLE MR. J. C. B. DRAKE: A statement is laid on the table.

Statement showing the number of appointments made by different Port Trusts since January, 1922.

Port Trusts.	Rs. 500 and over.			Rs. 1,000 and over.			Rs. 2,000 and over.		
	Europeans.	Anglo-Indians.	Indians.	Europeans.	Anglo-Indians.	Indians.	Europeans.	Anglo-Indians.	Indians.
Chittagong	3	..	..	..	..	..	..	..	..
Madras	5	..	1	1	..	..	1	..	..
Rangoon	36	1	..	2	..	..	..	..	..
Karachi	11	1	3	..	..	..	1	..	..
Aden	8	..	..	..	..	..	..	..	..
Bombay	33	1	8	2	..	..	1	..	..
Calcutta	29	2	2	5	..	1	..	..	..

REVENUE DERIVED FROM INCOME-TAX IN THE PROVINCES OF BENGAL, BIHAR AND ORISSA, THE UNITED PROVINCES AND THE CENTRAL PROVINCES, RESPECTIVELY.

33. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Will Government be pleased to state:

(*a*) what is the revenue derived from income-tax from the provinces of Bengal, Bihar and Orissa, the United Provinces and the Central Provinces, respectively;

(*b*) what is the number of income-tax assessees in the above-named provinces, respectively;

(*c*) if it is a fact that the United Provinces and the Central Provinces have been recently combined for the purposes of income-tax administration and placed under one and the same Income-tax Commissioner;

(*d*) if it is a fact that the provinces of Bihar and Orissa and Bengal are still under separate Income-tax Commissioners;

(*e*) what are the reasons for amalgamating the United Provinces and the Central Provinces so far as income-tax administration is concerned and leaving the provinces of Bihar and Orissa and Bengal under separate Income-tax Commissioners;

(*f*) whether any other provinces have also been combined for income-tax administration, and if so, which, and for what reasons?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) and (*b*). A statement is laid on the table.

(*c*) and (*d*). Yes.

(*e*) The reason for placing the administration of income-tax in the United Provinces and the Central Provinces under a single Commissioner was the desire to secure economy. The reason for not placing the administration of income-tax in the provinces of Bihar and Orissa and Bengal under a single Commissioner is that the work would be too heavy for a single officer. By any test the volume of work in such a combined charge would be twice as great as in the combined charge of the United Provinces and the Central Provinces.

(*f*) The North-West Frontier Province and the province of Delhi have been combined with the province of the Punjab for income-tax administration. The reason is that any other arrangement would either have been more expensive or have involved the employment of *ex-officio* Commissioners, who could not possess the same expert knowledge as a whole-time Commissioner.

Statement showing income-tax and super-tax collections in 1931-32 and the total number of assessees.

	Income-tax and super-tax collections 1931-32 (net).	Total number of assessees.
	Rs.	
Bengal	4,49,21,930	75,607
Bihar and Orissa	66,51,878	27,150
United Provinces	1,05,36,572	35,174
Central Provinces	50,68,001	17,591

TRANSFER OF CONVICTED TERRORIST PRISONERS FROM BENGAL TO THE ANDAMANS.

34. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Have any prisoners been recently removed from India to the Andaman Islands?

(*b*) If so, what is the number of such prisoners provincewise and when have they been transferred?

(*c*) Of what offences were the prisoners so transferred guilty?

(*d*) For what reasons have they been so deported out of India?

THE HONOURABLE MR. M. G. HALLETT: Presumably the Honourable Member is referring to the recent announcement that persons convicted of offences in connection with terrorist outrages would be deported to the Andamans and my answers to the various parts of his question are on that assumption:

(*a*) Yes.

(*b*) 25 prisoners were transferred from the jails in Bengal to the Andamans on the 15th August, 1932.

(*c*) Offences connected with terrorist crime in Bengal.

(*d*) In the public interest.

ACCOMMODATION AVAILABLE FOR MEMBERS OF THE CENTRAL LEGISLATURE IN NEW DELHI.

35. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Is it not a fact that the Legislative Assembly appointed a Committee in the last winter session to go into the question of house accommodation (official quarters) available for Members of the Central Legislature in New Delhi?

(*b*) Has that Committee submitted its Report to the Government?

(*c*) If so, has the Committee recommended the construction of more quarters for Members of the Indian Legislature at New Delhi or Simla?

(*d*) If yes, does the proposed increased accommodation include a provision for Members of the Council of State also or for Members of the Legislative Assembly alone?

THE HONOURABLE MR. TIN TÚT: (*a*) The Honourable Member is referred to the Legislative Assembly debates, dated the 22nd February, 1932 (pages 1017-18), which show that the Honourable the President of the Legislative Assembly constituted a House Committee to look after the comforts and conveniences of Members of the Legislative Assembly.

(*b*) The Committee did not submit any Report to Government; but Government have received a copy of the minutes of meetings of the Committee held in March and April, 1932.

(*c*) At a meeting held on the 3rd March, 1932, a resolution was passed to the effect that Government be addressed to provide ten additional orthodox quarters for the next Delhi session.

(*d*) The Committee was appointed by the Honourable the President of the Legislative Assembly and it follows, therefore, that its proposals relate to accommodation for Members of the Assembly only.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Is it the intention of the Government to get the question of house accommodation available for the Members of this House examined?

THE HONOURABLE MR. TIN TÚT: That is for the Honourable the President of the Council, Sir.

THE HONOURABLE THE PRESIDENT: If a desire is generally expressed by Members of this House that I should appoint a Committee similar to that appointed by the Honourable the President of the other House I shall be glad to meet their wishes.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : We wish to associate ourselves with this request.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I also wish to associate myself with what the Honourable Rai Bahadur Jagdish Prasad has observed.

PAYMENT OF NATIONAL HEALTH INSURANCE AND UNEMPLOYMENT INSURANCE : FOR BRITISH PERSONNEL OF THE INDIAN ARMY.

36. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : (I) Will Government lay on the table the following information :

(*a*) Since what year have the Government of India been paying National Health Insurance and Unemployment Insurance for the British personnel of the Indian Army ?

(*b*) Under what section of the National Health Insurance Act and the Unemployment Insurance Act is India liable for this payment ?

(*c*) Will Government quote *in extenso* the aforesaid sections ?

(*d*) The copies of communications if any between His Majesty's and the Indian Governments on this subject ?

(II) Is the British Government liable to make arrangements for the welfare and to look after the health of the persons insured under the aforesaid Act ? Will Government state what *quid pro quo* does the British Army in India get for the aforesaid payments ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (I) I lay on the table, as requested, the information asked for in the first part of the question, except with regard to part (I) (*d*). It would not be in the public interest to publish the correspondence on the subject between the Government of India and His Majesty's Government.

(II) The answer to the first part of the question is in the affirmative. In virtue of the payments made by the Army Council and the Government of India on account of National Health Insurances, soldiers' wives are entitled to maternity benefits while their husbands are in service and soldiers on discharge together with their families become entitled to all the benefits admissible to persons in respect of whom the contributions prescribed by the Act have been paid. In virtue of the payments made on account of Unemployment Insurance, soldiers on discharge enter civil life as fully insured persons entitled to the benefits admissible under the Act.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : May I ask that a ruling might be given that the statements to be laid on the table should be placed on the table before the meeting begins so that we may have the chance of asking supplementary questions on those statements. We do not get any opportunity now.

THE HONOURABLE THE PRESIDENT : I should like to consider the point raised by the Honourable Member. It would, so far as the practice of this Council is concerned, be entirely revolutionary and it therefore requires careful examination.

Statement regarding payment of National Health Insurance and Unemployment Insurance in respect of British troops on the Indian establishment.

(1) (*a*) 1912 and 1920, respectively.

(*b*) There is no section in either Act which provides that contributions in-respect of British troops on the Indian establishment shall form a charge against Indian revenues: the payment of contributions by India is one of the conditions on which British troops serve in this country.

(*c*) Copies of the National Insurance Act, 1924, which consolidates earlier legislation on the subject, and of the Unemployment Insurance Act of 1920, are in the Library. Attention is invited to section 57 of the former and section 41 of the latter as amended by section 13 of the Amending Act of 1927.

FORMATION OF AN ARBITRATION BOARD TO SETTLE CHARGES MADE BY HIS MAJESTY'S GOVERNMENT UNDER THE HEAD "DEFENCE."

37. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Has any Arbitration Board been formed to settle up the charges made by His Majesty's Government on the Government of India under the head of Defence ? Will Government give the following information about the same :

(*a*) The terms of reference.

(*b*) The names of arbitrators.

(*c*) The name of India's nominee and the selecting authority.

If no Board has been formed yet, will Government state when they intend to form it ? Have Government considered the advisability of appointing some one conversant with this controversy ?

CAPITATION CHARGES FOR UNITS OF THE BRITISH ARMY EMPLOYED IN INDIA, ETC.

38. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : With reference to my question No. 34 of the 27th February, 1932, will Government now reply in detail to parts 8 to 12 of the same ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : With you permission, Sir, I will answer questions Nos. 37 and 38 together.

The Honourable Member will find all the information he asks for in the Press Communiqué on this subject, which was issued on the 1st September, 1932, a copy of which is laid on the table.

The Honourable Member's attention is also invited to the anwers given by the Honourable Sir George Schuster to Sir Hari Singh Gour's supplementary questions to starred question No. 1155 asked in the Legislative Assembly on the 4th November, 1931.

Press Communiqué, dated 1st September, 1932.

As already announced in Parliament, His Majesty's Government in the United Kingdom, in agreement with the Government of India, have decided to set up a Tribunal with the following terms of reference :

(1) To consider and report whether there should continue to be contributions by India towards the recruiting and training expenses at home of the British Army in India ; and to report the basis on which the contributions if continued, should be calculated.

(2) To examine India's claim that a contribution should be made from Imperial revenues towards military expenditure from Indian revenues and to report the basis on which any contribution should be assessed.

(3) To examine the War Office claim that India should pay a direct contribution towards the cost of the regular and supplementary reserves and to report the basis on which any contribution approved should be assessed.

(4) To consider whether the sea transport contribution paid by the War Office to India should be continued, or modified, after the 31st March, 1932.

(5) To examine and report *mutatis mutandis* on such of the questions raised in the preceding paragraphs as are relevant to the contribution at present paid from Indian revenues in respect of Royal Air Force personnel in India.

Sir Robert Garran, late Solicitor General to the Commonwealth of Australia, will act as Chairman of the Tribunal. Associated with him will be Lord Tomlin and Lord Dunedin, nominated by His Majesty's Government in the United Kingdom, and Sir Shadi Lal and Sir Muhammad Sulaiman nominated by the Government of India.

The proceedings of the Tribunal will be confidential, and its report, which is to be made to the Prime Minister, Mr. Ramsay MacDonald, will be advisory. Its recommendations will therefore not be binding on either Government. Arrangements are being made for the Tribunal to assemble in London early in November.

NON-REDUCTION IN CERTAIN ITEMS OF THE MILITARY SERVICE ESTIMATE, 1932-33.

39. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government explain fully why in the Military Service Estimate, 1932, page 58, under the main head I, there is no reduction in items Nos. 2, 7, 8 and 9 from the revised estimate of 1930-31 consequent on the reduction of 1,800 in the British personnel ?

THE HONOURABLE MR. J. B. TAYLOR: I presume that the Honourable Member is making a comparison between the budget estimate of 1932-33 and the revised estimate of 1931-32 ?

Of the items mentioned by the Honourable Member, the figures shown under item No. (2) Discharge gratuity and deferred pay of British troops and item No. (8) Unemployment Insurance, Army, are based on estimates prepared by His Majesty's Government, War Office. The estimate under item (2) has since been reduced by Rs. 72,000 and that under item (8) already shows a reduction of Rs. 5,48,000. The estimates for the current year under item (7) National Health Insurance, Army, and item (9) Contributory Pensions, Accounts, 1925, have since been reduced by Rs. 13,000 and Rs. 40,000, respectively.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: May I know what is the *per capita* rate for items Nos. (7) and (8) ?

THE HONOURABLE MR. J. B. TAYLOR: I am afraid I must ask for notice of that question, Sir.

RECIPROCITY BETWEEN THE BRITISH AND INDIAN GOVERNMENTS ON INCOME-TAX RELIEF.

40. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (*a*) Is there any agreement or convention of reciprocity between the British Government and the Government of India on income-tax relief ?

(*b*) If the answer is in the affirmative will Government lay on the table the connected papers ?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) Yes.

(*b*) Government do not consider it necessary to lay the papers on the table. I may, however, refer the Honourable Member to paragraph 93 on pages 225-26 of the Income-tax Manual, a copy of which is available in the Council Library.

EXEMPTION FROM INDIAN INCOME-TAX ON LEAVE SALARY DRAWN OUT OF INDIA BY SPECIAL NOTIFICATION.

41. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Is it a fact that leave salary drawn out of India is exempted from Indian income-tax by special Notification of the Government of India ? Will Government lay on the table a copy of the aforesaid Notification ?

THE HONOURABLE MR. J. B. TAYLOR: Yes. Copies of the Notifications are laid on the table.

No. 1319-F.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

Simla, the 28th April, 1920.

SEPARATE REVENUE.

Income-tax.

NOTIFICATION.

In exercise of the powers conferred by section 44 of the Indian Income-tax Act, 1918 (VII of 1918), the Governor General in Council is pleased to exempt from liability to the tax payable under the said Act the following classes of income, namely:

(1) any allowance or salary paid in the United Kingdom to officers on leave or duty in that country whether such allowance or salary is paid in sterling in the United Kingdom or by means of negotiable rupee drafts on a bank in India ;

(2) leave allowance or salary drawn from any Colonial Treasury by an officer on leave or duty in the Colony ;

(3) pensions of officers drawn from any Colonial Treasury or paid in the United Kingdom whether such pensions are paid in sterling or by means of negotiable rupee drafts on a bank in India.

(Sd.) J. E. C. JUKES,
Joint Secretary to the Government of India.

NOTIFICATION.

C. No. 1205-I. T./25, dated 4th February, 1926, as amended by Notification No. 42-Income-tax, dated the 20th November, 1926. In exercise of the powers conferred by section 60 of the Indian Income-tax Act, 1922 (XI of 1922), the Governor General in Council is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the Finance Department No. 878-F., dated the 21st March, 1922, namely :

In paragraph (*a*) of the said Notification, after clause 15, the following shall be inserted, namely :

" 15 (A). Leave salaries or leave allowances paid in the United Kingdom, or in a Colony, to officers of local authorities or to the employees of companies, or of private employers on leave in the United Kingdom or in such colony ".

(Sd.) A. TOTTENHAM.
Joint Secretary to the Government of India.

EXEMPTION FROM INDIAN INCOME-TAX OF STERLING PENSIONS.

42. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (*a*) Will Government quote the section of the Government of India Act, or other relevant authority under which sterling pensions are exempted from Indian income-tax ?

(*b*) Will Government state whether a retired officer in receipt of sterling pension but resident in India is at present liable to Indian income-tax ?

THE HONOURABLE MR. J. B. TAYLOR : (*a*) The Government of India know of no statutory provision exempting sterling pensions from Indian income-tax, nor is any such provision necessary to validate the existing practice because the territorial limitations imposed on the powers of the Indian Legislature by section 65 of the Government of India Act render it impossible for the Indian Legislature to make effective provision for the recovery of Indian income-tax on pensions paid outside India, to persons resident outside India.

(*b*) Yes.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Does sterling pension accrue outside India or does it accrue in India ?

THE HONOURABLE THE PRESIDENT : The Honourable Member must take legal advice on that point. He cannot ask Members of the Government to give opinions of any sort, least of all legal opinions.

DEDUCTION OF ENGLISH INCOME-TAX FROM PENSIONS OF RETIRED INDIAN OFFICERS IN RECEIPT OF STERLING PENSIONS.

43. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM Does the Secretary of State for India deduct English income-tax from the pensions of Indian retired officers in receipt of sterling pensions ? If the answer is in the affirmative, will Government state if residence outside Great Britain exempts the recipients from English income-tax ?

THE HONOURABLE MR. J. B. TAYLOR : British income-tax is deducted by the officer who disburses sterling pensions to retired officers who are liable to such tax. To the best of my belief, pensioners who are resident outside Great Britain or Northern Ireland are not liable to such tax.

LEVY OF INDIAN INCOME-TAX ON INTEREST OF INDIAN SECURITIES PAID OUTSIDE INDIA.

44. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government state what action they have taken, or contemplate to take on the recommendation of the General Purposes Sub-Committee to levy Indian income-tax on interest of Indian securities paid outside India ?

THE HONOURABLE MR. J. B. TAYLOR : No such action has been taken or is contemplated.

LIABILITY TO INDIAN AND ENGLISH INCOME-TAX OF INTEREST ON RUPEE AND STERLING LOANS.

45. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Is the interest on Rupee loans payable outside India liable to Indian income-tax ; and is interest on Sterling loans payable in India liable to English income-tax ?

THE HONOURABLE MR. J. B. TAYLOR : (*a*) There is no Rupee Paper on which interest is payable outside India by the terms of its issue. If such Paper is enfaced for payment abroad it remains the case that the right to receive payment of interest is a right to receive it in India, and the interest therefore remains liable to Indian income-tax.

(*b*) Interest on Sterling loans is in no case payable in India ; the question does not therefore arise.

LIABILITY TO INDIAN INCOME-TAX OF SHIPPING COMPANIES REGISTERED IN ENGLAND BUT CARRYING ON TRADE AT INDIAN PORTS.

46. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Are the shipping companies registered in England but carrying on trade at Indian ports liable to Indian income-tax irrespectively of whether they have branches in India or agents only ?

THE HONOURABLE MR. J. B. TAYLOR : The answer is in the affirmative.

PURCHASE OF TENTS BY THE TELEGRAPH DEPARTMENT FROM THE CENTRAL JAIL, BUXAR.

47. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (*a*) Is it a fact that the Telegraph Department used to buy tents from Buxar Central Jail (Bihar and Orissa) up to 1930 ?

(*b*) Is it a fact that in the year 1931 the jail lost the contract of the Telegraph Department ?

(*c*) Will Government state fully the reasons for the loss of the contract by the Jail and state to whom the contract was given and on what terms, noting also the Jail offer. Will Government lay on the table all the relevant correspondence or place it in the Library ?

THE HONOURABLE MR. TIN TUT : (*a*) Yes, prior to the 28th March, 1930.

(*b*) and (*c*). In 1931, demands for tents on behalf of the Posts and Telegraphs Department were advertised but no quotations were received from the Central Jail, Buxar. The successful tenderers were the Delhi Cloth and General Mills Company of Delhi and Messrs. H. Bevis and Company of Cawnpore. The latter firm was also given an additional small item of five tents not included in the tender.

Particulars of the contracts are given on pages 258, 541 and 605 of the Indian Trade Journal for 1931 and page 78 of the Indian Trade Journal for 1932. The answer to the last part of part (*c*) of the question is in the negative.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Was it the general practice to advertise and ask for tenders ?

THE HONOURABLE MR. TIN TUT: It is the general practice.

RECOMMENDATIONS OF THE POSTS AND TELEGRAPHS ACCOUNTS ENQUIRY COMMITTEE.

48. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Has Government given effect to the recommendations of the Posts and Telegraphs Accounts Enquiry Committee ? Will Government lay on the table a statement giving the action taken on each specific recommendation. Has the amount of interest charged to the Post and Telegraph Department in the Budget, 1932 been made on the principle advocated by the aforesaid Committee ?

THE HONOURABLE MR. TIN TUT: The provisional conclusions reached by Government on the recommendations of the Posts and Telegraphs Accounts Enquiry Committee are under examination by the Auditor General and will shortly be considered by the Public Accounts Committee.

Final decisions will not be reached until the Public Accounts Committee has expressed its views on those recommendations. A statement showing the action taken on each recommendation will be laid on the table of the House in due course.

EMPLOYMENT OF ARMED GUARDS BY THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

49. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (*a*) At what stations of the East Indian Railway and Eastern Bengal Railway are armed guards employed to guard the armoury or treasury ? Since what year has this system been inaugurated ?

(*b*) What was the expense on this item at each station during the years 1930-31 and 1931-32 ?

(*c*) Will Government state what is the communal composition of this force giving the numbers of Hindus, Muslims, Anglo-Indians, Europeans and others ?

(*d*) Is this a permanent service or temporary and what are the rates of pay of the entrants and the requisite qualifications ?

(*e*) Were these posts advertised ? If so, in what papers and by whom ?

(*f*) Is it a fact that formerly Government Railway Police were in charge of this duty ? If so, why are they no longer employed to discharge this duty ?

THE HONOURABLE MR. J. C. B. DRAKE: Information is being collected and will be communicated to the Honourable Member on receipt.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: I asked during the last session also that the statement should be laid on the table.

THE HONOURABLE THE PRESIDENT: If the Honourable Member will wait ten minutes, I shall give him the answer to his question.

COMMUNAL COMPOSITION OF VOTERS IN THE NEW CONSTITUTION.

50. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: 1. Will Government be pleased to state the population of the classes and communities whose voters will elect in each province the members shown in the column "General" of the statement of allocation of seats in the provincial Legislatures appended to the Communal Decision ?

2. Will Government be pleased to state the population of the Muslims in Assam and their proportion to the total population ?

3. Will Government kindly give the communal composition of the constitution called "Labour Special" in each province ?

4. Will Government be pleased to state how the constituencies of Commerce, Industry and Mining in Bengal are composed and what is the proportion of European voters in these constituencies in Bengal ?

THE HONOURABLE SIR BROJENDRA MITTER: 1. The Honourable Member is referred to paragraph 7 of the Communal Decision. As regards the population figures of the various classes and communities whose voters will be entitled to vote in a general constituency, I can only refer the Honourable Member to the census tables.

2. I would refer the Honourable Member to the figures given on page 73 of the Indian Franchise Committee's Report.

3. The seats allotted to Labour will be filled from non-communal constituencies, as prescribed in paragraph 14 of the Communal Decision.

4. If the Honourable Member is referring to the future composition, I am afraid that it is not possible, in advance of the delimitation of constituencies and the preparation of electoral rolls to supply him with the information he requires. For the existing composition I would refer him to the election returns for 1929-30, a copy of which is available in the Library of the House.

NUMBER OF EMPLOYÉS BEFORE AND AFTER RETRENCHMENT ON THE STATE RAILWAYS.

51. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly place a detailed statement on the table of this Council, giving the number of employés (*a*) officers, (*b*) subordinates, (*c*) others, communitywise, so far retrenched on each of the State Railways, and also the total number of employés communitywise employed by these Railways before the retrenchment campaign began ?

THE HONOURABLE MR. J. C. B. DRAKE: Information is being collected and will, when received, be placed on the table of the Council.

SURCHAGE ON CARRIAGE OF COAL.

52. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to forego the surcharge on carriage of coal? If so, when and from what date?

THE HONOURABLE MR. J. C. B. DRAKE: The reply to the first part is in the negative, and the second part does not therefore, arise.

PAYMENT OF GRATUITIES TO THE FAMILIES OF GOVERNMENT SERVANTS WHO DIE BEFORE RETIREMENT.

53. THE HONOURABLE MR. G. S. KHAPARDE: (*a*) Will Government be pleased to state whether the scheme mentioned by the Honourable Mr. A. F. L. Brayne on 3rd March last for relief to Government servants, or in case of their death before the completion of their period of service, to their heirs and dependants, has assumed its final form on approval by provincial Governments?

(*b*) If the reply to (*a*) be in the affirmative when will it be introduced?

(*c*) If the reply to (*a*) be in the negative, when will the said scheme be ready for introduction?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) We have not yet received the replies of all the provincial Governments consulted.

(*b*) and (*c*). I think that it should be possible to come to a decision fairly soon after the replies of the provincial Governments are received, but I cannot at this stage express any opinion whether the scheme mentioned by the Honourable Mr. Brayne on the 3rd March last will be adopted or as to the date on which it might come into force.

IMPORT OF WHEAT FROM AUSTRALIA AND ELSEWHERE DURING 1931-32.

54. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: Will Government be pleased to state if there has been any import of wheat from Australia and elsewhere during 1931-32 and during the first quarter of the current year? If so, will Government be pleased to lay on the table a comparative statement showing figures of such imports during the last five years as also percentages of increase or decrease, as the case may be?

THE HONOURABLE MR. J. C. B. DRAKE: The Honourable Member is referred to the Accounts relating to the Sea-borne Trade and Navigation of British India for the months of March and June, 1932, and the latest annual statement of the Sea-borne Trade of British India, copies of which are in the Library.

RAISING OF THE LEVEL OF PRICES OF AGRICULTURAL PRODUCTS IN THE COUNTRY.

55. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: What steps have Government already taken or propose to take to raise the level of prices of agricultural products in the country?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: I would invite the attention of the Honourable Member to that portion of His Excellency the Viceroy's speech to the Members of the Legislative Assembly on the 5th September, 1932, which related to the economic situation in India. The problem is an international one and it is not within the power of any single Government to take effective action to raise the level of agricultural prices.

POLICY AND PROCEDURE IN SELECTING AND ACCEPTING TENDERS FOR STEAM COAL AND COKE FOR STATE RAILWAYS.

56. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state its policy and procedure in selecting and accepting the tenders for steam coal and coke for the State Railways, managed and worked by Government?

THE HONOURABLE MR. J. C. B. DRAKE: I place on the table a copy of the reply to a question given in another place by the Honourable Member for Railways which explains fully the policy of Government.

Reply given by the Honourable Member for Railways to starred question No, 134 in the Legislative Assembly

THE HONOURABLE SIR C. P. RAMASWAMI AIYAR: As the Honourable Member is aware the question of the coal purchases for State Railways was discussed at length during the Budget debates this year and I would invite his attention to the speeches made by Sir George Rainy on various occasions on the subject. Everyone will, I am sure, recognise that it is impossible for me to deal in detail with the individual instances quoted in replying to questions in this House and I propose therefore to confine myself to a very brief general explanation, at the same time laying on the table of the House a statement explaining in detail the reasons for the action taken in the individual instances mentioned in the publication referred to. In considering these coal tenders the Railway Board cannot pay exclusive attention to the price offered. They have to take into account their previous experience of the tenderers in question, *e.g.*, the quality of the coal supplied by them in the past and their capacity actually to deliver the quantity contracted for of the quality offered. In this connection there are various factors to be considered, *viz.*, the character of the coal, whether the seam is capable of providing, when worked in accordance with the average mining practice, coal of a good average quality, and the presence or absence of bands of shale, inferior carbonaceous matter and igneous intrusions. Another important factor is the preparation and handling of the coal before despatch and the equipment or otherwise of the colliery with mechanical screening plant. During the current year, the Railway Board had moreover to make special efforts to see that the contract should be fairly spread over a number of collieries to prevent a large number from having to close down.

I should also explain that as regards quality, the assumption that the Coal Grading Board classifications or certificates, can be used as an adequate basis for judging the quality of the coal offered is not correct.

Under the Coal Grading Board procedure, when a coal seam is graded the analysis and calorific value are taken as a basis for classification. Colliery owners desirous of obtaining a Grade Certificate state at the time the seam is sampled which section they intend to adhere to and which inferior bands they intend to reject either in underground working or when loading. The certificate is therefore based on a sample which obviously does not give a fair average analysis of the seam as worked in practice but gives the analysis of the best sections of the seam with all inferior matter eliminated. In the case of coal for export, however, the Grading Board Certificate, though based on analysis of the sample originally taken is supplemented by inspection at the time of despatch for shipment and again when the coal

arrives at the docks prior to shipment. This procedure ensures rejection of inferior consignments, whereas in the case of despatches to Railways it is impossible to inspect each wagon when loading or unloading at the many destinations. Moreover, in purchasing coal for railways the classification under the Indian Coal Grading Board cannot be strictly followed because coals used on railways for distinct separate services, *viz.*, Goods or Mail and Passenger are classified under one grade by the Grading Board.

As regards the last part of the question, Government do not consider that their policy has resulted in loss to Railways.

The following statement deals with the eleven points raised in the article printed at pages 5 and 6 of the first number of *Business*, dated 1st July, 1932 :

(1) Victoria Colliery's Ramnagar coal is considered the best quality of this particular class of coal. From practical running tests on Railways it is reported to be an excellent steaming coal and is issued as a first class coal. Immediately on being raised from pits it is mechanically screened and picked on a modern plant and then delivered direct into wagons for despatch. The sizing is also to the requirement of the Railways.

The Bengal Iron Company's Ramnagar coal is raised from inclines and pits and hauled on a narrow gauge tram line over a distance of over one mile to the loading depot. Here it is dumped and loaded by hand as required. It is not mechanically screened. Reports from Railways complaining of excessive slack and dust in the supplies have been received. From practical running tests it is classed as a good steaming coal though issued as second class coal.

The Board considered that the amount accepted during the current year was the maximum that could be taken with any reasonable hope of the quality being up to railway requirements.

Karamchand Thapar's Begonia coal is not mined from the same seam as the Bengal Iron Company's Ramnagar or Balmer Lawrie and Company's Victoria Colliery coals. The Colliery has recently been taken over from Messrs. Gillanders Arbuthnot and Company, who were desirous of sub-leasing the property. The coal is transported over a mile of aerial rope-way to the loading depot and is not mechanically screened. In working and loading there is a tendency to produce small coal. The workings are practically all on pillars and it is doubtful how much recovery can be made in working underground without interruption. Messrs. Gillanders Arbuthnot and Company who for many years worked the Colliery offered 12,000 tons in 1931-32 and this was accepted in full. The purchase of 15,000 tons out of 36,000 tons offered during 1932-33 is considered by the Railway Board as all that could, with safety, be accepted.

(2) At Messrs. H. V. Low and Company's New Sinidih Colliery No. 17 seam is working only a 3'-6½" section and in this section two bands of inferior coal occur. The despatches therefore need careful picking. In underground working there is also a danger of the roof coal being mixed with the good section. The Railways state that the supplies are inferior and cannot be used for goods and passenger service.

The loading is reported as unsatisfactory.

Similar remarks apply to Pularitand Colliery except that the section worked is 4'-3" in thickness. Two inferior coal bands are also present in the working section. No. 17 seam in this locality is considered by the Railways as inferior.

At D. N. Barat's Dharmaband Colliery a section of 3'-9" is worked in No. 17 seam and in 18 seam a section of 4'-4" is worked. Here again there is a danger of inferior roof coal or inferior floor coal being mixed with the good coal. The supplies from this Colliery have many times been adversely reported on by the Railways and the loading is reported as unsatisfactory.

In the purchase of 42,000 tons from Dharmaband and Central Dharmaband 24,000 tons from No. 15 seam is included the balance being purchased from Nos. 17 and 18 seams

No. 15 seam is of very good quality and the sections worked in Nos. 17 and 18 seams contain very clean coal. The supervision and loading are satisfactory.

(3) (*a*) 15,000 tons of Kajore coal were taken from Messrs. Villiers, Limited, as the Railway Board considered this to be maximum quality which could be taken without the inclusion of an excessive amount of slack coal.

(*b*) Complaints have been received on the loading of coal at Parascole Colliery both from the Railways and the Inspection Department. At the Managing Agent's own request the order for Parascole coal was, for reasons of quality, transferred to their Madhabpore Colliery.

(*c*) The Railway Board considered that the acceptance of 12,000 tons out of the offer of 36,000 tons from Madhabpore Colliery is all that could be taken to ensure that the quality of the coal is in accordance with Railway Department.

(*d*) The ownership of Madhujore Colliery is comparatively new and the Board preferred to give a comparatively small order as a trial order in order to test the supply.

(4) The class of Kenda coals purchased have proved more satisfactory than many of the Kajore quality coals.

(5) The Desherghur coal taken from Parbelia, Barmondia and Macneills Desherghur Collieries is mined in an area where the best Desherghur coal is found. The seam in this locality is moreover of uniform quality. All these Collieries are equipped with screening plants and consequently there is no difficulty in obtaining coals of excellent quality and size.

The Desherghur seam at Pure Desherghur and Sudi Collieries is inferior to that worked at the three Collieries previously mentioned. Both the Pure Desherghur and Sudi Collieries are riddled with igneous intrusions and in underground working and surface loading much trouble is encountered in separating the rock and burnt coal from the good coal. The coal is raised from pits dumped on the loading depot before loading into wagons and not mechanically screened.

The Railway Board considered that the quantities accepted from these two collieries are all that could be taken to ensure the coal being up to railway requirements.

The Desherghur seam worked at Monoharbahal Colliery is outside the area where the best Desherghur coal is found. The coal is raised from pits and transported over about a mile of narrow gauge tramway where it is dumped on the railway siding depot and loaded as required. It is not mechanically screened. The Monoharbahal seam when worked at this Colliery is also loaded at the same siding.

15,000 tons of this coal were bought last year and railway reports state that supplies were not up to the average quality mail coal and were of a third class nature.

(6) At Patmohna and Bharatchuck Collieries the section worked is only about 5'-5" in thickness so that in driving the main roads it is necessary to take up about 1'-0" of inferior floor coal. At Patmohna this inferior coal is loaded separately underground, brought to the surface and stacked in an isolated dump. Every care is taken that this inferior floor coal is not mixed with the good coal. The Colliery also gives good supervision in working and loading.

At Bharatchuck no satisfactory arrangements are in existence to keep the inferior floor or roof coal separate from the good coal when working underground or when dumped on the loading depot.

(7) At Poriapur Colliery the loading is well supervised and the management adhere strictly to the recognised section.

At Lows Sultanpur Colliery trouble is experienced in adhering to the recognised working section.

The Railways report, from practical tests, that the coal supplied is of inferior quality and are unable to use it for mail, passenger or goods service.

(8) Gaslitan and Jogta coals are, from railway observations, reported as superior to Lakurka coal.

The loading supervision at these Collieries is also satisfactory.

During the last contract with Lakurka the Railways reported adversely on the quality of the coal supplied, and the Inspecting Officers reported that the loading was unsatisfactory, but it was decided to give the Colliery another chance, and an order was placed for 18,000 tons during the current year. The Board considered this as being the limit to which satisfactory supplies could possibly be made in accordance with railway requirements.

At Katras Colliery the coal is mechanically screened and picked and the supervision in loading is satisfactory.

(9) Angrapathra Colliery Company offered 12,000 tons against the 1932-33 requirements all of which was accepted.

(10) 12,000 tons of 12 and 13 seams was considered by the Railway Board as the maximum quantity which could, with safety, be taken from Motiram's Kirkend Colliery. There is a danger at this Colliery of these coals being mixed with the inferior roof coal of No. 12 seam and No. 11 seam when worked.

At the time R. B. Sircar's Kirkend coal was offered Nos. 11 and 12 seams were partially under water and No. 13 seam workings were closed.

Difficulties of dewatering and the risk of underground collapse make supplies from this Colliery very unreliable.

(11) Bansdeopur coal is good coal and the loadings are satisfactory.

BASIS ON WHICH THE COMMUNAL PROPORTION OF VARIOUS COMMUNITIES HAS BEEN FIXED FOR RECRUITMENT TO THE STATE RAILWAYS.

57. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what communal proportion of various communities has been fixed by Government for recruitment of employees (1) superior, (2) subordinate, and (3) others on each of the State-managed Railways? On what basis have such proportions been fixed?

THE HONOURABLE MR. J. C. B. DRAKE: No ratio has been fixed for recruitment from the various communities for any of the services on the State-managed Railways but as a rule one-third of the vacancies filled by direct recruitment in India are reserved for the redress of the marked communal inequalities in the case of the superior and the subordinate services. This rule cannot be closely observed in the case of workshop employees and other semi-skilled labourers and persons in inferior service who are recruited in accordance with local conditions and the aptitude of the candidates offering for employment for a particular class of work.

PROGRESS OF INDIANISATION IN THE SUPERIOR AND SUBORDINATE SERVICES ON STATE RAILWAYS UP TO 31ST MARCH, 1932.

58. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay on the table of this House a detailed statement regarding progress of Indianisation of superior and subordinate services in each branch of service of each of the State-managed Railways up to 31st March, 1932?

THE HONOURABLE MR. J. C. B. DRAKE: I would refer my Honourable friend to Appendices F and G of Volume I of the Railway Board's Annual Reports on Indian Railways. The position on the 1st April, 1932 as compared with the 1st April, 1926 is set out in abstract form in statements which I now lay on the table. Another statement showing the annual recruitment made to gazetted services on State-managed Railways since 1926-27 is also laid on the table.

Statement of gazetted officers on State-managed Railways, European and Indian, on 1st April, 1926 and 1st April, 1932, respectively.

Railways.	1st April, 1926.		1st April, 1932.	
	Europeans.	Statutory Indians.	Europeans.	Statutory Indians.
Burma	94	21	90	21
Eastern Bengal	78	53	70	64
East Indian	219	97	188	131
Great Indian Peninsula	194	53	165	60
North Western	197	121	149	110
Total ..	782	345	662	386

Statement of subordinates on scales of pay rising to Rs. 250 per mensem and over on 1st April, 1926 and 1st April, 1932, respectively.

Railways.	1st April, 1926.		1st April, 1932.	
	Europeans.	Statutory Indians.	Europeans.	Statutory Indians.
Burma	26	312	27	413
Eastern Bengal	132	287	78	357
East Indian	678	1,538	570	1,465
Great Indian Peninsula	332	984	300	1,126
North Western	313	884	343	1,005
Total ..	1,481	4,005	1,318	4,366

Statement showing the annual recruitment made to permanent appointments in gazetted ranks on State managed Railways since 1926-27.

Year.	Europeans.	Statutory Indians.
1926-27	18	30
1927-28	23	49
1928-29	19	44
1929-30	12	29
1930-31	12	48
1931-32	6	25
Total ..	90	225

NOTE.—As recruitment is made by the Railway Board for all State-managed Railways, information for each railway is not given.

PROGRESS OF INDIANISATION IN CERTAIN SUPERIOR SERVICES UP TO 31ST MARCH, 1932.

59. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay on the table of this House a detailed statement showing the progress every year of Indianisation in superior services of (1) Political, (2) Foreign, (3) Customs, and (4) Army Departments of the Government of India up to 31st March, 1932 ?

THE HONOURABLE MR. M. G. HALLETT: The services included under heads (1) and (2) of the Honourable Member's question constitute a single service called the Political Department of the Government of India. A statement showing the progress of Indianisation in the superior civil services is placed annually in the Library, and contains information in respect of the services mentioned under heads (1) to (3). A statement giving information in respect of superior services under the Army Department is placed on the table.

Statement showing the number of Indians employed on the 31st March each year in the superior services under the Army Department.

Year.	Army excluding I. M. S.		R. I. M.		Air Force.	I. M. S.	Civilians.	
	Under training.	Commissioned.	Under training or selected for training.	Commissioned.	Under training.	Commissioned.	Under training.	Confirmed.
1	2	3	4	5	6	7	8	9
1924 ..	23	69	*Nil*	*Nil*	*Nil*	146	*Nil*	*Nil*
1925 ..	17	80	*Nil*	*Nil*	*Nil*	145	*Nil*	*Nil*
1926 ..	12	85	*Nil*	*Nil*	*Nil*	145	*Nil*	*Nil*
1927 ..	19	91	*Nil*	*Nil*	*Nil*	154	1	*Nil*
1928 ..	18	98	*Nil*	1	..	154	1	*Nil*
1929 ..	8	109	*Nil*	1	..	156	1	*Nil*
1930 ..	22	112	2	1	..	157	1	*Nil*
1931 ..	39	114	3	2	..	164	1	*Nil*
1932 ..	41	132	3	2	6	185	*Nil*	1
					10	199	1	1

REDUCED SCALES OF SALARIES AND ALLOWANCES FOR FUTURE ENTRANTS TO THE SUPERIOR CIVIL AND ARMY SERVICES.

60. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they have arrived at any final decision regarding the reduced scales of salaries and allowances for the future entrants to Superior Civil and Army Services ? If not, when is such decision to be arrived at ?

THE HONOURABLE MR. J. B. TAYLOR: No final decision has yet been reached. The matter is under active consideration.

PROGRESS MADE BY SIR JOHN MARSHALL WITH THE WORK ENTRUSTED TO HIM WHILE ON SPECIAL DUTY.

61. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay on the table of this House the detailed progress report of the work entrusted to Sir John Marshall while put on special duty after his retirement from the post of Director, Archæological Department ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir John Marshall was expected to compile books on the following subjects, during his period of special duty:

A.—The buried cities of (*i*) Mohenjodaro, (*ii*) Harappa and (*iii*) Taxila.

B.—The monuments of (*i*) Sanchi, (*ii*) Mandu, (*iii*) Delhi, (*iv*) Agra and (*v*) Multan.

C.—A handbook to the Museum at Taxila.

Of these, the work on the buried cities of Mohenjodaro has already been published in three volumes under the title "Mohenjodaro and the Indus Civilization". The Guidebooks on Taxila and Sanchi and a detailed monograph on the monuments of Sanchi are under preparation and expected to be ready for publication shortly.

REVERSION OF TWO INDIAN I. C. S. OFFICERS HOLDING SUPERIOR APPOINTMENTS IN THE CUSTOMS DEPARTMENT.

62. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether it is a fact that two Indian I. C. S. officers holding Superior appointments in the Customs Department were lately reverted to other Departments ? If the reply be in the affirmative, will Government state whether their claims were considered for selection to the post of Collector of Customs, Calcutta, which recently fell vacant ? If not, why not ?

THE HONOURABLE MR. J. B. TAYLOR: No. Two Civilian officers, one European and one Indian, were reverted this year from the Imperial Customs Service as a measure of economy. The vacancy which recently occurred at Calcutta is a very short one and acting arrangements have been made locally.

WITHDRAWAL OF THE LEE CONCESSIONS FROM THE SUPERIOR SERVICES.

63. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether in view of continued fall of revenues they are considering the withdrawal of the Lee Concessions to the superior services ? If not, why not ?

THE HONOURABLE MR. J. B. TAYLOR: No. Government do not consider it equitable to recommend the withdrawal of the Lee Concessions.

DETAILED DECISIONS ON THE LATEST REPORTS OF THE VARIOUS RETRENCHMENT SUB-COMMITTEES.

64. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay on the table of this House its decisions in detail on the latest reports of the various Retrenchment Sub-Committees?

THE HONOURABLE MR. J. B. TAYLOR: I would refer the Honourable Member to the statements circulated in November, 1931, and to the papers circulated with the current year's budget of the Central Government and Railways. Part III of the Report of the General Purposes Sub-Committee of the Retrenchment Advisory Committee was published at the end of July and its recommendations are still under the consideration of Government.

NUMBER OF PASSENGER COACHES HELD UP FOR WANT OF OVERHAUL OR REPAIRS ON THE STATE RAILWAYS.

65. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state the number of passenger coaches, classwise, which are being held up for want of overhaul or repairs on each of the State-managed Railways for the latest period for which the figures are available? Will they state reasons which led to such accumulation? What is the average monthly output of repairs, etc., of such stock on each of the State-managed Railways? How do these figures compare with pre-retrenchment period?

THE HONOURABLE MR. J. C. B. DRAKE: The information asked for by the Honourable Member is being obtained and will, when received, be laid on the table.

STATEMENT LAID ON THE TABLE.

REPORT ON THE DEFENCE OF THE NORTH-WEST FRONTIER.

THE HONOURABLE SIR BROJENDRA MITTER: I lay on the table supplementary answer to question No. 77 asked by the Honourable Mr. Abu Abdullah Syed Hussain Imam on the 7th March, 1932, regarding the Howell Committee's recommendations.

Supplementary answer to question No. 77 asked by the Honourable Mr. Abu Abdullah Syed Hussain Imam on the 7th March, 1932.

The following is the amount of savings which have so far accrued to Government from measures adopted in accordance with the recommendations of the Howell Committee:

	Rs.
Military Budget	.. 13,50,000
Civil Budget	.. 1,51,417
Total savings	.. 15,01,417

RULING BY THE HONOURABLE THE PRESIDENT IN RESPECT OF THE PROCEDURE IN CONNECTION WITH ANSWERS FURNISHED TO MEMBERS.

THE HONOURABLE THE PRESIDENT: In February last an Honourable Member from Bihar raised a question in this House to which I promised I would let him have a considered answer. I have been reminded of the question again this morning and I would only say that I would have given the Honourable Member an answer much earlier but unfortunately he left Delhi very soon after he raised the point and only returned at the end of the session. The Honourable Member's question related to a practice which has prevailed in this Chamber and, until recently, in the other House also since 1921. When the Reformed Legislatures came into being it was decided that if, in the opinion of the Member of the Government to whom a question was addressed, the answer was not of general interest and, in any case, owing to the time required for collecting information, the answer could not be given on the day on which the question appeared on the paper, then the information should not be laid on the table at a future date but should be communicated direct to the Honourable Member who had asked the question. It is probably superfluous to point out that this procedure was introduced solely in the interests of economy. Possibly all Honourable Members of this House do not realise the cost, direct and indirect, to the country of every question that is asked and answered here. Last February my Honourable Colleague in the other House ruled that the practice hitherto followed should cease and that the Member of the Government instead of promising to let the Honourable Member have the information when it was available, should undertake to lay the information on the table. It is no doubt desirable that the procedure of the two Houses of the Central Legislature should be consistent as far as possible but it cannot be said that this consistency is essential. I have given the matter my careful consideration and I am of the opinion that it is not desirable to make any change in the present practice. The argument in favour of economy is as strong as, if not stronger than, ever. I am aware that every Honourable Member of this House has the right, when replies are given, to ask supplementary questions, but to my mind that has no bearing whatever on the present case, since a supplementary question can only be asked immediately after a reply has been given and therefore cannot be asked when a reply is laid on the table at a future date. It might possibly be argued that when once a question has been admitted by the Chair, the reply to it is of general interest. But I am of opinion that this is not necessarily so. A question may be asked under the Rules for the purpose of obtaining information on a matter of public concern. The conduct or affairs of a person holding a public office, no matter how humble, and the action of any Government Department in any respect, no matter how unimportant, are matters of public concern, but in many cases they would not be matters of general interest. The printing of hundreds of answers to such questions dealing with such matters and the inclusion of such answers in the Council Debates would in my opinion involve unwarranted expense. I therefore see no reason to modify in this respect the procedure which has been in force for the last eleven years.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT: I have a Message for the Council from His Excellency the Governor General. The Message is as follows:

PANEL OF CHAIRMEN.

"*In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Freeman, Earl of Willingdon, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State:*

In the first place, the Honourable Sir Maneckji Dadabhoy; in the second place, the Honourable Mr. Ernest Miller; in the third place, the Honourable Diwan Bahadur G. Narayanaswami Chetti; and lastly, the Honourable Nawab Malik Mohammad Hayat Khan Noon.

Simla,
The 24th August, 1932.

(Sd.) WILLINGDON,
Viceroy and Governor General."

(The Message was received by the Council standing.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT: Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each Session to constitute a Committee on Petitions consisting of a Chairman and four members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Mr. G. A. Natesan and as members, the Honourable Raja Charanjit Singh, the Honourable Khan Bahadur Syed Abdul Hafeez, the Honourable Sir David Devadoss and the Honourable Mr. S. C. Ghosh Maulik.

12 NOON.

STATEMENT *RE* MR. GANDHI'S RELEASE.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House): Sir, in the statement made in Assembly on 15th September it was announced that Government had decided that as soon as Mr. Gandhi actually begins his fast, he should be removed from the jail to a suitable place of private residence, and that the only restriction that would be imposed upon him would be that he should remain there. The intention was that he should in this way be accorded full facilities for discussing the problem of the Depressed Classes and for endeavouring to effect an agreement with them.

Mr. Gandhi has addressed the following telegram to the Private Secretary to His Excellency the Viceroy:

"Have just read with considerable pain announcement of Government's decision to remove me on commencement of contemplated fast to unknown private residence under certain restrictions. To avoid unnecessary trouble and unnecessary public expense also unnecessary worry to myself I would ask Government not to distrub me for I will be unable to conform to any conditions as to movement from place to place or otherwise that may be attached to foreshadowed release".

Government, while regretting Mr. Gandhi's decision, have no wish to force upon him arrangements which are distasteful to him. He will, therefore, in accordance with his request, be allowed to remain undisturbed in Yeravada

Jail. At the same time Government are most anxious that this change of plan should not affect the opportunities for discussion of the Depressed Class problem, which they had contemplated should be available for him. They have therefore decided that, unless subsequent developments render any change necessary, he should receive in the jail all reasonable facilities for private interviews with such persons or deputations as he may wish to see, and that there should be no restriction on his correspondence.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meetings held on the 12th, 14th and 16th September, 1932, namely:

A Bill further to amend the Indian Emigration Act, 1922, for certain purposes.

A Bill further to amend the Cantonments Act, 1924, for a certain purpose.

A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

A Bill to amend the Trade Disputes Act, 1929, for certain purposes.

A Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Delhi Session, 1932, namely:

The Indian Companies (Supplementary Amendment) Act, 1932.

The Employers and Workmen (Disputes) Repealing Act, 1932.

The Wheat Import Duty (Extending) Act, 1932.

The Indian Finance (Supplementary and Extending) Amendment Act, 1932.

The Wire and Wire Nail Industry (Protection) Act, 1932.

The Bamboo Paper Industry (Protection) Act, 1932.

The Salt Additional Import Duty (Extending) Act, 1932.

The Bengal Criminal Law Amendment (Supplementary) Act, 1932.

The Indian Partnership Act, 1932.

The Code of Civil Procedure (Amendment) Act, 1932.

The Public Suits Validation Act, 1932.

The Foreign Relations Act, 1932.

The Sugar Industry (Protection) Act, 1932.

The Indian Air Force Act, 1932.

The Indian Tariff (Wireless Broadcasting) Amendment Act, 1932.

MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary) : Sir, I beg to move :

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

THE HONOURABLE THE PRESIDENT : With regard to that motion adopted by the Council I direct that nominations shall be received up till 11 o'clock on Friday, the 23rd September.

RESOLUTION *RE* RATIFICATION OF THE INTERNATIONAL CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I move :

"That this Council recommends to the Governor General in Council that he do ratify the International Convention for limiting the manufacture and regulating the distribution of Narcotic Drugs."

Sir, copies of the Convention have already been circulated to Honourable Members. The necessity of international action to regulate the consumption of the dangerous and habit-forming drugs which are based on opium and the coca leaf has long been recognised. Owing to their potency and the small quantities which are necessary for effective doses they are easy to smuggle, so that if one country were to allow unrestricted manufacture and export, other countries would find it completely beyond the power of their customs staff, however vigilant, to prevent the entry of dangerous quantities of these drugs into their territories with disastrous results to the health and morale of their people. For this reason it has long been recognised that international action is necessary to control the manufacture and distribution of these drugs. India is already a party to two International Conventions, the International Opium Convention of 1912 and the Dangerous Drugs Convention entered into at Geneva in 1925.

These two Conventions dealt with the traffic in opium and other narcotics in their cruder forms. They also attempted to deal with the control of the dangerous drugs which might be derived from these elements by the ingenuity of chemists. Machinery was provided in the 1925 Convention for adding to the list of dangerous drugs to which the provisions of the 1925 Convention

were applied, but it was found that it was a long and tedious process to get such drugs certified, and long before they were certified the ingenuity of chemists and manufacturers had turned to the invention of new derivatives which, though just as dangerous and habit-forming, were still outside the scope of the Convention. The conclusion was obvious. If the 1925 Convention was not to prove abortive, measures would have to be taken to control the manufacture of all the products of opium and the coca leaf so as to avoid abuse of this character. A Resolution to this effect was adopted on the 1st October 1930 by the Assembly of the League of Nations and a Conference was convened to discuss how it should be put into practice. India was represented by Dr. Paranjpye at this Conference which met between the 27th May and the 13th July 1931. The Convention was signed by him on behalf of India on the 13th July 1931, but of course does not become binding until it has been ratified, and this is what I am now asking the Council to approve.

The main result of the Conference is to establish the principle that there will be an agreement among those countries in which opium and cocaine are manufactured to limit such manufacture in accordance with statistical reports from the various nations as to the actual amount of narcotic drugs required to meet their legitimate medical and scientific needs. India is interested in this Convention in three ways. As everybody knows, it produces opium and manufactures it. It is also a country into which narcotic drugs, principally cocaine, find their way from abroad and constitute a dangerous problem. So far as we produce and manufacture opium the present Convention does not affect us adversely at all. Our exports of raw opium and the consumption of raw opium in this country have already been regulated by the Conventions of 1912 and 1925, and this Convention which I am now asking you to ratify does not add in any way to these restrictions. It could only do so if it prevented manufacturers from turning to us for their genuine requirements, and the Convention contains no such provision. As a country manufacturing opium, our interests are decidedly limited. No cocaine is manufactured in India at all and alkaloids of opium are manufactured only at the Government Factory at Ghazipur, where they are under strict Government supervision. Exports have only taken place to the United Kingdom and have always been subject to the strictest control, so as to ensure that they are actually used for medical and scientific purposes. Similarly, alkaloids of opium made in India for Indian use are distributed under equally strict Government control and there is nothing in the Convention which need cause any anxiety as to our right to continue to manufacture drugs for our own legitimate requirements. There is nothing in the Convention to hurt us ; on the other hand, we hope to derive very considerable benefits from it. As I have already pointed out, the real problem in India is the large import of cocaine and other drugs such as heroin. Large quantities of these manufactured drugs are known to be smuggled into India and in spite of the vigilance of the preventive staff large quantities do get in to the physical and moral deterioration of drug addicts in this country. We should therefore be grateful for any efforts of those engaged in tightening up the international control of the manufacture of narcotic drugs of all kinds. The Convention does not possibly go so far as some might think it should, but it does mark a definite step forward in international co-operation for the control of this illicit

[Mr. J. B. Taylor.]

traffic and it does outline a method of control which affords reasonable hope of ultimately strangling this dangerous traffic, and for this reason I submit that we should welcome it. Sir, I move.

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) : Sir, the List of Business for tomorrow which is a non-official day is already in Honourable Members' hands. The period of notice for the Bills which have been laid on the table today will not expire till Friday next, and in these circumstances you will perhaps be pleased to direct that the Council should meet on Friday and not on Thursday. In that event, the List of Business for Friday would include the consideration and passing of the Bills laid on the table today and my Resolution on the subject of Honourable Members' allowances.

CONGRATULATIONS TO MEMBERS, THE RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT : The next meeting of the Council for official business will be, as the Honourable Leader suggests, on Friday and not on Thursday.

Before I adjourn the Council, I think Honourable Members would like me to refer to those of our colleagues who have received honours since the last Session. I would refer in the first place to the Honourable Raja Charanjit Singh. I am sure it was a great source of satisfaction to all of us to see his name in the Honours List on the King's Birthday. He is an old Member of this Council and I doubt if there has been any Member of the Council who has been more assiduous in his attendance at our meetings. I was going to say that I recollect no occasion of a meeting of the Council of State when the Honourable Member was not in his place. Today is the exception. I hope there is no serious cause for his absence.

The lesser honour conferred upon our friend Syed Abdul Hafeez is one which we all hope is merely the precursor of greater honours to come in the future.

I must refer also to the Knight Commandership of the Order of the Star of India conferred upon Sir Fazl-i-Hussain. Sir Fazl-i-Hussain has been in this House for a long time ; he is well known to all Honourable Members. It would be superfluous on my part to attempt to recount the services which he has rendered to this Council, to his province and to his country, India as a whole.

I am sure that it is the wish of all the Honourable Members of this Council that I should tender here from the Chair our most warm congratulations to our three colleagues who have been so honoured.

The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Wednesday, the 21st September, 1932.

COUNCIL OF STATE.

Wednesday, 21st September, 1932.

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

MEMBER SWORN :

The Honourable Mr. V. C. Vellingiri Gounder (Madras: Non-Muhammadan).

QUESTIONS AND ANSWERS.

NUMBER OF BENGALI DETENUS IN THE DEOLI CAMP GAOL.

66. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : 1. (*a*) Will Government be pleased to state how many Bengali detenus are in the Deoli Gaol near Ajmer ? (*b*) How many of them are detained under Regulation III of 1818 and how many under the Bengal Criminal Law Amendment Act ?

2. Will Government be pleased to state the total number of detenus in India under the Bengal Criminal Law Amendment Act and the names of the different places of their detention ?

THE HONOURABLE MR. M. G. HALLETT : 1. (*a*) 92. (*b*) None are detained under Regulation III of 1818.

2. 1,049. I understand there are detention camps at Berhampore, Hijli and Buxa in Bengal, in addition to that at Deoli. Those in Bengal are entirely the concern of the local Government.

DIET AND MODE OF LIFE OF BENGALI DETENUS IN GAOLS OUTSIDE BENGAL.

67. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : 1. Will Government be pleased to state what arrangements have been made for the food and mode of life of the Bengali detenus kept in gaols outside Bengal ?

2. Do the Government of India get monthly reports of the health, comfort and the conditions of detention of the persons detained under the Bengal Criminal Law Amendment Act or the Bengal Ordinances, from the provincial Governments ? If not, why not ?

3. Will Government be pleased to state where a Member of the Central Legislature can get the monthly reports of the health and the conditions of

detention of the persons detained under the Bengal Ordinances and the Special Powers Ordinances ?

THE HONOURABLE MR. M. G. HALLETT : 1. As stated in my reply to his earlier question, Deoli is the only place where detenus outside Bengal are detained. Care is taken to ensure that as far as possible they get the diet to which they are accustomed in Bengal. Arrangements are made for the supply of fish and of such vegetables and fruits as are procurable. The scale of the diet is not rigid and the wishes of the detenus are taken into account provided the cost is within the daily allowance. Adequate facilities for games are provided. Detenus are permitted to wear their own clothing and to purchase such articles of clothing, etc., as they may require from their monthly allowances.

2. Monthly reports have not been called for from the Chief Commissioner, Ajmer. Reports received from time to time show that the health of the detenus at Deoli has been good.

3. The Honourable Member presumably refers to persons arrested and detained in custody under section 3 of the Special Powers Ordinance for periods not exceeding two months. The Government of India have no detailed information about such persons, as the question of their detention is entirely the concern of local Governments.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : May I ask on a point of information what are the games which are being provided for the detenus ?

THE HONOURABLE MR. M. G. HALLETT : I am afraid I cannot exactly remember but I think games such as badminton and games of that type are provided.

NUMBER OF PERSONS ARRESTED AND IMPRISONED FOR JOINING THE CIVIL DISOBEDIENCE MOVEMENT AFTER THE SECOND ROUND TABLE CONFERENCE.

68. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the total number of persons arrested and imprisoned in India, province by province, for joining the Civil Disobedience Movement up to now, since it was started after the Second Round Table Conference ?

(*b*) How many persons have been convicted of political offences other than those committed by joining the Civil Disobedience Movement or for sedition in each of the following provinces :—Bengal, the Punjab, the United Provinces, Bombay and the Frontier Province ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) I lay on the table a statement giving the information in my possession. I regret I have no information as to the number of arrests.

(*b*) I have no information.

Statement showing (a) *number of persons convicted for offences connected with the Civil Disobedience Movement up to the end of July, 1932 and* (b) *the number of persons undergoing imprisonment at the end of July, 1932.*

Province.	Number of persons convicted (though not necessarily sentenced to imprisonment) for offences connected with the Civil Disobedience Movement up to the end of July, 1932.	Number of convicted persons undergoing imprisonment at the end of July, 1932.
Madras	2,597	1,774
Bombay	10,499	6,447
Bengal	10,211	3,693
United Provinces	10,766	4,953
Punjab	1,515	895
Burma	..	..
Bihar and Orissa	8,911	2,542
Central Provinces	3,668	1,166
Assam	1,138	722
North-West Frontier Province ..	5,158	1,988
Delhi	887	384
Coorg	204	67
Ajmer-Merwara	244	101
Total ..	55,708	24,732

NUMBER OF LADIES ARRESTED AND GAOLED FOR JOINING THE CIVIL DISOBEDIENCE MOVEMENT.

69. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : (*a*) Will Government be pleased to state the total number of ladies arrested and gaoled for joining the Civil Disobedience Movement in India up to now ?

(*b*) How many of them are from each of the following provinces :— Bengal, Bombay, Madras, the United Provinces, Central Provinces, the Punjab Assam and Delhi ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) I have no information regarding the number of arrests. The number of women convicted, though not necessarily sentenced to imprisonment, in connection with the Civil Disobedience Movement up to the end of July, 1932 was 2,711. The number of women in gaol on the 31st July, 1932, the latest date for which figures are available was 1,020.

(*b*) I lay a statement on the table.

Statement showing (a) *number of women convicted for offences connected with the Civil Disobedience Movement up to the end of July, 1932 and* (b) *the number of women undergoing imprisonment at the end of July, 1932.*

Province.	Number of women convicted (though not necessarily sentenced to imprisonment) connected with the Civil Disobedience Movement up to the end of July, 1932.	Number of convicted women undergoing imprisonment at the end of July, 1932.
Madras	235	163
Bombay	633	316
Bengal	617	203
United Provinces	407	141
Punjab	112	40
Central Provinces	296	36
Assam	85	38
Delhi	49	20

WORK OF THE CONSULTATIVE COMMITTEE, ITS COST, AND THE DAILY ALLOWANCES OF ITS MEMBERS.

70. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to make a statement on the work and progress up to now of the Consultative Committee of the Round Table Conference ?

2. Will Government be pleased to state when the labours of the Consultative Committee of the Round Table Conference are expected to be finished ?

3. Will Government be pleased to state whether any *ad interim* Report of the said Committee will be published ?

4. Will Government be pleased to state the cost of the Consultative Committee up till now ?

5. Are the members thereof given any daily allowance ? If so, what ?

THE HONOURABLE SIR BROJENDRA MITTER: 1, 2 and 3. As the Honourable Member is aware the issues raised in parts 1, 2 and 3 of his question do not concern the Governor General in Council. I would, however, invite the attention of the Honourable Member to His Excellency the Viceroy's address to the Members of the Legislative Assembly on the 5th instant. Government understand that the Committee will not publish a report of its proceedings.

4. Rs. 50,300 up till the end of July, 1932.

5. Members of the Consultative Committee receive allowances similar to those admissible to Members attending sessions of the Indian Legislature.

THE HONOURABLE MR. G. A. NATESAN: Is there any special reason for not publishing the proceedings of the Consultative Committee ?

THE HONOURABLE SIR BROJENDRA MITTER: Sir, I am not aware of any special reason but that is a matter for the Committee itself.

COST OF THE FEDERAL FINANCE COMMITTEE, THE EVIDENCE TAKEN BY IT, AND ALLOWANCES OF THE CHAIRMAN AND MEMBERS.

71. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state the total cost of the Federal Finance Committee ?

2. Will Government be pleased to state why evidence from non-official sources on the economic and constitutional problems of India was not asked for by the said Committee ?

3. Did the terms of reference of the said Committee debar the members from inviting non-official evidence on the economic problems of India relating to finances of the Government of India and the provincial Governments ?

4. What was the daily allowance of the individual members of the said Committee ? Was there any difference of allowances between an Indian member and a European member ? If so, will Government be pleased to state why this distinction was made ?

5. Was any special allowance granted to the Chairman of the said Committee, Sir Eustace Percy ?

THE HONOURABLE SIR BROJENDRA MITTER: 1. The amount debitable to Indian revenues booked in the Office of the Accountant-General, Central Revenues, up to 15th August, 1932, is about Rs. 17,600.

2. The matter was entirely within the discretion of the Committee.

3. No.

4. No daily allowance was received by the members of the Committee; they received a tour allowance of Rs. 300 per mensem in lieu. The answer to the second part of the question is in the negative.

5. No.

IMPORT OF FOREIGN POTATOES INTO INDIA.

72. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Will Government be pleased to say whether they are in receipt of a communication dated the 26th August, 1932, from the Chairman, Potato Merchants' Association, the Nilgiris, embodying resolutions Nos. I and II passed at their meeting held at Mettupalayam on 21st August, 1932, requesting Government to prohibit foreign potatoes from being imported into Bombay, Calcutta and Cochin Harbours or to levy a protective tariff on the imported potatoes in the interests of the Indian potato growers and allow certain concessions for the transport of the Nilgiri potato by rail and if so, to state what action they have taken on the same ?

THE HONOURABLE MR. J. C. B. DRAKE: The Government of India have not received any such communication.

INCOME FROM LETTERS, ETC., BEFORE AND AFTER THE INTRODUCTION OF THE INCREASED POSTAL RATES.

73. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Will Government be pleased to furnish a comparative statement of income from

postage on letters, etc., before and after the introduction of increased postage on letters and post-cards and increased rates for the registration of letters ?

THE HONOURABLE MR. TIN TÜT: A statement furnishing the required information is laid on the table.

Statement showing month by month the total postage and message revenue of the Posts and Telegraphs Department, from July, 1930 to June, 1932.

(Figures in thousand of rupees.)

	Before the increased rates.	After the increased rates.	Difference.
	1930.	1931.	
July	73·52	68·35	— 5·17
August	66·74	67·50	+ ·76
September	69·03	64·26	— 4·77
October	70·99	74·94	+ 3·95
November	66·52	70·08	+ 3·56
December	76·37	73·40	— 2·97
	1931.	1932.	
January	78·11	86·96	+ 8·85
February	70·20	71·70	+ 1·50
March	39·11	43·56	+ 4·45
April	66·17	70·15	+ 3·98
May	66·85	69·93	+ 3·08
June	69·06	67·30	— 1·76
Total Increase ..	..	..	+15·46

EXPIRATION OF THE CONTRACT WITH THE BRITISH INDIA STEAM NAVIGATION CO., LTD., FOR THE CARRIAGE OF MAILS.

74. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Is it a fact that the existing arrangement of the Government of India with the British India Steam Navigation Co., Ltd., for the carriage of mails expires on January 21, 1934 ?

(*b*) Is it also a fact that the question of a new agreement is under the consideration of Government ?

(*c*) Is it a fact that the Indian Merchants' Chamber of Bombay have in this connection addressed a letter to Government reminding them of their accepted policy to develop an Indian mercantile marine by providing for an adequate participation of Indian shipping in the coastal and overseas trade of India, and emphasizing the necessity of utilizing this opportunity of taking suitable action for enabling Indian steamship companies to carry the mails on the coast by giving them such subsidies as the circumstances may justify ?

(*d*) Is it a fact that the British India Steam Navigation Co. receive from the Government of India an annual subsidy of Rs. 15,18,000 ?

(*e*) Is it a fact that subventions are paid to a number of other British shipping companies also ?

(*f*) Has the Chamber suggested that Government should invite public and open tenders for the conveyance of mails and give preference to companies which have got a majority of Indian directors, have at least 75 per cent. of Indian shareholders and are managed by Indians ?

(*g*) Is it the intention of Government to accept the suggestion of the Chamber in this matter ?

THE HONOURABLE MR. TIN TÜT: (*a*) The existing contract with the British India Steam Navigation Co., Ltd., will expire on the 31st January, 1934.

(*b*) Yes.

(*c*) It is understood that the Indian Merchants' Chamber, Bombay, has addressed a letter to the Government of Bombay on the subject.

(*d*) and (*e*). Yes ; but the use of the terms " subsidy " and " subventions " in this connection is entirely incorrect. The payments made are payments for services rendered.

(*f*) Yes.

(*g*) The suggestion made by the Chamber will receive due consideration.

INVITATION OF MAHATMA GANDHI TO THE NEW CONFERENCE ON CONSTITUTIONAL REFORMS.

75. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: In view of His Excellency the Viceroy's announcement in the Legislative Assembly on the 5th September, 1932, that His Majesty's Government propose to invite a small body of representatives of the States and British India to meet them in London about the middle of November next again to confer in connection with the new constitution for India, is it the intention of the Government of India to advise His Excellency to invite Mahatma Gandhi also for the new conference ?

THE HONOURABLE SIR BROJENDRA MITTER: The issue of the invitations to attend the conference is a matter for His Majesty's Government. I regret that I am not in a position to make any statement on the subject at present.

SPEECH BY PANDIT MADAN MOHAN MALAVIYA ON THE PRESENT POLITICAL SITUATION.

76. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: (*a*) Has the attention of the Government of India been drawn to the speech reported to have been made by Pandit Madan Mohan Malaviya on the 2nd September, 1932, at a public meeting in Calcutta on the present political situation ?

(*b*) Is it the intention of Government to release Mahatma Gandhi and to invite him and Pandit Madan Mohan Malaviya to exercise their joint influence in the direction indicated in that speech ?

THE HONOURABLE MR. M. G. HALLETT: (*a*) I have seen a report of the speech in the Press.

(*b*) The Government of India have already announced the action which they are prepared to take in regard to the release of Mr. Gandhi, though this action is being taken on grounds altogether different from those contemplated by the Honourable Member.

COUNTING OF KING'S COMMISSIONED SERVICE IN THE INDIAN TERRITORIAL FORCE TOWARDS SENIORITY IN THE ARMY IN INDIA RESERVE OF OFFICERS.

77. THE HONOURABLE MR. S. C. GHOSH MAULIK: (*a*) Will Government be pleased to state if service in the Indian Territorial Force as officer counts towards seniority in the Army in India Reserve of Officers?

(*b*) Is it a fact that officers getting senior grade commissions in the Indian Territorial Force are enjoying the benefit of seniority on account of past service as officer in the Indian Territorial Force?

(*c*) What is the respective seniority of an officer of the Army in India Reserve of Officers and a senior grade officer of the Indian Territorial Force of the same rank?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) It was decided in September, 1931 that King's Commissioned service in the Indian Territorial Force would in future count owards seniority in the Army in India Reserve of Officers. Viceroy's Commissioned service in the Territorial Force is reckoned as half Commissioned service for the purpose of the Army in India Reserve of Officers.

(*b*) Yes.

(*c*) When officers of the Army in India Reserve of Officers and Indian Territorial Force of the same rank are subject to the Army Act seniority is determined by date of ranks: when they are not subject to the Act there is no official connection between them.

CASH AND PAY DEPARTMENT OF THE EAST INDIAN RAILWAY.

78. THE HONOURABLE MR. S. C. GHOSH MAULIK: (*a*) Will Government be pleased to state if it is a fact that they are contemplating handing over the Cash and Pay Department of the East Indian Railway to a contractor?

(*b*) Is it a fact that a similar move was made by Government in 1928 and that Messrs. Madho Prosad Kundan Lal of Lucknow were to get the contract?

(*c*) Is it a fact that on subsequent consideration it was decided to stick to the old system on the ground that the contract system was not found to be the most economical system?

(*d*) Has the attention of Government been drawn to a note in the Report of the Royal Commission on Labour on Chapter X, page 170 in this connection?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) The proposal has been abandoned for the present.

(*b*) and (*d*). Yes.

(*c*) This was not the reason for dropping the proposal, but the arrangements fell through owing to certain differences in matters of detail.

SUBORDINATE OFFICERS APPOINTED TO OFFICIATE IN THE IMPERIAL CADRE OF ASSISTANT COLLECTORS OF CUSTOMS.

79. THE HONOURABLE MR. S. C. GHOSH MAULIK: Will Government be pleased to state:

(*a*) How many subordinate officers have been appointed to officiate in the Imperial Cadre of Assistant Collectors of Customs?

(*b*) Whether there was any promotion to these posts from the Indian staff of Calcutta?

(*c*) If not, the reasons thereof?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) Eight subordinate officers have been appointed to officiate in the Customs Service during the last three years, of whom two are Europeans, four Anglo-Indians and two other Indians.

(*b*) One Anglo-Indian.

(*c*) Owing to the character of past recruitment, there has been a large preponderance of Europeans or Anglo-Indians among the senior subordinate officers.

PREVENTIVE INSPECTORS' REPORTS AND COLLECTOR'S ORDERS AGAINST OFFICERS LEAVING SHIPS WHILE ON DUTY.

80. THE HONOURABLE MR. S. C. GHOSH MAULIK: (*a*) Will Government be pleased to lay on the table Calcutta Preventive Inspectors' reports together with the Collector's orders against all the officers leaving the ships while on duty during the last three years?

(*b*) Is it a fact that in the award of punishments difference was made between Indians, Anglo-Indians and Europeans?

THE HONOURABLE MR. J. B. TAYLOR: (*a*) The compilation of the information required would involve undue labour.

(*b*) No.

ACCOMMODATION AVAILABLE FOR MEMBERS OF THE COUNCIL OF STATE IN NEW DELHI.

81. THE HONOURABLE MR. S. C. GHOSH MAULIK: Will Government be pleased to state the amount of accommodation available for the Members of the Council of State in New Delhi?

THE HONOURABLE SIR BROJENDRA MITTER: There are three quarters for Members living in unorthodox style in the Western Hostel and thirteen quarters for Members living in orthodox style in Windsor Place, Ferozshah Road and Canning Lane.

NUMBER OF RESOLUTIONS MOVED IN THE COUNCIL OF STATE SINCE THE INCEPTION OF THE MONTFORD REFORMS.

82. THE HONOURABLE MR. S. C. GHOSH MAULIK: Will Government be pleased to lay on the table a statement showing (*a*) the Resolutions moved in the Council of State, (*b*) those accepted and the action taken thereon by the Government, from the inception of the Montford Reforms up till the end of the last session of the Council of State?

THE HONOURABLE SIR BROJENDRA MITTER: (*a*) A statement is laid on the table.

(*b*) The information is being collected and will be laid on the table in due course.

Statement of Resolutions moved in the Council of State from February, 1921 to March, 1932.

Year.	Subject.	Date on which moved.
1921	Circulation of speeches of His Royal Highness the Duke of Connaught and His Excellency the Viceroy in the vernaculars	14th February, 1931.
	Repeal of repressive laws	Do.
	Ayurvedic college	16th February, 1921.
	Export of rice	Do.
	Hours of work in industrial undertakings	21st February, 1921.
	Creation of employment agencies and provision of advisory boards representative of employers and workmen	Do.
	Recommendations concerning unemployment	Do.
	Disinfection of wool	Do.
	Lead poisoning	Do.
	Government health service	Do.
	Fixing minimum age of children	Do.
	Government stocks	Do.
	University legislation	23rd February, 1921.
	Fiscal autonomy	Do.
	Burma Reforms Scheme	Do.
	Power of issuing licenses for export of rice to be kept in the hands of local Governments	28th February, 1921.
	Indians in Overseas Dominions	1st March, 1921.
	Income-tax rules	Do.
	Slaughter of cows	Do.
	Religious susceptibilities of His Majesty's subjects	3rd March, 1921.
	Removal of excise and customs duties	Do.
	Amendment of certain enactments in regard to the use of firearms	Do.
	Release of prisoners sentenced by Martial Law Courts	8th March, 1921.
	Severance of judicial from executive functions	9th March, 1921.
	Export of food grains	Do.
	Advisory Board for High Commissioner	Do.
	Leave to Members of provincial services	Do.
	Exchange situation	17th March, 1921.
	Exemption of Members of the Provincial and Indian Legislatures from the operation of the Arms Act, 1878	24th March, 1921.
	Attempts in England to place obstacles in the working of the Government of India Act	Do.
	Portfolios of the Viceroy's Executive Council	Do.
	Codification of the Hindu Law	Do.
	Income-tax assessment	Do.
	Peace and vigilance committees	Do.

Year.	Subject.	Date on which moved.
1921—*contd.*	Indemnities and reparations from Germany	26th March, 1921.
	Amnesty to Sarvarkar brothers	Do.
	Address of welcome to His Royal Highness the Prince of Wales	5th September, 1921.
	Welcome to His Excellency Lord Reading on his assumption of office	Do.
	Introduction of religious and moral education in all aided Government schools and colleges	15th September, 1921.
	Constitution of a Committee on Public Petitions on all matters relating to public wrong, grievance or disability or to any act or acts of public servants or to public policy	Do.
	Cecil Rhodes scholarships	Do.
	Stoppage of export of wheat or flour	17th September, 1921.
	Report of Sugar Committee	22nd September, 1921.
	Equality of status for Indians in East Africa	Do.
	Uniform system of weights and measures	23rd September, 1921.
	Equality of status for Indians in South Africa	24th September, 1921.
	Removal of centralized system of administration	Do.
	Appointment of Indians to offices of Secretary, Joint Secretary, etc.	26th September, 1921.
	Continuance of the administration of Aden by the Government of India	Do.
	Purchase of stores for India by the High Commissioner	Do.
	Limitation of hours of work in fishing industries	27th September, 1921.
	Establishment of National Seamen's Codes	Do.
	Unemployment insurance for seamen	Do.
	Minimum age of children for employment at sea	Do.
	Indemnity in case of loss or foundering of ships	Do.
	Facilities for finding employment for seamen	Do.
	Fiscal powers under the constitutional reforms	29th September, 1921.
	Abolition of the piece system in Government Presses	Do.
1922	Separation of Burma from the rest of the Indian Empire	18th January, 1922.
	Exemption of the heads of joint Hindu families from the operation of the Indian Arms Act, 1878	Do.
	Round Table Conference	Do.
	Retrenchment and economy in national expenditure	25th January, 1922.
	Increase of Indians in the Port Trusts	26th January, 1922.
	Suppression of traffic in women and children	31st January, 1922.
	Carriage of human beings in cattle trucks	13th February, 1922.
	Working of military and strategic railway lines	Do.
	Opening of the port of Madras for pilgrim traffic	Do.
	Congratulations on the marriage of Her Royal Highness Princess Mary	22nd February, 1922.
	Increase in the number of Indian judges	Do.
	Customs duty levied on road metal	Do.
	Search for manuscripts in British India	Do.
	Contracts of the East Indian and Great Indian Peninsula Railways	Do.

Year.	Subject.	Date on which moved.
1922—*contd.*	Increase in the number of Indians on State-managed railways	22nd February, 1922.
	7 per cent. sterling loan and future loan issues of the Secretary of State	Do.
	Right Honourable Winston Churchill's speech at the East African dinner on the status of Indians in East Africa	23rd February, 1922.
	Reduction of Provincial Government contributions to the Central Government	27th February, 1922.
	Constitutional practice of voting an address after Speech from the Throne	Do.
	Resignation of the Right Honourable Mr. E. S. Montagu	15th March, 1922.
	Preference to Indian Shipping Companies in carriage of Government and railway materials by sea to India	Do.
	Improvement of minor ports	Do.
	Reciprocal rights and disabilities of Indians and Colonials	Do.
	Ship-building industry	16th March, 1922.
	Representation of India on the International Conference at Genoa	20th March, 1922.
	Leave to Muslim employees of courts and public offices for Jumma prayers	Do.
	Remittance transactions between India and other countries and general exchange operations	22nd March, 1922.
	Treaty arrrangements involving fiscal obligations and international trade relations	Do.
	Reduction in the number of Ministers in Governors' Provinces and of Members of Governors' Executive Councils	6th September, 1922.
	Conditions of life and complaints of industrial and agricultural Indian labourers	Do.
	Prime Minister's speech on the political future of India and the Indian Civil Service	7th September, 1922.
	Colony-returned Indians	11th September, 1922.
	Separation of the accounts of post and telegraph offices	Do.
	Amendment of the Electoral rules	15th September, 1922.
	System of monopolies for sale of salt in the Punjab	18th September, 1922.
	Recruitment and training of probationers for the Indian Forest Service	Do.
	Improvement of the breed and number of milch and agricultural cattle	19th September, 1922.
	Limitation of hours of work in inland navigation	Do.
	Trimmers, stokers and children employed at sea	Do.
	Weekly rest day in commercial establishments	Do.
	Treatment of political prisoners	20th September, 1922.
	Amendment of the Land Acquisition Act, 1894	25th September, 1922.
	Collection, compilation and publication of statistics relating to the economic, social and constitutional progress of India	Do.

Year.	Subject.	Date on which moved.
1922—*concld.* 1923	Recommendations of the Railway Committee and reconstitution of the Railway Board	25th September, 1922.
	Purchase of stores in England	25th January, 1923.
	Indian Civil Services and other Imperial services and appointment of a commission	Do.
	Provision of funds and appointment of an expert board for irrigation projects	30th January, 1923.
	Workmen's compensation and social insurance in agriculture	31st January, 1923.
	Protection of women and children wage earners in agriculture	Do.
	Repeal of Army amalgamation scheme of 1859	12th February, 1923.
	Terms and conditions of emigration of unskilled labour to Ceylon	15th February, 1923.
	Terms and conditions of emigration of unskilled labour to the Straits Settlements and Malay States	Do.
	Industrial finance and industrial banks	16th February, 1923.
	Adoption of a system of compulsory national military training and service	Do.
	Census of products of British India	Do.
	Imposition of an export duty on benzine and petrol	19th February, 1923.
	Amalgamation of the administration of Ajmer-Merwara with the United Provinces	21st February, 1923.
	Cognizance by the Indian Legislature of matters on which the Government of India has undertaken legislation	Do.
	Recommendations of the Committee on Indian Arms Rules and amendment of the rules	Do.
	Appointment of Indians to the Traffic Inspector cadre on Railways	28th February, 1923.
	Appointment of Indians as Secretary, Joint Secretary, etc., to every Department of the Government of India Secretariat	Do.
	Rights and status of Indians in Kenya Colony	5th March, 1923.
	Amendments of the Electoral rules so as to enable a Member of the Council of State to seek election to other legislative bodies	12th March, 1923.
	Reconstitution of the Stores Department in England and development of the Stores Department in India	14th March, 1923.
	Eligibility of political prisoners for election	Do.
	Terms and conditions of emigration of unskilled labourers to Mauritius	21st March, 1923.
	Apportionment of financial liabilities in dispute between the Government of India and His Majesty's Government	16th July, 1923.
	Pound sterling as legal tender at Rs. 15	Do.
	Opening of the port of Madras for pilgrim traffic to Mecca and other holy places	Do.
	Reduction of allowances of Members of the Council of State	17th July, 1923.

Year.	Subject.	Date on which moved.
1923—*contd.*	Withdrawal of quarantine restrictions at Mandapam Camp on passengers to Ceylon	18th July, 1923.
	Agricultural policy relating to land revenue and allied matters	Do.
	Revision of the system of taxation	Do.
	Composition and personnel of the Royal Commission on Public Services	23rd July, 1923.
1924	Inquiry into the economic conditions of the people of India	4th February, 1924.
	Award of the Nobel prize for peace to His Highness the Aga Khan	5th February, 1924.
	Publication of Bills in all their stages in the Council of State debates	6th February, 1924.
	Mural paintings in Government buildings at Raisina	11th February, 1924.
	Reconstitution of the New Capital Committee, Delhi, with a non-official majority	12th February, 1924.
	Substitution of a provident fund for the existing pension system	18th February, 1924.
	Unemployment in India	Do.
	Child welfare movement	20th February, 1924.
	Survey of irrigation possibilities and the organisation of power lift irrigation from wells	5th March, 1924.
	Instructions to the Colonies Committee with regard to the Kenya Immigration Bill, etc.	10th March, 1924.
	Appointment of a Leader of the Indian delegation to the Assembly of the League of Nations in 1924	Do.
	Establishment of pioneer sugar factories and the promotion of sugarcane cultivation	Do.
	Ratification of the International Convention for the suppression of the circulation of, and traffic in, obscene publications	11th March, 1924.
	Draft Convention of the International Labour Conference concerning the use of white lead in painting	18th March, 1924.
	Restrictions and disabilities of Indians in South Africa	19th March, 1924.
	Removal of the import duty on sulphur	4th June, 1924.
	Settlement of the Sikh question	9th September, 1924.
	Annual provision for the reduction or avoidance of public debt	Do.
	Purchase by a private company of the East Indian or the Great Indian Peninsula Railway ..	11th September, 1924.
	Recommendations of the Lee Commission.. ..	15th September, 1924.
	Contribution by the Government of India to relieve distress caused by the floods in the Madras Presidency	17th September, 1924.
	Representation of agricultural interests on the Taxation Inquiry Committee	Do.
	Appointment of a competent Indian to the Railway Board	22nd September, 1924.
1925	Admission of Indian students to the University Officers Training Corps	22nd January, 1925.

Year.	Subject.	Date on which moved.
1925—*contd.*	Appointment of a salaried board for the import of cinema films	22nd January, 1925.
	Scholarships and prizes for Indian art students ..	28th January, 1925.
	University Training Corps	11th February, 1925.
	Supply of Ganges water at, and below, Narora ..	16th February, 1925.
	Appointment of a Member of the Council of State to the Governing Body of the Lady Hardinge Medical College	17th February, 1925.
	Investigation into the mineral resources of Chota Nagpur and the establishment of a school or institute of mining	Do.
	Mental defectives	23rd February, 1925.
	Inclusion of a representative of the travelling public in Railway Advisory Committee	25th February, 1925.
	Improvement of waterways	Do.
	Recruitment of Muslim candidates for the public services	2nd March, 1925.
	Restriction on the use of opium for medicinal purposes only	4th March,1925.
	Recommendations of the North-West Frontier Inquiry Committee	16th March, 1925.
	Utilization of interest on Post Office Savings Bank deposits opened by Muhammadans	Do.
	Provincial contributions	23rd March, 1925.
	Piece-workers in Government of India Presses ..	25th August, 1925.
	Grievances of postmasters	1st September, 1925.
	Restriction of opium cultivation	Do.
	Indianisation of the staff and establishment of the High Commissioner for India..	8th September, 1925.
	Franchise for women	9th September, 1925.
	Bounty on steel manufactured in India	Do.
	Protection of the rights of Indians in South Africa ..	10th September, 1925.
	Recommendations of the Reforms Inquiry Committee	11th September, 1925.
	Work done in connection with transferred subjects	15th September, 1925.
	Railway freights on coal	Do.
	Standing Committee to deal with Hindu and Muhammadan Law	16th September, 1925.
1926	Ratification of the Draft Convention of the International Labour Conference concerning workmen's compensation for occupational diseases ..	10th February, 1926.
	Continuation of the imposition of a customs duty on lac	Do.
	Royal Commission on Agriculture	15th February, 1926.
	Reduction of the travelling and daily allowances of Members of the Council of State	Do.
	Leader of the Indain delegation to the League of Nations	17th February, 1926
	Formation of a separate Kannada province ..	Do.
	Appointment of a Royal Commission to inquire into the working of the Indian constitution ..	18th February, 1926.
	Grant of supplementary assistance to the tinplate industry	23rd February, 1926.

Year.	Subject.	Date on which moved.
1926—*contd.*	Import duty on artificial ghee	3rd March, 1926.
	Guarantee of appointments on State railways to qualified students of the Maclagan Engineering College, Lahore	8th March, 1926.
	Privileges and status of Members of the Council of State	Do.
	Qualifications of Assistant Commissioners of Income-tax	10th March, 1926.
	Banking legislation	Do.
	Salaries of the two Members of the Judicial Committee of the Privy Council with Indian experience	15th March, 1926.
	Creation of a self-governing Tamil-speaking province	Do.
	Reduction of the exports of opium	16th March, 1926.
	Emigration of Indian unskilled labourers to British Guiana	23rd March, 1926.
	Pay of ministerial establishment of the Madras Custom House	18th August, 1926.
	Co-operative movement in India	Do.
	Abolition of the piece-work system in Government Presses	23rd August, 1926.
	Report of the Taxation Inquiry Committee	25th August, 1926.
1927	Prohibition of alcoholic liquors in local administrations under the direct control of the Government of India	9th February, 1927.
	Formation of a Central Road Development Fund	Do.
	Abstention of official Members from voting on non-official Bills and Resolutions	Do.
	Separation of Posts and Telegraphs Department	Do.
	Reduction of railway fares for third class passengers	Do.
	Appointment of High Court vakils as permanent Chief Justices of High Courts	14th February, 1927.
	Transfer of the Poona District Headquarters from Poona to Secunderabad	Do.
	Reduction of postal rates	Do.
	Amendment of the Indian Income-tax Act	Do.
	Provision of inter-class accommodation on the South Indian Railway	Do.
	Constitution of a separate self-governing Andhra province	16th February, 1927.
	Railway bridge over the Netravathi river	Do.
	Interests on deposits in postal savings banks and Government securities belonging to Mussalmans	Do.
	Amendment of the Court Fees Act, 1870	22nd February, 1927.
	Removal of the restrictions imposed on medical practitioners in regard to the dispensing of opium	Do.
	Reduction of agricultural indebtedness	24th February, 1927.
	Opening of new railway stations between Madras and Arkonam	3rd March, 1927.
	Management and upkeep of fish-curing yards in the Madras Presidency	Do.
	Construction of a new railway line between Mangalore and the nearest point in British Indian territory to Marmagoa	7th March, 1927.
	Compulsory military training of University students	Do.

Year.	Subject.	Date on which moved.
1927—*contd.*	Treatment of tuberculosis	7th March, 1927.
	Control of the craze for medicinal drugs	9th March, 1927.
	Amendment of the Indian Forest Act, 1878	Do.
	Appointment of Indians as Leaders of the Indian delegations to the League of Nations	Do.
	Daily allowances of Members of the Council of State	10th March, 1927.
	Abolition of communal electorates	16th March, 1927.
	Delivery of speeches in Hindi or Urdu by Members of the Indian Legislature	Do.
	Election of Departmental Advisory Committees	Do.
	Censorship and control over cinemas and other public resorts of amusement	21st March, 1927.
	President of the Council of State	Do.
	Assignment of a suitable place in the Warrant of Precedence to Members of the Indian and Provincial Legislatures	Do.
	Establishment of Supreme Court	31st August, 1927.
	Report of the Indian Sandhurst Committee	Do.
	Release of political prisoners	5th September, 1927.
	Development of new industries	Do.
	Grievances of railway employees	Do.
	Constitution and powers of the Council of State	7th September, 1927.
	Expulsion from their homes by frontier tribesmen of Sikh and Hindu residents of British territory in the North-West Frontier Province	Do.
	Prohibition of the dedication of unmarried minor girls to temples as devadasis	12th September, 1927.
	Enhancement of the duty on foreign liquors	Do.
	Eradication of the water hyacinth pest in Bengal	Do.
	Levy of an export duty on oilseeds, bones and other forms of manure	Do.
	Slaughter of milch cows, buffaloes, etc.	14th September, 1927.
	Cheap transport of agricultural and other produce through waterways	Do.
	Privileges and immunities of the Central and Provincial Legislatures	Do.
	Reconstitution of the local Advisory Committees for Railways	Do.
	Inspection of emigrants and protection of emigrant women and girls on board ship	15th September, 1927.
	Censorship of cinematograph films	Do.
	Railway between India and Burma	19th September, 1927.
	Ratification of the Draft Conventions concerning (1) seamen's articles of agreement and (2) the repatriation of seamen.	20th September, 1927.
	Recommendations concerning (1) the repatriation of masters and apprentices and (2) the general principles for the inspection of the conditions of work of seamen	Do.
1928	Imposition of a prohibitive import duty on artificial ghee	8th February, 1928.
	Publication of the correspondence on the subject of the Statutory Commission	Do.

Year.	Subject.	Date on which moved.
1928—*contd.*	Appointment of Trade Commissioners or Commercial Attachés in the Colonies and in Europe and America	13th February, 1928.
	Unemployment of the educated and other middle classes	15th February, 1928.
	Eligibility of High Court pleaders for the office of Chief Justice of a High Court	Do.
	Statutory Commission	22nd February, 1928.
	Establishment of a central college of railway engineering	27th February, 1928.
	Training of Indians in aircraft	13th March, 1928.
	Indian representation on the League of Nations and other International or Imperial Conferences	Do.
	Constitution of a separate branch of the Secretariat to deal with questions relating to Indians overseas	19th March, 1928.
	Tribunals for the trial of objections to and appeals against assessment of income-tax	Do.
	Non-ratification of the Draft Conventions and non-acceptance of the recommendation adopted by the Tenth International Labour Conference on the subject of sickness insurance	20th March, 1928.
	Levy of revenue tax, cess or fee on land held in private ownership	12th September, 1928.
	Alterations in the powers and procedure of the High Courts in India	Do.
	Report of the Agricultural Commission	17th September, 1928.
	Revision of the time test in Post Offices	Do.
1929	Development of waterways	13th February, 1929.
	Establishment of steamer services in conjunction with State Railways	Do.
	Repeal of the Indian Arms Act	18th February, 1929.
	Return tickets on State railways for third class passengers	Do.
	Betting at races	Do.
	Separate Karnatak province	25th February, 1929.
	Slaughter of milch cows for the supply of beef to the Army	Do.
	Extension of banking facilities	Do.
	Import and manufacture of solidified vegetable oil, etc.	27th February, 1929.
	Reconstitution of the Central Advisory Council for Railways	Do.
	Reduction of the price of post-cards	4th March, 1929.
	Assessment of income-tax on the annual value of residential property	Do.
	Deduction when determining income-tax of losses incurred by persons who stand surety or lend money	12th March, 1929.
	Jury trial in cases of sedition	18th March, 1929.
	Leader of the Indian delegation to the League of Nations	Do.

Year.	Subject.	Date on which moved.
1929-*contd.*	Distribution of spinning wheels to the famine-stricken people of the northern districts of the Central Provinces	18th March, 1929.
	Investigation into the systems of land revenue in the different provinces.	20th March, 1929.
	Establishment of a Judicial Committee of the Privy Council in India.	17th September, 1929.
	Suitable location for the Central Medical Research Institute, etc.	Do.
	Accountants in Post Offices	Do.
	Export duty on rice	19th September, 1929.
	Grievances of the non-gazetted staff of the Currency Offices in India and Burma	Do.
	Free allowance of luggage to passengers on State railways	Do.
	Prevention of floods	Do.
	Export duty on oil cakes, bones, fish manure, etc.	23rd September, 1929.
	Reconstitution of the Central and Provincial Legislatures on a uni-cameral and entirely elected basis	Do.
	Construction of a new central railway station at Allahabad	Do.
	Jail administration in British India	Do.
	Fixation of minimum wages in certain trades	24th September, 1929.
	Message rate system of charges levied by the Bengal Telephone Corporation, Limited	25th September, 1929.
	Establishment of a Privy Council in India	Do.
1930	Announcement by the Governor General on the subject of constitutional progress in India	19th February, 1930.
	Prohibition of the import of vegetable ghee	27th February, 1930.
	Road development	4th March, 1930.
	Recommendations of the International Labour Conference concerning the prevention of industrial accidents	10th March, 1930.
	Slump in Government securities	11th March, 1930.
	Serious after effects of vaccination	18th March, 1930.
	Publication of an abridged vernacular edition of the annual summary of India's progress	20th March, 1930.
	Date for the convening of the Round Table Conference	Do.
	Grant of Dominion Status to India	10th July, 1930.
	Transport by railways at concession rates of aged and disabled horses and cattle to asylums and free grazing centres	Do.
	Report on the Indian delegation to the League of Nations, 1929	14th July, 1930.
	Protection against accidents to workers employed in loading or unloading ships	15th July, 1930.
	Marking of the weight on heavy packages transported by vessels	Do.
1931	Future constitution of the Council of State	11th February, 1931.
	Loan operations of the Government of India	18th February, 1931.
	Provident fund for Government servants	Do.

Year.	Subject.	Date on which moved.
1931—*contd.*	Reduction of the annual subscription to the telephone service in Dacca	18th February, 1931.
	Sequestration of the properties of passive resisters	23rd February, 1931.
	Amalgamation of certain districts of the United Provinces and Bengal with the province of Bihar	Do.
	Indianisation of the Indian Army	25th February, 1931.
	Release of political prisoners	Do.
	Continuance of the increased import duties on galvanised iron and steel pipes and sheets, etc.	26th February, 1931.
	Treatment of first offenders	9th March, 1931.
	Prevention of the adulteration of ghee	Do.
	Firing on crowds	Do.
	Recommendations of the Round Table Conference	10th March, 1931.
	Avoidance of short terms of imprisonment	11th March, 1931.
	Appointment of Retrenchment Committees	16th March, 1931.
	Reference to the League of Nations of the question of the protection of the interests of minorities in India	16th March, 1931.
	Constitution of a Central Jute Committee	18th March, 1931.
	Public borrowings in India	Do.
	Deductions for purposes of income-tax assessment of legal practitioners' fees and court-fees incurred by an assessee for recovery of rent or loans	Do.
	Inquiry into the working of the Tata Iron and Steel Company	Do.
	Regulation of the hours of work in commerce and in offices, hotels, restaurants, etc.	28th March, 1931.
	Stabilisation of the exchange at 1*s.* 4*d.*	16th September, 1931.
	Establishment of provincial departments of commerce	Do.
	Presentation of the Railway Budget during the autumn session of the Central Legislature	Do.
	Protection of Indian residents in Burma	Do.
	Air service between Karachi, Delhi and Calcutta	21st September, 1931.
	Pay and allowances of officers of the Government of India	Do.
	Location of the Indian Sandhurst	Do.
	Flag for British India	Do.
	Improvement of the present lot of traders and cultivators in Burma	Do.
	Continuation of the operation of the Wheat (Import Duty) Act for a further period of two years	23rd September, 1931.
	Representation of landholders in the new constitution	Do.
	Travelling and daily allowances of Members of the Council of State	24th September, 1931.
	Utilisation of the apportionment made from among Governors' provinces and minor administrations in the Road Development Account	28th September, 1931.
	Recommendation of the International Labour Conference concerning forced or compulsory labour	5th October, 1931.
1932	Immediate introduction of provincial autonomy	1st March, 1932.

Year.	Subject.	Date on which moved.
1932—*contd.*	Training of young scions of the houses of sardars, Jahagirdars, etc., for military service	1st March, 1932.
	Decrees passed by courts for interest	Do.
	Repeal of the Child Marriage Restraint Act	Do.
	Hours of work in coal mines	2nd March, 1932.
	Payment of gratuities to the families of Government servants who die before retirement	3rd March, 1932.
	Appointment of a committee to advise on legislation affecting the personal and customary law of the Hindus	Do.
	Education in the North-West Frontier Province and Baluchistan	Do.
	Purchase of all distress gold being exported to foreign countries	8th March, 1932.
	Mural decorations by Indian artists in Government buildings at New Delhi and India House, London	Do.
	Separation of the Telugu districts of the Madras Presidency into a separate province	Do.
	Levy of income-tax on all pensions and compassionate allowances paid outside India	14th March, 1932.
	Levy of stamp duty on cheques drawn on banks and bankers in India	Do.
	Procedure to be followed in dealing with the civil disobedience movement	15th March, 1932.
	Amendment of the Presidency Small Causes Courts Act	17th March, 1932.
	Amendment of the Resolution on roads adopted by the Council on 4th March, 1930	24th March, 1932.
	Increased import duties imposed on galvanised iron and steel pipes and sheets	Do.

RESOLUTION *RE* REPORTS OF THE RETRENCHMENT COMMITTEES TO BE LAID ON THE TABLE.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to move :

"That this Council recommends to the Governor General in Council that the Reports of the Retrenchment Committees be laid on the table".

Sir, I have followed the well-known Parliamentary practice of initiating discussion on a subject by asking for the papers to be laid on the table. The question of retrenchment has been before the House as well as before the country for a sufficiently long period. The Honourable the Finance Member first forecasted in his speech in presenting the budget of 1931-32 that he was going to form a Retrenchment Committee. In his speech on the 6th March, 1931, he stated as follows :

"I am satisfied that, barring possibly a few details here and there, there is not much field for retrenchment in the central Government services".

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Further on he added :

" We want to convince the representatives of the public that we are doing our best ".

That is my cue. I have got to see whether the steps taken by the Government have satisfied the public that everything possible to reduce expenditure has been done. I will, first, say a few words about the way in which this House has been treated by the Government. When this Committee was formed in the end, 18 members were nominated by the Government from the Legislative Assembly and out of these only three were nominated Members of that House. While the announcement was made on the floor of the Lower House, this House was not favoured by the Government with any announcement about the Members who were to be taken on the Committee. Only three Members were taken from this House on the Advisory Committee, and out of those three, two were nominated non-officials and only one was an elected Member. We had been complaining to Government, time and again, that the elected Members of this House should not be treated with contempt in the way in which Government have been treating them.

My second point is this, that the Report of the Advisory Committee—the main Central Committee—has not been published. We do not know how far they went. The General Purposes Sub-Committee, which was to all intents and purposes, doing all the work of retrenchment except those specifically given to other Committees made a lot of recommendations and surveyed almost all the fields of expenditure of the Government. Still, some departments of Government have been completely left out and no effort to reduce their expenditure has been made. I cite as an example, our expenditure in connection with loan operations in England and in India, which have not been scrutinised. Our expenditure in England which is in charge of the Secretary of State has been very meagrely dealt with, and also expenditure which is in charge of the High Commissioner has not been satisfactorily dealt with. I am not going to deal with the Reports of all the Committees. I think I had better leave it to other Members of the House to express their opinion. I will simply concern myself with policy. The policy of retrenchment has been followed in certain places to its utmost limit. That I admit. I am very thankful to our colleague, His Excellency the Commander-in-Chief, for the retrenchments that he has effected in the army expenditure in India. But our expenses out of India belong to the War Office and there we know our difficulty of effecting anything. When the Tribunal about capitation charges was announced, Members of the Lower House had much to say about the unsatisfactory character of the terms of reference of the Tribunal. We have also this complaint, that the Report of the Expert Committee which was formed by His Excellency the Commander-in-Chief has not been laid before the two Houses. If it was impossible to do so on account of military reasons, at least the amount of savings resulting from their recommendations being accepted, ought to have been placed before us. We are not concerned with the measures of retenchment, but we are certainly concerned with the amount of money that will be saved by those recommendations being accepted. I know, and I fully appreciate, the efforts that have always been made by our colleague, His Excellency the Commander-in-Chief. Even before this cry of retrenchment was started in 1931 he came forward

with handsome retrenchments in his department. Our complaint in his department is only as far as our expenditure in England is concerned.

There is another point, Sir. When I brought forward a Resolution in this House last September about the revision of the salaries of new entrants, the Honourable Member of the Government objected to my Resolution because it would cause delay. It is exactly one year since I moved my Resolution and still nothing definite has been done. Not only that, but the General Purposes Committee, which was supposed to do this and in whose terms of reference the revision of salaries was included, has not been allowed to proceed with it. If my information is correct, this matter is being looked into by someone else, by an expert appointed for the purpose ; whereas in the terms of reference we find that this was within the province of the General Purposes Committee. We take exception to this sort of thing. When a thing has been given to a Committee of the Legislature it ought to be decided by them and not by anybody else. The reason why the General Purposes Committee did not find favour with the Finance Department is, that they went in so thoroughly for retrenchment, that they were not acceptable to the Finance Department. The General Purposes Committee recommended retrenchment of Rs. 408·96 lakhs, out of which Government have accepted retrenchment of Rs. 251·15 lakhs only—about 61 per cent.—while in the case of other Committees the Government have effected more retrenchment than the Committees had recommended. I am not touching the Army Retrenchment Committee's Report, with which I shall deal when my Resolution about army expenditure is taken up. When the Railway Retrenchment Committee went into railway affairs, they found that they were unable to deal with such a technical subject as the Railways. They simply inquired into the workings of the Railway Board and offices which had nothing to do with the technical side. They recommended that an Expert Committee on Railways should be appointed to deal more fully with the subject of retrenchment from the technical point of view. That recommendation of the Railway Retrenchment Committee has been before the Government for pretty nearly a year and still as far as we know no action has been taken in spite of recommendations being accepted. If the Government do not want to co operate with the Legislature and the Committees in reducing expenditure, I think we ought not to be blamed, when we find that a lot of people are going in for non-co-operation ; they are but following the lead given by the Government themselves. In the Report of the General Purposes Committee they have complained times out of number of lack of co-operation from the Government offices. We find retrenchment being effected in some nooks and corners very thoroughly, while places where a great amount of money is being spent have been completely neglected. Retrenchment to be effective must take two things into consideration, the amount of money to be saved and the efficiency to be maintained. The Lee Concessions when they were given to the people they were given as a concession to those who were already in service on that date. If it is said that people have entered into service on the distinct understanding that they will get the Lee Concessions, that question can arise only in the case of those people who entered service after the Lee Concessions were granted. When we asked for the withdrawal of the Lee Concessions, we were told that it would be a breach of contract. I cannot understand how when a

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man has already entered service under certain conditions if we give him something extra, that extra can be taken as a contractual basis on which the man was engaged. There is another point about which the General Purposes Sub-Committee went in rather strongly and that matter concerns the Finance Department. I refer to the recommendation of the Retrenchment Committee in connection with taxes on income dealt with on page 2 of the "Summary of the Results of Retrenchment in Civil Expenditure, including Posts and Telegraphs (but excluding Railways)." They recommended three specific items. Firstly, that salaries paid out of Indian revenues should be subjected to Indian income-tax; *secondly, to take action so that double income-tax convention* with the United Kingdom does not operate to the disadvantage of India; and, thirdly, that income-tax on interest on Indian securities even if such interest is paid out of India should be charged. These three specific recommendations of the General Purposes Committee have given rise to various explanations which are irreconcilable with each other from the Finance Department. When the first question was being discussed, the Honourable the Finance Member took up the attitude that already the people in service had their salaries reduced by the 10 per cent. cut and income-tax has been increased and it would be hard on those people to burden them with additional income-tax on their leave salaries and allowances. When it was suggested to the Finance Member, that income-tax on leave salaries will not be deducted as an additional charge from the members of the Government services, but it will be deducted from the amount of income-tax that is payable in England, they took up another stand. When my Honourable friend Sir David Devadoss brought forward his Resolution on this subject, we were assured by the Honourable the Finance Secretary that legally they could not realise income-tax on payments made out of India——

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary): On a point of order, Sir, is the Honourable Member in order in raising on this Resolution questions discussed at the last session on a Resolution by Sir David Devadoss and covering practically the same subject?

THE HONOURABLE THE PRESIDENT: I think the Honourable Member is in order in referring to the previous Resolution, but I am sure he will understand that the House does not desire to have that Resolution re-discussed on this occasion.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, I bow to your ruling. It was not my intention to re-discuss that Resolution, but just to recount the facts. The Honourable the Finance Secretary told us then that we had no power. I inquired in my question No. 42 as to the specific sections of the Government of India Act which debar us from levying this tax; the reply was that there is no such section. But when I asked whether the sterling pensions accrue in India I was told that that question *does not arise. The question from that arises,* whether the fact that monies are paid at certain rates takes away the power of the Legislature to tax this income, because payment in England is not essential. Payment is essential in sterling. If sterling payments are made in India, as many retired Government servants do receive at the moment in India, their sterling pensions, and they are being subjected to Indian income-tax; in the same way it is our

contention that those people who receive sterling pensions out of India should also be liable to Indian income-tax, because their pension accrues in India and it should be paid in India. The mere fact that payment is made in a particular coin does not invalidate the law of the land to impose income-tax. This is a point that has been under discussion between the Government and the Legislature for a long time. I do not wish to prolong the discussion on this. I refer merely to the third item, *i.e.*, "Steps should be taken to improve Indian income-tax on the interest of Indian sterling loans." On this the Government remark in the summary is that it is under consideration. We should like, Sir, to know what has been the Government's decision up till now, and what concrete steps they have taken to get power from the British Parliament or from whatever source they might get the power to impose Indian income-tax. Or have they given up the fight on this point? Our complaint, Sir, is, that the Government of India of the present day is not so mindful of our interest as the Government of India was formerly. When retrenchment is in the air I should like to remind the House of the step that it took last September. Before any retrenchment was effected in any department of the Government of India, this House came forward with a Resolution reducing its own travelling allowances and other privileges. A saving of about Rs. 12,800 was effected thereby. Our total expenditure on the Council of State, if I remember aright, is Rs. 1,55,000. Out of this the General Purposes Retrenchment Committee, after accepting this self-imposed retrenchment of ours, have recommended that in future the President of the Council of State should be a Member of the Government, who may take up this light job, in addition to his own work. The objection of the Legislative Department to this course which the General Purposes Sub-Committee suggested, was that it would not be compatible with the traditions of the House. For us the best tradition and the best example to follow is, that of the British Parliament. In the House of Lords a Member of the Government, the Lord Chancellor is the President of the Upper Chamber, and it would not be out of place if in India too we follow the same example. It is strange that when we want to follow the English example we are told that it is not suitable, but when it suits the Government they come forward and tell us that so and so is being done in England so we should follow suit. I think if England is to be made, and there is no reason why it should not be made, an example, for everything that has to be done in India, in that case I would respectfully submit that this innovation—call it an innovation or call it a change—ought to be introduced in the Council of State, and we should in future have as our President a permanent Member of the Government who has light duties to perform. The name of the President of the Public Services Commission was suggested by the Legislative Department and I think we, on this side of the House, have no objection to that course. Another suggestion might be put forward that as the Foreign Department has got absolutely no concern with the Legislature the Secretary of that Department too if he can spare the time could take up this work of being President of this House. It might be necessary to appoint a Deputy President as they have in the Lower House and for that either an official or a non-official may be appointed as His Excellency the Viceroy may please. My idea in putting forward a Resolution, as I said before, was to focus discussion on the incomplete way in which

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retrenchment has been effected by the Government. The question of the salaries of new entrants must, as soon as possible, be decided. There is another point, Sir, which I forgot to mention. From the Report we find that the additional expenditure on account of annual increments of service pay amounts to Rs. 34,99,000, so that an expenditure of 35 lakhs is being added to the burden, year by year. How far it will go, no one can say, because the present scheme of annual and biennial increments of pay has been introduced only recently and we have not yet reached the highest mark of the expenditure. This additional expenditure of 35 lakhs will continue to be added, even after all retrenchments are made, to the burden of the tax-payer. It was suggested, I think, during the discussion of the last budget that for the time being the increment of salaries should be stopped. I commend that view seriously to the Finance Department, whether or not it would be necessary, in view of the financial condition which has not appreciably improved from the last year, to go in for further retrenchment and to effect further economies. Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I am obliged to my Honourable colleague, the Honourable Mr. Syed Hussain Imam, for moving this Resolution in order to give us an opportunity of discussing the retrenchment proposals. I had the privilege of serving on one of the most important, although greatly condemned, Committee, the General Purposes Sub-Committee, and I wish to lay before this House certain facts which will prove how that particular Sub-Committee has been belittled in the Assembly by two responsible Members of the Government, I mean by the Honourable Sir George Schuster and by the Honourable Sir Fazl-i-Husain. I, at least, never expected that the labours of that Sub-Committee would be rewarded in such a manner. My own impression is that, as this Sub-Committee has worked independently and fearlessly, it has incurred displeasure in certain responsible quarters. The Honourable Sir Fazl-i-Husain, in his speech in the Legislative Assembly, on 15th March, 1932, passed some objectionable strictures on this Sub-Committee. I will only put before you a few passages to give you an idea how this Sub-Committee has been treated:

"I could not but resent these activities of the General Purposes Committee when I had accidentally found myself to be a victim of their fanaticism."

As we had not finished our final Report we took notice of these adverse observations from two Honourable Members of the Government—see pages 2067, 2068 and 2075 of Legislative Assembly debates—and after due and formal consideration in our Committee we gave in general observations a sort of reply to the Honourable the Education and Finance Members in Part III of our Report which appears on its pages 5, 19 and 20. Some of the attacks made on the Committee appear in an abbreviated form on page 19 in Appendix III of that Report. The Honourable Sir Fazl-i-Husain in his observations has been totally misled. My impression is that he made those observations without careful perusal of the Report of the Sub-Committee. Both of them have been accusing the Sub-Committee that it has been trying to do away with beneficent departments. The Chairman of the Sub-

Committee, the Honourable Sir Abdur Rahim, gave a reply to the Honourable the Education Member in another place in which he proved that the allegations which the Honourable the Education Member put forward were not justified. I shall cite a few examples to show how far the Honourable the Education Member really advocated the cause of beneficent departments by his actions. In Demand No. 28 relating to the North-West Frontier Province, the General Purposes Sub-Committee recommended only a reduction of Rs. 4,000 under the head Medical, which is a beneficent department, but the Government reduced this head by Rs. 1,64,000. In Baluchistan, where education is very limited, the General Purposes Sub-Committee did not make any recommendation for any reduction whatsoever, but notwithstanding this, Government reduced the expenditure on Education there by Rs. 71,000. In the province of Delhi, under the head Education, the General Purposes Sub-Committee recommended a reduction of Rs. 2,000, but the Honourable the Education Member was pleased to reduce this expenditure by Rs. 1,12,200. I cite these few examples to show that the advocacy of the Honourable the Education Member has failed in practice. We find that India is bearing an expenditure of Rs. 6,95,000 in Persia, Rs. 3,63,000 in Kabul, £12,000 in China and £150,000 in Aden. As far as Persia is concerned, we have got a Legation at Tehran and a Consulate-General at Meshed which are very far away from the frontiers of India, and we recommended that there is no justification for this expenditure being tacked on to the Indian budget. As Afghanistan is now in direct relations with the Imperial Government, there is no justification for India bearing this expenditure. If the Government considers that it is a neighbouring province and the interests of India are closely connected with it, a reasonable portion of the expenditure may be borne by Indian revenues. I cannot understand why the expenditure in China (Peking and Yatung) or the expenditure in Somaliland and Abyssinia is being debited to India. I cite these few examples to show that due consideration is not given by the Government to such heads of expenditure as is expected by the public. At present we find that Government are paying more attention to law and order, to the Police and the Army, and to the salaries of the public services and lessening the burden on England, than to the unemployment question in India which in every civilised country in the world is receiving close attention and solution from its Government. The question of unemployment in India is being totally ignored. When last year the Honourable the Finance Member introduced his emergency budget, he expected a grave deficit, and in order to economise, these various Retrenchment Committees were formed, and in spite of their honest efforts in the face of public odium and particularly odium from the services which they had to face, reasonable retrenchment has not yet been effected. I will cite one or two examples, which will prove to the House why I hold this view. The General Purposes Sub-Committee recommended that the number of Members of the Public Service Commission should be reduced from five to three. We examined the President of the Public Service Commission and we asked him about his views on the subject. He clearly stated in his evidence that there was not even enough work for three Members. But, Sir, we find that Government has not moved a bit in the direction of reducing the number. There was another proposal regarding the Archæological Department and regarding the retention of the services of Sir John Marshall after

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his retirement. Although the Honourable the Education Member observed in the other place that we want to stop the activities of the Archæological Department, we considered that in case we do not make any further excavations in India for a couple of years, that hindering such progress substantially will not matter. We thought that at a time when we are hard pressed, at a time when our finances are so poor, expenditure on the Archæological Survey of India and such like departments ought to be considerably restricted. The appointment, after his retirement, of Sir John Marshall was greatly resented by the public but notwithstanding the strong recommendation of the Committee, Sir John Marshall is being retained in service.

There is another important subject on which I wish to make some remarks and that is regarding the reduced scale of salaries for future entrants to the superior civil and army services. We held that this matter was within the scope of the General Purposes Sub-Committee, but from the reply that was given by the Honourable Mr. Taylor in this House yesterday in response to my question, it appears that the Government are making very slow progress in thi matter and that they are withdrawing this question from the consideration o f our Retrenchment Sub-Committee. The reasons are obvious. Perhaps the independence of the General Purposes Sub-Committee prompted them to withdraw this proposal from their consideration. However, Sir, that is a matter which rests entirely with the Government, but we must insist that when our finances are so poor, the scales of salaries and allowances of future entrants to the superior services should be considerably reduced. We had gone into this question to some extent, and from information which I need not place before the House now—because I am exhausting my time—I might say that the services in India are being paid most extravagantly. Compare, for instance, salaries and allowances of the superior services on the Gold Coast which is considered a very unhealthy sort of colony. There, too, the salaries of the superior services are not so high. The time has come when a permanent reduction in the scales of salaries of future entrants must be seriously and promptly considered. The reply that we got from the Honourable the Finance Secretary yesterday was indeed very disappointing. The object that we had in view when working on these various Sub-Committees was that we might save the Indian tax-payer from the burden of heavy taxation, but though considerable retrenchments have been effected, this object has not so far been achieved.

It is now well known, Sir, that the average income of an Indian is below two annas a day and that the present taxation is unbearable. It has stood in the way of the economic development of the country and it has played great havoc with our finances and with our budget generally. I beg to represent to the Government kindly to take a more sympathetic and serious consideration of the recommendations of the Retrenchment Committees in order to relieve the poor Indian tax-payer who is already overburdened with unbearable taxation as soon as possible.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, in support of the motion of my Honourable friend Mr. Hussain Imam, I should like to make a few observations. As the subject-matter of the Resolution has been discussed threadbare by previous speakers I will not take much time. So far as I understand there were at least six Advisory Sub-Committees on Retrenchment in various departments of Government, namely, General Purposes Sub-Committee, Railway Retrenchment Committee, Postal Committee, Army Committee, Accounts and Public Works Committee and the Indian Stores Purchase, Stationery and Printing Committee.

The Reports of these Committees are out except that of the Indian Stores Purchase, Stationery and Printing Committee whose Chairman is our Honourable colleague Mr. G. A. Natesan. However, we may expect that the recommendations of the Indian Stores Purchase, Stationery and Printing Retrenchment Committee would be such as acceptable to the Government by which considerable economy would be effected in those matters. The Reports of these Retrenchment Advisory Committees, giving as they do, various useful information on the working of the administration of Government, provide interesting reading. The recommendations of these Advisory Committees seem to be reasonable, suggestions sound and the remarks are what they should be. But one is tempted to ask and ask pertinently if Government have actually acted according to the advice and the recommendations? Retrenchment by Retrenchment Committees also cost Government a good deal of money and it is a question whether the money spent for the Retrenchment Committee is commensurate with the purpose of the Retrenchment Committees if their recommendations are not accepted by Government. Of all the Sub-Committees, the General Purposes Sub-Committee seem to be most important inasmuch as it exhaustively deals with 30 different heads of expenditure. The General Purposes Sub-Committee has recommended a reduction of 2·75 lakhs of rupees in the Foreign and Political Department from the budget estimate of 11·74 lakhs of 1931-32 and also proposed a reduction of 20·24 lakhs with regard to the North-West Frontier Province from the budget estimate of 256·78 lakhs of rupees of 1931-32. These are but a few big items of reduction proposed by the General Purposes Sub-Committee. We should like to be enlightened by the Treasury Bench when the proposed reductions as contained in the Reports of the Retrenchment Sub-Committees will be made and the recommendations given effect to. If, in the name of efficiency of administration, the proposed retrenchments could not be effected *in toto* then what was the necessity of all these Retrenchment Sub-Committees? Was this talk of retrenchment a mere sop? So far as can be gathered from the Report of the General Purposes Sub-Committee it recommended the reduction of a number of highly salaried Assistant and Joint Secretaries in the Secretariat Department but I think the recommendations of this Committee have not been accepted by Government. In many other matters too the recommendations of this Committee have been cast to the winds. Dealing with the Archæological Department the members of the General Purposes Sub-Committee are unanimous that Sir John Marshall's special duty, namely, writing of the accounts of the Mohenjodaro, Harappa and Taxila excavations and preparing certain guide books and monographs, which is costing about Rs. 40,000 a year should be brought to an end. In the Forest Department there is a Timber Testing Expert whose pay is Rs. 2,000 per mensem. This

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post is not now necessary and should be abolished. In fact work in this section should now be slowed down.

When there has been reduction in the salaries of the assistants and clerks and ill-paid servants may we know what is the percentage of cut of the salaries of Executive Councillors ? Or has there been any cut in their salaries ? Army expenditure in India is an age-long complaint. We should like to know in what tangible manner the military expenditure has been retrenched ?

In conclusion, Sir, I should like to say that ours will be a cry in the wilderness if Government do not give serious hearing to what we want in matters relating to retrenchment and the labours of the members of the Retrenchment Sub-Committees will be in vain if their Reports are allowed to remain and rot in the archives of the Secretariat. With these few words I beg to support the Resolution.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I am glad that my Honourable friend Mr. Hussain Imam has brought forward the subject of retrenchment for discussion on the floor of this House. The Honourable mover and the two subsequent speakers have already dealt with the subject in an exhaustive manner, and if I rise to speak I do so with the object of emphasising only one or two points and will leave the rest to be dealt with by other Honourable Members. Firstly, Sir, I consider that the leave rules of the Government are much too extravagant. To quote an instance, it is a matter of common knowledge that under the existing Fundamental Leave Rules it is often financially worth while for an officer who has been officiating in a higher post to proceed on leave rather than revert to his original post. In this connection the General Purposes Retrenchment Sub-Committee have stated in their Report :

"We consider this to be an unsatisfactory arrangement from the point of view of public expenditure and we recommend that steps should be taken to alter these rules as early as possible."

Now, this recommendation was made as long ago as October of last year, but so far as I understand effect has not been given to it as yet. From my personal knowledge I can say that I know the case of an Indian Civil Service officer in the United Provinces who was a Joint Magistrate and who was given a chance of officiating as a District Magistrate for some time. As soon as this officer was due to revert to his original post he went on leave for several months as he could draw more allowances while on leave (having proceeded on leave as an officiating District Magistrate) than if he had joined his substantive post. This, Sir, gives one an idea of the degree of keenness shown by the Government to effect economy in expenditure when the interests of the Imperial services are affected. Even in normal times a poor country like India can ill-afford to maintain such extravagant leave rules, but in these days of acute financial stringency when thousands of people have become unemployed, such extravagance at the cost of the tax-payer is even more indefensible.

The second point to which I wish to refer is the whole-time post of the
12 NOON. President of the Council of State to which a reference has already been made by my Honourable friend the mover. Sir, personalities apart,

and without meaning any reflection whatsoever either on the present or any previous occupant of the Chair for whom I have great respect, I may say that the office is regarded by the general public as more or less of a sinecure and this House can in my opinion very well do with a part-time President without impairing efficiency in any way. I understand that the General Purposes Sub-Committee recommended the abolition of the whole-time post of the President and the suggestion made is that the Honourable the Law Member of the Government of India could very well preside over the deliberations of this Honourable House. I am entirely at one with this recommendation. I understand that this recommendation of the Sub-Committee is under the consideration of Government and I hope that the Government will accept it in the interests of economy.

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I did not intervene earlier in the debate because I was waiting with interest to see whether there would be a general discussion on this motion and whether it would elicit any fresh ideas on this very important question of retrenchment. I may say straightaway that Government welcome this discussion. We realise that when it is a matter of retrenchment we must carry non-official opinion with us and non-official initiative is of great value. The outsider sees most of the game. It was for this reason that Government, when the question of retrenchment loomed up, invited the help of every shade of non-official opinion. I am sorry that certain Members of this House consider that Government unduly neglected their interests but I think the House will agree with me that what the representatives of this House possibly lacked in quantity they made up in quality. But, while we have no objection to a general discussion, I must beg to be excused from going into the very numerous points which have been raised in the course of it. There are only one or two of rather more importance to which I shall allude very briefly. The first, which has made a peculiarly direct personal appeal to me was the suggestion by the first speaker that we might retrench our loan operations. I do not think there is any debtor in the world who would not be delighted to adopt such a course ——

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : On a point of explanation, Sir, I suggested a reduction in the expenditure connected with loan operations.

THE HONOURABLE MR. J. B. TAYLOR : We are entirely at one, Sir, but I was always under the impression that it was the creditor that imposed the terms and not the debtor and if anything can be done to make our creditors take a brighter view of India's credit no one would be more delighted than these Benches here.

Then, Sir, on another very important point, the terms of service and the leave rules for new recruits, we have been accused of being not only unduly dilatory but of having passed over the General Purposes Sub-Committee. Sir, I admit neither accusation. Both are questions of extraordinary complexity. It is generally admitted that the present leave rules err at times on the extravagant side but the reason for that is that they were pushed through in a hurry and that is a mistake which we cannot afford to make again. Leave rules are an extraordinarily complicated matter because they have to deal with all services and provincial Governments have also to be consulted. I can assure

[Mr. J. B. Taylor.]

Members of this House that when I said yesterday that the question was under active consideration I stated a fact and that we are pushing ahead with it as fast as possible ——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What time is it likely to take ?

THE HONOURABLE MR. J. B. TAYLOR: That I am afraid it is impossible to predict because snags have a way of cropping up at every step. I can merely say that we are pressing on as fast as we can because we admit that the present rules do work extravagantly in many cases. Similarly, as regards terms of service, after considering the problem in all its bearings, we decided that the only fair way of dealing with the problems was to deal with it in detail, that is to say, to have a general revision of all the pay scales both in the central and provincial Governments. The provincial Governments are co-operating in the matter and we have an officer on special duty in the Home Department, Mr. Sloan, who has devoted himself entirely to this work and we hope, when his term of special duty comes to an end at the beginning of November, that so far as he is concerned the proposals will be ripe for action. Considering the extraordinary complexity of Government service, I do not think that any more rapid action consistent with fairness to the various interests involved is possible.

The accusation has been made that we are now passing over the General Purposes Sub-Committee. Sir, that is not correct. The Honourable Sir George Schuster, when the question of the appointment of an officer on special duty was mooted, wrote individually to the members of the General Purposes Sub-Committee informing them of what was proposed to be done and also informing them that they would be consulted before final action was taken. There has been no withdrawal from that position.

Now, Sir, I beg to be excused from going into the numerous other matters dealt with by various speakers but I would like to enter a demurrer against the general accusation that Government has been unduly lax or has been guilty of being unduly late in giving effect to the recommendations of the various Retrenchment Committees. The matter came to a head last September and by the November session the bulk of the retrenchment proposals had been considered and given effect to in the special budget of that session. Others were given effect to in the March budget, and some are still under active consideration. If I might summarise, the General Purposes Sub-Committee and the Stores, Printing and Stationery, Public Works and Audit and Posts and Telegraphs Sub-Committees recommended total retrenchments of Rs. 4,70 lakhs, and Rs. 4,30 lakhs have actually been effected. Other parts of the Reports are still under consideration, such as the Stores, Printing and Stationery Report, the Posts and Telegraphs Sub-Committee's Report, and the General Purposes Sub-Committee's third Report, which deals largely with what I might call the overseas expenditure of the Indian Government. The Army has done even better. The first Report of the Army Sub-Committee recommended retrenchments of Rs. 2,78½ lakhs. I understand that so far Rs. 4,10 lakhs have been retrenched in the Army

and Government has not yet desisted from their efforts to explore further avenues of retrenchment. These totals may seem insignificant in comparison with the dramatic retrenchments effected in other countries. Our answer to that is that it may well be that in the case of India there was much less to retrench. Immediately after the war when there were hopes of a new heaven and a new earth, India like the rest of the world blossomed out in all varieties of expenditure and the Inchcape Committee had a magnificent field for retrenchment. Since then, however, I am afraid that the attitude of the Finance Department has been one of continual cynicism towards any grandiose project and certainly for the last three years our attitude has been one of almost ruthless economy. In these circumstances it is easy to see that there was no untrodden field left for the Retrenchment Committee and I think that they have done very well in the circumstances and that Government can also take credit for having so largely fulfilled their recommendations. Needless to say, Government is prepared to accept the motion. The papers have already been communicated to all individual Members of the Legislature with a brief indication of the action taken on them, but the House has not yet been officially seized of them and Government is quite prepared to lay them on the table when required.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the strictures passed on the General Purposes Sub-Committee by certain Members of Government ? Were they justified ? The Honourable Member has not replied to this point.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, the Honourable Rai Bahadur Lala Ram Saran Das has referred to certain remarks made by Sir Fazl-i-Husain in the Legislative Assembly with reference to the recommendations of the General Purposes Sub-Committee and he evidently resents those remarks having been made. He has himself in the course of his speech accused Sir Fazl-i-Husain as having made his remarks without a careful perusal of the General Purposes Sub-Committee's Report. I am very much afraid, Sir, that the Honourable Member has expressed his resentment at these remarks without a careful perusal of Sir Fazl-i-Husain's speech. If he had read the whole speech through with care and tried to appreciate the tone of the whole speech, he would have found that those remarks were not open to the objections which he has put forward. In that speech he would have noticed that Sir Fazl-i-Husain described the Honourable Sir George Schuster, one of his colleagues, as a wolf who was watching the finances of the State on behalf of the State. As a matter of fact, the greater part of the speech was delivered in a more or less ironical or satirical vein to which the objection which could have been taken is that that tone need not have been adopted. But there was nothing objectionable in the remarks that he made. The remark to which the Honourable Member has referred that wind up a portion of his speech by his saying that he hoped the House would excuse his having tried to defend himself in that manner when he found that his department had been the object of attack by the General Purposes Sub-Committee. I do not see what objection could possibly be taken to that.

With regard to the two particular criticisms which the Honourable Rai Bahadur Lala Ram Saran Das has advanced against certain action taken,

[Chaudhri Zafrulla Khan.]

and certain action not taken, by the Education Department, I have to submit this. He stated that Sir Fazl-i-Husain was anxious to preserve the beneficent departments of Government against the attacks of the General Purposes Sub-Committee, and that notwithstanding that with regard to Medical expenditure in the North-West Frontier Province and the expenditure on Education in Baluchistan and Delhi, he himself carried through retrenchments far in excess of those recommended by the General Purposes Sub-Committee. Does not that, Sir, in itself show that where economies were possible, the Department of Education was anxious not only to meet the recommendations of the General Purposes Sub-Committee but to go much further than those recommendations ? If by oversight the General Purposes Sub-Committee had failed to notice certain matters in which economies could be effected, was it not honest of the Department to discover those matters and to give effect to those economies ? Is it not rather a reply to the Honourable Member's remarks that Sir Fazl-i-Husain had resented the activities of the Committee ?

The next criticism which the Honourable Member made was that in spite of the recommendation of the Committee that Sir John Marshall should no longer be continued in employment, he was retained in employment in connection with the work which he had already undertaken. The Honourable Member forgets that Sir John Marshall had been employed under a contract before the General Purposes Sub-Committee made its recommendation, and the purpose of his employment was not that he should continue to do the work that he had been doing as Director General of Archæology, but that the activities of the Department during a score of years previous to his retirement should be written up in the form of monographs or books which should be available to students of archæology both in this country and outside. The object of his employment was that the work which the department had done during the previous 20 years should not be lost to the world and that it should be compiled in such a fashion as to present certain features of the ancient civilization of India to India herself as well as to the world outside. It had nothing to do with the current activities or the carrying on of the work of the department. With regard to that, the recommendation of the General Purposes Sub-Committee was that further excavation work should be stopped altogether, and although there were features in that recommendation which might eventually deprive India of certain kinds of archæological treasure, Government accepted that recommendation and all work in connection with excavation has been stopped. Government were, however, not willing to accept the further recommendation the result of which would have been that all work upon which large sums of money had been spent during the previous 20 years would also be lost to India and to the world, and that was the reason why Sir John Marshall's services were retained. Sir, as these are the only two specific matters which the Honourable Member raised with regard to the department of which I have the honour to be in charge, I need add nothing further to the remarks I have already made.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I am glad the Honourable the Finance Secretary has accepted this Resolution. I am also glad that the Honourable

Mr. Abu Abdullah Syed Hussain Imam has brought this matter before us. We are all aware that an Advisory Committee was appointed for retrenchment. I quite agree with the complaint of my Honourable friend the mover that more non-official Members could have been appointed to that Committee by the Government instead of confining themselves to only one elected Member. That is a matter on which many of the non-official Members here would agree with the Honourable mover. Well, Sir, I must say that the Committee which was appointed has done its work satisfactorily and we are all thankful to them for the work they have done and for the co-operation which they have given to the heads of departments of Government. I am one of those who feel that the poor man's burdens should be reduced as much as possible. I hope that by the time the Honourable the Finance Member presents his budget in Delhi conditions will become normal and that postal charges will be reduced and the tax on oil and other commodities will also be reduced, so that the poor man may not be burdened owing to the increased rates. At the same time, I must say that the central Government and the provincial Governments have done a great deal in the matter of retrenchment. Coming from the province of Madras I must congratulate the Honourable the Finance Member, Mr. Stokes, for the great trouble and interest he has taken, and the Committee there, for reducing greatly the annual recurring expenditure.

I am sure other provinces have been doing their very best. Still I think there are certain departments which they have not touched. I shall only refer to one, to which attention was drawn by Sir Abdur Rahim in the other House. He mentioned the Council of Agricultural Research. Suggestion was made about abolishing certain branches of it and curtailing the expenditure. He feels that retrenchment could be effected in the Agricultural Council. So far as I can see, nothing substantial has been done in curtailing the expenditure under this head and I hope the Honourable the Education Member in whose portfolio Agricultural Research is included will see if expenditure could not be further reduced. I am very grateful to the Government for what they have done. We hope more will be done, so that by the time the budget is presented next year the poor man's burden may be reduced.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : May I invite the attention of the Honourable Member to page 2075 of the Assembly debate ? The Honourable Sir George Schuster has made this statement :

> " I would just like to refer to one particular example, the case of the grant for Agricultural Research under Demand No. 60, Imperial Council of Agricultural Research. There it is true that the economies accepted by the Government are shown as Rs. 5,96,000 as against Rs. 4,22,000 recommended by the General Purposes Sub-Committee. "

Government have actually carried out larger economies in that department than those recommended by the General Purposes Sub-Committee itself.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : Still more could be done by careful examination.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, as a member of the General Retrenchment Committee and the Chairman of one of the Committees, and though a nominated Member of the Council of State, I should like to assure Mr. Hussain Imam that I very much welcome this discussion. I am glad he has drawn attention to several points.

[Mr. G. A. Natesan.]

I should like also to welcome the spirit in which the Honourable Mr. Taylor welcomed the discussion and also made some remarks which must have cleared the air. There have been quite a number of misapprehensions and misunderstandings in regard to the operations of the Retrenchment Committee. Let my Honourable colleagues first note that these are Advisory Committees. Government took jolly good care, if I may use that expression, to term them as such. Secondly, let them also remember that the Honourable Sir George Schuster, the Finance Member, had said more than once in the other House and also here that he for his part had tried his best to explore all avenues of retrenchment, that he thought there was not much scope and that he appointed the Committee with a view to satisfy both Houses of the Legislature. I had the privilege of drawing his attention to his statement some time ago in the November session and saying that despite this, the Retrenchment Committees, having regard to the restrictions under which they worked, were able to achieve some amount of retrenchment. I am very glad to say he took the remark in good spirit and he welcomed it. May I say that as the Government of India is at present constituted, with all the power in the hands of the Executive for all practical purposes, with all the power for making alterations of rules about leave and pensions in their hands, it is not possible, humanly speaking, for any Retrenchment Committee, even if it were composed of all the non-official elected Members as my Honourable friend Mr. Hussain Imam and my very great friend Diwan Bahadur Narayanaswami Chetti, it is not possible to effect any measure of retrenchment worth mentioning so long as you have the present constitution of the Government of India. Again, let me ask my friends to pause and consider the value of the Retrenchment Committee from a point of view which has not struck them. For the first time in the history of the central Government of India, barring a few special Committees that have been appointed as the Esher Committee, there has been no other instance of the Government of India yielding to the pressure of public opinion and of the opinions expressed in both Houses that non-officials should be taken straightaway into the secrets of administration. I venture to submit with my experience as a member of the Retrenchment Committee and as the Chairman of a particular Committee that for the first time non-officials—and several of my colleagues agreed with me—were given abundant opportunities to understand the workings of many of the departments. So far as I am concerned I must say that the heads of the two departments with which my Committee has been concerned have been very frank and they have given us all available facilities and information, and occasionally information of a valuable character which we are not expected to use. Therefore, I should like to say to my friends of the Retrenchment Committee do not in the least feel discouraged with the results of your operations. If you look at the value of the results by rupees, annas and pies you may not have much satisfaction, but I tell you honestly if you look at the opportunities you have had to understand and to enter into the workings of the various departments, youreally should feel thankful. It may not be given to all of us to serve in various committees in the future Government of India, but there will be others who certainly will feel that our labours have not been lost.

I shall not go into many of the questions raised as I have been particularly happy to note the frank manner in which the Honourable Mr. Taylor referred to one question. He confessed on the floor of this House—it has not been accepted hitherto—that many of these leave rules have resulted in extravagance ; that is a matter to which attention has been drawn. Then, with regard to the question of fixing the pay of future entrants, my Honourable friend Lala Ram Saran Das is quite correct in making it a grievance that originally it was expected that the Chairman of the various Committees should be co-opted as members of the General Purposes Committee and that they should go into the whole question ; after we advanced in our labours, the Honourable the Finance Member thought that to achieve this object it was not desirable that a very large number of non-official Members should sit and that for purposes of investigation it was essential that an officer should be deputed to get all the facts and figures. That view may be right or wrong. I personally think it was not quite necessary, but he has assured us that the results of the investigation of the officer on special duty will be published, that this Committee will be consulted and that we need not despair that the General Purposes Committee will be brushed aside. At any rate, if any such attempt is made, I as a member of the General Retrenchment Committee would be the first to fight for the fulfilment of the promise given by Sir George Schuster.

There is one other question, Sir, to which I had not intended to refer. As reference has been made, I feel bound to refer to it. I have been personally connected with this Council of State for nearly three sessions with a short break of a year. I have had the best of social and other relations with the occupants of the Presidential Chair here, but I must confess that my sympathies are with the recommendation of the General Purposes Committee that a less costly individual should be found for this office. I personally do not think that there is any sound reason for neglecting the recommendation that the Law Member of the Government of India might be the President of the Council of State. If that could not be done, I certainly do think that it is high time that a non-official President is given to the Council of State. I would ask the Government to remember that suggestion. I really can contemplate with a certain amount of confidence to be able to find a suitable non-official President who will agree to accept only a suitable honorarium, which will cover the expenditure necessary to preserve the prestige of the office. I do hope that these observations with regard to retrenchment, though coming from a nominated Member of the Council of State nominated to the Retrenchment Committee, will be found useful and will be taken in the spirit in which they are offered.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, before I say anything about this measure before the House, I would like to congratulate my Honourable colleagues, the new Finance Secretary and the Honourable Member for Education, Health and Lands for their lucid maiden speech which they made. I really appreciate very much the remarks of Mr. Taylor, and the way in which he tried to administer the bitter pill of disregard by the Government in the sugar coating of looking to the quality and not to the quantity. I appreciate, as I said before, that the Government has taken some steps to reduce the expenditure. Had it not been so, we could never have had even this amount of retrenchment. My point in bringing forward this Resolution was simply to keep the issue alive and not let it become a dead

[Mr. Abu Abdullah Syed Hussain Imam.]

letter. The position in which we are at the present moment is not satisfactory. We have still a great deal of trouble ahead. The rate of taxation prevailing at present is excessive. Even the Federal Finance Committee came to the conclusion that some of the present taxes will have to go. So no one can desire the continuance of the present-day rates of taxation. My idea therefore was just to keep the issue alive and to draw the attention of the Government to the many measures of retrenchment which are still pending for the consideration of the Government. For instance, the Posts and Telegraphs Department have given a whole list in Appendix I of the items which they wish to be revised and reconsidered. Nothing has been given out yet by the Postal Department whether those issues were before them, and what action they were taking on them. Therefore the Finance Department ought always to maintain an attitude of looking into everything with rather a miserly eye, and we would appreciate that. We would like them to get into the habit of becoming more niggardly if they can possibly do so. The other thing to which I wish to draw attention is that there has been some misunderstanding about reduction in "the management of debt expenditure." Under this head there are certain items of expenditure which are unconnected with the debt itself. There are offices which look into the payment of interest; there are under-writing expenses and other things connected with debts which as far as I remember—I have not got the Demands for Grants—cost us about 50 or 60 lakhs in English expenditure, a little less in Indian expenditure. My contention was that, that department will bear retrenchment, because there are questions connected with the rates of brokerage, etc., paid for under-writing commissions; I think in the Lower House this session even some comments were made on the high rates of commission which were paid to the underwriters of the last sterling loans. It was these items to which I wished to draw the attention of Government. My intention was not that Government should reduce the interest rates which we have got to pay, though of course if that had been in our power we would have welcomed it.

Sir, as Government has accepted this Resolution I shall not say any thing more. I only wish to say that in my remark about nominated Members I did not mean to cast any reflection on the *bona fides* of the non-official Members or their right to represent the interests of India. My point was that if one section is highly regarded the other should not, as a matter of course, be disregarded.

THE HONOURABLE THE PRESIDENT: The question is, that the following Resolution be adopted:

"This Council recommends to the Governor General in Council that the Reports of the Retrenchment Committees be laid on the table."

The motion was adopted.

RESOLUTION *RE* EXTENSION OF THE SYSTEM OF FORMING URBAN UNITS UNDER THE INDIAN TERRITORIAL FORCE ACT.

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT (Bombay: Non-Muhammadan): Sir, I beg to move the following Resolution:

"This Council recommends to the Governor General in Council that steps be immediately taken by the military authorities to extend the system of forming urban units under the Indian Territorial Force Act."

Sir, the House will excuse me I hope if I wish to engage its attention for a moment upon a comparatively unimportant matter, when more weighty important questions are engaging their serious attention. I may mention, for example, the Civil Disobedience Movement in the country, the Ordinances, the grave situation in Bengal, the necessity of reviving the Round Table Conference, the Communal Award, the Ottawa Conference and so on; but the question of military education and military service has its own importance, and it would be unwise ever to belittle it. I may remind the House that in September, 1920, His Excellency the then Commander-in-Chief in India, Sir Charles Monro, declared that the object of Government in creating the Indian Territorial Force was to respond to the aspiration of those Indians, who desire to see the formation of a second line to the Indian Army, whereby in time of need, the almost unlimited man power of India may be utilised to strengthen the military forces of the country, on a scale commensurate with its vast population. Now, as between the aspiration of the Indian people to join military service and receive military education, and the need of strengthening the military forces of the country, I naturally lay greater stress on the point of satisfying the Indian aspiration. And, from this point of view, I am here to complain that Government have not been developing one important unit of the Indian Territorial Force, which deserves attention for a variety of reasons, the unit, I mean, of the urban part of the Territorial Force. The Auxiliary and Territorial Forces Committee decided in 1925 that a certain number of urban units should be raised at once. Two years passed, and nothing was done by way of forming any urban units, for I find that in reply to an interpellation by Dr. Moonje, then a Member of the Assembly, on 15th of March, 1927, a purely negative reply was given about the formation of urban units without any accompanying statement of hope or suggestion as to the intentions of Government in that respect. On the 20th September, 1927, Mr. Neogy, M.L.A., asked the Army Secretary whether it was intended to start an urban unit in Calcutta, as urged by the Calcutta Indian Association in a special representation to Government. In reply the Army Secretary admitted having received the representation, but stated that Government did not intend to comply with the suggestion of the Association or do anything on their own initiative. Two years later, Dr. Moonje was able to elicit from the Army Secretary that two urban units were established in Bombay of which one was a Parsi unit, and that one urban unit was established at Madras, one at Allahabad and one at Lucknow. The Calcutta Corporation had, in the meanwhile, reinforced the demand of the Indian Association for the formation of an urban unit at Calcutta, but Dr. Moonje was told simply that the Indian military authorities were in correspondence with the Secretary of State in that matter. The question still remained about the formation of an urban unit for the Central Provinces and Berar; and keen as Dr. Moonje naturally was about getting some slice of the blessing of military education and service for his own province, he was destined to get a reply which was full of despair. On 29th January, 1930, Mr. N. C. Kelkar, then a Member of the Assembly, voiced forth the demand from Poona for an urban unit embodied in the Annual Report of the Poona District Territorial Forces Association, of which Mr. Kelkar was himself the President, but in this case also the reply was far from assuring. Nor was he able even to get the details

[Sardar Shri Jagannath Maharaj Pandit.]

of expenditure on the different arms of the Territorial Forces necessary for judging rightly whether the expenditure on the urban unit was commensurate with the importance of that arm of the Territorial Force. I give these details selected here and there as throwing some light on the spirit with which the work of the development of the urban units in the Indian Territorial Forces is being advanced. Years and years apparently elapse without any substantial steps being taken to fulfil the aspiration of young Indians to get military training and equip themselves for military service for the country.

I have nothing to say here about the practical stalemate which has been reached in the matter of the training of the different University Corps; but I do wish to put in a plea for the young Indians who have in them the military aspiration and who cannot hope to fulfil it, not having the means to join any college under any University. It is mainly in urban areas that you can find young men, who are educated enough to understand matters about Government arrangements for giving military training and also susceptible enough to avail themselves of those arrangements and facilities. I could name Poona as a place, for instance, where it will be possible to get a large number of young boys out of colleges to join an urban unit of the Territorial Force, for Poona is famous, and has been famous for long, for its tradition of gymnastic schools and physical training of a higher order. These young men appreciate the benefits of military education and military service and are not averse to serve in the ranks of any regular military force. It is very inconvenient for Poona boys to leave their home and occupation at Poona and go to a far-off place like Belgaum to join the Territorial Force unit there. I am almost certain that the usual complaint about the ranks of a regularly formed unit not being completely filled by recruits, will be found to have no place at Poona. Recently, a public school of a semi-military character has been established in Poona, with a military officer of the rank of a colonel as its Principal; and I fancy that the establishment of an urban unit of the Territorial Force at Poona will just fill the gap in the scheme of institutions of military training and service, which are to be seen roundabout Poona and make a great impression upon the population of Poona and its numerous visitors from the mofussil. We are all passing through times of unrest; but I can assure Government that nothing will be a greater asset on the side of peace and order, than keeping the establishments of military education in full swing, to enlarge them if possible, and to make points of contact with young men, who, while they are acquiring physical training, which is available in gymnasia and similar institutions, feel aggrieved for want of proper facilities for enrolment in the military service of Government. Sir, I move.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I beg to support the motion. I do not think it is very difficult to organise urban units. The young men, after leaving college, can get useful military training. I do not want to take up much time of the Council. I support the Resolution.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Mr. President, Sir, I must thank my Honourable friend from the Mahratta country for bringing forward this Resolution. It is a long time since the Indian Territorial Force was started and if I may presume as was the intention of the Auxiliary and Territorial Force Committee to allow it to grow up to its natural limit, then there should be urban units started in every big city, especially in the Presidency-towns at least. I am almost sure it was one of the intentions of the framers of the Bill to allow the non-martial races to come and join the Territorial Force and if that be so, it is all the more necessary that it should be allowed to expand more. The Indian Territorial Force, I think, is to act as the second line of defence and the ultimate recruiting field of the Indian Army. In years to come if the Territorial Force expands to its natural limit and have all branches of the Army, I hope time will come when we shall be able to curtail the strength of the Standing Army.

It may be argued from the other side that sufficient number of men would not come and join the urban units and the existing rural units will suffer in their strength. But, Sir, I say there will always be room for both to expand. The urban unit will draw its recruits from people who live in big cities where the unit will be started and whose civil avocations do not permit them to do training for two consecutive months in the year in the rural units. To the rural population—the peasant class—I imagine the rural unit will be more suitable.

Speaking for my province, I mean Bengal, which I have the honour and privilege to represent, I am almost sure that the urban unit at Calcutta or Dacca will be a success. Although we Bengalis may be stamped as a non-martial race, still at the time of the Great War, recruits were not found wanting for the 49th Bengalis and, if I remember correct, as many as 6,000 men joined up for service from Bengal. I was in touch with the Territorial Force of Bengal for some time and from what I have seen of the enthusiasm of the people to come and join the Territorial Force I can fervently hope that there is plenty of room for expansion. The success or otherwise of a thing mostly depends on the way it is tackled. Even last year the recruits for the Territorial Force of Bengal were far in excess of the number wanted and plenty of eager men had to be turned away for want of vacancy. In Bengal we have two companies and if you are earnest about it, we can easily raise a battalion from there. In Calcutta alone I am almost certain you can get at least two companies for urban units. You can get recruits from business men, lawyers and merchants who will be quite willing to join the urban unit and undergo weekly training and a periodical camp for 15 days. For them it is difficult to get away from their civil avocations for a period of two consecutive months to join the rural unit. Some of these young men have had their training in the University Training Corps and they are sure to pick up more quickly than the men who have had no training at all. I can therefore say that there will not be any dearth of men for the urban unit.

Lastly, I presume the question of additional expenditure will prop up. As a part solution of that, I may advance that the members of the urban

[Mr. Satyendra Chandra Ghosh Maulik.]

unit can have their training with the University Training Corps where there is one. In that case there will be no necessity to keep up an entire staff exclusive for the urban unit, but a few additional instructors will serve the purpose. And what little is required as extra expenditure, I hope the Legislature would not grudge to pass, considering the fact that in the end it will be a good saving in the expense of the Standing Army. Sir, I hope the Resolution will have the necessary support it deserves.

* THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, we have heard this morning a great deal on the subject of retrenchment. I would like to draw the attention of the House to the recommendation of the Army Retrenchment Sub-Committee in this matter. The Army Retrenchment Sub-Committee went into this matter of retrenchment of the Territorial Force including that of urban units to the best of their ability and took all the evidence which they could from the Army authorities. As a result of this they made the following recommendation :

" We recommend that an enquiry should be made whether in effect the objects for which the Indian Territorial Force (including the University Training Corps) is raised are under present conditions, being achieved, or whether by reorganisation the force would be better able to fulfil its functions. In making this recommendation we have taken into consideration the political importance of the force, though as an economy committee we can only bring the matter to notice by pointing out that apparently money now being expended is not achieving the objects contemplated."

I submit that in view of the recommendations of this Committee and the grave doubts expressed by them as to the wisdom of the expenditure now being incurred, it is illogical to suggest that, in the words of the mover, immediate steps be taken by the military authorities to extend the system.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I listened to the remarks of the Honourable mover, when he moved this Resolution, with the greatest interest, and also to the remarks of those who supported him, but my interest turned, as the remarks were brought to their conclusion, to a feeling of surprise. When I came down to the House this morning, having only yesterday laid on the table a statement in answer to a question by the Honourable the mover of this Resolution, which I can only describe as absolutely damaging to the cause which he has advocated today, I felt there was a possibility of his asking the permission of the House to withdraw his motion. Therefore when I heard him get up and, in spite of that statement which I laid on the table, move the Resolution I thought there really must be something wrong with either the Government or myself as Commander-in-Chief or my advisers or still more so with the District Committees who are supposed to have this Territorial urban movement in their hands, that we must have missed something, but I heard no new arguments ; I heard nothing we did not know before, and I can only express my great surprise that, as the Honourable Mr. Benthall said, this Resolution was moved. What are the facts, Sir ? As the Honourable mover said, some years ago there was a very insistent movement that facilities should be given to young men in India to prepare themselves to defend their country if necessary, but who

* Speech not corrected by the Honourable Member.

were on account of their business or other pre-occupations unable to devote their full time to soldiering. That was a very legitimate demand and a very proper one coming from a country where there is no compulsory military service. There may have been delay in giving effect to that movement. I take no blame for that. I was not here. Eventually, I think in 1928, a Committee sat under the presidency of Sir John Shea, Adjutant-General of the Forces. That Committee consisted largely of non-official Indians. They made certain recommendations which were carried into effect. They recommended that 4 urban units should be started at once, two in Bombay, one in Madras and one in Allahabad and Lucknow—half in each. But they also made a recommendation which I think the Honourable mover and his supporters may either have forgotten or have never known. The Honourable mover is rather inclined to blame the Government and to blame the Commander-in-Chief and the military over this. When I saw this Resolution put down on the order paper, I had the proceedings of that Committee looked up and I found this recommendation which I would beg leave to read to the House :

" If this territorial movement is to lay the foundations of India's national army, the people of India must make themselves responsible for its success ; and it must lie with the non-official leaders of the people, even more than with the Government, to foster its growth. It should devolve on the leaders of the people to bring forward recruits ..... the responsibility of the Government being confined in the main to the military training of the force. This is the ideal at which all Indians should aim, and the Advisory Committees should become the channels through which they arrive at it."

And what has been the result, Sir ? The first battalion in Bombay never exceeded a strength of 17 out of the allowed establishment of 694. The second Bombay battalion has never exceeded 200 out of an allowed strength of 334. The Madras battalion has never exceeded 100 out of an allowed strength of 334. Only the Lucknow and Allahabad battalions have shown any real interest in the matter. They have got a strength of 260 out of an establishment of 334. Despite this hopelessly discouraging result, the Honourable mover asks me to recommend to the Government that we should spend more money on it. I can tell him quite plainly, Sir, that these units are of no more use to me or to the country than if they did not exist at all. It has nothing to do with my grudging the money. The money does not come out of my budget ; it has been especially allotted out of Civil funds on the recommendation of that Committee—Rs. 10 lakhs a year. We are now spending Rs. 1 lakh or just over Rs. 1 lakh on the miserable response to this Territorial movement. But because we are spending only Rs. 1 lakh, is that any reason why we should spend more, is that any reason why we should throw good money after bad ? I cannot believe that this House is willing to recommend that. It seems to me that it is worthy of serious consideration whether we should spend even that. Ever since I have been here, for the last four years I have been pressed and pressed to reduce, and reduce, the Army expenditure and I have honestly done it. Since I came here four years ago when the budget of the Army was no less than Rs. 55 crores—contract budget—I and my predecessor, Sir William Birdwood, have brought it down between us to nearly Rs. 10 crores less than that figure. But what has it come to now, Sir ?

[H. E. the Commander-in-Chief.]

It means I have come to disbandment, to throwing out on to a crowded labour market professional soldiers who had every right to suppose that their services would be retained ; they are being thrown out, men ready for anything, ready for immediate war, fully trained and highly disciplined men. And in the face of a rigid reduction of establishments I have had to make in British troops as well as in Indian troops, I am asked to spend money in bolstering up a movement for which there is not even sufficient enthusiasm to fill the ranks of the poor four units that we have tried. I cannot believe that this House will ask me to recommend that to the Government of India. (Applause.)

THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT : Sir, in view of the explanation given by His Excellency the Commander-in-Chief, I beg leave of the House to withdraw my Resolution.

The Resolution* was, by leave of the Council, withdrawn.

PROVIDENT FUNDS (AMENDMENT) BILL.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to move :

"That the Bill further to amend the Provident Funds Act, 1925, for certain purposes, be taken into consideration."

As Honourable Members of the House are aware, this Bill of mine is a very short one and does not introduce any violent or revolutionary changes in the provisions of the existing Act. Nevertheless, the change that I do contemplate, though in my view based on equity, is still against the customs of the country. The new laws introduced are usually introduced to replace the existing order of things. As explained in the Statement of Objects and Reasons, the idea underlying this Bill is to remove the hardship caused to the heirs of a nominee who pre-deceases the depositor. It is to amend the present law which excludes the remote relatives from inheritance. There are sometimes hard cases in which a man makes an assignment of his provident fund to his children. One of them pre-deceases him by a few months, and then the grand-children are, according to the law of the land, debarred from inheriting any part of that money. It is true he has the right at present, and even if my Bill is accepted, he will have the right to exclude them if he so wishes by deleting the name of the deceased nominee. At the present moment the law courts have decided this matter in different ways. As it usually concerns paltry sums of money, this matter has not gone up to High Courts, and therefore, there are no rulings of the High Court on the subject as to what should be the real position in this matter. Sometimes the children of the nominee are given a share in the provident fund money but usually they are debarred. My intention in bringing forward this Bill was that this would be a non-contentious Bill and it would be accepted, but some of my friends have expressed a desire to circulate this Bill. Therefore, I do not wish to press that this should be taken into consideration now and I will speak later on.

1 P.M.

* "This Council recommends to the Governor General in Council that steps be immediately taken by the military authorities to extend the system of forming urban Units under the Indian Territorial Force Act."

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill further to amend the Provident Funds Act, 1925, for certain purposes, be taken into consideration."

THE HONOURABLE MR. J. B. TAYLOR (Finance Secretary) : Sir, I must rise at once to say that Government feel themselves bound to oppose this Bill. The funds legislated for by the Provident Funds Act, 1925, all belong to Government or quasi-Government institutions. Private companies can obtain exemption from income-tax for their provident funds but they are not governed by the terms of this Act. This Act refers solely to Government or quasi-Government institutions, such as, for instance, the Imperial Bank Employees Fund. Now, Sir, what is the object of the Act ? Its main object is not so much to secure a decent sum on retirement for the subscriber as to ensure that if he dies in service money will be immediately available for his family. With this object, since the bulk of Government servants are in humble circumstances to whom the law means expenditure and worse still delay, provision is made for payment to a member of the family without legal formality. That freedom in the interests of the subscriber we wish to retain and we do not wish it in any way impaired. There is, however, the right of nomination, but we must examine this carefully. This right of nomination is confined by the rules of the provident funds to members of the family. For instance, a subscriber cannot assign his provident fund to a money-lender. He has freedom of choice to choose which member of his family is best fitted to administer the fund and he can change his opinion when he likes. In such circumstances what reason is there to suppose that because a subscriber thinks that A is fit to have the money he should necessarily think that A's heirs are also fit ? The only advantage I can see from the proposition of the Honourable mover is the very far-fetched and hypothetical case where both the subscriber and his nominee perish simultaneously in some accident, because otherwise the subscriber has the opportunity to appoint a fresh nominee. The question really is whether in order to secure an advantage in this very hypothetical case we should let in legal complications affecting thousands of people. There are obviously also certain administrative difficulties to Government in the proposal and as I have said these are purely Governmental or quasi-Governmental funds. In the first place, we would have to find out who the nominee's heirs actually were. At present we encourage subscribers, particularly in the humbler ranks, to nominate one of their family as the party to receive the fund because that obviously saves delay. If anything happens to that nominee or if anything happens to make the subscriber change his mind, he can change the nominee. The whole object is simplification. That will be destroyed if when the nominee dies and the subscriber is too lazy to appoint anyone else, the nominee's heirs succeed to the detriment of the subscriber's heirs. I was waiting to see whether the Honourable mover could produce any concrete instance of hardship. We have had no representation from any of the subscribers to our Fund that the present law has caused any practical inconvenience at all and this particular amendment of the Act has been before Government now for over twelve months. I have searched through our office files and can find no case. In these circumstances we do not see that there is any advantage to be gained by the proposal and as on the other hand there are very considerable disadvantages, I would recommend to this House that the Bill be rejected.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I move as an amendment to the motion before the House :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1932."

Sir, my reasons for moving this amendment are, firstly, that the Bill has been opposed by the Government, and secondly, I doubt if its copies were placed in our hands three days before today when this motion that the Bill be taken into consideration is being made by the Honourable mover. At least I see a copy of this Bill on the table only today and thus it seems that we have not had sufficient time to go into the pros and cons of the measure. I therefore move that the Bill be circulated for the purposes of eliciting opinion thereon.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1932."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I support the amendment moved by my Honourable friend and I wish that in addition to the public, the opinion of the people concerned may also be invited.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member) : Sir, the amendment of the Act proposed in this Bill is open to the gravest objections and I do hope that the House will record its opinion that it is not desirable to proceed any further with it. For after all the object of this piece of amending legislation, as explained by the Honourable mover, is that if the nominee of a depositor or subscriber pre-deceases the subscriber or depositor, then necessarily as proposed by him the person who becomes entitled to the fund should be the heir of the nominee. That goes much further than relieving any possible hardship that might arise in any conceivable case. The whole scheme of the Act as it stands at present is that in order to facilitate the payment of these funds it should be open to a depositor or subscriber to nominate in his lifetime a particular person to whom payment might be made on his death without the necessity of entering into elaborate inquiries as to who his heirs may be and the whole purpose of that would be defeated if a provision were brought in that in case the nominee has died inquiries should be made not with reference to the subscriber as to who his heirs are but in respect of his nominee as to who his heirs might be. Thus it brings in a complication, which we want to avoid, and might eventually divert the funds to a person to whom the depositor or subscriber may not have wished them to go. It does not leave room, in case the nominee pre-deceases the depositor, for the depositor to make a fresh nomination or something of that kind. It wants to introduce into the Act a provision to the effect that in case the nominee dies, necessarily his heir or heirs shall become entitled to the fund. That is one objection. The second objection is that if that were provided, it would require inquiries of all kinds with regard to the personal laws of the depositor to be instituted to determine who are his heirs, as was pointed out by the Honourable Mr. Taylor. It would be extremely undesirable with regard to funds of this kind that difficulties of this kind should arise, which will arise if the principle of this amending Bill is accepted. At present, if a nominee

pre-deceases the depositor or subscriber, the position is exactly as if no nomination had been made, and if the subscriber desires that nevertheless the heirs of the nominee or any one of them should be benefited, he has the right to make a fresh nomination to that effect. There is no justification why, in case the matter is overlooked, the fund should not go to the dependents or the heirs of the subscriber, but should necessarily go to the heirs of the nominee. My submission therefore is that the principle of this Bill is such that this House should not give its consent to spending further time over its consideration either by way of taking it into consideration immediately or by circulating it for opinion.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Sir, as I said before, I was quite prepared to accept the amendment for circulation, but I find that Government, as usual, do not want to change the present order of things. The learned argument brought forward by the Honourable Member in charge of Education, Health and Lands that this Bill would hamper the Government in its free discretion is rather far-fetched. If the depositor dies without making any nomination, the Government have got to look into the legal aspect before they can part with the money deposited with them. In case a person dies after having nominated some one, and the nominee predeceases him, then also the Government have got to make inquiries and find out who the legal heirs are. The difference between my Bill and the position of the Government is this, that they want the legal heirs of the depositor to be looked into, whereas I want the legal heirs of the nominee in whose favour the depositor has made a nomination to be inquired into. There is absolutely no difference between us, and there will not be any great difficulty in the working. Even at the present moment, if there are two or more nominees, Government have got to look into the subject before they can give the money. I was rather misunderstood. I do not in any way wish to stop the depositor from cancelling his nomination. He has always the right up to the time of his decease to cancel his previous nomination and to re-nominate. It is only in cases in which there is no further nomination that my Bill would operate. Therefore, Sir, I do not see my way to withdraw this Bill. I press it, and accept the amendment.

THE HONOURABLE THE PRESIDENT : The original question was :

"That the Bill further to amend the Provident Funds Act, 1925, for certain purposes, be taken into consideration."

Since which an amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1932."

The question I have to put is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1932."

The Council divided:

AYES—17.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.	Jagdish Prasad, The Honourable Rai Bahadur Lala.
Banerjee, The Honourable Mr. Jagadish Chandra.	Kalikar, The Honourable Mr. Vinayak Vithal.
Buta Singh, The Honourable Sardar.	Khaparde, The Honourable Mr. G. S.
Chetti, The Honourable Diwan Bahadur G. Narayanaswami.	Naidu, The Honourable Mr. Y. Ranganayakalu.
Dutt, The Honourable Rai Bahadur Promode Chandra.	Padshah Sahib Bahadur, The Honourable Syed Mohamed.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Gounder, The Honourable Mr. V. C. Vellingiri.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.	Sinha, The Honourable Kumar Nripendra Narayan.

Suhrawardy, The Honourable Mr. Mahmood.

NOES—26.

Benthall, The Honourable Mr. E. C.	Lloyd, The Honourable Mr. A. H.
Cotterell, The Honourable Mr. C. B.	Megaw, The Honourable Major-General J. W. D.
Devadoss, The Honourable Sir David.	Mehr Shah, The Honourable Nawab Sahibzada Sir Sayad Mohamad.
Drake, The Honourable Mr. J. C. B.	Mehta, The Honourable Mr. H. M.
Dudhoria, The Honourable Raja Bijoy Sing.	Miller, The Honourable Mr. E.
Dutt, The Honourable Mr. G. S.	Noon, The Honourable Nawab Malik Mohamed Hayat Khan.
Ghosal, The Honourable Mr. Jyotsnanath.	Raghunandan Prasad Singh, The Honourable Raja.
Glass, The Honourable Mr. J. B.	Sethna, The Honourable Sir Phiroze.
Habibullah, The Honourable Nawab Khwaja.	Sinha, The Honourable Rai Bahadur Madan Mohan.
Hafeez, The Honourable Mr. Syed Abdul.	Taylor, The Honourable Mr. J. B.
Hallett, The Honourable Mr. M. G.	Tin Tüt, The Honourable Mr.
Hubback, The Honourable Mr. J. A.	Zafrulla Khan, the Honourable Chaudhri.
Jalan, The Honourable Rai Bahadur Radha Krishna.	
Johnson, The Honourable Mr. J. N. G.	

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is, that the Bill be taken into consideration.

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Friday, the 23rd September, 1932.

COUNCIL OF STATE.

Friday, 23rd September, 1932.

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

QUESTIONS AND ANSWERS.

APPOINTMENT OF MR. HASSAN, I.C.S., AS POSTMASTER-GENERAL.

83. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state whether one Mr. Hassan, a member of the Indian Civil Service has been recruited for appointment as Postmaster-General?

(*b*) Is it a fact that the Lee Commission recommended that the Postal Department should be self-contained from top to bottom and that no fresh Indian Civil Service officers be recruited for that department?

(*c*) If so, what was the reason for the departure from the policy laid down by the Lee Commission?

THE HONOURABLE MR. TIN TÜT: (*a*) The reply is in the negative.

(*b*) No such recommendation was made by the Lee Commission.

(*c*) Does not arise.

APPOINTMENT OF DIRECTOR GENERAL, POSTS AND TELEGRAPHS DEPARTMENT.

84. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Is it a fact that for a long time the appointment of Director General of Posts and Telegraphs was filled by the most efficient senior officer of the department, whether Indian Civil Service or non-Indian Civil Service?

2. (*a*) Is it a fact that an officer entirely unconnected with the department has been appointed Director General of Posts and Telegraphs? (*b*) If so, why?

3. Will Government be pleased to state what technical experience this new Director General of Posts and Telegraphs has got of the Postal Department?

4. (*a*) Will Government be pleased to state to what branch of Government service he originally belonged? (*b*) When did he come out to India and how did he become an expert in matters relating to Posts and Telegraphs?

THE HONOURABLE MR. TIN TÜT: 1 and 2. The appointment has been and is filled by the officer considered most suitable for it. The present incumbent was not employed in the department immediately prior to his appointment; his predecessors have been officers of the department.

3 and 4. (*b*) The post is an administrative one and Government cannot accept the assumption in the Honourable Member's question that technical experience of the department is an essential qualification for it. As a matter

of fact, the present Director General, who came out to India in 1898 had, at the time of his appointment, been closely concerned with matters relating to Posts and Telegraphs for the previous eight years and was probably more familiar with the questions confronting the Director General than any other officer available.

4. (*a*) To the Accounts Branch of the Public Works Department.

APPOINTMENT OF FINANCIAL ADVISER, POSTS AND TELEGRAPHS DEPARTMENT.

85. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state when the appointment of Financial Adviser for the Posts and Telegraphs Department was created ?

2. (*a*) Is it a fact that the present Financial Adviser for the Posts and Telegraphs Department acted as Secretary to the Sub-Committee of the Posts and Telegraphs Retrenchment Committee in addition to his own duties ? (*b*) Was he chosen because he had not sufficient work as Financial Adviser ?

3. Will Government be pleased to state why the appointment of the Financial Adviser for the Posts and Telegraphs on Rs. 3,000 per month was necessary when there was already an Accountant General for Posts and Telegraphs on the same pay ?

4. Is it not a fact that the Posts and Telegraphs Retrenchment Committee have recommended effecting economies in the department in all possible ways ?

THE HONOURABLE MR. TIN TÚT : 1. The post has been in existence since April, 1923.

2. (*a*) No. The late Officiating Financial Adviser however did so, as the duration and magnitude of the Committee's task was greatly underestimated. As a result he was very seriously over-burdened with work notwithstanding that some assistance was given by another officer. (*b*) Certainly not.

3. The post, the pay of which is Rs. 2,500—3,000, was created in accordance with the advice of the Inchcape Committee, in order that the Director General of Posts and Telegraphs and the Department of Industries and Labour might have readily at hand suitable financial assistance and advice. The functions of the Accountant General, Posts and Telegraphs, are those of an audit and accounting authority and are quite distinct from those of the Financial Adviser.

4. No. The Retrenchment Sub-Committee explored many but not all possible ways of effecting economy.

APPOINTMENT OF PERSONAL ASSISTANT TO THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS DEPARTMENT.

86. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Is it a fact that the present Director General of Posts and Telegraphs has created a post of Personal Assistant on Rs. 800 per month for himself and that the officer selected has no practical experience of the work in the Postal Department ? If so, why is this officer being maintained in this department ? Did he ever work in the Postal Department ?

2. Will Government be pleased to state whether the former Director General of Posts and Telegraphs had any Personal Assistant ? If not, what was the necessity for creating such a post ?

3. Will Government be pleased to state what economy has been effected by abolishing the Range Office of Posts and Telegraphs (Deputy Postmaster-General's Office) at Dacca ?

THE HONOURABLE MR. TIN TÚT : 1. No. The post, which carries the grade pay of the official appointed to it *plus* a special pay of Rs. 250, was created by the Government of India in lieu of a pre-existing more costly post of Assistant Director General which in turn had replaced a still more expensive post of Deputy Director General. The officer appointed to it was employed for about thirteen years in the Government of India Secretariat and in the Department of Posts and Telegraphs on work connected with this department in which he is an expert.

2. Not under this designation ; as I have just explained, the Personal Assistant's post took the place of a more costly post.

3. The abolition of the Range Office at Dacca was part of a scheme of retrenchment in which the abolition of a similar office at Shillong was included : the net effect after allowing for increased expenses elsewhere is a saving of Rs. 3,800 per mensem.

RESERVATION OF ELEVEN ADMINISTRATIVE APPOINTMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT FOR OFFICERS OF THE TELEGRAPH BRANCH OF THE SERVICE.

87. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that after the amalgamation of Posts and Telegraphs, eleven administrative appointments in the Telegraphs side of the department were guaranteed for the superior officers of the Telegraph Branch of the service ?

(*b*) Is it a fact that besides those eleven appointments three appointments of Postmasters-General have also been reserved for the superior officers of the Telegraph Department ?

(*c*) Are there no capable officers in the superior services of the Postal Department who could fill the posts of at least two Postmasters-General ?

(*d*) If so, why has this preferential treatment been accorded to the Telegraph Branch when it has already got eleven administrative appointments on the same pay in that branch ?

(*e*) Will Government be pleased to state the reasons for which Telegraph officers should get appointments of Postmasters-General ?

(*f*) Are Telegraph officers given any training in postal work before they are appointed Postmasters-General ? If not, why not ?

THE HONOURABLE MR. TIN TÚT : (*a*) Eleven posts on administrative rates of pay were guaranteed to the superior officers of the old Indian Posts and Telegraphs Department recruited before the 1st April, 1914. Accordingly, nine posts on the Telegraph side and two posts of Postmasters-General were originally reserved for them At present the officers of the Superior

Telegraph Engineering Branch are allotted eight administrative posts on the Telegraph side and three posts of Postmasters-General.

(*b*) No ; the position is as stated above.

(*c*) Yes. More than two such posts are already so filled.

(*d*) Does not arise, in view of what I have just stated.

(*e*) Postmasters-General are in charge of both postal and telegraph work. It is appropriate that officers of both branches of the department should be eligible for selection for these posts.

(*f*) Not a formal training, but telegraph engineering officers are in close contact throughout their service with the Postal Branch of the department with whose business they thus attain some familiarity, and they are appointed as Officiating Postmasters-General before their confirmation in the cadre. In practice these arrangements are satisfactory and Telegraph officers have proved competent Postmasters-General.

RECOMMENDATION OF THE RETRENCHMENT SUB-COMMITTEE, POSTS AND TELEGRAPHS DEPARTMENT, THAT THE GUARANTEE OF ELEVEN ADMINISTRATIVE APPOINTMENTS SHOULD NOT BE HELD TO APPLY TO THE PRESENT OFFICERS OF THE TELEGRAPH BRANCH EXCEPT ONE.

88. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that the Directors of Telegraphs working under the Postmasters-General draw the same pay as the Postmasters-General do ?

(*b*) Is it a fact that the Retrenchment Sub-Committee, Posts and Telegraphs, recommended that the guarantee of eleven administrative appointments for the Telegraph Branch should not be held to apply to the present officers of the Telegraph Branch except one ?

(*c*) If so, will Government be pleased to state the reasons why the appointments of Director of Telegraphs should not be abolished ?

(*d*) Will Government be pleased to state why as many as three appointments of Postmasters-General should be given to the Telegraph Branch ?

THE HONOURABLE MR. TIN TÚT: (*a*) No, they receive lower pay.

(*b*) No. The Honourable Member is referred to paragraph 25 of the interim Report of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee.

(*c*) The posts of Directors of Telegraph Engineering are necessary and cannot be abolished. I invite the Honourable Member's attention to paragraphs 114 and 115 of the Retrenchment Sub-Committee's Report.

(*d*) I refer the Honourable Member to the reply which I have just given to part (*e*) of question No. 87.

APPOINTMENT OF AN OFFICIATING CONTROLLER OF STORES AS POSTMASTER-GENERAL, UNITED PROVINCES.

89. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that an Officiating Controller of Stores who was not a permanent Director of Telegraphs was appointed Postmaster-General, United Provinces ?

(*b*) If so, will Government be pleased to state the special qualifications that entitled him to get this post ?

THE HONOURABLE MR. TIN TÚT: (*a*) I am unable to trace any such appointment.

(*b*) Does not arise.

CONTRIBUTION BY INDIA TOWARDS THE COST OF THE WAR.

90. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: 1. Will Government inform the House of the exact amount of money contributed by India towards the cost of the Great War; (*a*) as cash to His Majesty's Government, (*b*) as expenses of our army outside India ?

2. Was this cash contribution paid in one lump sum; if so, when ? If it was not paid in one lump sum, then on what basis of rate of interest was it paid in annual instalments ?

3. Was there an agreement whereby the liability for a certain portion of War Loan was transferred to the Government of India from His Majesty's Government ?

4. Will Government inform the House of the relief that has accrued or is likely to accrue to India in the interest charges of the War contribution, on account of the recent conversion of War Loan to 3½ per cent. ?

5. Has there been any communication on the subject of reduction of interest of War contribution, between the Government of India and the British Government ? Will Government lay on the table, or place in the Library, the copies of the despatches on this subject ?

6. Has any agreement been reached between the Government of India and His Majesty's Government on the question of repayment of the interest for the period of the Hoover moratorium ? If so, what ?

THE HONOURABLE MR. J. B. TAYLOR: 1. (*a*) A total sum of £100 million was offered by the Government of India as India's cash contribution towards the cost of the war. This is exclusive of sundry amounts contributed by Indian Princes and others which amounted to £2·1 million up to the end of 1918-19.

(*b*) The contributions to the war, paid from the revenues of the Government of India, other than the special contributions referred to above, amounted to £46,803,000, which is made up of (*i*) £33,203,000 being the ordinary maintenance charges of the troops, etc., of the permanent establishment sent from India to the various Indian Expeditionary Forces and (*ii*) £13,600,000 being a part of the additional assistance offered in pursuance of the Resolution of the Indian Legislative Council in September, 1918. In addition to this amount of £46,803,000, Indian revenues were charged with the difference between the normal cost of British troops withdrawn from the Indian establishment at the outbreak of the war and the actual cost of the Territorial Forces which replaced them. This amount does not appear separately in the accounts.

2 and 3. The cash contribution of £100 million referred to in part 1 was adjusted as follows :

	£ (million).
(*i*) By transferring proceeds of Indian Loans to His Majesty's Government during the years 1917-18 to 1919-20	77·28
(*ii*) By purchasing stocks out of annual sinking fund payments between the years 1917-18 to 1922-23	3·02
	80·30
Balance to work up to £100 million	19·70

It was arranged that this balance of £19·7 million should be redeemed by a uniform annual payment of £1,428,000 (interest and sinking fund combined) for the period 1923-24 to 1946-47. The annual payment was calculated on the basis of interest at 5 per cent. per annum.

The sum of £46,803,000 was adjusted as follows :

£33,203,000 was accounted for by reducing Government of India's claim for expenditure recoverable from His Majesty's Government in each year from 1914-15.

£13,600,000 was similarly accounted for in 1918-19.

4 to 6. The question is under examination.

BALANCES IN THE HOME TREASURY AND AVERAGE RATE OF INTEREST AT WHICH THEY WERE INVESTED.

91. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government state the amount of balances in the Home Treasury at the end of each month of this year, together with the average rate of interest at which they were invested ?

THE HONOURABLE MR. J. B. TAYLOR : The balances at the end of each month were as follows :

	£ (million).
April	13·8
May	11·5
June	9·5
July	6·7
August	8·1 (approximate).

Information as to the average rate of interest at which they were invested is not available.

HIGHEST EXPANSION AND GREATEST CONTRACTION OF CURRENCY IN 1932.

92. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : (1) Will Government lay on the table a statement giving the following information about the Currency Department in 1932 :

(*a*) the date and amount of highest expansion of currency ;

(*b*) the date and amount of greatest contraction of currency ;

(*c*) the Calcutta Index figure on or about the dates (*a*) and (*b*) ; together with the figure for each month of 1932 ?

(2) Will Government explain the reasons for contraction and re-expansion of currency in 1932 ?

(3) Will Government state what were the amounts of Treasury Bills with the public and the Paper Currency Reserve on 31st March and 10th May, 1932.

THE HONOURABLE MR. J. B. TAYLOR : (1) (*a*) and (*b*) and (2). There was an expansion of currency of about 5 crores in January and of 4 crores in February, 1932 on account of seasonal advances required by the Imperial Bank of India against Internal Bills of Exchange and Government of India securities for the financing of crops and other trade requirements of a seasonal nature. These advances were repaid by the Bank in April, as they were no longer required, in which month there was accordingly a contraction of a corresponding amount. There has been no other expansion or contraction of currency in the year 1932.

(1) (*c*) Index numbers of wholesale prices in Calcutta are given in the *Indian Trade Journal*, copies of which are available in the Library.

(3) The total amount of Treasury Bills outstanding with the public on the 31st March and 10th May, 1932 was 47½ crores and 54¼ crores, respectively. The amount of Treasury Bills held in the Paper Currency Reserve is not published by Government.

CAPITAL COST OF THE INDO-EUROPEAN TELEGRAPH DEPARTMENT CHARGED TO THE POSTS AND TELEGRAPHS DEPARTMENT.

93. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : (*a*) Will Government state the capital cost of the Indo-European Telegraph Department charged to the Posts and Telegraphs Department ?

(*b*) What was the net price realised from the sale ; and how was it accounted ; was this amount utilised to reduce the capital ?

(*c*) Is it a fact that loss on working of the Posts and Telegraphs Department is added to the capital at charge ?

THE HONOURABLE MR. TIN TUT : (*a*) No portion of the capital cost of the Indo-European Telegraph Department has been charged to the Posts and Telegraphs Department, the two departments being quite separate and distinct. If, however, the Honourable Member wishes to know the capital cost of the Indo-European Telegraph Department up to the date of its dissolution, as recorded in the Government accounts, the answer is about Rs. 121 lakhs.

(*b*) The net amount realised from the sale was about Rs. 42 lakhs. This amount was adjusted as a credit to general revenues as all expenditure on capital assets of the Indo-European Telegraph Department was charged to a revenue head.

(*c*) No. An interest surcharge is however payable by the Posts and Telegraphs Department on such losses.

PERSONNEL, ETC., OF THE TRIBAL CONTROL AND DEFENCE COMMITTEE.

94. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government give the following information about the Tribal Control and Defence Committee:

(*a*) the personnel;

(*b*) the cost;

(*c*) the date of Report;

(*d*) the action taken by Government;

(*e*) the publication date?

THE HONOURABLE MR. A. H. LLOYD:

(*a*) Sir Evelyn Howell, *Chairman*.

Air-Marshall Sir Geoffrey Salmond.
Major-General S. F. Muspratt.
A. C. Badenoch, Esq. } *Members*.

(*b*) Rs. 25,819.

(*c*) 26th March, 1931.

(*d*) Some of the recommendations of the Committee have been adopted, others not. Some are still under consideration.

(*e*) The Report has not been published.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Do Government intend to publish it?

THE HONOURABLE MR. A. H. LLOYD: It would not be in the public interest to publish the Report.

PERSONNEL, ETC., OF THE SPECIAL COMMITTEE ON THE ECONOMIC AND FINANCIAL RELATIONS BETWEEN BRITISH INDIA AND THE INDIAN STATES.

95. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government give the following information about the Special Committee on the Economic and Financial Relations between British India and the Indian States:

(*a*) the personnel;

(*b*) the cost;

(*c*) the date of Report and the action taken by Government;

(*d*) the publication date?

THE HONOURABLE MR. A. H. LLOYD:

(*a*) Mr. W. W. Nind (then Collector of Customs, Rangoon), *Chairman*.

Mr. V. Narahari Rao, M.A., Under Secretary to the Government of India, Foreign and Political Department.
Professor S. P. Bhargava, M.A., F.S.S., member representing the Special Organisation of the Chamber of Princes. } *Members*.

Mr. Nind left the Committee at the end of October, 1930, and Mr. V. Narahari Rao took over as Chairman.

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(*b*) Rs. 66,908 approximately.

(*c*) The main Report is dated the 24th October, 1930 and the Supplementary Report is dated the 31st March, 1932. No action has yet been taken by Government on these Reports beyond circulating copies to all the delegates to the Indian Round Table Conference, but the information contained in them will be of use in connection with the consideration of the question of the financial implications of Federation during the further stages of Constitutional discussions.

(*d*) The main Report was published on the 21st February, 1931 and the Supplementary Report on the 23rd April, 1932.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Has it been supplied to the Members of the Legislature?

THE HONOURABLE MR. A. H. LLOYD: I am not able to answer that question, Sir.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will the Government consider the advisability of supplying it to the Members of the Legislature?

THE HONOURABLE MR. A. H. LLOYD: I will see that this point is looked into.

RECOMMENDATION OF THE RAILWAY RETRENCHMENT COMMITTEE OF THE APPOINTMENT OF AN EXPERT COMMITTEE ON RAILWAYS.

96. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government state what action they have taken or propose to take about the appointment of an Expert Committee on Railways recommended by the Railway Retrenchment Committee?

THE HONOURABLE MR. J. C. B. DRAKE: The matter is still under correspondence with the Secretary of State.

REPORT OF THE BENGAL AND NORTH-WESTERN RAILWAY COMMITTEE.

97. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government state what action they have taken on the Report of the Bengal and North-Western Railway Committee of the Legislative Assembly?

THE HONOURABLE MR. J. C. B. DRAKE: The Honourable Member is referred to the Resolution on the subject adopted by the Legislative Assembly on the 3rd October, 1931, and also to the Railway Department Notification No. 6370-F., dated the 16th May, 1932, published at pages 645 to 651 of Part I of the Gazette of India, dated the 21st May, 1932.

TOTAL VALUE AND QUANTITY OF POTATOES IMPORTED INTO INDIA.

98. THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER: Will Government be pleased to state particulars of the import of potatoes during the last five years under the following heads:

(*a*) total quantity and value of imports;

JD
N2, 32 N32
N32.2

(*b*) in what ports they have been imported and from what countries and how much from each country ?

THE HONOURABLE MR. J. C. B. DRAKE : As the imports of potatoes into India are not recorded separately in the Sea-borne Trade Accounts, being included under the heading " Fruits and Vegetables—fresh vegetables of all kinds," Government regret that they are not in a position to furnish the information required.

ALLEGED FREIGHT WAR BY THE BRITISH INDIA STEAM NAVIGATION COMPANY AGAINST INDIAN COMPANIES IN THE COASTAL TRAFFIC.

99. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that a freight war has been resumed of late between the British India Steam Navigation Company and the indigenous Indian Navigation Companies in Indian coastal traffic ? If so, what steps do Government intend to take ?

THE HONOURABLE MR. J. C. B. DRAKE : The Government of India have received representations from certain Indian bodies alleging that a freight war has been started by the British India Steam Navigation Company on the West Coast of India, and the matter is at present receiving their attention.

PURCHASE OF THE BENGAL AND NORTH-WESTERN RAILWAY ON THE EXPIRY OF ITS LEASE.

100. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what decision they have finally arrived at regarding purchase of the Bengal and North-Western Railway on the expiry of its lease ?

THE HONOURABLE MR. J. C. B. DRAKE : I would refer the Honourable Member to the reply just given to the Honourable Mr. Abu Abdullah Syed Hussain Imam's question on the same subject.

PREPARATION OF A FIVE-YEAR PLAN FOR THE DEVELOPMENT OF INDIAN AGRICULTURE AND INDUSTRIES.

101. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether they intend to frame a Five-year Plan similar to the Russian Plan in order to develop Indian agriculture and industries ? If so, what steps are being taken in this direction ? If not, why not ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : The development of industries and agriculture being transferred provincial subjects, it is not for the Government of India to frame any such plan. I may, however, mention that in the field of agriculture the Imperial Council of Agricultural Research has sanctioned several important schemes extending over a period of years for improvement and research in agriculture, and is considering other such schemes at present.

FORMATION OF A PETROL POOL TO KEEP UP THE PRICE OF PETROL.

102. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is it a fact that all the petrol concerns in India have formed a pool to keep up the high price of petrol above the parity of the prices ruling in western countries ? If so, does Government intend to take any steps to break the monopoly or to control and regulate the price of petrol ? If not, why not ?

THE HONOURABLE MR. J. C. B. DRAKE : The Government of India have no information of any pool having been formed by the petrol concerns in India with a view to maintain the price level but have recently undertaken to have the matter investigated.

NUMBER AND SALARIES OF OFFICERS ON STATE-MANAGED RAILWAYS AFTER THE INTRODUCTION OF THE DIVISIONAL SYSTEM.

103. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly lay on the table of this House a detailed statement of the officers employed in each department of each State-worked Railway and their salaries under the divisional system as compared with the old established system ? What savings, if any, have resulted by adoption of the divisional system on each of such Railways ?

THE HONOURABLE MR. J. C. B. DRAKE : With regard to the first part of his question, I shall obtain and communicate the information required to the Honourable Member if he will make it clear whether he wants a statement comparing the number of officers and their scales of pay prior to the introduction of the divisional system with their number and scales of pay at the present time or with their number and scales of pay as they stood immediately after the introduction of the divisional system. I would, however, point out that if the comparison is made with the position as it is now, it would not be comparing like with like. As there have been changes due to other causes, the comparison should be between the numbers and scales of pay immediately after and before the divisional system was introduced.

With regard to the second part, I would refer the Honourable Member to the Railway Board's letter No. 7505-F., dated the 8th October, 1931, to his address. As explained in the enclosure to that letter, it is extremely difficult to separate the various factors which have led to changes in the number of officers and to isolate the effect of this particular change, namely, the introduction of the divisional system.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I might mention, Sir, that I require this statement of period immediately after the introduction of the divisional system.

THE HONOURABLE MR. J. C. B. DRAKE : I will note that point, Sir.

MOVE OF THE GOVERNMENT OF INDIA OFFICES FROM DELHI TO SIMLA.

104. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state its final decision in detail regarding the move of its various offices from Delhi to Simla ?

THE HONOURABLE MR. J. B. TAYLOR : I would refer the Honourable Member to the remarks on page 23 of the " Summary of the results of retrenchment operations in Civil expenditure (including Posts and Telegraphs but excluding Railways) and in Military Estimates," circulated with the current year's budget papers. These show that owing mainly to the shortage of water supply in New Delhi it has not been found possible to arrive at any final decision in the matter of the move of the Government of India offices

from Delhi to Simla. The question of improving the water supply is under the consideration of Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : As about Rs. 18 crores have been spent upon the construction of New Delhi by Government, was it not possible to provide water for the additional number of about 2,000 men, which I understand is the net number involved in the move ? Was not this small additional consumption of water anticipated in estimate ?

THE HONOURABLE MR. G. A. NATESAN : Is the supply of water supply so low that Government cannot at least ask some of the departments to stop the exodus to Simla ?

THE HONOURABLE MR. J. B. TAYLOR : Sir, enquiries were addressed to the departments asking whether any of their staff could be left in Delhi, and I understand that as many as possible are being left in Delhi. I believe that the total number of people affected by the move would not be 2,000 but something more like 20,000.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, 2,000 was the net figure as compared to winter population.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I belong to the Committee——

THE HONOURABLE THE PRESIDENT : The Honourable Member should ask questions and not give information.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : We want to know what specification Government have taken on the recommendation of the Public Works and Accounts Committee in this respect ?

THE HONOURABLE MR. J. B. TAYLOR : I think that I have already answered that question.

INTRODUCTION OF REVISED SCALES OF PAY FOR FUTURE ENTRANTS TO THE SERVICES.

105. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government lay on the table a statement showing the revised and old rates of pay of future entrants of those services whose rates of pay have been either increased or reduced since 29th September, 1931 ?

THE HONOURABLE MR. J. B. TAYLOR : No revised scales of pay have been introduced for future entrants to the services generally though in certain cases new appointments of outsiders on a temporary footing are being made at reduced rates which will be subject to reconsideration when the revised scales are finally approved.

PERSONNEL, ETC., OF THE COMMITTEE OF EXPERTS ON DEFENCE.

106. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government give the following information about the Committee of Experts appointed by His Excellen y the Commander-in-Chief on Defence :

(*a*) the date of appointment ;

(*b*) the personnel (names) ;

(*c*) the date of Report ;

(*d*) the terms of reference ;

(*e*) whether revision of pay and allowances of officers and men were also referred to this Committee ;

(*f*) has the Report been submitted to the Governor General in Council ;

(*g*) has the Government of India come to any decision on the Report ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (*a*) April, 1931.

(*b*) The Committee consisted of myself and Principal Staff Officers.

(*c*) 13th June, 1931.

(*d*) The Committee were directed to carry out their investigations in accordance with Resolution No. 3 of the Defence Sub-Committee of the First Round Table Conference.

(*e*) No, Sir.

(*f*) Yes.

(*g*) No, Sir. The Report is under the consideration of His Majesty's Government.

EXPENDITURE IN CONNECTION WITH THE MEERUT CONSPIRACY CASE.

107. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government give the following information about the Meerut trial :

(*a*) total cost ;

(*b*) cost on prosecution ;

(*c*) cost paid for defence ;

(*d*) the amount paid by the Government of India and United Provinces Government;

(*e*) under what head this expenditure is shown in 1932-33 and the amount budgetted and spent ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) and (*d*). The arrangement made with the United Provinces Government is that the expenditure on this case as all matters which are dealt with by the ordinary machinery of the United Provinces Government is met by that Government and all other expenditure by the Government of India. I have no information as to what expenditure has been incurred by the local Government. The total expenditure incurred by the Government of India is Rs. 16,54,094 up to the end of August, 1932.

(*b*) and (*c*). Rs. 12,68,400 and Rs. 31,126, respectively.

(*c*) The expenditure borne by the Government of India is met from the budget grant of the Intelligence Bureau of the Home Department. Owing to the uncertainty of the duration of the case, no provision was made in the budget for 1932-33. The amount spent in the current year till the end of August amounts to Rs. 1,75,682.

CONTEMPLATED ABOLITION OF THE BIHAR AND ORISSA CIRCLE OF THE POSTS AND TELEGRAPHS DEPARTMENT.

108. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (*a*) Does Government contemplate the abolition of the Bihar and Orissa Circle of the Posts and Telegraphs Department?

(*b*) Has the attention of Government been drawn to the strong protest of Biharis against this measure?

(*c*) Will Government lay on the table a statement of persons and meetings by whom and at which this measure has been deprecated?

THE HONOURABLE MR. TIN TÜT: The feasibility of the measure in question has been under examination but it has been decided to drop the proposal. In the circumstances the Honourable Member will probably not desire further information.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, which was passed by the Legislative Assembly at its meeting held on the 21st September, 1932.

NOMINATIONS FOR ELECTION TO THE STANDING COMMITTEE OF THE DEPARTMENT OF COMMERCE.

THE HONOURABLE THE PRESIDENT: Only two nominations have been received for election to the Standing Committee of the Department of Commerce. They are the Honourable Mr. Ghosh Maulik and the Honourable Sir Phiroze Sethna. I have to declare those two Honourable Members duly elected to the Standing Committee.

MOTION FOR THE ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The HONOURABLE MR. TIN TÜT (Government of India: Nominated Official): Sir, I beg to move:

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, two non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting,' dealt with in the Department of Industries and Labour."

The motion was adopted.

MOTION FOR THE ELECTION OF A MEMBER TO FILL A VACANCY IN THE STANDING COMMITTEE ON ROADS.

THE HONOURABLE MR. TIN TÜT (Government of India: Nominated Official): Sir, I beg to move:

"That this Council do proceed to elect, for the remaining portion of the financial year 1932-33, a Member for the Standing Committee on Roads, to fill the vacancy caused by the resignation of his seat in the Council of State by the Honourable Mr. B. K. Basu, C.I.E."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: In connection with those two motions just adopted by the Council, nominations will be received up to 11 o'clock on Monday, the 26th September, 1932.

INDIAN EMIGRATION (AMENDMENT) BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I beg to move:

"That the Bill further to amend the Indian Emigration Act, 1922, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill seeks to give effect to amendments of a purely formal nature to achieve the objects of the Act, which by certain judicial interpretations are liable to be defeated unless these amendments are made. Honourable Members will notice that section 24 (*2*) (*b*) of the Emigration Act provides that the Governor General in Council may make rules providing for the licensing, supervision and control of all persons employed in British India in connection with the inducement of persons to emigrate and with the conveyance and accommodation of persons so induced. This sub-section has been interpreted as meaning that the Governor General in Council may make rules for the licensing, supervision and control of all persons employed in British India for those purposes but that it does not give the Governor General in Council power to make rules for the licensing, supervision and control of persons who might enter British India for the purpose of recruiting labour who may themselves be employers of labour and may not have been employed by anybody to come into India or employed in India to recruit for labour. The amendment which this Bill proposes with regard to this sub-section has as its object to invest the Governor General in Council with power to make rules for the licensing, supervision and control of all persons who are engaged in the recruitment of labour irrespective of the fact whether those persons are merely agents employed for the purpose or are themselves employers of labour.

The next amendment relates to section 25 of the Act. Honourable Members will observe that section 25 relates to offences committed under the provisions of the Act. Section 25 (*2*) (*b*) provides that any person who induces or attempts to induce any person to emigrate or attempt to emigrate or leave any place for the purposes of emigrating commits an offence. Here judicial interpretation has held that in order that any activity of any person should be held to be an offence under this sub-section there must have been some inducement or enticement held out to the person who was induced to emigrate, that mere assisting a person to emigrate would not in itself be an offence, and the purpose of

[Chaudhri Zafrulla Khan.]

the amendment relating to this section is that assisting or attempting to assist a person to emigrate, apart from any inducement or enticement held out to him, should be an offence.

The next amendment seeks to add a sub-section to this section 25. Section 25 as it stands at present makes certain activities criminal but only with regard to persons who are actually guilty of those activities. The new sub-section (*3*) which is sought to be added to this section by this amending Bill seeks to make any person who holds a licence for recruiting labour liable for any offence committed in connection with emigration proceedings provided he was privy to the offence, that is to say, in connection with any proceedings with which any licensed recruiter is concerned if any offence is committed he shall be held to be liable notwithstanding that he himself has not committed that offence unless he shows that he was not responsible for the offence and could not have prevented its commission.

The last amendment is merely consequential so that section 30 which deals with departure from British India by land for the purpose of emigrating should be brought into conformity with section 25 as section 25 would stand after amendment.

Sir, these amendments are, as I have said, of a purely formal character and I hope that the House will find no difficulty in agreeing to these amendments. Sir, I move.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I move:

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

The motion was adopted.

CANTONMENTS (AMENDMENT) BILL.

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

"That the Bill further to amend the Cantonments Act, 1924, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

I need not detain the House for more than a moment regarding this small Bill. The reasons for it are explained in the Statement of Objects and Reasons. In the course of my search for economy I abolished the staff of a subsidiary command and this amendment is merely designed to excuse the General Officer Commanding-in-Chief, Western Command, from assuming the duties of the President of the Cantonment Board at Quetta—a position which he would have to occupy under the law as it stands, owing to certain administrative changes in that Command. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

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

The motion was adopted.

ANCIENT MONUMENTS PRESERVATION (AMENDMENT)BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I beg to move:

"That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, briefly the object of this amending piece of legislation is to enable Government to make rules, first, for the purpose of protecting and regulating excavation for archæological purposes in areas where it is believed archæological treasures might be buried; and, secondly, for the purpose of issuing licences to private individuals or associations which can show that they possess the necessary amount of funds and equipment to carry on excavation for the purpose of recovering these archæological treasures. The need for this amending legislation has been felt for the reason that in the past unauthorised excavations have deprived the country of very large and valuable archæological treasures; and, secondly, that in the past regulated excavation has been carried on only by the Government Department itself. It is now felt that even with the full grant of the Government of India for this purpose at the disposal of the Archæological Department it would not be possible for the department by its own activities alone to discover and place before the world the archæological treasures of India even in the course of several centuries, that in the meantime there is danger of some of these treasures being lost altogether to India and to the world unless funds are available and forthcoming for carrying on archæological excavations for the purpose of finding and discovering those treasures. The object, therefore, is, in the first instance, to regulate excavation so that as the result of private activities or greed these treasures should not be lost to India; and, secondly, to enable Government to authorise associations and individuals, whether Indian or foreign, to carry on excavations at their own expense and thus to assist in revealing to the world the archæological treasures which lie buried in this country.

Sir, an amendment is down on the Order paper for the day in the name of the Honourable Rai Bahadur Lala Jagdish Prasad to the effect that provision should be made that no rules framed in pursuance of this amending piece of legislation should permit of the removal outside India of antiquities of national interest and value or relics of historic or religious importance. Sir, may I assure the Honourable Member that the draft rules which are already under the consideration of the department do provide to that effect and that assurances have already been given in the Select Committee and in the other House that antiquities of such a character will not be allowed to be removed outside India. I need not, Sir, at this stage go into greater detail with regard to the objects of this Bill. With these few remarks, I commend the Bill to the consideration of Honourable Members of this House. Sir, I move.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, this Bill aims at preserving the ancient monuments in India and is therefore a measure of national importance. But, designed as it is, the Bill lends itself to an interpretation which is not entirely free from misgivings, although it has been scrutinised and passed by the Lower House. The Statement of Objects and Reasons appended to the Bill shows that with the help of the provisions of the Bill it is intended by the Government to obtain the assistance of expert agencies outside India as well as learned bodies in India for the expansion of archæological exploration in the country. And clause 3 of the Bill provides that Government can transfer the ownership of antiquities and can also divide them between itself and a licensee—who, it is understood, can be a foreigner. Thus it follows that under the provisions of the Bill, as it stands, there is a danger of the antiquities of India going outside the country. This, Sir, should not be allowed in the interests of the preservation of the ancient culture of India and the danger pointed out above should be guarded against. For, I understand that antiquities found in India in the past did at times find their way outside the country. I understand that the Government gave some assurance to the Select Committee of the Legislative Assembly on this point and there was a reference to it in the Legislative Assembly also when this Bill came to be discussed on the floor of that House. But looking through the proceedings of the Lower House so far as they related to the discussion of this measure I find that no clear assurance in this behalf was given by the Government to that Body, but much was left to the rules which are hereafter to be framed by the Government. The same kind of statement has been made by the Honourable the Education Member on the floor of this House today, that is to say, that the rules to be framed hereafter by the Government would lay down some sort of provision in this behalf. But, Sir, I consider that an important matter like this should not be left entirely to the rules to be framed by the Government but should form the subject of a statutory provision in the law. I am therefore of opinion that a provision should be made in the Bill itself that no antiquities of importance would be permitted to go outside India, and I hope that my Honourable friend the Member for Education will accede to this request of mine.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the amendment moved by my Honourable friend Rai Bahadur Lala Jagdish Prasad——

THE HONOURABLE THE PRESIDENT : Order, order. We have not yet reached the stage when the Honourable Rai Bahadur Lala Jagdish Prasad can move his amendment. The House has not yet agreed to take the Bill into consideration.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I am speaking on the general subject-matter of this Bill, Sir.

THE HONOURABLE THE PRESIDENT : The Honourable Member began his remarks by referring to an amendment moved by his Honourable friend. No amendment has yet been moved.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I should like to speak in a general way, Sir.

THE HONOURABLE THE PRESIDENT : Certainly.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Sir, although we are very grateful to the Government of Lord Curzon, at whose instance the ancient Monuments Preservation Act was passed to the great satisfaction of the people of India of all classes and creeds, it has been found that some finds in the shape of coins and images have been removed from India to the British Museum even after the passing of the said Act. It is but natural that finds of national interest should remain in India and not be removed outside the country. The House will certainly agree with me that not out of any parochial patriotic spirit I am supporting the speech of my friend but it should be borne in mind that finds such as ancient coins, stone or metal images, pots, vases or urns are the glorious assets of our country because they provide us with sufficient materials for our historical researches. Not many years ago an image of Lord Budha was found in a small village in Vikrampur in the Dacca district. As there was no museum in the city of Dacca, where I come from, the image " Abalokiteswara," as it was called, was not only removed from my city but also from the Calcutta Museum to the Great British Museum. Many other instances can be cited when archæological finds of historical value and national interests have been removed from India. *En passant* I should, in this connection, like to be assured by the Treasury Bench that the finds in Harappa and Mohenjodaro must remain in India and not be removed elsewhere and Government should send the replicas of the same to the British Museum. And also I would like to ask Government to make arrangements to return to India the finds that are in the British Museum.

THE HONOURABLE THE PRESIDENT : The question is :

" That the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 3.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, I beg to move :

" That to sub-section (*1*) of the proposed new section 20B, the following proviso be added, namely :

'Provided that no such rules shall allow any antiquities of national interest and value or relics of historic or religious importance being taken outside India '."

Sir, as I just said in my previous speech, it is very important that the ancient monuments and antiquities are preserved in this country and are not allowed to go outside India. The Bill, as it stands, does lend itself to an interpretation that under its provisions this would be possible, that is to say, that antiquities would be removable outside India. My amendment seeks to make a statutory provision that ancient monuments and antiquities shall not be allowed to be removed outside India, which I commend to the acceptance of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the amendment which has been moved by my Honourable colleague Rai Bahadur Jagdish Prasad. In view

[Rai Bahadur Lala Ram Saran Das.]

of what the Honourable Member for Education has said, that under the rules he is going to adopt this suggestion, still suspicion remains in our minds as these rules are liable to be changed at the will of the Government. This matter rests entirely on the discretion of the Government, and as this is a very important matter, because the Government accepts this proposal in spirit it ought to embody it in the statute. There is no harm whatsoever in its being embodied and the refusal of Government to put it on the statute rather adds to this suspicion. Therefore, Sir, I urge this House to accept the amendment.

*THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : The Honourable Member in charge of the Bill said that this doubt was raised in the Select Committee and that an assurance was given, that the doubt was again repeated in the Legislative Assembly and an assurance that nothing would be sent out of India was given. The doubt has again been raised today in this Council and I should like to know if there is any legal or other difficulty preventing Government from agreeing to this simple amendment?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I have no difficulty in dealing with the amendment as it stands, but I am rather perplexed by the remarks which the Honourable Rai Bahadur Lala Jagdish Prasad made in support of his amendment speaking both on the motion for consideration and in moving this amendment. Whereas the amendment confines itself to antiquities of national interest and value or relics of historic or religious importance, the remarks that the Honourable Member has made referred to antiquities generally and I hope there will be no misunderstanding whatsoever that it is not the intention of Government to give any assurance that no antiquities of any kind will be removed outside the country. The matter stands thus. As I have already explained it has become abundantly clear that unless Government seek outside financial aid, whether from India or from outside India, for the excavation of these antiquities, there is imminent danger of their being lost altogether. It stands to reason that if a society or an individual is willing to spend large sums of money in explorations and excavations of this kind, that society or individual would expect some kind of return from the expenditure of that money. No doubt primarily the motive would be love of science and love of archæology and that kind of thing, but surely these people who will put up these funds would expect that they should be allowed to retain a portion of the finds which are discovered as a result of the expenditure of their funds. That is the reason why the Bill provides for the division of finds between Government and societies or individuals——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will you allow foreign societies to explore and excavate ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Yes. I have stated that explicitly when making the motion for consideration that the object is that provided a society which makes an application for a licence possesses the necessary amount of scientific and other equipment and the necessary amount of funds, there will be no bar to a foreign society being granted a licence. Although I have given an assurance in the other House that all other things being equal, that is to say, *bona fides*

*Speech not corrected by the Honourable Member.

of the various applicants, the possession of necessary funds by the various applicants, scientific and other technical equipment, these things being equal, naturally preference would be given to Indian applicants. There is no intention that licences should be confined to Indian applicants alone. May I, Sir, assure the House that if under the provisions of this Bill it were possible to attract private agencies to carry out these explorations and excavations, the Government of India and the various societies would not be able to build enough museums to house all the antiquities that might be discovered and there need really be prejudice against antiquities found in India finding their way to other countries, because that is one of the means by which the ancient culture of India can be interpreted to foreign countries. I can quite understand the anxiety of Honourable Members that finds of a national value and national importance and human relics of historic or religious importance, being of a sacred character, should not be allowed to leave India ; and with regard to that, I have already given an assurance. But if Honourable Members mean that if a stone implement of a period, say, 4,000 or 5,000 B. C. is discovered from a certain place and India already possesses scores of similar stone implements no society or individual should be allowed to keep possession of it or to transport it beyond India, Government have no intention of stopping that kind of thing. One of the provisions of the Act is designed against unauthorised export of these antiquities from India. In future Government intend to stop all important excavations except as regulated by Government and as authorised by Government ; but subject to that, Government also do intend that people who are willing to come forward to assist in these explorations and excavations with their money should get a share of the finds. To that the House should have no objection. As I have already said, I have given an assurance in the other House and have repeated the assurance here that finds of national importance or human relics of historical or religious importance shall not be allowed to go outside India. A question has been put to me why Government demur to having this restrictive provision in the Act itself. As Honourable Members are aware, a statutory provision becomes a rigid provision in the sense that if in actual working subsequently it is found that a modification is in the interests of everybody, Honourable Members of both Houses have to be invited to consider that modification and a very lengthy procedure has to be adopted in order to carry into effect the modifications that might become apparent and might become necessary——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : But where is the harm in doing so ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : May I submit, Sir, that a statute should not contain provisions merely because they do no harm unless it is necessary that they should be in the statute. Statutory provisions are not framed in order to meet sentimental objections, but in order to provide a framework into which details might be filled by rules and other provisions which might lend themselves easily to amendment and modification as necessity may arise. As Honourable Members will observe the statute itself provides that rules shall be made after publication and surely a rule is as much subject to the criticism of the Legis-

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[Chaudhri Zafrulla Khan.]

lature and is as much open to modification by the efforts of the Legislature as a provision of the statute. And I cannot see, Sir, why the suspicion should still linger in the minds of Honourable Members that Government intends something other than it has declared that it does intend. As I have already submitted, the draft rules are already under consideration and the assurance which I have given in the other House and have repeated in this House has been taken into consideration and has been given effect to in the rules. This question of the division of antiquities will be so much a matter of dealing with each individual find as it arises that it is only a broad kind of rule that would deal with the matter adequately rather than a provision in the statute. And may I further assure Honourable Members, Sir, that, having regard to the fact that the Director General of Archæology, the Secretary of the Department, and the Member in charge of the Department are all Indians, they may be trusted to take every care that nothing that is of national importance or is of religious or historical importance from the point of view of sanctity, for instance, human relics, will be permitted under these rules to go outside India, and I submit, Sir, that Honourable Members should be content with that assurance. Sir, I oppose the amendment.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I wish to support the amendment and I support the amendment on three clear grounds. The first is that, when a thing is found, it may be an ancient important thing, suppose it is found on my land, whose property does it become? Of course Government is the owner of the whole of India, every inch of the country, but that does not mean that the thing found belongs to Government and may be disposed of by it. The next question is, even if a thing is found, a very valuable thing in my land, and I know it but being a poor man am unable to utilise it, has Government got the right to get another person to take it away and so deprive me of it and give it to someone who has got more money? That, I say, is not at all a right way of looking at it. This question has arisen and will go before the Privy Council in course of time. It arose in Bombay. There is a small temple and in the compound of the temple an ancient monument was found supposed to be important. The Government took it away, saying it was their property, and removed it to the Museum. The man in whose land it was found said this was his temple, built by his father or grandfather, and they could not take the find away. There is a fight and the question is pending before the courts now. It will take some time before it reaches the Privy Council but it will reach it, and the Privy Council will have to decide whether the property belongs to the private individual in whose land the thing was found or to the Government. I quite concede the argument that there are all these highly educated officers in charge of the department who will take care that the nation's treasures are properly safeguarded, but there is such a thing as ownership rights in this world after all and the officers, though acting from a very high point of view, may not look at it from a poor man's point of view. For this reason I would like that a provision should be included in the Act itself and the matter should not be left to the rules. It is quite true that the rules are published and discussed and the public have access to the rules and can criticise them. But how many people read all the papers and

how many people study the rules that are being published? It comes to this, that when you leave it to the rules the thing is disposed of by the head of the department as he pleases and he makes a report in the course of time, which, after going through various stages, is reported on favourably and goes through. If it is put into the Act, then we will have some ground on which to stand and say: "Under this section this could have been done and why has this not been done?" The rules generally escape attention. I am sure there is not a man living now who can give you all the rules under the Government of India. I have been practising for a long time in the courts but I do not profess to know all the rules.

There is a further ground on which I should like to support this and that is that these things that are found here do not mean necessarily that they belong to India. India has been ruled for so long, first by the Romans, then by the Greeks, then by the Muhammadans, then by the British, and partly by the Dutch, French and Portuguese also, that it is absurd to claim that what is found in the ground here is necessarily Hindu and that it is only the Hindu's business to look after it. It is everybody's business to look after it. These finds are of historical interest and many dates which scholars cannot fix are disclosed by these discoveries. Many Roman things have now been found and now we know that the Romans came to India, which otherwise we should not have known. Many Greek things have been found and we know the Greeks ruled in India. So these things may be of value. Take the rather striking illustration which was given this morning—that supposing the things you find are of no particular value to you and you cannot utilise them, why not let others take them? My reply is, I may not be able to use them today but it is my property, I should like to keep it and have a look at it and say I am the owner of this. There is some kind of pleasure in that kind of thing. But that anything that a poor man cannot utilise he should be deprived of is a principle which no lawyer will admit—at any rate I will never consent to that kind of principle. For all these reasons I submit that this should form a part of the Act itself and nobody should be allowed to interfere with it unless he comes to us here and secures our consent to altering it. For these reasons, Sir, I support the amendment.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, the explanation given by the Honourable Member for Education is indeed convincing but there is one point which troubles me. The Honourable Member has said that if applications are made by foreign bodies or associations Government will certainly consider them. I agree with him to that extent but we know that if foreign bodies do ask for such concessions they would try to get as much of the finds for themselves as possible. Government on their part will, I am sure, impose conditions according to which they will try to preserve what they call "antiquities of national value or relics of historical or religious importance." May I ask the Honourable Member whether, if a foreign society in its discoveries comes across something which is a solitary specimen without any duplicate or triplicate, may I ask if Government will absolutely insist upon keeping such single articles in India and not part with them until a duplicate or triplicate is found either in the discoveries made by foreign bodies or ourselves? If that assurance is given by Government, I think it is to the interest of India that we may allow

[Sir Phiroze Sethna.]

duplicates, triplicates, etc., to be sent to other countries for the very good reason advanced by the Honourable Member that thereby the culture of India will spread far and near.

THE HONOURABLE THE PRESIDENT: The original question was:

"That clause 3 stand part of the Bill."

Since which an amendment has been moved:

"That to sub-section (*1*) of proposed new section 20B, the following proviso be added, namely:

'Provided that no such rules shall allow any antiquities of national interest and value or relics of historic or religious importance being taken outside India'."

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

The Council divided:

AYES—15.

Banerjee, The Honourable Mr. Jagadish Chandra.
Chetti, The Honourable Diwan Bahadur G. Narayanaswami.
Dutt, The Honourable Rai Bahadur Promode Chandra.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.
Gounder, The Honourable Mr. V. C. Vellingiri.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.
Jagdish Prasad, the Honourable Rai Bahadur Lala.
Jalan, The Honourable Rai Bahadur Radha Krishna.
Kalikar, The Honourable Mr. Vinayak Vithal.
Khaparde, The Honourable Mr. G. S.
Naidu, The Honourable Mr. Y. Ranganayakalu.
Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Raghunandan Prasad Singh, The Honourable Raja.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sinha, the Honourable Kumar Nripendra Narayan.

NOES—32.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.
Benthall, The Honourable Mr. E. C.
Buta Singh, The Honourable Sardar.
Commander-in-Chief, His Excellency the
Cotterell, the Honourable Mr. C. B.
Dadabhoy, The Honourable Sir Maneckji.
Devadoss, The Honourable Sir David.
Drake, The Honourable Mr. J. C. B.
Dudhoria, The Honourable Raja Bijoy Singh.
Dutt, The Honourable Mr. G. S.
Ghosal, The Honourable Mr. Jyotsnanath
Glass, The Honourable Mr. J. B.
Habibullah, The Honourable Nawab Khwaja.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Hallett, The Honourable Mr. M. G.
Hubback, The Honourable Mr. J. A.
Johnson, The Honourable Mr. J. N. G.
Lloyd, The Honourable Mr. A. H.
Megaw, The Honourable Major-General J. W. D.
Mehta, The Honourable Mr. H. M.
Miller, The Honourable Mr. E.
Mitter, The Honourable Sir Brojendra.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Natesan, The Honourable Mr. G. A.
Noon, The Honourable Nawab Malik Mohammad Hayat Khan.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Sethna, The Honourable Sir Phiroze.
Sinha, The Honourable Rai Bahadur Madan Mohan.
Suhrawardy, The Honourable Mr. Mahmood.
Taylor, The Honourable Mr. J. B.
Tin Tüt, The Honourable Mr.
Zafrulla Khan, The Honourable Chaudhri.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I beg to move:

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

The motion was adopted.

TRADE DISPUTES (AMENDMENT) BILL.

THE HONOURABLE MR. TIN TÜT (Government of India: Nominated Official): Sir, I beg to move:

"That the Bill to amend the Trade Disputes Act, 1929, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, the measure before the House is a very simple one and I trust that the House will find it non-controversial.

Section 13 (*1*) of the present Act provides that:

"....there shall not be included in any report or publication made or authorised by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its enquiry or investigation * * * which is not available otherwise than through evidence given before the Court or Board except with the consent in writing of the Secretary of the Trade Union, etc...."

The same sub-section also enacts that no individual member of the Court or Board or any person concerned in the proceedings before it shall disclose any such information without such consent. This, Sir, imposes a very heavy burden on members of Courts of Inquiry or Boards of Conciliation, because before they put in any statement of facts or any information in their reports they have got to make sure that this information is otherwise available than in the course of evidence tendered before them.

If they still wish to incorporate this information in their report, they have got to get the permission in writing of the person concerned. It seems to Government needless that this ban on publications should apply to every information which is tendered before a Court or Board. In clause 2 of the Bill it is proposed that this prohibition should be restricted only to particular information about which the Trade Union, person, firm or company, has preferred a request to the Court or Board that such information should be treated as confidential. Also, Sir, in sub-section (*2*) of section 13 of the Trade Disputes Act it is provided that any member of a Court or Board who discloses any information in contravention of sub-section (*1*) shall on complaint be liable to punishment with a fine. There may be cases where a member without any *mala fides* or any wilful intent inadvertently causes the publication of some unimportant piece of information and it seems to Government

[Mr. Tin Tüt.]

that it would be better if the sub-section is amended to make the offence punishable only if the information is given out wilfully.

Finally, Sir, under the Trade Disputes Act, as it stands at present, if a member of a Court of Inquiry or Board of Conciliation is accused of any offence under section 13, any magistrate, even a third class magistrate under training, is competent to try the alleged offence. This, Sir, seems inappropriate, because members of a Court or Board are often of the standing of High Court Judges, and the Bill proposes that jurisdiction should be restricted to First Class Magistrates or Presidency Magistrates. Further, a court of law, a criminal court, can take cognizance without restriction of any complaint made before it of an offence under sub-section (2). There may be cases where vexatious or frivolous complaints are made against members of Courts of Inquiry or Boards of Conciliation, and it seems proper that there should be some restriction and that prosecutions should be subject to the prior sanction of the authority that appoints a Board or a Court. The Bill seeks to impose this restriction and I may mention that in this respect the Bill merely gives effect to a recommendation of the Royal Commission on Labour. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. TIN TÜT: Sir, I beg to move:

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

The motion was adopted.

PORT HAJ COMMITTEES BILL.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I beg to move:

"That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as passed by the Legislative Assembly, be taken into consideration."

Sir, this Bill is one of three measures that have been proposed by Government with the object of assisting Muslim pilgrims to the Hedjaz. Government regret that it has not been found possible to proceed simultaneously with the other two Bills which are still to receive the consideration of the other House. The object of these three Bills is to alleviate the miseries and discomforts to which Muslim pilgrims to the Hedjaz are subjected both in this country during their overland journeys and their stay in the ports before embarkation, and also during the voyage to and back from the Hedjaz. It is not necessary for me to dilate upon the discomforts and inconveniences to which these pilgrims are subjected owing mainly to the fact that mostly these pilgrims are poor and ignorant and very large bodies of them have to travel within a specified time from all parts of India to two or three ports in India and there to

embark for the Hedjaz. Being moved by the tale of these inconveniences and discomforts, Government consented to appoint a Committee in 1929 called the Haj Inquiry Committee to go into the whole matter and to make recommendations to the Government, and these three measures are the results of the recommendations which the Haj Inquiry Committee made to Government. The measure which is now before the House seeks to establish Port Haj Committees in the principal ports of pilgrim traffic in India for the purposes which are specified in clause 18 of the Bill. Honourable Members will observe that the duties of these proposed Port Haj Committees will be entirely to provide assistance and comforts for intending pilgrims. There is no provision in this Bill which seeks to lay any restriction or constraint upon any intending pilgrim, nor will the activities of these Port Haj Committees be in any way concerned with the performance of any religious duty or ceremony. These Committees will derive their funds from sources which are described in clause 20 of the Bill. The remaining clauses of the Bill relate to the constitution of the Committees and the appointment of Chairmen, Vice-Chairmen and other officers, their duties, their salaries and other incidental matters. I believe, Sir, there is nothing in this Bill to which any objection could be taken on principle and I trust that it will be possible for the House to take it into consideration and pass it this morning. Sir, I move.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, in rising to speak on this motion, I wish to state that I quite agree with the Honourable Member for Education that this does not place any bar in the way of Muslims, and all the attack that has been made in the press that by means of this Bill Government want to hamper pilgrimage to the Hedjaz is all moonshine. The only objection that we have to this measure is the stereotyped one of our wanting increased elected element and decreased official element. In this respect I have got the support of the Haj Pilgrimage Committee which was formed by the Legislature in 1929. That Committee in its recommendations Nos. 50 and 51 stated that nomination should be to the extent of 20 per cent. only. Here the Government have increased that number. In the original Bill the number of nominated members was 9 and that will be reduced to 7 by the present Bill, but while this is no doubt an improvement our point is that it is not a sufficient improvement. We wanted that the number of elected members should be increased and the nomination should be decreased. It is in keeping with the modern tendency that the nominations and inclusion of officials should not be continued. In the local self-governing bodies, in the provinces and in the centre, we are all trying to reduce the official element and it was expected that Government at least in this body, with which the Government has absolutely no concern (it is more or less a charitable body and benevolent institution), would look after the interests of the pilgrims, since there were no interests of Government at stake which would require that Government officials should be members. There is no doubt that the inclusion of certain officials is essential to carry on the work of the pilgrims and to that we have no objection, but Government has taken power to nominate two non-officials. In the rules it is laid down that of the nominated members a certain number would be officials, which means that the remainder would be non-officials. This is rather a bait to be given to members for the

[Mr. Abu Abdullah Syed Hussain Imam.]

services rendered in other places. That is a bad habit which should not continue under the present constitution or in the reformed constitution. The other point of my objection will come up when we deal with clause 5. Sir, I oppose the motion.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) : Sir, in accordance with a Resolution passed by the Legislative Assembly, Government appointed a Haj Inquiry Committee. All the members except the Chairman were non-official Muslims. The Committee conducted a thorough inquiry into the grievances and hardships of the pilgrims proceeding to the Hedjaz and submitted a detailed report making certain recommendations that covered the Muslim demands. Upon these recommendations opinions of various Local Governments and non-official organizations were invited and discussed at several meetings of the Standing Haj Committee of the Central Legislature, of whom the members were non-official Muslims. This Bill is the result of all these elaborate arrangements. It is a wholesome measure to render assistance to pilgrims. It gives wide scope to the Haj Commitees. The Government of India is to be congratulated on bringing forward a beneficial scheme for the comfort of Muslim pilgrims. Sir, I support the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 5.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Sir, I rise to move the amendment that clause 5 be omitted. My reason for bringing forward this amendment is a constitutional one. I am not moving it because I happen to be a Muslim or because I am interested in the question of the Hedjaz, but on purely constitutional grounds. By this Act a power is sought to be given to the Governor General in Council which is the same as that of the Legislature. Just now the Honourable Member for Education gave us in the course of another debate a nice maxim, "that Statutes are not framed in order to meet sentimental objections." Well, certain provisions are made by the Act for the composition of the Port Committees and no other authority but the Legislature should have the power to amend them. It is ordinarily the practice to give power to make rules to the Governor General in Council or to other authorities, but the power equivalent to that which the Legislature exercises is not conferred, in any democratic country, on the Executive. Here all the measures that have been passed by the Legislature in clause 4 can be set at naught by the Governor General in Council without coming to the Legislature. To this I take the strongest objection. It is unconstitutional and at variance with the practice in other democratic countries. For this reason, Sir, I move that clause 5 be omitted.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Sir, I am sure my Honourable friend will excuse me if I fail to appreciate the constitutional aspect of his objection to clause 5 of the Bill. He said that clause 5 would make it possible for the Governor General in Council to alter the constitution of the Committees in such a manner that they would not remain in conformity with the provisions retained in the Bill. That would no doubt be the case in theory. But I cannot see what constitutional point is raised in the objection. Sir, I desire to assure Honourable Members that this provision in the Bill has not been designed with the purpose which the Honourable Member who has just spoken suspects lies behind it. The whole necessity of having this clause in the Bill is that these Committees are being established for the first time on a statutory basis, that we have had no experience of a statutory Committee of this kind before, that they have to deal with extremely difficult questions that might arise and during the first few years of their working it might be disclosed that some modifications in the constitution of these Committees might contribute towards their better working and might facilitate the achievement of the objects which they are designed to serve. It is not the intention of Government, as it were, to take away under this clause what they have given under clause 4. The only object is that when modifications become necessary it may be possible to carry them into effect without the elaborate machinery of the two Houses of the Legislature passing amendments to the Act having to be requisitioned on each occasion. As Honourable Members will observe, it is not merely a case of the Governor General in Council on his own motion, considering that certain modifications are desirable in his view and passing an order and giving effect to it and thus modifying the provisions of section 4 in any manner that he might choose. The initiative in the first instance lies with the local Government within whose jurisdiction the particular Port Haj Committee might be functioning, as the local Government would be in a very much better position to judge of the activities of the Committee and then to put up suggestions in regard to the constitution of the Committee. The Governor General in Council would take into consideration the draft suggestions of the local Government after previous publication, and this previous publication would give an opportunity to individuals and associations interested in the question as well as to the Standing Haj Committee to put forward their suggestions or the opposition to any modification. It is after this procedure has been gone through that the Governor General in Council will finally decide whether any modification was or was not desirable and then decide what modification should be carried into effect. It is just because it is felt with regard to these Committees who have had no previous experience of matters which will be committed to their care that it might be necessary to carry into effect minor modifications without in any way interfering with the main features of the constitution of these Committees, that it is desired to take this power without having to come back to the Legislatures for amending the Act. I submit that there is no sinister motive behind this clause and I oppose the motion for deletion of this clause.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Sir, undoubtedly the conditions under which Muslim pilgrims travel to the Hedjaz are not satisfactory and it is obvious that this Bill has been framed in the interests of the Hajis that is, in order to secure the comfort and general welfare of the Muslim pilgrims during

[Nawab Malik Mohammad Hayat Khan Noon.]

their holy journey to the sacred land and back to India. There appears to be no other object in bringing forward this measure and there appears to be no justification for any suspicion that if at any time in the future Government alter the composition of these Committees, it will be for any other reason than for the benefit of the pilgrims or for the better working of the Committees. Therefore, Sir, I oppose this amendment.

THE HONOURABLE THE PRESIDENT : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 6.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I do not intend to move my amendment, Sir.

THE HONOURABLE THE PRESIDENT : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 24 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : Sir, I beg to move :

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

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) : Sir, it is proposed to proceed on Tuesday next with the Code of Criminal Procedure (Amendment) Bill which was laid on the table this morning. Further information as to the future course of business will, it is hoped, be available for communication to Honourable Members on Monday.

The Council then adjourned till Eleven of the Clock on Monday, the 26th September, 1932.

COUNCIL OF STATE.

Monday, 26th September, 1932.

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

MEMBERS SWORN :

The Honourable Sir Frank Noyce, Kt., C.S.I., C.B.E. (Industries and Labour Member).

The Honourable Mr. Arthur Beatson Reid, C.I.E. (Government of India : Nominated Official).

STATEMENT *RE* REPRESENTATION OF THE DEPRESSED CLASSES IN THE NEW LEGISLATURE.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, with your permission, I desire to make the following statement :

His Majesty's Government have learnt with great satisfaction that an agreement has been reached between the leaders of the depressed classes and of the rest of the Hindu community regarding representation of the depressed classes in the new Legislature and certain other matters affecting their welfare. In place of the system of general constituencies combined with special depressed class constituencies contained in the Government Communal Award of 4th August last, the agreement provides for general constituencies within which seats are reserved for depressed classes subject to important conditions as to the manner in which the reserved seats are filled. The Government in their Award which was given in the absence of agreement between the communities were solely concerned in relation to the depressed classes to provide adequate securities that the interests of these classes should be observed by the new Legislatures. As representatives of the depressed classes and other Hindus acting together believe that the scheme now forwarded by them to His Majesty's Government is adequate for that purpose, the Government, in accordance with the procedure which they laid down in paragraph 4 of their Award, will recommend to Parliament in due course the adoption of the clauses of the agreement dealing with representations in the provincial Legislatures in place of the provisions in paragraph 9 of the Award.

It will be understood that the total number of general seats including those reserved for the depressed classes under the agreement will in each province remain the same as the number of general seats *plus* the number of special depressed class seats provided for in His Majesty's Government's decision.

His Majesty's Government note that the agreement deals also with certain questions outside the scope of their Award of August 4th. Clauses 8 and 9

deal with general points, the realisation of which will be likely to depend in the main on the actual working of the constitution. But His Majesty's Government take note of these clauses as a definite pledge of the intention of the caste Hindus towards the depressed classes.

There are two other points outside the scope of their Award. (1) The agreement contemplates that the franchise for the depressed classes should be that recommended by the Franchise (Lord Lothian's) Committee. It is obvious that the level of the franchise for the depressed classes (and indeed for Hindus generally) must be determined at the same time as that for other communities is being settled and the whole subject is under consideration by His Majesty's Government. (2) The agreement also provides for a particular method of electing depressed class representatives for the Legislature at the centre. This again is a subject outside the terms of this Award which is under investigation as part of the whole scheme for election for the Legislature at the centre, and no piecemeal conclusion can be reached. What has been said on these two points should not be regarded as implying that His Majesty's Government are against what is proposed in the agreement, but that these questions are still under consideration. To prevent misunderstanding it may be explained that the Government regard the figure 18 per cent. for percentage of British India general seats at the centre to be reserved for the depressed classes as a matter for settlement between them and other Hindus. (Applause.)

QUESTIONS AND ANSWERS.

NUMBER OF EUROPEAN AND ANGLO-INDIAN CADETS TAKEN FOR TRAINING ON THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN".

109. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state if Europeans and Anglo-Indians are taken in for training in the Indian Mercantile Marine Service on board the S.S. "Dufferin" in Bombay port? If so, how many European and Anglo-Indian boys have been taken in up to now since the very beginning of the training?

THE HONOURABLE MR. J. C. B. DRAKE: Domiciled Europeans and Anglo-Indians are eligible for admission to the "Dufferin." Forty boys belonging to these communities have been admitted to the Training Ship since its establishment in December, 1927.

REFUSAL OF ADMISSION FOR TRAINING ON THE INDIAN MERCANTILE MARINE TRAINING SHIP "DUFFERIN" OF AJIT KUMAR GHOSE AFTER HE PASSED THE QUALIFYING EXAMINATION.

110. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Is it a fact that one Ajit Kumar Ghose from Bengal who passed the qualifying competitive examination for training in the Indian Mercantile Marine Service was called for interview last year in Bombay and then refused admission for training on board the S. S. "Dufferin"?

(*b*) Will Government be pleased to state why he was not taken in?

(*c*) Is it a fact that the father of the said Ajit Kumar Ghose, a retired Deputy Magistrate and Collector, wrote to the Captain Superintendent of the Training Ship "Dufferin" to let him know the reason why his son was not taken in and that no reply has yet been given to him?

(*d*) Will Government be pleased to state why no answer was given?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) Yes.

(*b*) It was notified that about 66 candidates would be interviewed for 33 cadetships. Mr. Ajit Kumar Ghose was not selected because he was considered by the Governing Body to be less suitable for training for a career at sea than those candidates who were admitted.

(*c*) Yes.

(*d*) A reply was not sent through an oversight.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

May I ask when I may expect to get a reply?

THE HONOURABLE MR. J. C. B. DRAKE: I shall see that the reply is sent if it has not already been sent.

HELP GIVEN BY BABU KEDAR NATH TO MR. S. K. GHOSE, PERSONAL ASSISTANT TO THE COMMISSIONER OF INCOME-TAX, BENGAL, IN THE DETECTION OF CASES.

111. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state if Mr. S. K. Ghose, Personal Assistant to the Commissioner of Income-tax in Bengal was either in District II or District IV, Calcutta, in 1922, as an Income-tax Officer?

2. Is it a fact that he was all along being helped by one Babu Kedar Nath in the detection of cases while he was in one of those districts in Calcutta and specially when he was doing Special Income-tax Officer's cases?

3. Are agents' services required in the detection of income-tax cases in Calcutta? If not, will Government be pleased to state why Babu Kedar Nath's services were availed of by Mr. S. K. Ghose in the detection of cases?

THE HONOURABLE MR. J. B. TAYLOR: 1. Mr. S. K. Ghose was not in District II, Calcutta, in 1922, at all. In that year he was in District IV, Calcutta, for three or four months as a probationary Income-tax Officer under training, but during that period he exercised no functions under the Act.

2. and 3. As the Honourable Member was informed by the Honourable Mr. Brayne on the 27th February, 1932, Government do not and never have employed paid informers in Calcutta. These questions, therefore, do not arise.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE:

There is a photograph of the letter which I should like to place on the table regarding Mr. S. K. Ghose.

THE HONOURABLE THE PRESIDENT: This is an opportunity for the Honourable Member to ask questions, to ask for information; it is not an opportunity for him to place papers on the table.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :

May I ask whether Government will allow this photograph of the letter which I have got with me to be put before this House and may I read it ?

THE HONOURABLE THE PRESIDENT : I am afraid this is not a question for the Government to decide. It is a matter for the Chair and I think probably the Council will not be interested in the photograph to which the Honourable Member is referring.

PROVISION OF SPECIAL AND SCHEDULED TRAINS ON THE EASTERN BENGAL RAILWAY WITH ADVANCE BOOKING DURING THE DURGA PUJA HOLIDAYS BETWEEN SEALDAH AND GOALUNDO.

112. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state if the Eastern Bengal Railway adopts any method of regulation of high-density passenger traffic during the Durga Puja holidays and on important Indian festival days ?

2. Will Government be pleased to state if the Eastern Bengal Railway provides special trains and scheduled trains with advance booking during the Durga Puja holidays between Sealdah (Calcutta) and Goalundo ? If so, will Government be pleased to state how many of such trains are provided ? If not, why not ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. Yes: the number of carriages running on the ordinary daily trains is increased and special trains are also arranged.

2. The Agent, Eastern Bengal Railway, states that an adequate number of special trains is run and that booking seven days in advance is permitted in the case of upper class passengers. During the last Durga Puja holidays, two special trains ran from Calcutta to Goalundo and three from Goalundo to Calcutta.

PROGRESS MADE WITH THE SCHEME OF THE DACCA-ARICHA RAILWAY.

113. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state how far they have advanced with the scheme of constructing a railway line between Dacca and Aricha ?

2. Is it a fact that the necessary surveys and estimates were completed but that the scheme has been held up chiefly on financial grounds ?

3. Is it a fact that the scheme is being obstructed by the steamer companies ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. and 2. The final location survey has been completed; the detailed estimates have not yet been received by the Railway Board. It is understood that the Eastern Bengal Railway is awaiting the decision of the Bengal Government on the Waterways and Headways Committee's Report before preparing the detailed estimates.

3. Steamer companies, as is generally known, have certain objections to the scheme.

FORCED OR COMPULSORY RETIREMENT OF RAILWAY OFFICERS WHO HAVE COMPLETED 25 YEARS' SERVICE.

114. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state if there is any scheme of the Railway Board for forced or compulsory retirement of officers in Indian Railways who have completed 25 years' service ?

(*b*) If the answer is in the affirmative will Government be pleased to state how many officers have retired up till August, 1932 under that scheme in the Eastern Bengal Railway, Assam Bengal Railway and East Indian Railway ?

(*c*) If not, will Government be pleased to state if it is in the contemplation of the Railway Board to introduce such a scheme ?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*) and (*c*). No.

(*b*) Does not arise.

DATE OF THE ESTABLISHMENT, ETC., OF THE RAILWAY TRAINING COLLEGE AT CHANDAUSI.

115. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state when the Railway Staff Training College at Chandausi was established ?

(*a*) What is its annual expenditure ?

(*b*) How many teachers are there for both practical and theoretical training in that College ?

(*c*) Who are eligible for teachership of that College ?

(*d*) Are there any Indian teachers in that College with British qualifications ?

(*e*) What is the period of training at Chandausi ?

(*f*) Who are generally given training there ?

(*g*) Are the new recruits for the superior services who are taken in after competitive examinations given training there ?

(*h*) In what particular branches of railway administration are they given training ?

2. Will Government be pleased to state what special advantage or advantages Chandausi enjoys for the establishment of a Railway Training College there ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. The Railway School of Transportation was established at Chandausi on the 1st of March, 1925.

(*a*) The expenditure used to be a lakh of rupees per annum on the average but has recently been brought down and the estimate for 1932-33 is Rs. 68,000.

(*b*) The staff consists of a superintendent and three instructors.

(*c*) Two competent persons with adequate experience in railway working.

(*d*) No.

(*e*) Three months for probationary officers and other staff recruited on probation, and one month for refresher courses for transportation staff.

(*f*) Probationary officers, probationary staff and transportation employees of the East Indian Railway.

(*g*) After the closing down of the Dehra Dun Staff College, officers who are attached to the East Indian Railway are trained in this School.

(*h*) Training is given in transportation, commercial and telegraph work.

2. Chandausi was at one time a district headquarters station of the old Oudh and Rohilkhand Railway system. The buildings and grounds were available there and with little additional expenditure were converted into a school. Chandausi also possesses certain other advantages which influenced its selection for the location of the school. It is a small town comparatively less expensive than some of the bigger towns and is situated in a healthy locality.

NUMBER OF RAILWAY TRAINING COLLEGES IN INDIA OF THE SAME TYPE AS CHANDAUSI.

116. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state how many Railway Training Colleges of the type of Chandausi there are in India ?

2. Is there any Railway Training College at Dehra Dun and is it of the same status as Chandausi ?

(*a*) What sort of railway training does this Dehra Dun Training College give to new recruits ?

(*b*) Are the subordinate hands such as station masters, guards, carriage examiners, parcel and booking clerks, travelling ticket inspectors, loco. department men, etc., given any training in any of the Railway Training Colleges, both in theory and practice ?

(*c*) Who are generally and specially given training in the Dehra Dun Railway Training College ?

(*d*) What is the annual expenditure of the Dehra Dun Training College ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. There are two Railway Training Schools of the type of Chandausi:

(*i*) The Railway School of Transportation at Chandausi, and

(*ii*) The Walton Training School at Lahore.

2. The Railway Staff College at Dehra Dun was closed towards the end of March, 1932.

(*a*) The particulars of training given to new recruits at the Dehra Dun College before it was closed down are given below:

Transportation and Commercial Probationers.	Probationary Civil Engineers.
General Rules.	General Rules.
Practical demonstration in Model Room.	Practical Demonstration in Model Room.
Station master's duties, Operating and Commercial.	Operating and Commercial Works at a station.
Station Accounts.	Engineering and Stores Accounts.
Principles of Locomotive and Vacuum Brake.	Principles of Locomotive and Vacuum Brake.
Telegraph Office Organization.	

(*b*) The subordinates mentioned are trained at Chandausi for the East Indian Railway and at Lahore for the North Western Railway. The East Indian Railway has also a school at Asansol for the training of loco. department men and carriage examiners.

(*c*) The training was given to probationary officers, and junior and senior scale officers, as well as selected senior subordinates.

(*d*) The expenditure excluding interest and depreciation on buildings for the year 1930-31 was approximately Rs. 2,34,000 and for 1931-32 Rs. 3,83,000.

TOTAL MILEAGE OF STATE AND COMPANY-MANAGED RAILWAYS IN INDIA IN AUGUST, 1932.

117. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government be pleased to state what the total mileage of the Railways in India is, both State and Company-managed, up till August, 1932 ?

THE HONOURABLE MR. J. C. B. DRAKE: The total route mileage of Railways in India (including lines owned by Companies and Indian States) was on 31st July, 1932, approximately 42,956 miles.

PLANS FOR THE CONSTRUCTION OF NEW RAILWAY LINES IN SOUTHERN INDIA DURING 1932.

118. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state if there is any plan for the construction of new railway lines in Southern India this year ? If so, how many new lines will be constructed and by whom ?

2. Is it a fact that Erode railway station in Madras is being remodelled ? If so, at what cost ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. There are no lines to be constructed from funds supplied by Government but I believe the Mysore Railways are contemplating an extension.

2. Yes. The estimated cost is about Rs. 60 lakhs.

TOTAL ESTIMATED COST OF THE PROPOSED DACCA-ARICHA RAILWAY.

119. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: 1. Will Government be pleased to state what is the total cost estimated by Government for the proposed railway line from Dacca to Aricha in Bengal ?

2. Will Government be pleased to state when they are going to start the construction of the Dacca-Aricha Railway line in Bengal ?

THE HONOURABLE MR. J. C. B. DRAKE: 1. The capital cost of construction was estimated in 1930 at 189 lakhs; but, as I have indicated in reply to another question by the Honourable Member, the detailed estimates are not yet ready, and it is possible that the recommendations of the Waterways and Headways Committee if accepted by the Government of Bengal may lead to increased expenditure.

2. Government are unable to say.

MOTION *RE* TERRORIST OUTRAGE PERPETRATED ON THE RAILWAY INSTITUTE, PAHARTALI.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, with your permission, I desire to make the following motion:

"This House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons."

Sir, in view of the possibility that some Honourable Members are not in possession of the information of which this motion is the outcome, I should perhaps explain that the following telegram has been received from the Government of Bengal:

"Following telegram received from District Magistrate, Chittagong: *Begins.* Pahartali Railway Institution attacked by terrorists about 23 hours 24th instant. Bombs and guns used by attackers reported about ten in number. One woman killed, four women wounded, seven men wounded, including Inspector MacDonald and Sergeant Willis of Police. One woman terrorist killed. Troops and police are out searching for raiders."

Few words are necessary from me in support of this motion. A brutal and insensate outrage of this nature cannot, I am sure, but receive the sternest reprobation from all quarters of this House. Sir, I move.

THE HONOURABLE THE PRESIDENT: Motion moved:

"That this House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons."

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, I rise to support this motion with great sorrow and extreme regret. We are all horrified to hear this ghastly news of a most dastardly crime which took place at an institution where innocent people were entertaining themselves. This unfortunate event excels in my opinion all past records in the history of crimes in this country. It was a most revolting crime. We are all very grieved to see that so many people have been injured and one innocent lady killed. It is a very sad affair and I think the Honourable Member was perfectly justified in asking this Council to express its condemnation of the affair. I hope this condemnation will not be confined to this Council alone but in all important cities in India people will gather and express their strong condemnation of this unfortunate affair. I also trust the guilty persons will be brought to justice as speedily as possible. I assure the Government of India that in any measures which the Government of India desires to adopt for the suppression and eradication of this nefarious evil which has become rather too common in this country the Government of India will have the full support and co-operation of this Council.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay Non-Muhammadan): Mr. President, the Council has heard with great horror and utter dismay of the terrorist outrage which was perpetrated night before last according to the account placed before the House by the Honourable Sir Frank Noyce. Sir, one cannot understand why these outrages are confined more or less to the Chittagong district. We have heard that perhaps economic conditions there

are bad but surely economic conditions in Chittagong are no worse than in other districts of Bengal or for the matter of that in other provinces of India. Therefore, the only inference to be drawn is that these anarchical outrages are due to political reasons and no other. These mad attempts do not further the cause of India at all. If the anarchists think so they are making a very serious mistake. On the contrary they set back the hands of the clock. If they think that by pursuing such methods they will drive out the British they are greatly mistaken for the British, to judge them by their past and present history, are not made of such stuff as to be cowed down by such murders. They will certainly continue to govern and at the same time do the best they can to extend reforms whereby India can get self-government as early as possible. But, Sir, these attempts, as I say, give a distinct set-back. On the other hand, I would appeal to Government not to stiffen themselves in order to devise ways and means to adopt relentless repressive methods. I would appeal to them to pursue the policy which they have laid down and I do believe that if the Reforms are expedited and also if the Reforms are given in a liberal measure that the present discontent will be greatly allayed and indirectly anarchy will be suppressed. This last attempt could not have been made at a more opportune moment from the point of view of Government. If this crime had to happen it has been committed at a time when perhaps it will help the hands of Government very considerably for we know that in the other House today the Ordinance Bill is to be introduced. Doubtless there would have been many Members there who would have opposed the measure tooth and nail but I will not be surprised if many of them will be converted by the news of this atrocity and are prepared to render help to Government in passing that Bill. Sir, I support the motion.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I am indeed shocked to hear about this dastardly outrage and particularly of this murderous attempt on helpless women. I wish to give expression to the feeling of horror which we all feel about this. I would like to add that I trust we shall soon see the last of these terrorist outrages and we hope something will be done to root out the cause of these wretched attempts. Sir, I do not wish to say anything more. I support the motion.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to support the motion moved by Sir Frank Noyce. There is no doubt that these terrorists are misguided people, but the real culprits, and I think those who are really responsible for this sort of outrage in India are not only terrorists themselves, but the masses who have become callous to these atrocities. It is mostly due to, I do not say their active support but their passive and lethargic attitude, and that they do not feel themselves bound to help the Government to wipe out this evil blot from the face of India, that this thing is prospering. This is the reason why this sort of thing flourishes. Terrorist outrages are mostly confined to certain places where they find that the ground is fit for their ideas to prosper. Unless the people generally are prepared to support the Government, to stamp out this evil, no amount of repression or strong measures by the Government can erase it. We are all united in maintaining, Sir, that these movements are not inimical to the British Government alone, but to all forms of established government and those whose desire it is to see the future India having self-

[Mr. Abu Abdullah Syed Hussain Imam.]

government, can on any account support this sort of movement. We can have nothing but condemnation for any form of movement which wants to subvert or remove a settled form of government. We are all united with the Government in every possible effort that it wants to make to erase this evil, and I hope, Sir, that when the government bring forward their measure they will find that these are not empty words but that we are prepared to support everything that the Government themselves are prepared to do to stamp out this evil. Sir, I support the motion.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT (Assam : Non-Muhammadan) : Sir, I rise to support this motion on behalf of the people of Assam. As Honourable Members may know, our province is entirely free from terrorist crime and from insensate outrages of the kind to which this motion refers. Everybody in India is convinced that methods like this will not further the cause of self-government and that these atrocities will give trouble not only to the British Government but to the Indian Government that is going to take its place. I therefore support this motion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, it is with a sense of deep horror that we have all heard about the new addition to the already long list of dastardly crimes perpetrated in Bengal by misguided youths. It is most unfortunate that at a time then the hearts of all that is good and true in this country are set on creating a peaceful atmosphere to bring to a successful conclusion the constitutional issue, we should be reminded that there exists a party, however small, that believes not in peaceful evolution but seeks to further their cause by methods of terrorism. We all join with the Benches opposite in registering our sense of deep abhorrence and strong condemnation of such like deeds. Sir, with these remarks I support this motion.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, I am speaking for my leader, Mr. Miller, and also for Mr. Glass as I come from the province which is the scene of this insensate and cowardly campaign of murder. It is, I confess, with difficulty that I speak with restraint. But I am glad, very glad,—and it does one good—to hear my Honourable colleagues condemning the murder of these innocent men and women by women and boys in no uncertain fashion. For myself, whose family has been connected with Bengal for more than a hundred years, I grieve that her fair name should have been once again smirched before the whole world.

In support of what fell from the Honourable Mr. Hussain Imam, I would say that public opinion is necessary for the stamping out of this evil and that any man who in the face of these crimes speaks or writes in the press or elsewhere in sympathy with the perpetrators of these crimes is himself as much responsible for the crimes as those who by public sympathy are encouraged to do them.

This is not the first occasion of attacks on non-officials but it is the first fruits of this pamphlet* which I believe has been sent to every official Member of the local Government and which advocates the wholesale murder of non-official Europeans. Sir, as the Honourable Sir Phiroze Sethna said, if the

* The Honourable Member here produced a pamphlet which was however not handed in.

organisers of this movement think that by such acts intended to terrorise they will frighten the British into conceding something which they do not believe to be merited or just or workable, they are making a great mistake. Already the world has seen the example of men who have left the service for many years and were living in comfort coming back dauntlessly to work among the people among whom they have spent, and for whom they are prepared to sacrifice, their lives. And there are many more prepared to take their place.

When this House is asked to sanction the still more drastic measures which will be necessary to deal with this trouble before it is finished, I am confident from what I have heard that Honourable Members will remember that these men, their servants, deserve all the support which can be given.

Most of all, in connection with this most recent incident, of course I deplore the loss of life ; next to that, I deplore the fact that this campaign renders more than ever difficult any attempt to carry out the liberal reforms for which so many Honourable Members including myself have worked. If responsibility is handed over to the people before this movement is crushed, there will be no democracy, no self-government, but government only by terrorism. Ministers and legislators will live under the shadow of the revolver and the bomb and their acts will be dictated accordingly and,—and this is a point that I would specially stress—it will not be confined to one province. It is therefore for every one for the sake of India to show in unmistakable fashion that nowhere is there any sympathy for this movement. Sir, I support the motion.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I rise to support the motion moved by the Honourable Sir Frank Noyce, on behalf of my constituency. I strongly condemn the dastardly outrage done by the terrorists at Chittagong. Allow me to assure you that we will give our whole-hearted support to any measure that will be adopted to stamp out these terrorist activities. Sir, I support the motion.

THE HONOURABLE MR. H. M. MEHTA (Bombay : Non-Muhammadan) : Sir, this House has heard with great horror and shame from the mouth of the Honourable Sir Frank Noyce of the outrage perpetrated only the other day when people were assembled together to pass a pleasant evening. These crimes are now getting too frequent and it is certain that there is a body of men who are behind the scenes and who are actually guiding these foolish students of tender age to perpetrate such crimes. I hope the Government of India will take all measures to find out that group of people who are behind the scenes and take action which would strike terror in the hearts of even terrorists. If these terrorists believe that they will bring Swaraj a day sooner than when it will arrive normally they are greatly mistaken, because instead of doing any good, they are doing things which will not merely set back the hands of the clock of Swaraj, but will do more harm to the country in many ways. If all the provinces put forward such youths who perform such acts the whole Indian nation would be put to shame.

Sir, I hope this House will agree to send a message to the relatives of the poor deceased woman and that we will all stand up and pass this motion and thus pay our last homage to the dead.

THE HONOURABLE THE PRESIDENT: It is usual, when a motion of this kind is before the House, that it is spoken to by the Leaders of Parties only, but I have given the House considerable latitude. I am aware that there are other Honourable Members who wish to support the motion, but I hope they will not take it amiss if I fail to give them an opportunity. I desire to associate the Chair with the motion and if it is carried, I shall certainly give effect to the last clause of it.

The question is:

"This House expresses its sense of horror at, and desires to place on record its strong condemnation of, the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the President to convey its deep sympathy to the families of the victims and the wounded persons."

The motion was adopted.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table copies of the Bill to amend the law relating to emigrant labourers in the tea districts of Assam which was passed by the Legislative Assembly at its meeting held on the 23rd September, 1932.

NOMINATIONS FOR ELECTIONS TO THE STANDING COMMITTEE IN THE DEPARTMENT OF INDUSTRIES AND LABOUR AND TO THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE THE PRESIDENT: The following Honourable Members have been nominated for election to the Standing Committee to advise on subjects, other than "Roads" and "Broadcasting" dealt with in the Department of Industries and Labour:

The Honourable Khan Bahadur Syed Abdul Hafeez.

The Honourable Mr. Mahmood Suhrawardy.

The Honourable Sardar Buta Singh.

The following Honourable Members have been nominated for election to the Standing Committee for Roads:

The Honourable Mr. Jagadish Chandra Banerjee.

The Honourable Khan Bahadur Syed Abdul Hafeez.

The Honourable Mr. Vinayak Vithal Kalikar.

The Honourable Diwan Bahadur G. Narayanaswami Chetti.

In the first case only two Members are required and in the second case only one Member is required to be elected. Therefore, in the case of each of these Committees, an election is necessary. I can only say now that the election will take place on the last day fixed for the disposal of business in the Council in the current session, unless of course there are sufficient withdrawals in the meantime to obviate the necessity of elections.

RESOLUTION *RE* ABSTENTION OF VOTING BY OFFICIAL MEMBERS OF THE COUNCIL OF STATE IN ELECTIONS TO COMMITTEES, ETC., ON WHICH THE COUNCIL IS REPRESENTED.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I beg to move the following Resolution:

"This Council recommends to the Governor General in Council to make it a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting."

Sir, it is an admitted fact that the object of the Legislatures is to frame laws in the light of refined public opinion and the avowed policy of the Government is to associate the representatives of the people more and more with the administration of the country. It is also a well known fact that the composition of the Council of State, or the Upper House as it is called, is very peculiar and quite different from that of either the Lower House or the provincial Legislatures in the country, in that in almost no other Legislature is the margin between the strength of the elected and nominated Members so narrow as in the case of this Honourable House. And the result is what we notice here every day, *viz.*, that the non-official Members can seldom carry any motion in the teeth of Government opposition and whatever motions the Government want to carry, they have an easy time of it. This state of things, Sir, is not confined to ordinary resolutions or motions, but even in elections by this House of Members to serve on the different committees, boards or bodies, no Honourable Member of the House can hope to succeed unless he has the backing of the Government. Of course, there might be exceptions once in a way, but very rarely indeed, which only go to prove the general rule.

Now, to all intents and purposes the object of the Government in appointing these committees and boards is to associate some representatives of the public with the Government Members on them in order that the latter should have the advantage of knowing the public point of view. And if this be the real object, as I understand it to be, then, I wonder if it is not the duty of the Government to try to have such independent non-official Members on these Committees as could be expected to reflect public opinion in the true sense of the term and to advise Government Members accordingly on the subjects placed before them for their opinion. For, the Government Members are there already on these committees and boards and if the Government want these bodies to consist entirely of their nominees, then it is just as well for the Government not to ask the Legislatures at all to elect any Members to serve on them. But if you want independent non-official opinion to be associated with you to offer you advice, then is it not fair that you should let only the non-official Members of the Legislature elect such Members on these committees as they like, uninfluenced by you? Sir, it may perhaps be argued by some of my friends that the same practice must be prevailing in other Legislatures also, namely, that all the Members of a House, whether official or non-official, must be voting at elections on such occasions and that there is therefore no reason why this House should adopt a different procedure. With reference to this I have two observations to make. In the first place, as I pointed out earlier in my speech, in almost every other Legislature in the country there is a

[Rai Bahadur Lala Jagdish Prasad.]

vast majority of elected non-official Members, and therefore the Members elected by these Houses on any committee can to a very large extent be called representatives of the public and can be counted upon to voice public opinion even if the official Members of those Legislatures take part in voting at such elections. Take, for instance, the case of the Lower House. The Legislative Assembly consists of 145 Members of whom as many as 104 are elected Members, 26 nominated officials and 15 nominated non-officials. In such a House even if the official Members take part in voting in elections, their votes do not go far to influence the elections as they are in a great minority as compared to the elected non-officials. Just take the case of a provincial Legislature also, namely, the Legislative Council of my province, the United Provinces, on which I had the honour to serve as an elected member for seven years. There, in a House of about 122 Members as many as 100 are elected Members and only about 22 nominated by Government, including officials and non-officials. Thus, there is a vast majority of the elected element in that House also. I do not exactly know the composition of the other provincial Legislative Councils, but I hope that in almost all of them there is a preponderance of the non-official element. That being so, in such Houses of the Legislatures where the non-official element preponderates, even if the official Members take part in voting in elections by these Houses, the result is not influenced inasmuch as the candidates seeking election there have not to canvass for official votes for their success as they can be easily successful with the weight of purely non-official votes, and the Members elected can therefore be expected to work independently on the committees on which they are required to serve. But, Sir, the same is not the case with our House as its composition is quite different. This House consists of 60 Members of whom only 33 are elected and as many as 27 nominated by the Governor General (officials and non-officials included). Thus, in this House there is a bare majority of elected Members. And, knowing as we do, that the elected Members are seldom present in their full strength it almost always happens that the Government relying on their solid strength are not only able to carry whatever motions they like and to defeat whichever non-official motions are distasteful to them but in elections by the House of Members on the different committees or boards they place their seal of approval on whichever Members they want to be elected and the result of elections is almost always favourable to them. Thus, in this House, a Member can seldom hope to be returned to a committee without securing official votes in his favour and on election cannot, therefore, as a rule, be expected to voice independent public opinion but is bound to remain under the influence of Government. In the second place, Sir, leaving aside for a moment the question of official and non-official strength in the Legislative Assembly and most of the provincial Councils, let me point out that the procedure of official Members abstaining from voting in elections by the Houses of the Legislature is not entirely novel or without precedence. I understand that in elections by the Legislative Assembly of Members on at least some of the committees only the non-official Members of the House take part in voting, and the official Members abstain from doing so; whereas the practice prevalent in the United Provinces Legislative Council is that only the non-official Members vote in elections to all the committees and the official Members do not at all participate in voting.

So, Sir, I justify my proposition on two grounds. Firstly, that the procedure of official Members abstaining from voting in elections by Legislatures is not entirely novel and without precedence, but prevails in other Legislatures also to a large extent. And, secondly, that whereas in other Houses of the Legislature there is a vast majority of non-officials and the representatives elected by these Houses can therefore well be called representatives of public opinion even if the official Members there may take part in voting, in our House the margin between the elected and nominated element being very narrow, Members to represent this House on any committees, if they are to voice public opinion to any extent uninfluenced by Government, must be returned with the help of purely non-official votes and not with the help of official votes as heretofore.

Sir, it may perhaps be contended on behalf of the official Members of the House that so long as the official and the nominated element is there, all the Members of the House have equal rights in the matter of voting. To that my reply is that I do not question that proposition. I admit that every Member of the House has a right of vote so long as he is a Member, be he an official or a non-official, nominated or elected; and had it not been for this fact the public in India would not have demanded all these years the elimination of the official bloc in the future Legislatures of the country that will come into being under the new constitution. While, therefore, admitting this right, my Resolution is based on the analogy of the practice prevailing in some other Legislatures and in the interest of the avowed policy of the Government of associating independent non-official opinion in an increasing measure with the administration of the country. I may make it clear that I do not seek to deprive the nominated non-official Members of the House of their right of voting in such elections. It is only to the official Members that my request is directed. And the request is not being made to them in the sense that they should not enjoy their votes as a matter of right but that they should voluntarily waive their right of vote on the occasion of elections as a matter of practice on the analogy of other Legislatures and in the interests of the Government's avowed policy.

It is on these grounds, therefore, that I am asking the House to recommend to the Governor General in Council to adopt a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting. Sir, I move.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, I rise to oppose this motion at this early stage as some of my observations may perhaps enable my Honourable friend who has moved this Resolution to withdraw it. This Resolution seeks to establish a convention that in elections by the House of Members to the different committees, boards or bodies in which this House is represented official Members in this House may not take part in voting. My Honourable friend in support of this Resolution has made certain observations and comparisons and gone on the analogy of other Legislatures. He has also, in the

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course of his speech, admitted that as a matter of right a non-official cannot be prevented from voting. But his object is to establish a convention. My submission is this, that where there is a clear statute, where there is a clear law, you cannot have a convention to override that statute. A convention may arise in matters of unwritten law or procedure, but it does not arise where the statute gives certain rights and privileges and where the position of Members of the Legislatures has been defined under particular statutes. Now, in the present case, the position is perfectly clear under the Government of India Act, to which my Honourable friend has thought it convenient not to refer. Under section 63A of the Government of India Act the Council of State shall consist of not more than 60 Members nominated or elected in accordance with the rules made under this Act, of whom not more than 20 shall be official Members. So the strength of the official Members has been definitely defined by the Government of India Act, and in a later clause, clause 63D (4), the privileges of Members has been definitely defined. I will read that clause, it is a short one:

"All questions in either Chamber shall be determined by a majority of votes of Members present other than the presiding Member who shall, however, have and exercise a casting vote in the case of equality of votes."

So you see it has been definitely conceded under the Government of India Act, under which the Council of State has been constituted, that all questions shall be determined by a majority of votes, whether these votes are of official Members or of non-official Members or nominated Members it does not matter. And what does my Honourable friend wish to do now? He wants this Council to vote for the establishment of a convention which will override this specific provision of law. I submit, with great respect to my Honourable friend, that it is an absolutely futile position to take up in asking for the establishment of a convention in a matter like this. No statutory provision can be overridden or be set aside by a mere convention. Honourable Members have rights and privileges defined under the statute and they are entitled to exercise them when they like. My Honourable friend has based his proposal, he says, on two considerations, one of them was because some of the Members in the past have abstained from voting. If they abstain from voting they are exercising their privilege. Every Member is not obliged to vote. But if he likes to vote there is nothing to prevent him, and therefore I say this Resolution is not a legal one, it is an improper Resolution and it seeks to set aside the definite provisions of the Government of India Act.

My second point is, has my Honourable friend made out any case on its intrinsic merit that the officials appointed by the Government of India are not in a position to exercise their judgment properly just like the non-official Members or the elected Members? I think they are far more able, from their experience and long service, to judge of many questions than non-official Members and also I say that in selecting Members for different committees they know exactly, just as we know the respective qualifications and abilities of particular Members of this Council to serve on particular committees. And, further, the Resolution seeks to make an invidious distinction which no sane man would tolerate for a moment. No responsible body would concede the

claim made out in this Resolution. I submit further that Resolutions of this nature are undesirable. They only serve to create bad blood between officials and non-officials and I think it is the responsibility of every sane Member of this Council not to countenance a Resolution of this nature.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): I rise to oppose the Resolution and would also like to associate myself with my Honourable friend Sir Maneckji Dadabhoy's remarks. So long as this House is constituted as it is, it is quite impossible to show discrimination between one Member and another and in spite of what the Honourable the mover has said I can think of no instance during the time I have had the honour of sitting in this House, that justifies such a Resolution.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, I fail to understand what special considerations have prompted my friend to bring in a Resolution of this nature. If it is with the intention of creating bad blood, as my Honourable friend Sir Maneckji Dadabhoy has said, well, he is not welcome to create division and bad blood amongst the various Members of this Honourable House. When he says that the official Member should not vote and the non-official Members should be entitled to vote, does he not see, as has already been pointed out by Sir Maneckji Dadabhoy, that he is trying to override the Government of India Act, because the Act gives every Member the privilege of voting. I do not know, Sir, why the Honourable gentleman has been allowed to bring it up, but still he ought to have seen that he should bring in resolutions within and not override the Act.

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Then, Sir, the idea contained in the Resolution seems to me to be a little bit peculiar. Sir, I do contend that never within our experience in any institution are Members who are once elected deprived of their vote. Even in a club when a Member has once joined I do not see how he can be debarred from voting. On the contrary, as Sir Maneckji Dadabhoy has pointed out, there are officials in this Council with the highest experience who can realise their responsibilities in a much better way than the non-official elected Members can do because they have very vast experience and they have been put into the Secretariat because they have better brains than most of the elected Members. That has been my experience. There might be some exceptions but generally I may say a man is not put into the Secretariat and gets Rs. 4,000 a month because he has no brains ——

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Then why have a Legislature at all?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Well, I should say just to ascertain the views of the people they are necessary but the decision rests with the executive and not with you. After all, when they are in such responsible positions it will be absolutely futile and uncalled for to move a Resolution to debar them from voting. With these remarks, Sir, I strongly oppose this Resolution of my Honourable friend.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I rise to oppose this motion. I do not think my friend the Honourable mover has made any case for a convention. The Honourable Sir Maneckji Dadabhoy has made a very strong case against the motion. No convention of this nature can override the provisions of the Government of India Act. Leaving alone the legal aspect as to the powers of Members for voting, I want to know why they should not vote for election to committees? As my Honourable friend, Sir Akbar Khan, said, with the experience which senior Members of the service possess they will be able to exercise better judgment. Why do you want to deprive them of their right to vote? Sir, it seems to me most pitiable that a Resolution of this sort should be tabled in this House. I am sure non-official Members will throw it out so that attempts of this sort may not be repeated. After all, we are on the eve of a new constitution. Why should we interfere with the powers of the Members of this House. I strongly oppose the Resolution and I hope that the mover will not press it.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, I must confess that, on returning to this House, after an absence of about a year, I find it somewhat of an ordeal to have to deal with no less than three of the Resolutions that are on today's agenda. I am, however, very grateful indeed to the mover of the first Resolution that he has given me such an easy task. After what previous speakers have said, there is very little for me to add and I have merely to state, on behalf of Government, that I have to oppose this Resolution on three grounds. The first is the ground of procedure, the second is the ground of principle, and the third is the ground of past practice. As regards procedure, I would point out to the Honourable mover that the proper course is not to establish a convention that any Member of this House should not vote but to amend the rules governing elections so as to provide for election not by the Council as a whole but by the non-official Members on the lines which have been adopted in the other House in one instance, and I think I am right in saying one instance only, namely, the case of election to the Public Accounts Committee. Then I come to the ground of principle. I would remind the House that in 1927 the Honourable Mr. Desika Chari brought forward a motion covering a much wider field than is covered by the Resolution we have now under consideration in which he recommended that the Governor General or, if necessary, His Majesty's Government should issue instructions to official Members of the Council to refrain from voting on non-official Bills and Resolutions brought forward in this House. My Honourable colleague, Mr. Haig, in opposing that Resolution which was negatived without a division, pointed out that we have to take the constitution as we find it and that, so long as officials are Members of the central Legislature, they must have the full rights of Members, a point which has been emphasised by all those who have opposed this motion. He added that this was the answer which had been given to a somewhat similar proposal by the Reforms Inquiry Committee, that this appeared a sound and unassailable position and that it would be possible to leave the matter there. That, Sir, is where I myself propose to leave it so far as the question of principle is concerned.

I next come to the question of past practice. I would remind this House that, ever since this House has been in existence, the official Members have had exactly the same rights as the elected Members in every respect and I would ask the House what possible justification there can be for changing that practice now when we are on the eve of constitutional changes which will vitally affect the composition of this House? In these circumstances, Sir, I can see no possible justification for this Resolution which I am glad to find has received no support from any quarter of this House and I trust that, in the circumstances and especially in view of the last argument that I have advanced, the Honourable mover will see his way to withdraw it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I want to deal with certain remarks which the Honourable Sir Maneckji Dadabhoy and others have put forward before this House. My friend the Honourable Sir Maneckji Dadabhoy has said that every official Member has a free choice in voting. As far as I understand, Sir, the convention is ——

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I never used those words, that every Honourable Member of the official bloc has a free choice to give his vote. I never expressed it in that way. The Honourable Member has entirely misunderstood my argument.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Well, at least that is what I understood the Honourable Member to say. But, Sir, generally the impression is that there is a convention that all the official Members when voting on any matter in this House have to follow the Government view. And I find, Sir, that what my Honourable friend Rai Bahadur Jagdish Prasad has said is that generally it comes to this that only those Members are returned whom the Government supports. Now, Sir, as there are two parties in this House, the Government ought to take some of their Members on these committees relative to their strength. All standing committees and all committees must be fully representative of all the parties which exist in this House and I hope, Sir, that the Leader of the House will find that this request is reasonable and so ought to be incorporated in the rules. When the rules were made out there were no parties in this House and now as two parties have been formed in this House present rules should be amended——

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: What are those two Parties? We do not know of them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I might inform my Honourable friend, Nawab Sir Mahomed Akbar Khan——

THE HONOURABLE THE PRESIDENT: I think the Honourable Member might inform his Honourable friend after the meeting.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I will do so, Sir. With these words, Sir, I support the Resolution.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to support the motion of my Honourable friend Rai Bahadur Lala Jagdish Prasad and in doing so, first of all, I wish to clear the minds of the Treasury Benches that we did not wish to

[Mr. Abu Abdullah Syed Hussain Imam.]

bring forward any Resolution which would controvert the provisions of the statute. If the Resolution had been of such a nature, I am sure that you, Mr. President, would have exercised your privilege and disallowed this Resolution, and it could not have been tabled in this House. The fact that a statute lays down certain rules does not mean that it takes away the exercise of individual or collective opinion. The statute gives us the right to vote, but if a person or a group of persons do not want to vote, no statute can compel them to come forward and vote ——

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Certainly.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: This Resolution does not recommend that this House should decide the question. It asks the Governor General in Council to establish a convention. There is a distinct distinction between the two. We do not give a mandate that this procedure should be adopted. We request the Governor General to do this if he, in his wisdom, sees fit to do so. In a few years' time a complete change is coming. We are asking for this convention to be established by which the officials will not take part in the voting. We do not object to the nominated Members. We are perfectly willing to have these nominated non-officials participating. (*An Honourable Member*: "Thank you!") I think there is a great deal of misapprehension and opposition to this. People think that we wish to deprive all the nominated Members of their right of voting. (*An Honourable Member*: "No, no. Nobody has said that.") We, the elected Members, have got a majority in this House. We are 33 and the nominated Members are 27. But we find that the nominated group is always practically well represented while some of the elected group are rather not so very keen on attendance ——

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Whose fault is it?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: It is the fault of those who have given such a bare margin. If we had the margin that we have got in the Assembly, you would not taunt us as you are doing now. Sir, the only idea underlying this Resolution is that we should act up to the principle "live and let live." We do not wish to attack official gentlemen, but if we belong to the same House, they ought not to work their power and exercise their votes to the exclusion and extinction of the non-official group. If the Government are not prepared to have co-operation and want to boss the show and are prepared to allow only those to come on committees who are subservient to them, then we have got no option but to bow to the decision of the Government and wait for the future federation to come and give us what little we can get. Sir, I support the Resolution.

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): Sir, I rise to support the Resolution as it is in accordance with the convention in the Punjab Council that only elected Members and non-official nominated Members ——

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): On a point of order, Sir. What similarity have we got between the Punjab Legislative Council and the composition of the Council of State?

THE HONOURABLE SARDAR BUTA SINGH: I am going to convince Honourable Members that this has done no harm in the Punjab and therefore it can do no harm here.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: What relevance is there between the Upper Chamber and the local Council?

THE HONOURABLE SARDAR BUTA SINGH: All the Councils have to deal with a matter like that. Only the elected Members and non-official nominated Members should vote for the election of committees of the House. This has proved a very good convention in the Punjab and I see no reason why it should not be followed by this House. Sir, I support the Resolution.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I feel I owe it to myself not to give a silent vote. I have been connected with this Council for three terms with a short break, as I said the other day. If the general impression is that the officials, in selecting Members for a committee, try to avoid independent non-officials, I should like to say from my experience of one committee with which I have been very intimately connected, that this has not been so. I should like, particularly with reference to the observations of my Honourable friend Syed Hussain Imam, to remind him that with regard to the Standing Committee on Emigration, I know that from time to time official whips were issued, and out of four members that this Council was asked to elect—I speak of the time from the beginning of this Council—almost every time I found the name of the Right Honourable Sastri, the gentleman who has done immense service to the cause of Indians overseas. I found also every time the name of my Honourable friend Sir Phiroze Sethna, and even very recently, though my Honourable friend Rai Bahadur Lala Ram Saran Das is now the leader of a party, he will allow me to say that his name used always to be on the ticket or note issued by the whip of the Government for election? Perhaps I should say that I too was in it. I will give you another instance. I remember the well-known occasion three or four years ago when this Council had to elect a representative for the Research Institute of Science. Though my friend Dr. U. Rama Rao was a confirmed Swarajist, Government issued a whip to support his candidature in preference to a Mussalman gentleman who was well-known to have proclivities on the Government side. Then again, I must ask "Is it desirable that the officials should be deprived by convention of the power of voting?" Even with the best of intentions, cliques and groups might begin to tyrannise over any election and officials may help to prevent it——

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Can you stop that in the future federation?

THE HONOURABLE MR. G. A. NATESAN: In the future federation it is contemplated that there will be no official bloc at all. I am surprised that such an egregious mistake should be made by such a sprightly friend as the Honourable Hussain Imam!

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Who will be the stabilizing element?

THE HONOURABLE MR. G. A. NATESAN: In so far as this House has been constituted as it is and as we are working the present constitution, I really think that much good purpose will not be served by adopting a convention like this. As my Honourable friend Rai Bahadur Lala Ram Saran Das has pointed out, now that a party has been formed, I will point out that if there is a feeling that Government in issuing whips for committees are not recognising Members of the party in question, I think the matter could easily be settled by a reference to the Leader of the House. I think the Leader of the Party might give one or two names to the Leader of the House and say, "We should like one of these two men to be elected." I think that would be more effective. If this is all the object of the Resolution I do hope that my Honourable friend Lala Ram Saran Das would advise my Honourable friend Rai Bahadur Lala Jagdish Prasad, not to press his Resolution or prolong the debate as it may end in unnecessary unpleasantness.

Some Honourable Members: The question may now be put.

THE HONOURABLE THE PRESIDENT: The question is:

"That the question be now put."

(The Honourable Rai Bahadur Lala Jagdish Prasad rose in his place.)

THE HONOURABLE THE PRESIDENT: The Honourable Member should have been alive to his own interests in this matter. After the closure had been moved, I rose and stood in my place with my eye on the Honourable Member for a considerable period.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: I am sorry, Sir. I am grateful to those of my Honourable colleagues who have supported my Resolution but am rather surprised at the attitude of those Honourable Members who have thought fit to oppose it. In view of the fact that India is shortly going to have a new constitution under which it is expected that the official bloc in the Legislatures will be eliminated I thought that the Government would have no difficulty in accepting a proposition which virtually amounted to the elimination of the official bloc in this House on some specified occasions and only to a very small extent. But, Sir, I am sorry to find that the Government have thought it worth while to oppose it. Some of my Honourable friends have said that a convention cannot override a specific provision of law. Sir, I am sorry that they have understood me to mean that I sought by my Resolution to override a provision of law. In my first speech I had made it clear that I admitted that the official Members had as much right to vote as any other Member of the House. It was only as a matter of procedure or as a matter of practice that I requested that official Members should waive their right of vote in elections by this House, and I made that request on the analogy of the practice prevailing in other Legislatures. I am grateful to my friend the Honourable Sardar Buta Singh for furnishing the example of the Punjab Legislative Council also in this behalf. I think, Sir, that when the provincial Governments can function all right with their official Members not participating in elections by the provincial Legislative Councils, I fail to understand what difficulty the Government of India can have in following the same practice in this House. Some of my Honourable friends have argued

that it would create bad blood between officials and non-officials. I may tell them from my experience of the United Provinces Legislative Council that there on account of this very practice the relations between the officials and non-officials were all the more cordial. The Honourable Sir Frank Noyce has asked me to withdraw the Resolution on the eve of constitutional changes. Sir, I shall have no hesitation in following his advice if he accepts the advice offered by the Honourable the Leader of my Party, namely, that now that we have got two parties in this House, the Government while appointing Members to the different committees had better consult the parties and try to accommodate them. If this assurance is given, Sir, I shall be only too glad to withdraw my Resolution.

THE HONOURABLE SIR FRANK NOYCE: Sir, I waited for some time before intervening in this debate in the hope of hearing arguments in favour of the Resolution, but those speakers who supported it came in with a rush at the end. I do not, however, think that anything new has been said, nor that I need add anything to what I myself said in opposition to the Resolution, except in regard to a remark which fell from my Honourable friend Lala Ram Saran Das. Sir, I am new to this House and I am not certain what the practice here is, although I know the procedure which prevails in the other House; nor have I been here long enough to find out exactly what is the strength of the parties, to which reference has been made. But I do feel certain that here, as in the other House, it is the desire of Government that all committees should be as representative as possible. I have no doubt whatever on that point, and I am sure that the real Leader of the House when he returns to it will agree with my point of view. I can assure the mover of the Resolution that it is our desire that all committees should be as representative as possible of all shades of opinion in this House, and with that assurance I trust he will be content.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, in view of the assurance given by the Honourable Sir Frank Noyce, I beg leave of the House to withdraw my Resolution.

The Resolution* was, by leave of the Council, withdrawn.

RESOLUTION *RE* COMMUNAL DECISION.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to move the Resolution which stands in my name and which reads thus:

"This Council recommends to the Governor General in Council to communicate to His Majesty's Government the opinion of this House that the Communal Decision announced by His Majesty's Government is not acceptable to any section of the Indian communities in India and that it should be withdrawn."

*"This Council recommends to the Governor General in Council to make it a convention that in elections by this House of Members to the different committees, boards or bodies on which this House is represented the official Members of the House may not take part in voting."

[Rai Bahadur Lala Ram Saran Das.]

Sir, I little realised when I tabled this Resolution, that Mahatma Gandhi will be able to work what I regard as a miracle and to bring the depressed classes and Hindus together by mutual agreement to accept joint electorates and thus secure the growth of national well-being and a progressive government. I can say, without violating any canons of modesty that the attitude adopted by my community in these negotiations may create an atmosphere which in spite of the Award may draw all communities together to seek settlement by mutual agreement.

Although I have stated in the Resolution that the Communal Decision is not acceptable to any Indian community in India, yet to-day I will only confine myself to the presentation of the nationalist point of view. The views of all communities have been ventilated in the press, Muslim organisations have expressed their dissatisfaction ; Indian Christians have condemned separate electorates, and the Sikhs have opposed them. In no province has the decision given satisfaction to all the Hindus, Muhammadans and Sikhs. It has been said that the door for negotiations is still open to all communities. It does not appear from any part of the decision, what is exactly meant by mutual agreement. Agreement between whom ? Who are supposed to be the authorised representatives ? The first and the foremost ground of attack on the part of the nationalist section of all the communities is that the provision as to the mutual agreement is vague and indefinite. Agreement between the nationalistic section of each community is possible at an hour's notice. Will the Home Government accept it ? The decision puts a premium on the separatists section and it would not be wrong to say that the Premier has proved himself to be a stronger advocate of separate electorates than the communities themselves. In provinces where the communities have given clear indication of their opposition to the decision, there seems no alternative for His Majesty's Government, but to take a plebiscite and ascertain the views of the people and base its decision on a clear majority of at least 70 per cent. of the voters of a province.

Up to this time it is not known how the miniature Round Table Conference is going to be formed. But it is well known that the Congress is not going to take part in it. It is universally admitted that the Congress is the strongest and the best organised political body in India, and that it is the most representative. If, in settling the constitutional issues which are pending, the Home Government does not aim at giving universal satisfaction, why should it insist upon a different standard of acceptance in the case of the communal issue ? If, in framing the constitution, the Government does what it thinks to be the best in the interest of India, and in arriving at those conclusions, Government proposes to consult only a few men, selected by itself, why should a different course be followed in respect of the communal issue ? Why should separate electorates be maintained, whilst every politician of any position in England or India condemns it whole-heartedly ? It is easy enough for people to condemn Indians for not having come to an agreement, and to have forced the Premier to give a decision which he was unwilling to do. But we had the bitter experience of the Pact of 1916 and of what followed. The Congress League Pact enabled the authors for the Montagu-Chelmsford

Report to accept separate electorates and to condemn them in the same breath. That safe position is no longer possible for the Prime Minister now. The responsibility of maintaining separate electorates in autonomous provinces lies upon his shoulders. He will be responsible to future generations for the consequences that might follow. Dominion Status has been held for India as the goal and the future historian will see how England helped India to achieve Dominion Status with separate electorates as the basis of its constitution. In the absence of our mutual agreement it will be for Mr. MacDonald and Sir Samuel Hoare to show to the future generations how provincial autonomy is compatible with the creation of different centres of control based on caste and creed. In fact, in the absence of any clear and definite indication as to what are the conditions of mutual agreement, there is every reason to infer that it is intended to treat separate electorates as sacrosanct and as an essential part of the Indian constitution.

The objection of the Hindu community to the so-called Award can be placed before you in various ways. There is the point of view of the Hindu minorities in the Punjab and Bengal, which I must lay before the House. I would divide my remarks in this connection under the following heads :

Separate electorates were a minority right and should not have been forced on an unwilling minority. The Hindus of the Punjab and Bengal strenuously opposed separate electorates. The Sikhs never demanded them. That the separate electorates were considered to be a minority right is easily demonstrable from the reply given by Lord Minto to the deputation led by His Highness the Aga Khan in 1906. An extract to that reply is given on page 184 of the first Volume of the Statutory Commission's Report. Lord Minto observed that as electoral bodies now constituted would not be expected to return a Muhammadan candidate, and that if they did so, it could only be at the sacrifice of such a candidate's view to those of the majority opposed to his community separate electorates would be conceded.

Now, reservation of seats will meet the first point and the second point would arise only where the Muslims are in a minority. Lord Minto himself did not concede separate electorates to the Muslims in the Punjab, where they were in the majority. It was, therefore, clear that separate electorates were not intended as a privilege which the Muslims could claim everywhere. Were it not for the Pact of 1916, separate electorates would not have been introduced in the Punjab. But if the Prime Minister considered that the Pact has a binding force up to now, why has it been broken in the case of Bengal ? Bengal Muslims were given representation by the Pact less then their numerical proportion in the population, for the simple reason, that Muslims in provinces in which they were in a minority had been given considerable weightage. Whilst the weightage given to Muslims has been maintained, the Pact has been broken in respect to Bengal, so far as the Hindus are concerned.

But there is another aspect of separate electorates apart from the sanctity claimed for them on the basis of the Lucknow Pact. In an autonomous province in which there is no official bloc in the Council, separate electorates are harmful to minorities. The point was fully argued by the Punjab Hindus before the Simon Commission, and it is stated in clear terms on page 30 of the Nehru Report. I need not quote the exact words. The principle

[Rai Bahadur Lala Ram Saran Das.]

seems clear: Where a minority is not wise enough to realise the mischief there may be some reasons for maintaining separate electorates, but where the minority claims to exercise the right of voting, there is no reason to withhold that right.

Another grievance of the Hindu community is, that whilst to the Muslims and Anglo-Indian minorities very large weightage has been allowed, the Hindu minorities, both in the Punjab and Bengal, have been assigned seats even less than their proportion to the population.

Nothing is known about the communal composition of most of the special constituencies. It is obvious that when separate electorates exist for a substantial majority of the seats in the Council, voting in special constituencies will also proceed on communal lines. For instance, in the Punjab there are separate electorates for 165 seats out of 175. The atmosphere which will thereby be created amongst the people will influence the remaining ten seats also reserved for special constituencies. The right and proper course would be to credit the special constituency to the community which has a majority of its voters in it. It is no use saying with regard to the Punjab that only 86 out of 175 seats reserved for Muhammadans will be filled up by members coming through separate electorates. Through the land holders special constituency three seats are bound to go to them, indeed an unheard of concession, to add to the representation provided for Muslims, has been made by forming a separate constituency in the Punjab of seven tumandars and by assigning them a special seat. There is no reason why tumandars should not seek election from all landlord constituencies. The communal composition of the labour seats are unknown. The intention to give absolute majority to the Muslims in the Punjab, while separate electorates are maintained for them is not concealed by the device of the special constituencies.

It has not been decided whether the electorate in the Punjab for the University seat will be the Senate or the registered graduates. Industry, commerce, mining and planting have all been jumbled into one. The Punjab Government, in their despatch on the Report of the Statutory Commission, proposed the abolition of the seat of industry and retained commerce, which has a majority of European voters. If these electorates are formed in such a way, that the majority of voters in the electorates are non-Hindus, the Hindu proportion of the Members in the Council will be reduced nearly to 25 per cent., while their population including the depressed classes is 29 per cent. The share of the depressed classes has been given over to Muslims, whilst the depressed classes have always been regarded as part and parcel of the Hindu community. The weightage allowed to the Sikhs is far less than what they claimed, less than what the Muslims enjoy in the United Provinces, where their population is nearly the same as that of the Sikhs in the Punjab. Their stake and status in the province has been ignored. No heed has been paid to their services to the Empire.

Another objectionable feature of the Award is that communal electorates have been designed for women also, though strong representations were made by them, that they did not want communal electorates. In fact a section of them at least opposed even reservation, fearing that if they asked for reservation, communal electorates might be forced on them. Separate electorates have to remain intact for ten years, if not altered by mutual agreement of the communities concerned before the passing of the Act of Parliament. Opinion in support of joint electorates is gaining strength even amongst Muhammadans, with whom the desire for separate electorates originated about 26 years ago, when the introduction of the Parliamentary system of government was not even dreamt of. If within these ten years the Muslims in minority provinces realise the harm which the separate electorates would do to them, are they expected to submit to them? The Communal Award is opposed to the dicta which has been given from time to time by British politicians against separate electorates. The framers of the Montford Report condemned them and introduced them reluctantly on the basis of the Lucknow Pact. The Statutory Commission opposed the idea of an aabsolute majority for Muslims in the Punjab and Bengal based on separate electorates. The Commission also discountenanced the idea of separate delectorates for depressed classes. Looked at from every point of view the Award affords no evidence of the statesmanship which has characterised British politicians in their dealings with India and therefore the decision should be withdrawn.

Finally, I have no hesitation in affirming that the Award is based on no clear and well established principles:

(*i*) It is discordant with the principle of democracy. It separates communities into separate sections, thus preventing effectively the formation of parties on non-communal lines.

(*ii*) It will destroy the impartiality of administration, as Ministers dependent on communal parties will have to pander to their supporters.

(*iii*) It aims at giving protection to minorities, but extends the principle of separate electorates to the Muslim majority in the Punjab and Bengal.

(*iv*) It fails to make any provision for joint responsibility in the Cabinet.

In short the decision introduces a vicious principle and all right-minded men, whatever their class and creed have no option but to oppose it.

May I now appeal to the Government of India to pause and consider all the dangers to which the provincial Governments would be immediately exposed after the new constitution is introduced as a main result of the Communal Decision, and interferes with the main object of bringing about an agreed settlement which I understand His Excellency the Governor of the Punjab some time back did when there was a difference between the two Muslim parties in the Punjab Legislative Council; just as Mahatma Gandhi has done at the present moment to bring about the settlement between the depressed classes and the caste Hindus. The distance between the Muslim point of view and the non-Muslim point of view is not unbridgeable, but it is a difference based on a well established principle that democracy can only succeed on the basis of nationality without distinction of caste, creed or community.

With these words, Sir, I commend this Resolution for the favourable consideration of this House.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal: Muhammadan): Sir, I rise to oppose the Resolution which has been so tactlessly moved by my friend Lala Ram Saran Das. I am certain neither the House nor any section of public opinion will support such a measure at this belated stage and I do not wish to deal in detail with it—it would be waste of time. The only people who have tried to put up a kind of opposition against this Award of the Prime Minister is the extreme left wing of the Congress who are outwardly nationalist but are rank communalists at heart. If anybody has suffered by this Award it is the Muslims and the Muslims alone——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: So you do not like the Award yourself?

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: I did not say so. Even they have not said that the Award could not be worked and have so far never asked for its withdrawal. Sir, I do not wish to make a lengthy speech as I am sure the Honourable Members of this House would like this Resolution to be thrown out as quickly as possible. Generally speaking, the Prime Minister has tried his best to put the right interpretation on the present situation in India which is ridden with so many castes, creeds and races. He has tried to protect the rights of the minorities in a way that was suggested to him by the delegates to the Second Round Table Conference. If there is any complaint it should come from the Muslims of Bengal and the Punjab whose majority has been reduced to a minority though the Prime Minister assured the delegates in England that under no circumstances would a majority community be reduced to that of a minority. So, Sir, you can see who are the real sufferers by this Award. Sir, I wish to advise my Honourable friend to urge on the authorities to restore the majority position of the Punjab and Bengal Muslims and not to pursue this Resolution. Sir, with these few words I oppose the Resolution.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, I had hoped that my Honourable friend Rai Bahadur Lala Ram Saran Das would have, by this time, realised that no good purpose would be served by bringing such a Resolution forward. However, the Resolution has been moved. The arguments advanced are hardly convincing. It is true that the Award has been criticised by the different communities. But why? Because all the communities could not get all that they demanded. It was impossible for His Majesty's Government or I would say for any human agency to grant to all the communities all that each respectively demanded. It simply could not be done. If one community claimed 56 per cent. of the seats on the Legislature, a second 30 per cent. and a third 28 per cent. how could the Government allot 114 seats out of 100 seats available?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the Muslim demand in the Round Table Conference?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: It does not matter. I will come to the details later. The various communities having expressed their dissatisfaction with the Award it does not necessarily follow that they are not going to co-operate for the working of the Award. Here I may with advantage quote one incident relating to the discussion of the

adjournment motion in the Legislative Assembly on the 5th instant. Mr. Morgan, a Member of the Legislative Assembly, put the following question to the House:

"Is there any leader of any party in this House who would get up and say that he does not want an advance of self-government on the lines of the Communal Award?"

Not a single leader of any party replied in the affirmative. One Honourable Member did say yes, but he was not the leader of any party. This will show that the people are prepared to co-operate for the constitutional advance of the country on the lines of the Award. We have to remember that the representatives of the different communities of this great country could not come to any mutual agreement as to their respective representation on the future Legislatures and so this intricate problem was entrusted or rather forced on His Majesty's Government for decision. Now, when the Government have, after deep consideration and to the dictates of their sense of justice given the Award, it is not fair to condemn the Award and particularly so when there is no better solution coming forth——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is not the final Award.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I did not say "final." I mean to condemn this Award when no better solution of the problem is coming forward, that is, a solution which will meet with the approval of all the communities concerned. It is easier to resort to destructive criticism than to bring forth any constructive scheme. Our Sikh brethren, amongst whom I have the privilege of having many friends, have expressed their unwillingness to work the Award, but we must look at the facts. They have been given 18 per cent. representation against their 13 per cent. population——

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): 18·8 per cent. under the Award, 12·7 per cent. according to population.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: That is 50 per cent. more than what they are entitled to on the basis of population——

THE HONOURABLE SARDAR BUTA SINGH (Punjab: Sikh): What about the Muhammadans in the United Provinces?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I am talking of my own province. The Sikhs are not in the United Provinces. They claimed 30 per cent. on the ground that the Punjab is the home of their religion, that they pay a large portion of the land revenue, etc. But these grounds, I submit, are opposed to the very spirit of democracy. Their religion, for which I have great respect, had no doubt its birth in the Punjab, but are the other communities, who occupied the Punjab even before the Sikh religion came into existence, to be deprived of their rights on this ground? They say that no single community should have a majority in the Legislature. But would it be possible or practicable to carry out this principle in all the provincial and central Legislatures throughout India? If not, why make the Punjab an exception? I believe that the saner section of this great

[Nawab Malik Mohammad Hayat Khan Noon.]

community is coming round and will make the best efforts not to let the extremist wing retard the progress of the country——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: You help then.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: If the Award is withdrawn, what will it lead to? I think it will throw us back to the position of the deadlock which occurred at the failure of the inter-communal negotiations last year. I hope and trust that my Honourable friend the mover of the Resolution does not desire such a consequence? I venture to say that if the leaders of the different communities would make patriotic efforts to secure good-will and mutual agreement between the different sections of the population, they will be doing more useful work for their country than by devoting their energies to the condemnation of the Award in question. If they succeed in their efforts for mutual agreement, they will deserve the deep gratitude of future generations. Sir, I oppose the Resolution.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, it seems to me that a Resolution such as that proposed by my Honourable friend from the Punjab will serve no good purpose, no matter what the general policy of this House may be, in view of the terms of the Award which has been approved by His Majesty's Government. The Award distinctly provides means for any amendment that is agreed to unanimously by those concerned, and the discussions which have recently been brought to a conclusion at Poona is an instance of where a successful attempt has been made to arrive at such an agreement whereby an amendment may be submitted for the consideration of His Majesty's Government. It is up to my Honourable friend the mover to take action with other communities if he is not prepared to accept the Award. A general expression of opinion such as that proposed can carry no weight. In fact, I think it may do harm because it is in no way constructive and may give rise to doubt as to whether responsible opinion, such as this Honourable House should carry, is really seriously anxious to get on with the Reforms. It was found impossible either at the Round Table Conference or subsequently out here to arrive at any decision in connection with the communal question. The Prime Minister, therefore, in accordance with an undertaking given by him at the conclusion of the last Round Table Conference, set himself the unenviable task of making an award and, although it is hardly to be expected that any award of this nature could give complete satisfaction to any community and certainly does not fulfil the demands of the Europeans. I should like here to correct one statement made by the Honourable Mover. He said that in the commercial constituencies in the Punjab, the Europeans form a majority. To the best of my information, the Punjab Chamber of Commerce is constituted half each of Indian and European firms and I understand that the Punjab Chamber is far from satisfied——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about the composition of the Northern India Chamber of Commerce which has its headquarters at Lahore? The Punjab Chamber is the Delhi Chamber.

THE HONOURABLE MR. E. MILLER: I believe it is connected with the Chamber at Lahore, is it not? I think however, that it may be said that in

the circumstances the conclusions arrived at by the Prime Minister are fair on the whole and if accepted will be found to form quite a workable arrangement for the period of years indicated.

The Resolution put forward gives this House an opportunity of discussing this important matter and for that reason may be welcomed, but the various views having been ventilated, I suggest that perhaps my Honourable friend may like to withdraw his proposal. Sir, I oppose the Resolution.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Sir, I am sorry I too have to oppose the motion of my Honourable friend. I do so because he is simply asking for the impossible. As a delegate to the Round Table Conference I may be permitted to acquaint the House with certain facts and to say that nothing better could have been done under the circumstances. As soon as Lord Irwin announced the intention of His Majesty's Government that a Round Table Conference was to be held in London, the leaders here recognised that the great question on which Indians were divided was the question of communal representation and that should be settled before we sailed. They therefore convened a meeting of all Parties in Delhi in the hope of arriving at a satisfactory solution. They failed in their efforts. They hoped, however, that before the actual work of the Round Table Conference did commence, the delegates would be able to come to an understanding. The delegates went in several batches. The first batch consisted I believe of nearly 30 members who travelled by the same boat and they used to hold meetings day after day in the hope of arriving at some solution. They failed. Fortunately there was a fortnight to three weeks left between the time of their arrival in London and the first day of the session and efforts were renewed by the leaders of different parties. At one time it looked as if their efforts would be crowned with success. It is not for me to state which community or communities or what individuals of them were most obstructive, but the fact remains that they could not come to any agreement. And here I may say that the atmosphere of the first conference in London was so favourable that if the different communities had agreed amongst themselves, and if also some of the prominent leaders had not insisted on returning to India as early as they did, perhaps by now the Reforms would have been an accomplished fact. Unfortunately that opportunity was lost. At that time Labour were in power and it is generally believed in India that Labour are more responsive to Indian aspirations than either the Liberals or the Conservatives.

1 P.M.

A year later we went to attend the second session. We had with us Mr. Gandhi this time representing the Congress, and because Mr. Gandhi was there it was hoped that whatever he would do would of course prove absolutely acceptable to the Congress in India and because even outside the Congress, Mahatma Gandhi commands the respect of all Indians that he would be able to bring about a settlement between the different communities. Realising this the Prime Minister postponed the deliberations of the Conference for a few days in the hope that Mr. Gandhi would succeed in his efforts. Meeting after meeting was held over which Mr. Gandhi presided, but Mr. Gandhi himself was so opposed to conceding anything to the depressed classes and also because the differences between the other communities could not be reconciled nothing came of those efforts. When the Conference met again on

[Sir Phiroze Sethna.]

the appointed day Mr. Gandhi had to tell the Prime Minister that it was with the greatest humiliation that he admitted failure. That being so, there was no other course left to the delegates, but to ask the Prime Minister to give us his Award. Two days ago the 14th session of the Mahasabha was held at Delhi of which we find reports in the papers yesterday and today in which the President has taken to task those delegates who appealed to the Prime Minister to arbitrate. He says :

" Individual members of the Round Table Conference or its Consultative Committee, who were weak or incautious enough to accept Government, even in the last resort, as chosen judges or arbitrators, may naturally feel debarred from contesting the Award."

Sir, we were neither weak nor incautious. Every possible avenue was tried but without success. So bitter was the feeling that, leaving alone the Prime Minister, even if the Archangel Gabriel came down to earth and he was Asked to arbitrate I do not think even his Award would have proved acceptable to the different communities. That being the position and because we must recognise that if we could not agree amongst ourselves the right of final decision necessarily rested no less morally than legally with the British Parliament. We did ask the Prime Minister to give his Award and he has now done so. Although he has done so, he has left the door open even now to make any changes we like and we are glad to hear from the Honourable Sir Frank Noyce today that the Prime Minister has accepted the arrangement that has been arrived at between the different classes of Hindus, high castes and depressed. Sir, when the Prime Minister promised, when we parted in the first week of December last, that he would give the Award, even then he observed that if before the giving of the Award the different communities let him know that they had arrived at an understanding he would far sooner accept those understandings because he full well realised that he was undertaking a thankless task. We parted in the first week of December. The Communal Award was given 8½ months later, namely, on the 17th of last month. Attempts were made here but again without success. How can we, therefore, blame the Government for the Award His Majesty's Government have now issued. I belong to a minority community myself, but my community never asked for reservation of seats in joint electorates, and much less for separate electorates. I too do not approve of the Communal Award as a whole. We can pick holes here and there, but that is no reason why we should condemn it wholesale as my Honourable friend Lala Ram Saran Das proposes or as the amendment is likely to do, namely, to get it altered. We have got to take it or leave it. Why not take it as it is and try to improve on it as time goes on by mutual arrangements ? If we leave it by asking that it should be withdrawn or amended it will simply mean that the Third Round Table Conference will not be able to progress, and, what is more, the Reforms will be postponed to an indefinite period. For all these reasons, I think the Resolution does not deserve to be accepted by the Council.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I rise to move my amendment to the Resolution :

" That for the word ' withdrawn ' the words ' further amended ' be substituted."

In bringing forward this amendment, I was actuated by practically the same feelings as my Honourable friend Sir Phiroze Sethna that it is not possible at the present moment to plunge India again into the chaos in which it was before the settlement of the communal issue. We all remember how the work of the First Round Table Conference came to a stop and foundered on this communal rock, and how the Second Round Table Conference was a failure because of this very same difficult job. To ask that it should be withdrawn now and that India should be put in the same morass is rather a tall order. My amendment is opposed to the original Resolution of my leader and some people may think that I am exceeding the limits, but I would remind the House of the recent Prayer Book controversy in the House of Commons when worse things than this had happened. My leader has attacked the separate electorate. I am not going to advocate separate electorates or why the Premier has upheld it. I am simply going to state facts. Facts cannot be denied. There is a belief among the Mussalmans that they must have separate electorates. This is an acquired right of the Muslim minorities in India, and according to the Convention established by the League of Nations, the minorities are usually given more rights than they have at the time when they are being created. When these minorities in Europe were created they had practically no rights and whatever little was given, was given as an extra inducement. In India the Muslim minorities have certain rights and the nationalists, the so-called nationalists, want to deprive them of even this under the garb of nationalism and under the ægis of the League of Nations.

My Honourable leader practically attacked the tumandars' constituency of the Punjab. I am sorry that Members from the Punjab did not reply. The tumandars' constituency is not a new constituency created by the Communal Award. It has been in existence for a long time and according to the conservative principles everything that is antiquated must be maintained. The depressed class seats in the Punjab it is said go to the Muhammadans. I do not find any substantiation for that statement. Muslims who form 56 per cent. of the population have been given 49 per cent. seats. If depressed class seats or any other seats have been given to any community, it has been given to the community of my Honourable friend Sardar Buta Singh, namely, the Sikhs, and perhaps to the Indian Christians who are a very small minority there and who deserve some representation.

The point has been raised that joint responsibility cannot be possible with separate electorates. In view of this I have to remind the House that in the days when the Swarajists were in the Councils there was perfect co-ordination and co-operation between the Hindu coming from separate electorates and the Muslims. There was no divergence on account of separate electorates when they had the same political axe to grind, and even now we have got in this, as at the other place, a joint party even with the separate electorates, and I cannot conceive how the separate electorate will cause in future such a divergence that we cannot co-operate. There is one thing more, that the Communal Award has some defects there is no doubt. The Honourable Member for Eastern Bengal has said that the representation in the Bengal Council is below the population basis and against established democratic custom, that the majority community should not be reduced to a minority ; and yet he does not think it wise to ask for its withdrawal. I, Sir, do not ask

[Mr. Abu Abdullah Syed Hussain Imam.]

that it should be withdrawn. I ask only that if suitable amendments can be made, just as a suitable amendment is going to be made now on account of the depressed class Hindus coming to a settlement, in the same way, slight modifications are possible, by which means the position which is not quite correct in the Award may be made better. I urge that the Prime Minister should consider the advisability of so amending his Award. I do not want that it should be either withdrawn or repealed because that would stop progress of Indian constitutional reforms——

An Honourable Member: What amendment would you recommend ?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I am not an adviser either of the Premier or of the Government of India. But if you want to know there is no reason why six seats at least should not be given to Bengal Muslims. And if they are to be found, they should be found from the pockets of my Honourable friend Mr. Benthall. I did not want to say that, but if you want it, you can have it.

One thing more. This Award has made non-co-operation practically impossible. I have to remind the House that the Mahasabha is sitting in Delhi and the President has strongly advocated that the Hindus should not non-co-operate with the Government's new constitution. He has advised them for better or for worse to work the constitution. I think that the Award has not made the position so impossible as has been painted. It has made it a little bad, I admit, and a little improvement is possible, but it is only a matter of opinion whether that amendment would improve it for certain people and might make it worse for other people.

One point about the Award which makes it greatly appreciated from the general point of view is that nobody wants it withdrawn. That shows that some sort of impartiality and ingenuity has been spent in coming to a decision so that while displeasing all no one wants that it should be withdrawn permanently. Sir, with these words I move the amendment that the words " further amendment " should be substituted for the word " withdrawn. "

THE HONOURABLE THE PRESIDENT : Amendment moved:

" That for the word ' withdrawn ' the words ' further amendment ' be substituted."

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE SARDAR BUTA SINGH (Punjab : Sikh): Sir, I rise to support the Resolution moved by the Honourable Rai Bahadur Lala Ram Saran Das. In supporting the Resolution I can definitely say that I have the support of 45 per cent. of the population of the Punjab paying two-thirds of the revenue. We oppose the Communal Award because we think it is not consonant with the spirit of democracy. It introduces a system which separates

one community from the other and prevents all chance of mutual agreement, promotion of good-will and the creation of an impartial Government. Hindenburg, the other day refused to hand over the Government to a party which he considered was not likely to form an impartial Government. Can the British Government do less ?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : The British Government is different from the German Government.

THE HONOURABLE SARDAR BUTA SINGH : If I may venture to make a suggestion I feel the easiest course for the Government would be that in provinces where more than 40 per cent. of the population is opposed to the Communal Award to maintain the existing constitution, that is, to continue the present system of representation in the Councils including the official bloc with this exception only that all subjects may be transferred and the Council may be empowered to change its own constitution, to lower the franchise or to make any other change which it may consider desirable by a majority of two-thirds of the elected Members. I would like to leave no doubt in this matter that the whole of the non-Muhammadan Hindu and Sikh population is opposed to the Communal Award for the Punjab. I do not wish to say anything regarding other provinces——

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON : Because it does not suit you.

THE HONOURABLE SARDAR BUTA SINGH : It is really a provincial matter and where people have come to an agreement they can go ahead but in provinces where no agreement exists it would be a fatal mistake to force advance on an unwilling population.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I am sure my Honourable friend Rai Bahadur Lala Ram Saran Das will forgive me if I am constrained to submit that he has chosen a very inopportune moment to move his Resolution and that in moving that Resolution he has done no service either to the country or to the particular interests with which he is identified.

Sir, I am grateful to the Honourable Sir Phiroze Sethna for having described the history of the circumstances under which it became necessary for, almost obligatory upon, His Majesty's Government to give an Award upon the matters with some of which the Communal Award deals. I am grateful to him because I can now, with a far less expenditure of time than it would have otherwise been necessary, go on to deal with the points, at least some of the points, raised by my Honourable friend Lala Ram Saran Das. I am sorry I shall not be able to deal with all the points raised by him as, apart from considerations of time, I was not able to follow the whole of his speech as it was addressed entirely to his desk and not to the House. If he had read it out to the House instead of reading it out to his desk, I might have been able to deal with all the points raised by him.

Sir, apart from the circumstances under which the necessity of giving an Award arose, what was the particular exigency which brought about that necessity ? Was it not that the demands of the various communities and interests were so irreconcilable that Indian statesmanship failed altogether

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to reconcile them ? If that is so, was it to be expected that His Majesty's Government would be able to work a miracle and reconcile what the whole of India had failed to reconcile ? (Hear, hear.) His Majesty's Government well knew when they undertook this responsibility that, whatever Award they might give, it would fail completely to satisfy all communities and all interests. Had that not been so, Indians amongst themselves would not have found it impossible to come to an agreement. And the attitude which His Majesty's Government have adopted in giving this Award is this. They have practically said to India : " Gentlemen, you have not been able to solve these differences among yourselves. In spite of repeated appeals and extended opportunities given to you you have not been able to put forward a scheme which would be acceptable to all or almost all the interests concerned.

You have asked us to pronounce a decision upon the matter so that the main obstacle in the way of constitutional advance may be removed. We are giving this decision knowing that it will not satisfy all of you, but this is the best that under the circumstances we have been able to do. If, at any time, you are able to produce a better scheme, a scheme which is acceptable to all the communities, we shall be only too happy to substitute it in place of the scheme that we are putting forward." And what does my Honourable friend Lala Ram Saran Das want ? He wants that this scheme should be withdrawn. With what result ? That the communities should be restored to the position which they occupied before this decision was given, that position being that no constitutional advance was possible, that even the consideration of constitutional problems had become impossible unless some sort of decision was arrived at. And what does he propose in the place of this Award ? Has he come forward with an alternative Award saying, " Here is something which I put forward and I guarantee that this will be acceptable to all the communities, or at any rate it will be more acceptable to the communities than His Majesty's Government's Award is " ? Nothing of the kind. He has not chosen to take the House into his confidence with regard to what he wants done after the Award has been withdrawn. Is it his position that the Award should be withdrawn, that the communities should be left in the position in which they were before it was given, and that all further consideration of the constitutional question should come to an end ? Or is it his position that this Award should be withdrawn, that another one should be given by His Majesty's Government, knowing full well that that will not satisfy all the communities and interests, and that that Award should be submitted to the pleasure of my Honourable friend so that he is given an opportunity of rejecting it, harping perhaps on the bankruptcy of English statesmanship ? What exactly does he desire ? I have not been able to follow that aspect of his speech. He has merely expressed his dissatisfaction with several aspects of the Award. There is no doubt that the Award has been criticised by the representatives of a good many interests, not by any means of all, but by the representatives of a good many interests, from various points of view, but that was to be expected. As I have said, Sir, the necessity for the Award arose because the claims that were put forward were mutually irreconcilable. They continue to be irreconcilable. But, Sir, the matter is not happily so hopeless this morning as it might have been hitherto, and may I, with all respect to my

Honourable friend, say that it is no longer the fact that the Award is unacceptable to any section of the Indian communities in India. That was not the position to begin with, but to a much larger extent that is not the position this morning. What is the Award at the present moment ? At the present moment the Award is the printed statement which was issued on the morning of the 17th of August, subject to the modification announced this morning that a certain number of seats are to be filled by following a certain procedure in favour of the depressed classes in the various provinces. That is the Award. Is it not today acceptable to all the members of the depressed classes in this country ? Is it not today acceptable to the caste Hindus in this country ? They are perhaps not completely satisfied with it, but they have clearly stated in the agreement to which their leaders have put their signatures that this modification is based upon the present terms and figures of the Award. Has anybody ever held that once you have accepted an amendment to a scheme which is based upon the scheme as it stands, you can turn round and say that the original scheme is not acceptable to you at all ? I therefore venture to submit that the caste Hindus, including my Honourable friend Rai Bahadur Lala Ram Saran Das, have accepted this Award, inasmuch they have requested His Majesty's Government to give effect to an amendment based upon the original Award ——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Has His Majesty's Government accepted that ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : When once you request His Majesty's Government to accept an amendment which you yourself have put forward, you cannot turn round and say that the Award is not acceptable to you. Therefore, I submit that the main ground on which my Honourable friend has requested this House to approach His Majesty's Government with the request that the Award may be withdrawn does not this morning stand. There have been various constitutional objections put forward by my Honourable friend in his criticism of the Award. He says that the Award is not acceptable to him because it contravenes and infringes this principle or that principle either of constitutional law or of what he describes as democracy. And, Sir, what is this fetish of democracy which the supporters as well as the opponents not only of this particular Award but of every constitutional doctrine and theory put forward on every occasion ? What is the essence of democracy ? Is it not, Sir, that the government of a country shall be run in responsibility to the representatives of the people of the country ? Is not that the essence of democracy ? That being so, does it not follow that where experience has taught that Legislatures based upon a certain model fail to bring in representatives of all classes and interests in the country, certain modifications and correctives shall be applied to that system whereby the true object of democracy might be achieved ? Where that is so, I am sure constitutional theories must be sacrificed to existing facts.

My Honourable friend said he objects to the system of separate electorates, and he has blamed the Premier for perpetuating this system. But who was responsible for the introduction of this system in the Legislatures of this country ? Why was it considered necessary that a system of separate electorates should be introduced at all ? When the elective system was first

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introduced into this country and had been in operation for several years, on a limited scale no doubt, it was found that the unadulterated elective system without modifications operated to bring in the representatives of mainly one community only and that the system was being worked in this country in such a fashion that the representatives of other communities and interests were being kept out or at any rate were being kept out to such an extent that it was considered that as a result of that system, the Legislatures that were set up could not be described as truly representative of the people of the country. It was in order to carry into effect this doctrine of democracy that it was found necessary that checks must be devised and modifications introduced which would enable other interests and other communities also to be represented in the Legislatures. It is this necessity which compelled the Government at various stages to introduce certain departures from the system which obtained in their own country. It was the people of this country who were responsible, the conditions in this country which were responsible ; and not either the British Premier or Lord Minto and Mr. Morley or any other who were responsible for the introduction of this system. Nor is it the British Premier who can do away with separate electorates, but the people of this country. The moment those communities who are dominant in particular areas and provinces begin to treat the other interests and communities in a liberal and a generous manner so as to win their trust and confidence the demand for these modifications and these anomalies will disappear, and the sooner we begin to act in a manner which would create trust and confidence among ourselves the sooner separate electorates will cease to be a part of the constitutional system in this country.

Again, Sir, minute criticisms were levelled against the Award on the ground that it gave one particular community an advantage here and subjected another community to a disadvantage there, and in this connection reference was made to the doctrine of weightage. I do not want to pursue these matters in detail, but I might be permitted to say one word with regard to this doctrine of weightages. I have no doubt that this doctrine is peculiar to Indian conditions and this doctrine also has been begotten out of the lack of confidence to which I have already alluded. This doctrine of weightage, so far as I am able to understand it, means this. It means that in the conditions of distrust, and lack of confidence which most unfortunately prevail in this country, it is necessary that when political power is being transferred to the people of this country, certain provisions should be made in the constitution which should place minority interests and communities or weaker interests and communities in a position whereby they might be able to influence the decisions of the majority to a larger extent than would be possible if no such artificial aid was given to them. That I understand is the essence of the doctrine of weightage, that is to say, that if in any province or area a minority, or, if there is more than one minority, the minorities combined would under the ordinary system be left in a very weak position, then they may be given extra representation first as an earnest of the good-will and generosity of the majority community; and, secondly, in order to engender in them a sense of confidence that they will to a large extent be able to influence the decisions of the majority ; but this doctrine of weightage cannot be pushed

to this extreme that the minorities combined or a single minority should by the application of this doctrine of weightage be placed in a position of majority and the majority community should be reduced to a position of minority. That would indeed be the inversion of the doctrine of democracy. It has been observed that in Assam, for instance, where the minorities combined are supposed to be in such a position that they do not require any artificial aid in order to exercise proper influence over the decisions of the majority there has been no weightage given at any rate to the Muslims ——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What about Muslim representation in Bengal ?

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: If the Honourable Member wants me to go into that I am prepared to do it. Before I finish with this question of weightage I may observe that it has been found possible, for instance, in the North-West Frontier Province to give a very much larger weightage to the non-Muslim communities than it has been possible in other provinces, inasmuch as even that enormous weightage leaves sufficient room for the play of the doctrine that a majority should not be reduced to a minority.

With regard to the question of Muslim representation in Bengal, I conceive my learned friend's objection is that there a majority has been reduced to a minority——(*The Honourable Rai Bahadur Lala Ram Saran Dass* "Yes.")—— and that the application even of that doctrine has been subjected to certain modifications in view of the conditions prevalent there. If that is his objection, that merely reinforces what I have said in the beginning, that you cannot devise a scheme which in a country like India should completely satisfy a purely theoretical hypothesis although theoretically it is still possible for Muslims in Bengal to win a majority of seats. You must take into consideration the anomalies that exist and try to modify and adjust your scheme to those anomalies ——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is what I want done in the Punjab.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: India is not a country where any theory could be applied in the political field without any exception or modification whatsoever from Peshawar to Dhanushkodi. Let me give an instance of a different kind altogether. India is a country where even the future truly national Chambers to be set up, are bound to continue their discussions in a foreign language, because in spite of all national aspirations the conditions are such that it is only a foreign language which can be understood by all the members and in which all the members can speak. Upon that Honourable Members may reflect. Where this kind of thing is possible, lesser anomalies should be accepted with less hesitation.

I do not consider, Sir, that it is necessary for me to go into the details of the questions which my Honourable friend Rai Bahadur Lala Ram Saran Das and my Honourable friend Sardar Buta Singh have raised. It is not my intention to try to justify each detailed provision of the Award. There are grievances

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on all sides. I do not say that the Award from every point of view is the most ideal that could have been given. It is possible that before this Award was given my two Honourable friends might have been able to devise a scheme which might have been more acceptable to the communities than this one. It is much to be regretted that they did not do so. But now that this Award has been given as I say, although it is possible that an improved Award could have been given—now that this Award has been given it is impossible to improve upon it by the method which my Honourable friend Rai Bahadur Lala Ram Saran Das's Resolution has suggested, and for this reason. His Majesty's Government have plainly stated that no modification in this Award is possible except by agreement of the communities. But even if they had not so stated it stands to reason that none could have been possible except by agreement of the communities, for the reason that the claim of the various communities still continue to be mutually irreconcilable and if His Majesty's Government are to accept one modification or one amendment at the instance of one community, then there is no reason why they should not accept all sorts of modifications and amendments and the position will be reduced to what it was before the Award was given. Consequently, the only method, the only constitutional method, now left open to those who find the provisions of this Award unacceptable is either to say, "Although we are not completely satisfied with the terms of this Award, yet in view of much larger questions that still await decision and settlement, we shall agree to accept it" or, to make efforts for either the whole or any part of the provisions to be substituted by agreement of the communities by other provisions. My Honourable friend said, "Yes, that is very well. His Majesty's Government have said we shall modify it only as the result of an agreement, but they have not said how this mutual agreement is to be arrived at. What is the definition of mutual agreement?"

Sir, this morning we have seen an instance of a mutual agreement which on the one side illustrates what a mutual agreement might mean and on the other hand sets a seal upon the *bona fides* of His Majesty's Government. It shows that they are not wedded to this Award and that they are willing to make modifications in it provided those modifications carry with them the agreement of the communities concerned.

Sir, instead of trying to tell His Majesty's Government through this House that what they have done is entirely unacceptable to us, it would be more profitable if we made efforts either that all communities should combine to accept the Award as it is, although in their opinion it is not an ideal Award, and to work towards a settlement of the remaining constitutional problems, or to arrive at a mutual agreement in modification of the Award and report that to His Majesty's Government. May I, Sir, make this apppeal to those of my Honourable friends who may be likely to view the matter in the light in which it has been viewed by the Honourable Lala Ram Saran Das and the Honourable Sardar Buta Singh? It is not a seat here or a seat there that will bring about the millennium in this country, it is not a modification of this Award that will reconcile the communities to each other. What will reconcile the communities to each other is that those into whose hands the exercise of political power is likely to be entrusted in the future should so exercise that power as to gain the trust and confidence of those who under a system of

party Government may be opposed to them. In each province if the majority groups made up their minds to treat the minorities and the weaker interests with fairness, justice and generosity in each province if all groups tried not to secure benefits for themselves but to work for the common good of all, then before the ten years which are the limit set out in this Award are over it may be possible to arrive at an agreement which would do away with the necessity of all those anomalies to which attention has been drawn in connection with the Award. If my Honourable friends will work in that spirit and towards that end I am sure, Sir, India might attain to a possible millennium much earlier than it is otherwise likely to do. (Applause.)

THE HONOURABLE THE PRESIDENT: I notice the Honourable mover of the Resolution rising in his place. I can only call on him now if either he intends to confine himself to the amendment moved or his intention is to close the debate. In the latter case, he cuts out any other speaker.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I rose to give my expression that I accept the amendment.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir, my Honourable friend Rai Bahadur Lala Ram Saran Das does not like the Communal Award and urges its withdrawal. He has also accepted the amendment. It is well-known that the task was forced upon the Government because the communities of India clearly confessed their inability to settle the communal question. No progress towards constitutional reform was possible without solving the problem and with a view to speeding up the reform, Government, in the interests of India and according to India's own demands, had to make the supreme effort to settle the question. They have done their best and have declared the Award. They have also announced that if the communities can come together even now and settle the question between themselves it is open to them to suggest another solution which can be accepted as an alternative. The statement about the depressed classes agreement this morning by Sir Frank Noyce affirms the announcement and proves the *bona fides* of the Government. Now, I ask my friend the mover whether he is in a position to put forward a better scheme which would satisfy all the communities? I know his reply, if he ever gives one, will be in the negative. In condemning the Award, we condemn ourselves. The fault is our own, and when we confess that we cannot remedy the fault the only course left is that the communities should accept it with good grace and instead of quarrelling and wrangling between themselves should combine to avail themselves of the momentous opportunity of helping in the progress towards constitutional reform ——

3 P.M.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do you mean you have no grievance so far as Bengal is concerned?

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN: We have our grievance but the Award as it is should be accepted with good grace. Some of our best statesmen in India, Sir Tej Bahadur Sapru, Sir Patro, Mr. Mudaliar and Sir Ali Imam have already told us that there is no other alternative but to accept the Award. Fortunately for India we have a Viceroy of Lord Willingdon's calibre at this juncture. His unexampled Indian experience

[Khan Bahadur Chaudri Muhammad Din.]

and his deep sympathy with Indian aspirations are well known. If we lose this opportunity and spend our time in quarrelling and creating race hatred India's future is doomed—" *Kabak wa qumri men hai jhagra ke chaman kis ka hai, Kal bata degi khizan ke watan kis ka hai." Let us forget the bitterness and bickerings of the past and work together harmoniously in the cause of India and the Empire. This is the only way to achieve the constitutional reform on which depends the peace, prosperity and progress of our Motherland.

" †Nanak, dunya char dehare, Sukh wande dukh hoi,—Gallanwala bahut gallahre, chhut na sake koi. "

This world was meant to give peace and happiness but has turned into a source of pain owing to strife and bitterness. There is too much wild and inflammatory talk to condemn worldly things but none is prepared to renounce it. I ask my friend the mover to calmly consider for a while what would be the position when the reforms are put into practice. His community will be in an overwhelming majority in the central Legislature and also in six provinces. The result of the Award in Bengal and in the Punjab is that no one community will have the statutory majority and all the communities will have to co-operate together if they are to carry on the government at all. It is evident that under the Award a communal government is not possible in Bengal and the Punjab. Diversity of economic interests is bound to create diversity in political parties as has already been the case in the Punjab. If the Honourable mover takes the trouble of calculating the actual gain and loss as a result of the Award, he will find that his own community is the best gainer on the whole.

As far as weightage goes, the Sikhs have got the lion's share. Most of the Punjab Sikhs belong to my clan and we are proud of this brave and important section of our community. It appears, however, that they (the Jat and Rajput Sikhs) are being exploited to create trouble in the Punjab. I hope the prudent Sikh Jats and Rajputs will see their way to give their whole-hearted support to the new constitution which protects their interests adequately and will not be carried away by emotional appeals. The great obstacle in the way of constitutional progress has been removed by the Award, the gigantic problem of the future constitution of a great continent like India has been solved in a manner which defies better solution. I therefore hope that the Honourable mover will withdraw the Resolution.

THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, what concerns us landholders most directly in the Communal Award is the decision about our representation on the future enlarged provincial Councils.

* The partridge and dove are fighting among themselves as to whom the garden belongs. Autumn will tell them tomorrow that it does not belong to either.

†Nanak, this world is transitory and the easy-going people suffer pain. People talk a lot, but cannot escape the consequences.

Although the Muhammadans, general Hindus, Indian Christians, Anglo-Indians, Europeans and Labour have their seats more or less proportionately increased, the landholders' representation is reduced from almost 15 per cent. to a niggardly figure of 3 per cent. only. One could understand the position if all special electorates were abolished but when they have been retained there ought certainly to have been a proportionate increase in the number of our seats. We pay the largest quota of the revenues of the provinces, hold the largest stake in the country and are politically as conscious as any other class claims to be and have always stood for the cause of law and order. I support the amendment in the hope that if the Communal Award be amended, the landholders' claims will not be overlooked.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, I had not intended to intervene in this discussion as I was content to leave the statement of the Government point of view in the very capable hands of my colleague, the Honourable Chaudhri Zafrulla Khan. The acceptance, however, by the Honourable Lala Ram Saran Das of the amendment which has been moved by the Honourable Abu Abdullah Syed Hussain Imam has left me in considerable doubt as to where we now stand. As I understand it, we are now discussing the question of further amending the Communal Award. My Honourable colleague has shown that the statement that the Award is not acceptable to any section of the Indian community does not hold good. As regards this further amendment, I should like to know what the Honourable mover of the amendment wants exactly. It has been repeated on the floor of this House several times and the statement is indisputable that His Majesty's Government are perfectly willing to amend the Award provided they are satisfied that all the communities concerned want it. They have shown in the most definite and striking fashion by the announcement that I read to this House this morning their *bona fides* in this matter. They have agreed to the amendment of the Award in perhaps the most important respect in which it could be amended. In these circumstances, Sir, Government have no option but to oppose the amendment as strenuously as they did the original Resolution. In the other House, His Excellency the Viceroy and the Leader of the House made an appeal in very eloquent language, as my Honourable colleague has done here, to all sections of the community to get on with the business. As His Excellency pointed out, it is not purely communal considerations that will divide communities under the new regime. It will be economic, social and other problems that will divide them and I hope also unite. Let us therefore accept the Award as it stands and, having, as I have said, altered it in one and that the most important respect, let us pass on to the bigger, more crucial and more vital issues. At the best, constitutional advance is going to be sufficiently difficult. There is no possibility of our reaching the desired goal unless bickerings and dissensions are put aside and forgotten, and all of us—in all quarters of this House and in all parts of the country—unite to work together in a spirit of good-will. That, Sir, has been said very often. It is a very easy thing to say but it is a most difficult thing to put into practice. I can only repeat the appeal which has been made by His Excellency the Viceroy in his address to the other House and by my Honourable friend Chaudhri Zafrulla Khan, in this to go ahead in that spirit for in that spirit alone shall we achieve success.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, the object of my moving this Resolution today was to bring home to the Honourable Members of this House and to the Government how deep and grave are the feelings of the Indians over the announcement of this Award which is bound to bring to us disunion, disruption, misunderstanding and discord in place of a happy family union. My friends here have superficially and nominally opposed the idea underlying my Resolution but in reality they have all advocated that this Award has not given satisfaction. The Honourable Syed Abdul Hafeez, the Honourable the Nawab Sahib, my esteemed friend, Sir Phiroze Sethna, and my friend Chaudri Muhammad Din have given sermons advocating democracy but as far as the translation of democracy into practice is concerned they have made a very poor show. My friend the Honourable the Education Member has observed that I have not moved this Resolution at a proper time and that this was not an opportune time. Sir, when the Premier has himself left the Award open subject to certain conditions and subject to certain compromises and agreement between the parties why this is the proper time to put our grievances before the Premier, the Indian and British Governments. The Honourable the Education Member has further said that the position that I have stated about the Award does not obtain today. I have not been convinced by the blank arguments he has put forward and I cannot understand why it does not stand today. What about his own opinion when he was a Member of the Punjab Legislative Council Reforms Committee? The various Muslim bodies, such as the Council of the Bengal Muslim League, Calcutta, Bengal Nationalists Muslim Party, Calcutta, Jamait-ul-Ulema-i-Hind, Delhi, Jamait Shubban-ul-Musalmin, Delhi, Nationalist Muslim League, Lahore, National Muslim Party, Nagpur, United Provinces Nationalist Party, Allahabad, the Muslim Independent Party in the North-West Frontier Province Council, Peshawar, and the Executive Board of the Muslim Conference held at New Delhi, have all condemned this Award in most unequivocal terms.

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: Sir, I understand that I am supposed to have condemned this as a Member of the Punjab Legislative Council? As a matter of fact, I had the honour of being a Member of His Excellency's Executive Council here at the time.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, what I said was that when our Honourable friend the Chaudhri Sahib was a Member of the Punjab Legislative Council, he, along with Sir Fazl-i-Husain and our present Governor and other responsible Muslim Members of the Council said that they proposed one seat above the total numerical allotment. Now Muslims in the Punjab have secured six more seats in the Punjab Legislative Council than what they wanted. I say that the Honourable Chaudhri Sahib himself was satisfied with 51 per cent. representation——

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: On a point of explanation, Sir, that is absolutely incorrect. If my Honourable friend is referring to the Majority Report of the Punjab Reforms Committee of which I had the honour to be a member, the position was this. The only two Muslim Members, the present Governor of the Punjab and myself, one Hindu Member and one European Member, who formed a majority out of seven, recommended that the Muslims should get a majority of one odd seat, but the

two Muslim Members did say that there was full justification for the Muslim claim for a proportion in the seats which would be in correspondence with their proportion in the population. This odd majority did not include any labour seat which would bring it up to what has been conceded under the Award, even though the Muslim population has since shown an increase of 2 per cent.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I do not want to raise that controversy here because I think I will be exceeding my time-limit in case I enter into these details. But after all, a fact is a fact.

Then, Sir, the Honourable Chaudhri Sahib has said that a seat here or there will not bring about the millennium. In case that spirit is followed in practice, then non-Muslim grievances can be removed.

He says that I have made no practical suggestion in my speech in moving the Resolution. I have made one suggestion and that suggestion is quite clear. The statement made by many Honourable Members here is that I must put forward a definite proposal which will be agreeable to all parties. Perhaps the House——

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: It is not too late even now to suggest it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Perhaps the House is aware that a number of compromises were put forward by non-Muslims but they were not acceptable to Muslims. I have also cited in my opening speech on the Resolution that in the Punjab some time back there was a serious split among the two Muslim sections of the Punjab Legislative Council and things were getting to a crisis, and His Excellency the Governor Sir Geoffrey deMontmorency intervened and brought about an amicable settlement. That is what I appeal to the Government to do here now. In case any two parties or communities do not come to an understanding, I think it is the sacred duty of the Government to press upon them officially or demi-officially or in any other manner so as to effect an amicable compromise. When Mahatma Gandhi, a unique personality, has been able to effect a compromise on a question which we ourselves considered as nothing short of a miracle, I cannot understand why the Government of India with their resources cannot do this——

THE HONOURABLE SIR MANECKJI DADABHOY: Why don't you follow Mr. Gandhi's example?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: Start a fast.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: My Honourable friend the Nawab made a speech in which he made a certain proposal. I want to ask him whether that proposal comes from his community, and whether he is authorised to come to a settlement if a definite proposal is made?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON: I appeal to the leaders. You are a leader!

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : The question of Mr. Gandhi and the depressed classes is different, because he has now so clearly identified himself with the depressed classes——

THE HONOURABLE THE PRESIDENT : Order, order.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my Honourable friend Chaudri Muhammad Din has cited a verse from Guru Granth Sahib which means that one should be prepared for a sacrifice. In Punjab, sacrifice is needed from our Muslim brethren who have secured six more seats in the local Legislature than what they wanted.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : It is there ; they are doing it.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : It is not there—I am sorry to say it. He has accused the Hindus of exploiting the Sikhs. This statement of his is absolutely wrong and I am sorry that my friend has——

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : I have not said that ; that is wrong.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I understood him to say so, as far as I remember.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN : No, not at all.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Very well, in case you do not mean that, so much the better. Try your best to persuade your community to come to a compromise.

There was another remark made as regards the composition and number of the depressed classes——

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN : On a point of order, Sir. Is the Honourable Member in order in speaking while he is not in his own seat ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : ——the share of the depressed classes in the Punjab given to Muslims and Sikhs. The number of depressed classes as now estimated by the Government as nearly 6 lakhs and not 13 lakhs as given in the Lothian Committee Report. My object is to ventilate the grievances of my community and the disabilities under which they suffer, and in case the Honourable the Leader of the House gives an assurance that the proceedings of this House and a copy of our speeches will be submitted to the Premier and the British Government, I will be able to withdraw my Resolution, as I have done my duty in ventilating the grievances that my community and other minorities have.

THE HONOURABLE SIR FRANK NOYCE : I need hardly say, Sir, that I am prepared to give an assurance to the Honourable Member that these proceedings will be communicated to His Majesty's Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : In view of that assurance, Sir, I beg leave of the House to withdraw my Resolution.

THE HONOURABLE THE PRESIDENT : The Honourable Member accepted an amendment to the Resolution. I think perhaps we had better get the amendment out of the way first.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : I withdraw it, Sir.

The amendment* was, by leave of the Council, withdrawn.

The Resolution† was then, by leave of the Council, withdrawn.

RESOLUTION *RE* INDIANISING THE SERVICES OF PORT TRUSTS

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I have the honour to move that :

" This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianising the services of the Port Trusts to an appreciable extent."

In January, 1922, I moved in this House a Resolution as follows :

" This Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts, and to lay down a definite policy in regard to the same for the future."

In this Council today there is not a single Member on the official Benches, Indian or European, who was also a Member of this House in 1922 with the exception of yourself, Sir, but now that you occupy the Chair of this House we no longer regard you as an official. Amongst the non-officials, however, there are fortunately more than half a dozen who were also Members when I moved the original Resolution and there are also among them some Honourable Members who spoke in favour of the motion then and I hope they, with many others, will do likewise today. In fact, on the previous occasion every speaker supported me. It was only Sir Arthur Froom who sounded a half-hearted discordant note in the hope of justifying the attitude of the European Trustees of the Port of Bombay.

The Council, nay, the country, was grateful to the Government of India for accepting my Resolution. The officer who spoke on behalf of Government was Mr. H. A. F. Lindsay then Secretary to the Department of Commerce and now Trade Commissioner in London. Speaking on behalf of Government he accepted the terms of the Resolution and indicated the practical way in which Government would be able to give effect to my recommendation. It was suggested by Mr. Lindsay in his speech and also by the Honourable Sir Arthur Froom that my Resolution encroached upon the province of the Trustees themselves of the different Port Trusts with whom rested the power of making appointments. I may mention that Sir Arthur Froom, like myself, was at the date of that Resolution a Member of the Bombay Port Trust. Sir Arthur has retired from India and I am myself no longer on the Port Trust since 1927. Sir Arthur Froom could not see his way to accept my Resolution because he contended that Government should not take any steps which would usurp the powers

* " That for the word ' withdrawn ' the words ' futher amended ' be substituted."

† " This Council recommends to the Governor General in Council to communicate to His Majesty's Government the opinion of this House that the Communal Decision announced by His Majesty's Government is not acceptable to any section of the Indian communities in India and that it should be withdrawn."

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of the Trustees. He, however, gave the Council to understand that the Trustees were in no way against the appointment of Indians to responsible positions, and that in fact they were encouraging them as much as they could. I suppose something similar would have been said by other European Trustees of other Port Trusts should they have been Members of the Council of State at that time and I will not be surprised if something similar is said in the course of the debate today. On the other hand, it will be my duty to prove that any such intention on the part of the European Trustees has proved no more than a pious hope and in actual practice their decisions are oftener than not distinctly otherwise.

Government accepted my point of view to judge from Mr. Lindsay's reply which was to the effect that, constituted as the different Port Trusts were, in which the Indian Trustees were in a minority, we could not possibly expect Indianisation to the extent we desired. Mr. Lindsay observed as follows :

"The Port Trusts themselves possess constitutions which have been laid down long ago, and in many cases they have not been revised since they were first laid down. Government have already taken up that question. Only last year the Bengal Government were asked to reconsider the whole question of the constitution of the Chittagong Port Trust, and also certain recommendations were made with regard to the Calcutta Port Trust. The Government of India are willing to go further and to consider the other Port Trusts also, with the same element on the governing bodies themselves. Sir, I think the Honourable Mover will agree that Government are really taking practical steps in the matter."

How is this statement to be interpreted ? In plain English the Government of India recognised that because the Indian Trustees were in a minority they had a smaller say in the affairs of the Port Trusts in such matters as appointments of Indians to the higher grades and that there would be an improvement if there was an increase in the number of Indian Trustees. In making such comment Government hit the nail right on the head.

More than ten and a half years have elapsed since the date of that Resolution and it is high time that we examine and try to find out if any tangible progress has been made by any of the Port Trusts in the direction of Indianisation. I think I shall be able to show that very little has been done, so little indeed that we cannot but believe that even in the next ten years at the rate we are going on no better results will follow unless and until the Boards of the Port Trusts are so constituted that Indians will be in a majority in each one of them or that they are there in at least larger numbers than at present.

We must first examine therefore if there has been sufficient increase in the number of Indian Trustees in the different Port Trusts as promised by Government. The total number of both European and Indian Trustees in the different Port Trusts in the years 1922 and 1932 is, respectively, as follows: Bombay 17 in 1922 and 22 in 1932, Calcutta 16 and 19, Madras 15 and 15, Karachi 11 and 14, Rangoon 13 and 17, Chittagong 9 and 12 and Aden 9 and 11. This means that the total number of Trustees in 1922 was 90 and the total number today in 1932 is 110. The total increase in the number of Trustees taking together both Europeans and Indians is 20, and we have gratefully to acknowledge that in these additional 20 as many as 18 are Indian Trustees and only two Europeans. As compared to 1922 the number of European Trustees is stationary in 1932 at all the Port

Trusts, with the exception of Aden alone where their number has been increased from six to eight. So far as the Indian Trustees are concerned, the additional 18 are assigned as follows :

Five to Bombay, three to Calcutta, three to Karachi, four to Rangoon (and in these four are two Burmans and one Chinese) and three to Chittagong.

This makes up the total of 18 additional Indian Trustees but I may point out there has been no increase in the number of Indian Trustees at either Madras or Aden.

Thus out of a total of 110 Trustees at the seven Port Trusts there are today 74 Europeans and 36 Indians and amongst the 36 Indians I include two Burmans and one Chinese in Rangoon and one Arab in Aden. The total number of Indian Trustees in 1922 was 18 and in 1932 it is exactly double, namely, 36, which is a step in the right direction. Notwithstanding this substantial increase in the total number the House will notice there are yet 74 European Trustees as against only 36 Indians, which shows that Government have not gone far enough, and my Resolution therefore contemplates that Government will consider a still further substantial increase which is very necessary for the reasons I will put forward.

In Bombay there are nine Indians out of a total of 22 Trustees but nevertheless only three months back the Indian Merchants Chamber made a representation to the Government of Bombay pointing out that the existing constitution of the Bombay Port Trust secures a majority to Europeans in the Port Trust and is therefore unsatisfactory from the Indian point of view. They pointed out that the trade of Bombay in the sense of export and import is all Indian even if the party immediately handling it, namely, the middleman, either in export or import in many cases may be a European. The Chamber urged that because of the larger number of European Trustees there is not a sufficient number of Indians in the higher services. Many services of the superior grade are still almost completely closed to Indians and in other services only a very limited number of Indians are admitted. The office of Chairman, Deputy Chairman and Secretary have, in spite of many years' efforts, been still confined to non-Indians, and the Chamber added that it could not be suggested for a moment that competent Indians are not now available for these posts.

The Government of Bombay replied to this letter on the 4th August last. They said that the present constitution of the Bombay Port Trust does not absolutely secure a majority to Europeans, and that out of 22 seats nine are practically assured to Indians. If that is not giving a majority to Europeans, I for one cannot understand what it is. Government have tried to make out that in addition to the nine Indian Trustees out of 22, the millowners, if they liked and as they did before, might preferably send an Indian instead of a European who represents them to-day.

As regards the eight Trustees nominated by the Government of Bombay, six are Europeans and Government in their reply add that at no very distant date the Indianisation of the services will result in some of the posts in question being held by Indians, and the representatives of such services will be Indian

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Trustees but the snail's pace at which we are making progress towards self-government simply postpones the Indianisation of these different services to the Greek Calends. The Government of Bombay in their reply also laid stress on what the Trustees themselves had resolved in 1922 after my first Resolution was accepted by the Government of India. How far such professions of the Trustees have been carried out in practice I will leave it to the Council to judge after what facts I am able to lay before it within the next few minutes and the Government of Bombay when writing their letter on 4th August, 1932 have clearly lost sight of the admonition they themselves had thought fit to administer to the Bombay Port Trust on the same subject in their letter of 15th May, 1924.

To my mind the reply from the Government of Bombay is certainly misleading. They have made reference to Indians having been sent to England by the Bombay Port Trust for receiving training and probationers have been taken on, which is true to an extent but it is far from correct to say as they have done that these young men are "encouraged to qualify themselves by experience to rise to the highest grades in course of time". If that were so it would be difficult to explain such incidents as have occurred as to why the Deputy Secretary, although a Cambridge graduate had to put up a strenuous fight to act as Secretary of the Bombay Port Trust in a leave vacancy, why an Indian Engineer was prevented from acting as Executive Engineer in a leave vacancy in spite of a resolution that the two Indian Senior Assistant Engineers will not be "suppressed," and also why an Indian Assistant Manager in the Railway Department was not allowed to act as Deputy Manager although he is carrying out all the duties of that office. In the existing atmosphere no Indian in any department of the Trust, either at Bombay or in any one of the other Port Trusts, hopes to rise to the highest grades although his services are being highly extolled. As a matter of fact, he will have to fight hard if he at all encroaches on any appointment held by Europeans. This state of affairs can only be cured by an Indian majority on the Board and not until then and because the percentage of Indian Trustees on the Boards of the other Port Trusts is yet smaller the number of Indians in higher positions in those Port Trusts is most disappointing.

Let me give you as briefly as I can one glaring instance of how European Trustees act in the matter of appointing Indians. It is the history of the appointment of the Chief Accountant of the Bombay Port Trust. It would fill pages of our report of today's proceedings if I were permitted to speak at length. It certainly has filled pages of the minutes of the proceedings of the Bombay Port Trust during the period of nearly a year and a half whilst the controversy lasted. Towards the end of 1923 this Port Trust advertised for a Chief Accountant on a salary of Rs. 1,800 with annual increments of Rs. 100 rising to Rs. 2,300 with house allowance of Rs. 100, if a married man. The appointment was open to Indians and Europeans. The choice ultimately lay between one Mr. Brent-Smith, a European and Mr. Tambe, a Mahratta Indian. Both were Incorporated Accountants, but Mr. Tambe had longer and wider experience and experience of the kind expected of the Accountant of a Port Trust for he was then Deputy Accountant to the Bombay Municipal

Corporation. Mr. Brent-Smith was an assistant to Messrs. Lovelock and Lewis, Chartered Accountants at Calcutta, and was described in the Incorporated Accountants Year Book of that very year 1924 as only a "clerk" in that firm. Mr. Tambe was decidedly the better man, but it is strange that with the exception of two European Trustees every European Trustee favoured the appointment of Mr. Brent-Smith. Of the two European Trustees who did not record their votes one was Mr. Clayton, the Municipal Commissioner whose excuse was that he preferred not to vote because Mr. Tambe was under him in the service of the Bombay Municipality as Deputy Accountant although he had no hesitation in saying that Mr. Tambe was quite good and would in all probability succeed the then Chief Accountant of the Municipality when the Chief Accountant retired.

The other European Trustee who did not vote was Mr. (now Sir) Robert McLean, the Agent of the Great Indian Peninsula Railway. He assured the Board that in the Great Indian Peninsula Railway they had as Chief Accountant an Indian who was both most efficient and quite satisfactory. Mr. McLean agreed that everything else being equal, preference should be given to Indian applicants for such appointments when no fault could be found with Mr. Tambe in regard to his qualifications and ability, the ground on which everyone of the other European Trustees did not favour his appointment was that he did not possess the same "personality" as did Mr. Brent-Smith and they attached no end of importance to such personality although in spite of possessing no personality, as was alleged, the same Mr. Tambe is today discharging quite satisfactorily the duties of Chief Accountant of another quasi-Government body as important and as large, if not larger, *viz.*, the Bombay Municipality. The majority of course carried the day, but we, the Indian Trustees, who formed the minority felt that the decision of the majority was so palpably wrong and such a clear departure from the promise held out by the Trustees as a body in answer to the Government of India after what representation the Government of India had made in connection with my Resolution of 1922, that we thought it incumbent on us to place all the facts before the Government of Bombay. The European Trustees, including the Chairman, did not expect this and therefore tried to find fault with us. The Government of Bombay evidently did not think so but on the contrary, in their letter of 15th May, 1924, they pointed out to the Port Trust that:

"The proposal to appoint Mr. Brent-Smith appears to conflict not only with the principles accepted by the Government of India but also with the declared policy of the Trustees."

The declared policy of the Trustees as conveyed in their letter to Government of 23rd May, 1922, reads as follows:

"The Trustees are fully agreed on the principle that the number of Indians in the higher grades of the service should be increased as opportunities occur and that all new appointments should be thrown open to Indians who should be given preference of selection as far as is consistent with efficiency."

Here is a clear admission on the part of the Trustees that (1) until then Indians were kept out from the higher appointments, (2) that this will no longer be so, and (3) that they would be given the preference when and where their qualifications would be equal to those of European candidates.

The Government of Bombay in their recent reply of 4th August, 1932, say that the Trustees are living up to what they had promised to do. I hope the

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quotation I have given from the reply of the same Government of Bombay of 15th May, 1924 proves beyond the possibility of a doubt that in the opinion of the Government of Bombay the appointment of Mr. Brent-Smith was not in accordance with the principles accepted by the Government of India and also with the declared policy of the Trustees themselves.

After this opinion of the Government of Bombay so candidily expressed, the Trustees could not appoint Mr. Brent-Smith, but because of the negotiations that were entered into with him by reason of the decision of the European Trustees the Port Trust were liable to damages and paid, if I remember rightly, Rs. 10,000. The proper course should have been that the sum of damages of Rs. 10,000 should not have been borne by the Port Trust but should have come out of the pockets of those Trustees who had deliberately voted for Mr. Brent-Smith in spite of his not being the better candidate and in support of this statement let me tell you something yet more convincing which was revealed to the Board only at a later stage. One of the Trustees of the Bombay Port Trust was transferred by his firm to Calcutta. This gentleman was requested to interview Mr. Brent-Smith who was at Calcutta, and the House will be interested to know that in the report he sent to the Chairman of the Bombay Port Trust he observed as follows :

"I think the real fact is that in the matter of drawing up budgets and dealing with the multifarious variety of accounts peculiar to bodies such as the Port Trust, Mr. Brent-Smith has had absolutely no experience and he hesitates to lay claim to powers, which after putting him in the job the Trustees might decide he did not possess and which would thus probably result in your giving him his congé at the end of three years."

May I ask the House, if they were the Trustees, would anyone of the Honourable Members have voted for Mr. Brent-Smith with these facts before them, but strange to say this report was kept back from the Trustees at the earlier stages and only revealed when possibly it was difficult to avoid giving it publicity. Stranger still in spite of this knowledge the European Trustees, with the two exceptions I have named, all voted for him and the Indians all voted against.

This incident happened in about two years of my having moved the Resolution and within two years of the Bombay Port Trust having solemnly declared that they would be willing to put Indians in higher appointments whenever possible. Further, it was pointed out that the appointment of Chief Accountant in the different departments of the Government of India and in the Railways was held with great distinction by Indians, but the European Trustees were determined to have a European and a European who was decidedly not Mr. Tambe's equal in ability and experience.

If this was the case in the Bombay Port Trust where the Indian element is larger than in other Port Trusts, and where perhaps they can put up a stronger fight, how much worse must be the case elsewhere ? And that this is so there is not a shadow of a doubt. I could multiply instances but unfortunately my speech is limited in point of time.

This is not all. The Bombay Port Trust then decided that owing to the divergence of opinion among the Trustees the question of the appointment of the Chief Accountant be postponed for six months. The House

naturally would infer that at the end of the six months either Mr. Tambe would be appointed or fresh applications be invited. Nothing of the kind. The Chairman then recommended, and again it was passed by the European majority, that the Acting Chief Accountant, who is an Anglo-Indian, be confirmed. When applications were invited in 1923, the Chairman was dead against confirming this same gentleman. It was alleged against him that he would not be able to fill the position satisfactorily. Why then this complete somersault and the proposal after this long interval of time to confirm the very same gentleman whom they had disapproved of. If this does not prove, I do not know what else will prove to the Government of India, that because the European Trustees are in a majority, they are in a position to hamper the progress of Indians and are actually doing so. The same Mr. Gay who was considered incompetent has now filled the position since 1924 and I do not think that any complaints have been raised as to the manner in which he has discharged his duties so far. I cannot help remarking that this gentleman was confirmed for the sole and exclusive purpose of thwarting the Indian Trustees and of not having an Indian as Chief Accountant. The Indian Trustees would not have opposed Mr. Gay's appointment if he were recommended in the first instance but at that time the executive ruled him out in the hope of appointing a European.

It is a strange coincidence that there was similar trouble at the Calcutta Port Trust towards the end of 1927 over the appointment of an Assistant Accountant on a salary of Rs. 1,000 rising to Rs. 1,250. That too is a long story the underlying idea on the part of the European Trustees was to get a European appointed at any price even if the Indian candidate was superior. In response to the demand of the Indian Trustees the Government of Bengal as a measure of compromise sanctioned the appointment of two Assistant Accountants, one Indian and one European, thereby adding to the cost of the department. They were to be treated on a footing of equality but the European majority again had their way and Mr. Mair the European candidate was promoted last year to the post of Deputy Accountant whereas the Indian candidate Mr. Roy on the plea of retrenchment was sent away. This to say the least was most iniquitous and the Indian Trustees minuted that :

"Such action on the part of the Commissioners is liable to be interpreted as designed to remove the only highly paid Indian officer in the upper grade from the employment of the Commissioners and to discredit Indianisation in the higher services in the name of economy".

I may inform the House that the members of the Board of the Calcutta Port Trust are known as Commissioners and not Trustees.

The House must recognise that this is a sad state of affairs and the Government of India must adopt better remedial measures. If the opposition from European Trustees is such as I have described, and I challenge contradiction, then I leave it to the Honourable Members to judge how much worse is bound to be the position at the other five Port Trusts where the Indian element on their Boards is yet smaller. Whilst I have criticised as I have done, I would like to say on behalf of the Indian Trustees on the Bombay Port Trust that their late lamented Chairman, Mr. W. H. Neilson, was truly sympathetic and tried to help as best he could, which they much appreciated and I hope his successor Mr. Shape, who had worked with Mr. Neilson for long, is treading in his footsteps.

[Sir Phiroze Sethna.]

Having placed before the House what I call glaring instances of injustice to Indians, I think that in order to further convince Honourable Members I will now place before them certain figures. At the Delhi session my question No. 68 put on March 3rd last asked for the number of European, Anglo-Indian and Indian officers in the employ of the different Port Trusts who were receiving salaries of (1) Rs. 500 to Rs. 999, (2) Rs. 1,000 to Rs. 1,999 and (3) Rs. 2,000 and over. According to the Government reply there were altogether as at 31st March, 1931, under the three groups 300, 190 and 27 officers or a total of 517. Out of these there were only 64 Indians, 54 in the first group, 10 in the second and none in the third which comes to about 12½ per cent. Indians. As this list would also include officers whose starting pay might have been less than Rs. 500, I put question No. 31, on the 20th instant. The Honourable Mr. Drake replied that he was collecting the information and would place a statement on the table when ready. He has placed that statement on the table today, but with his usual courtesy he has furnished me with an advance copy. I am indebted to him for the same as it enables me to comment on the figures he has given. This time I requested Government to eliminate those officers who may be getting as their present salaries Rs. 500 or more but whose initial salaries were less than Rs. 500. The reason I did so was that hardly any European could have started in the Port Trust service on a lower salary than Rs. 500. Under the same groups as before according to my Honourable friend's figures there are altogether 288 such officers, 112 with initial salaries from Rs. 500 to Rs. 999, 153 from Rs. 1,000 to Rs. 1,999 and 23 from Rs. 2,000 and over. In these 288 there are in the first two groups respectively only 15 and 6 Indians, total 21, and no Indian with a salary of Rs. 2,000 and over. Thus there are only about 7 per cent. Indians.

I had also asked Government for a statement to show how many new appointments were made by the different Port Trusts since my first Resolution of January, 1922, up to now of persons who at the time of such appointments were not already in Port Trust employ. In reply the Honourable Mr. Drake placed on the table on the 20th instant the necessary particulars. According to this statement the seven Port Trusts in these ten and a half years had made 144 such new appointments with initial salaries of Rs. 500 to Rs. 999 and of these 144 only 14 or about 10 per cent. were Indians and the Rangoon, Aden and Chittagong Port Trusts which had made respectively 37, 8 and 3 such new appointments did not care to appoint a single Indian. In the second group there were 11 appointments with initial salaries of Rs. 1,000 to Rs. 1,999. There was only one Indian. He was Mr. Roy in the Calcutta Port Trust who as I have already told you is no longer there. In the highest grade of Rs. 2,000 there were altogether three appointments, all of Europeans. These figures tell their own tale and I leave it to the House to judge if I am or I am not justified in moving my Resolution.

It might perhaps have been argued years ago that Indians could not be put in more responsible positions in the Port Trusts for the reason that Indians with proper qualifications were not easily available. If that at all were true then, it of course will not apply now. The Government of India and the provincial Governments are endeavouring to pursue the policy already laid down to Indianise the different services and whenever they are so inclined they experience no difficulty in finding suitable Indians. An Indian has filled the position of Acting Agent of a Railway, there are Indians in the highest positions as Engineers in some Railways, in the Bombay Presidency there is a Chief Engineer, there are Superintending Engineers and several Executive Engineers in the Public Works Department. The Deputy Chief Engineer of the Bombay Municipality is an Indian. The Bombay City Improvement Trust have been served by an Indian Chief Engineer and Indian Executive Engineers. Why is it then may we ask that Indians in the service of the Bombay Port Trust alone have not risen beyond the rank of Assistant Engineers and why is it that same conditions prevail in the other departments of the Bombay Port Trust and similarly in the other Port Trusts. It cannot be denied that whenever and wherever Indians have been given a chance, they have acquitted themselves with success and as children of the soil they certainly have a better claim to the higher services in their own country if suitable efficient Indians are available. The fact of the matter is that the executives of the different Port Trusts do not want Indians in the higher appointments. They look upon them as interlopers in a service which so far they have been able to keep as a close preserve for themselves. In fact the different Port Trusts appear to vie with one another in keeping the higher appointments exclusively for Europeans.

There is no one in this Council or amongst the general public who wants Indianisation at the expense of efficiency. We recognize that it must be our paramount consideration to have efficient Indians for efficient administration. It must be so if our commerce and industry and the country are to prosper. Whatever might have been the position in the past, there is no question that Indian lads are easily obtainable today to take up responsible positions in every department of the Port Trust. It is not suggested that they can perform the duties of the heads of departments without starting from below. In fact it could not be expected of even a British lad to do that. But I do state that there are many Indians now available who are trained well enough to take up such positions as are given to Europeans and who will perform their duties as efficiently. In support of this statement I would refer Honourable Members to the report on the work of the Education Department of the Office of the High Commissioner for India in London for the academic year ending 30th September, 1931. It is stated there that the Indian students at the various universities, colleges and educational institutions have gained to their credit an excellent record of academic and other successes. In the year under report no fewer than 215 first degrees were obtained including 16 first class honours, while over 250 students were awarded diplomas in various subjects such as education, engineering, medicine, etc. Further on, it is stated that practical training in factories and works was obtained for 149 students as follows: civil engineering 11, mechanical engineering 36, electrical engineering 41, automobile engineering 4, marine engineering 3, aviation 10, railway traffic 15, printing 4, other branches of railways 16, and various technological subjects 9. Probably about 400 students return to India each year, the majority with examination qualifications and some with very high distinctions. Surely, if the Trustees are at all earnest in the assurances they have given to the Government of India, they can very easily select Indians for almost all future vacancies

[Sir Phiroze Sethna.]

and it must be the duty of Government to adopt measures which will bring about such results. I trust I have laid enough facts and figures before the House to convince Honourable Members that in spite of the Government of India having accepted my Resolution as far back as 1922 the different Port Trusts in the last ten and a half years have done so little to carry out the recommendations that it is now the bounden duty of the Government of India to intervene again and intervene this time in a manner as will ensure without any doubt the Indianisation of the higher grades in the service of the different Port Trusts in India which demand is no more than our legitimate due but which demand as I hope I have convincingly shown is being deliberately thwarted. (Applause.)

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I have listened to the remarks of my Honourable friend Sir Phiroze Sethna with considerable interest and sympathy, and can quite understand his desire to Indianise such bodies as Port Trusts as far and as promptly as possible. It is quite a natural desire.

4 P.M.

But my Honourable friend is a shrewd business man and he knows, as well as I do, that one cannot rush these matters and such changes must be organized gradually and particularly in a body like a Port Trust, which consists of so many posts that have to be filled by specially trained men. Both Sir Phiroze and I have served for a time on the Board of Trustees of the Port of Bombay and so we both know something of its inner workings, while I have also served on the Board of the Karachi Port Trust. But it is to the Bombay Port Trust I propose to refer in reply to certain of the Honourable Sir Phiroze Sethna's remarks, as I think he has taken rather a warped view of the position existing in that body.

During the period that has elapsed since my Honourable friend last addressed the House on this subject—some time in January, 1922—there have been 45 appointments made in the Bombay Port Trust to posts to which salaries between Rs. 500 and Rs. 2,000 are attached. Of these 45 posts, 36 were filled by Europeans and eight by Indians and one by an Anglo-Indian. Now on the face of it this may not seem very rapid Indianisation, but let me give you some particulars of the posts filled. Out of the 36 posts filled by Europeans, 34 were made up as follows :

Pilots	11
Dredging Officers	4
Chief Engineers	2
Assistant Mechanical Superintendents	3
Mechanical Foremen	8
Assistant Engineers	4
Chief Draftsman	1
Deputy Conservator	1
	34

Of the remaining two Europeans, one resigned and the other, a probationer in the Docks Department, was confirmed in his appointment.

One Indian, who applied for an appointment as a pilot, was accepted but he was subsequently rejected on medical grounds. A pilot, as most Honourable Members know, must have a Master's Certificate and, moreover, Bombay Harbour is a particularly difficult one to negotiate. Now, it will be seen that all the 34 posts enumerated above require special knowledge and training and no Indians were sufficiently qualified when the appointments were considered, and in fact in many instances I understand no Indians applied.

In spite of what my Honourable friend Sir Phiroze Sethna says, I maintain the policy of the Trustees is to give Indians the opportunity of qualifying for some of these specialised posts. With regard to the case of the two junior Indians in the service of the Trust—both in the Civil and Mechanical Branches who were sent to England—they were sent at the expense of the Port Trust for three years training in Port and Marine Engineering and it was done entirely with the idea of giving them appointments on their return to the Engineering Department with the opportunity of rising to the highest appointments in course of time. If this was not intended why should the Trust have gone to this expense? Then, again, valuable scholarships have been founded for Indian cadets on the "Dufferin" *as an inducement to the holders to qualify for admission to the Bombay Pilot Service after gaining the requisite sea experience.* The latest recruit to the Berthing Master's Service is an Indian, while four Indian probationers with selected educational qualifications have been appointed recently in the Docks Department with the prospect of ultimate promotion to the highest grades in that branch of the service. Out of 25 posts graded at over Rs. 1,000 (excluding pilots and connected services for which qualified Indians are not yet available) seven or 28 per cent. are held by Indians.

Now I think these instances show that so far as the Bombay Port Trust is concerned at any rate, there is a genuine desire to give Indians the opportunity of securing some of the higher appointments.

With regard to the composition of the Bombay Port Trust Board, I may mention that in 1922 it was composed of 12 Europeans and five Indians, a total of 17, while today it consists of 13 Europeans and nine Indians, so that out of the total increase of five, four of them are Indians. This, I think it will be admitted, shews reasonable progress and the proportion of Indians is liable to further increase as, in the course of time, there may be periods when the Collector of Customs and the Agents of Railways, who have seats on the Board and even the Chairman himself, may be Indians. I believe in Calcutta an Indian Agent of a Railway has already sat on the Board of the Port Commissioners and I think similar conditions will be found to exist and apply to other Port Trusts in India.

I hope Honourable Members will agree that I have shewn that a genuine effort is being made to Indianise in so far as circumstances will permit.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I am in general agreement with the Honourable the mover that more steps should be taken to Indianise the services of the Port Trusts. I am also in agreement with him that more Indian Trustees ought to be appointed. As at present constituted, in Madras four Indian

[Diwan Bahadur G. Narayanaswami Chetti.]

institutions are given the right of representation on the Port Trusts. Two are returned from the Southern India Chamber of Commerce, one from the Skins and Hides Association and one from the Piece-goods Merchants Association. Thus, four Indian members are on it, and the Madras Chamber of Commerce and the Trades Association send in their representatives added to one Government nominated. I do not see why, with an amendment of the Act, a few more Indians be not given a chance of being returned by the various commercial institutions. Coming to the Indianisation of the staff, as I have already mentioned——

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : On a point of order, Sir. The Honourable Sir Phiroze Sethna's Resolution refers to——

THE HONOURABLE THE PRESIDENT : Order, order. I think the Honourable Member can leave that matter in the hands of the Chair.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : If the Resolution does not state expressly about the increase in the number of Indian Trustees, still in his speech the Honourable mover made mention of it—I am speaking subject to correction—the Honourable mover pointed out that there should be an increase in the number of Trustees also. As I have pointed out, the Presidency Port Trust Acts may be amended so as to provide for a few more seats being thrown open to Indians.

Sir, coming to the question of policy, so far as the Port Trust in my province of Madras is concerned, there is no discrimination between Indians and Europeans. As a matter of fact, the late Chief Accountant was an Indian gentleman who retired and enjoyed great respect, and they have appointed another Indian gentleman in his place. I cannot vouchsafe for the facts of the Honourable mover because I have no experience of other provinces, and I cannot speak with any authority of what has been done in the Bombay Port Trust. The Honourable Mr. Miller has said something of what has been done in Bombay. I do not want to say anything about the other provinces. But speaking about Madras, I can say that there is no discrimination in the matter of appointments. Now, Sir, I am in agreement with the Honourable mover to adopt effective measures to secure a substantial improvement in the matter of Indianising the services. I am also in agreement that more seats should be thrown open to Indians on these Boards. I am sure the Government will not find any difficulty in accepting the Resolution.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary) : Sir, I should like to make it clear at the beginning of my remarks that the Honourable the mover of this Resolution and Government are really pulling in the same direction. When the Resolution which my Honourable friend moved in 1922 was discussed in the House, the Member of the Government who spoke, Mr. Lindsay, made it quite clear that the Government of India were entirely in favour of progress in the direction of Indianising the staffs of the various Port Trusts. As my Honourable friend indicated in his opening speech, the method by which the Government thought it best to attain that object was the amendment of the various Port Trust Acts in such a way as to increase the representation on them of Indian interests. Action was taken very shortly

after that Resolution of my Honourable friend was accepted, and the House has heard what changes were made in the constitutions of the various Port Trusts in pursuance of that promise. Now, Sir, as I understand it, my Honourable friend Sir Phiroze Sethna entirely agrees that that was the right course to take at the time, but his experience of and information regarding the working of the new constitutions since has made him believe that, in spite of those changes, the Port Trust executives have not in fact carried out the process of Indianisation as far as they should. Well, Sir, the House has been given a large number of figures, and I do not want to add unnecessarily to those statistics, but I should like to make a few remarks of a more general character regarding the way in which I think those figures which I have given to the House and to my Honourable friend might be interpreted. I may say that I myself found a certain amount of difficulty in comparing the figures which have been given to my Honourable friend from time to time in reply to his enquiries, largely because the basis upon which those statistics have been collected has from time to time been altered at his own request. In saying this I am not casting any kind of reflection upon him, and, as a matter of fact, we ought ourselves, perhaps, to have noticed and corrected the discrepancy. My point is this, that the last figures which I gave to the House cannot be usefully compared even with those which I supplied in February last because my Honourable friend in his last question limited the scope of the figures to posts of which the minimum, or starting, pay is Rs. 500 a month.

Now that obviously makes it difficult to compare the figures. It also has another bearing. I feel sure that, with all his enthusiasm for the cause of Indianisation, my Honourable friend himself would be the last to urge that this process should be accelerated by dispensing with the services of non-Indian employees at the Port Trusts whose work is perfectly satisfactory. Now, in that case, Sir, the only method by which Indianisation can be brought about is by appointing Indians in new posts and at the bottom of the scale. Naturally, therefore, in a service in which the upper grades are recruited mainly by promotion you will expect to find that if the process of Indianisation is carried out it is in the lowest grades where that process will first make itself felt, and that in course of time by means of promotion Indians who have been appointed in the lowest grades will find their way up to the top, provided there is no hindrance. That is one point that I wish to make, that if you only consider posts on a starting pay of Rs. 500 a month and over it throws the picture a little out of perspective. It is not, I think, quite fair to assume that, if the process of Indianisation has not been very fast in the grades on pay above that figure, the executives of the Port Trusts have not been implementing their promises. The second point I want to make while I am on that subject is one which was touched upon by the Honourable Mr. Miller and relates to the matter of qualifications. I do not want to suggest for a moment that there are not Indian candidates qualified for technical posts ; there are. In engineering, for instance, and accountancy—which may also be called a technical profession—there are qualified Indians ; but there are certain classes of qualifications, as the Honourable Mr. Miller has pointed out, which Indian candidates do not yet possess and those are the qualifications of the type which I might call mercantile marine qualifications. We shall not have Indian candidates possessing those qualifications until the Training Ship

[Mr. J. C. B. Drake.]

"Dufferin" has had time to turn out cadets and those cadets have had time to undergo their training at sea and obtain their certificates of competency. Now, Sir, a very large proportion of these appointments are of that nature, and, if I may be permitted, I should like for a moment to make a short analysis of the figures of new appointments. When I say new appointments I am going back to the year 1926-27, because in pursuance of my Honourable friend's Resolution of 1922 a further step taken by Government in addition to the amendment of the Port Trusts Act was the obtaining from all Port Trusts from that year onwards of statements showing how all appointments classed as superior posts, that is to say, posts with a maximum pay of Rs. 500 a month and over, had been filled. These statements are submitted to the Government of India annually by each Port Trust in a detailed form. They show the number of new appointments created in the superior services, the nationality of the persons by whom they have been filled and, in addition, they are accompanied by a supplementary statement in which the reasons for not appointing an Indian in any case in which an Indian has not been appointed are stated. Based on those statements, the figures for new appointments from the year 1926-27 to the year 1931-32 may fairly be presented in the following way. If we exclude those posts which require qualifications of the kind which I have described as mercantile marine qualifications, then the number of appointments in each of the Port Trusts and the nationalities of the persons by whom they have been filled are as follows: In Madras there have been seven Europeans and four Indians, and I should like to make it quite clear when I am using the word Indian that I am, of course, using it in the sense of statutory Indians. I notice that my Honourable friend has drawn a definite distinction between Anglo-Indians and Indians, but I do not think it was ever intended by Government in accepting his Resolution of 1922 that any distinction should be made between different classes of statutory Indians——

THE HONOURABLE SIR PHIROZE SETHNA: May we know how many Anglo-Indians were there among the four Indians you have mentioned?

THE HONOURABLE MR. J. C. B. DRAKE: I have not taken out figures for them in my analysis. I have taken all statutory Indians together and the figures are as follows:

	Europeans.	Indians.
Madras	7	4
Karachi	5	8
Aden	2	2
Bombay	8	27
Rangoon	22	15
Chittagong	5	2
Calcutta	19	57

That is what I want to say on the question of figures generally, and I think it does show that the progress in Indianisation has not been quite so slow as my Honourable friend has asked us to believe.

A great part of my Honourable friend's speech was taken up with the discussion of certain individual cases. I do not want to follow him, Sir, into the discussion of those cases. I may say that as regards the case of the Chief Accountant's post in Bombay, this is the first that I have heard of the facts which he has brought to the notice of this House. I listened with great interest to what he had to say on that subject and I wondered why we had not heard anything about it. Then I remembered that, as he mentioned at the beginning of his speech very few Members now in the Council, and none on these Benches, were present when he moved his original Resolution in 1922 and, as my Honourable friend went on with his description of the case relating to the Chief Accountant in the Bombay Port Trust, I realised that my ignorance on that subject might be due to my extreme youth, because it appeared that the case was settled as long ago as 1924. He mentioned also another case in Calcutta which is now receiving the attention of Government. These questions I do not want to discuss in detail, and I am quite sure that any one so fair-minded as my Honourable friend will agree that if he brings forward special cases of that kind, I might on the other side quote the cases of many Indians who have been appointed although there were Europeans who were rival candidates for the posts.

I do not want at this late hour to detain the House for any length of time, and I only want to add this, because the point has been specially mentioned by my Honourable friend Diwan Bahadur Narayanaswami Chetti. The Resolution of my Honourable friend contains no reference to the exact nature of the measures which he considers Government ought to take in order to ensure greater progress in the matter of Indianising these services. Well, Sir, as I have already said, Government are entirely in sympathy with the object behind his Resolution and I do not think it is necessary for me to discuss, since it is not mentioned in the Resolution, the question whether action should be taken to alter further any of the Port Trust constitutions. I am not prepared to say that Government will take any action of that kind at the present time. They feel that they have gone as far as they can go in that direction. But there is really no reason to suppose that, so far as the elected element in the Governing Bodies of the Port Trusts goes, the representation is unfair. Government do not believe that it is unfair. They think it represents accurately the interests which are predominant in the ports. For the rest, the situation is this, that the predominance of the European element on the Boards of the Port Trusts is really due to the fact that the nominated officials are, almost without exception, Europeans. That, Sir, is obviously a feature which will be corrected, if I may put it in that way, in the course of time. The change will come automatically, but it would certainly not—and I feel sure the House will agree with me—be right to say that because, for instance, the Collector of Customs, Calcutta, is a European officer the representation in the elected element on the Board should be altered, and that a smaller representation should be given to the European interest in Calcutta on that account.

I do not propose, Sir, to detain the House longer. All I need say, I think, is, as I have already said, that the Government of India are entirely in sympathy with my Honourable friend's motion, with the object behind his

[Mr. J. C. B. Drake.]

Resolution, and in the form in which he has moved it, I have no objection to accepting it on behalf of Government.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, I will first deal with the reply given by the Government Member, the Honourable Mr. Drake. He started his speech by saying that he and I are pulling in the same direction. May I ask him, do the Port Trusts who are expected to carry out the wishes of Government likewise pull in the same direction? I think in the course of my opening speech I have shown, I trust, convincingly to unprejudiced persons, that they are not doing so, and it is therefore that I appeal to Government to adopt such measures as they like in order to remedy the position. It is true I have not said as to what exactly I would like Government to do. I leave it to them, but in the course of my remarks I have pointed out that it is because the number of Indian Trustees, although increased, is yet insufficient, that Indian Trustees are over-ruled in matters affecting Indian interests. I have given you some instances and I could give some more but of course I am not entitled to do so in the course of my reply. I do not think that either of my Honourable friends, Mr. Drake or Mr. Miller, can lay their hands on their hearts and say that what Government intended in 1922 has been carried out by these Port Trusts. My figures tell you how matters stand. Mr. Miller has given certain figures, so has my Honourable friend Mr. Drake. I shall deal with these figures. It will be very interesting to know how many Anglo-Indians are amongst the statutory Indians, because if you exclude them the number of other Indians appointed will be found to be very appreciably reduced. The Honourable Mr. Drake has not given their numbers but because he has intimated that he is now receiving particulars year after year from the different Port Trusts of the new appointments made, I will make it my business to trouble him year after year to place upon the table full particulars, not only of Europeans, Anglo-Indians and Indians appointed but also to tell us the reasons given why Indians were not selected.

Mr. Drake, in the course of his reply, has said that in his figures he has excluded posts which require mercantile marine qualifications. I wish he had specified what these exactly are—I admit that so far as pilots are concerned we have no Indian pilots, but as he himself told us one man had offered his services. Mr. Miller took credit, or rather gave credit to the Bombay Port Trust, for instituting scholarships for cadets and that the Bombay Port Trust has an Indian Berthing Master. May I inform Mr. Miller that this did not initiate with the Port Trust. It was forced upon them by the representations of the Indian Merchants Chamber. I wish my Honourable friend had made that admission. I accept the figures which he has given of the number of Indians appointed by the Bombay Port Trust but he only confirms what I said in my first speech, namely, that because we have nine Indian Trustees and because Indian Trustees in the Bombay Port Trust—I do not wish to cast any reflection on Indian Trustees of any of the other Port Trusts—can influence their colleagues far more and can put up a stouter fight they have succeeded better, with the results which my Honourable friend Mr. Miller has given. Take the case of the other Port Trusts. It is nothing like Bombay. In Bombay I repeat, if the figures of Indians appointed are better, as Mr. Miller says they are and as Mr. Drake thinks they are, we must give credit

for the same to the late Mr. Neilson, who was most sympathetic to Indian aspirations, who always heard any complaints made by Indian Trustees and never turned a deaf ear as is being done constantly in the Calcutta Port Trust.

Sir, my Honourable friend Mr. Drake has told us that he has heard for the first time of the case of Mr. Brent-Smith I referred to. I do not blame him, for this happened eight years ago. If the case I have stated is a revelation to the Members of the Council, official or non-official, there also the European Trustees are to blame. And why? Because the European Trustees by their majority will not allow the Press to be present during the proceedings of the Port Trust meetings. If the Press were allowed, not only my friend Mr. Drake, not only the Member in charge, but the general public would come to know of the injustices that have now and again been perpetrated by the different Port Trusts. The Honourable Mr. Miller has told you he was on the Bombay Port Trust, and so was I. I was there for 11 years. I can speak, therefore, with first-hand knowledge and I challenge contradiction of the facts that I have placed before you. It is open to Mr. Drake to make inquiries regarding the case of Mr. Brent-Smith and he will find my statements absolutely correct. As regards Mr. Roy, in another place questions were asked and I am glad the Member in charge replied that the case is still under consideration. If the case is properly studied I am certain it will prove that injustice was done to him. He was pronounced inefficient for no reason whatever. I can personally vouch for his efficiency for the good reason that before he accepted this post of Rs. 1,000 rising to Rs. 1,250 in the Calcutta Port Trust, Mr. Roy was in the employ of the New India Assurance Company on a salary of Rs. 900 as Chief Accountant. I am one of the Directors of that Company and we were mighty sorry to lose him.

The Calcutta Port Trust retrenched him on the ground of inefficiency which to say the least is a scandalous procedure, as the papers will prove if Government will carefully go through the representation made to them by the Bengal National Chamber and by the Indian Merchants Chamber of Calcutta——

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Is the Honourable Member aware that when Mr. Roy was dismissed on grounds of retrenchment, that 40 Europeans were also retrenched in the course of the last 18 months?

THE HONOURABLE SIR PHIROZE SETHNA: Yes, Sir. But I wish the Honourable Mr. Benthall had told us that he was retrenched on the score of inefficiency. That is what these two Chambers have put before Government. It was certainly absolutely wrong on the part of the Chairman and others to say that he was inefficient——

THE HONOURABLE THE PRESIDENT: The Honourable Member is repeating what he said just now with regard to inefficiency. I cannot say what he said in regard to the first speech because I was unable to hear it—he delivered it at such a rapid speed—but I would ask him to confine himself to what has been said in this debate and reply to the remarks that have fallen from Members of Government and others. The Honourable Member must not make a second speech.

THE HONOURABLE SIR PHIROZE SETHNA: I am not making a second speech. I am answering the Honourable Mr. Benthall.

THE HONOURABLE THE PRESIDENT: The Honourable Member is making a second speech.

THE HONOURABLE SIR PHIROZE SETHNA: Well, if you rule it so, I am helpless. I am simply referring to the fact that he was not inefficient. I am replying to Mr. Benthall's enquiry.

THE HONOURABLE THE PRESIDENT: Order, order.

THE HONOURABLE SIR PHIROZE SETHNA: I am sorry I have lost the thread of my argument. In conclusion, I thank Government for having accepted my Resolution. They could not possibly do anything else having accepted it ten years earlier and what I request them to do now is to make sure that their orders and their instructions are carried out by the Port Trusts which I repeat most emphatically have been flouted by them in the past as I have shown.

THE HONOURABLE THE PRESIDENT: The question is, that the following Resolution be adopted:

"This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianising the services of the Port Trusts to an appreciable extent."

The motion was adopted.

RESOLUTION *RE* LAYING OF PAPERS OF THE SECOND ROUND TABLE CONFERENCE ON THE TABLE.

THE HONOURABLE THE PRESIDENT: The hour is too late for the Council to take up another Resolution with the idea of disposing of it today but I call upon the Honourable Mr. Hussain Imam to move his Resolution formally in order to preserve his priority on the next non-official day.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to move that:

"This Council recommends to the Governor General in Council that the papers about the Second Round Table Conference and the Committees formed by the Premier thereunder be laid on the table."

STATEMENT OF BUSINESS.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): The list of business for tomorrow, Sir, is in Honourable Members' hands. Besides the business entered in that list the only remaining official business of which the Council will be asked to dispose during the current session is the Tea Districts Emigrant Labour Bill which was laid on the table this morning. In the ordinary course that Bill would be placed on the paper for Thursday next. I understand that Honourable Members generally do not desire the Bill to be taken with short notice before that date.

THE HONOURABLE THE PRESIDENT: If that is so, I have to direct that a meeting for the disposal of official business be held on Thursday. That meeting will obviously be the last of the present session.

The Council then adjourned till Eleven of the Clock on Tuesday, the 27th September, 1932.

COUNCIL OF STATE.

Tuesday, 27th September, 1932.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable Mr. E. Miller, Chairman, in the Chair.

QUESTION AND ANSWER.

RETRENCHMENT EFFECTED SINCE THE REPORT OF THE RETRENCHMENT COMMITTEE IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

120. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: 1. Will Government be pleased to state what retrenchment has been effected since the Report of the Retrenchment Committee, in each of the separate departments of the Government of India?

2. Will Government be pleased to state the principle on which this retrenchment has been effected?

3. Will Government be pleased to state the percentage of reduction in the higher posts in each department with a pay of Rs. 500 and above and those below Rs. 500?

4. Will Government be pleased to state what retrenchment has been made during the year in the different allowances under the Fundamental Rules?

5. Will Government be pleased to lay on the table a full and detailed statement of the various retrenchments by departments?

6. Will Government be pleased to state how many Europeans, Anglo-Indians, Indian Christians, Hindus, Muhammadans and Sikhs have been thrown out of employment in the Departments of Commerce, Industry and Labour, Public Works Department, Delhi, Railways, Education, Health and Military, as a result of this retrenchment?

THE HONOURABLE MR. J. B. TAYLOR: Sir, with your permission I shall answer the six parts of the question together. Retrenchment is a continuing process and has not yet reached finality. Government are therefore not yet in a position to give definite replies to the Honourable Member's questions.

STATEMENT LAID ON THE TABLE.

NUMBER OF EUROPEANS, ANGLO-INDIANS AND INDIANS IN THE DIFFERENT PORT TRUSTS ON SALARIES OF RS. 500 AND OVER ON 31ST MARCH, 1932.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I lay on the table the information promised in reply to question No. 31 asked by the Honourable Sir Phiroze Sethna on the 20th September, 1932.

Statement showing the number of Europeans, Anglo-Indians and Indians as at 31st March, 1932, in the different Port Trusts carrying salaries of Rs. 500 and above.

Port Trusts.	Rs. 500—999.			Rs. 1,000—1,999.			Rs. 2,000 and over.		
	Europeans.	Anglo-Indians.	Indians.	Europeans.	Anglo-Indians.	Indians.	Europeans.	Anglo-Indians.	Indians.
Chittagong ..	4	1	..	3	..	..	..	..	..
Madras ..	6	1	1	6	..	..	2	..	..
Rangoon ..	16	6	2	41	1	2	5*	..	..
Bombay ..	25	1	5	27	3	2	5	1	..
Aden†	4	..	..	6	..	..	..	..	..
Calcutta ..	22	3	4	47	1	..	10	..	..
Karachi	7	1	3	12	..	2	..	..	..

*Two appointments abolished after 31st March 1932.

†Officers on leave preparatory to retirement have been excluded.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I rise to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

Sir, it is with some diffidence that I rise to make my maiden speech in this Council. My diffidence is increased by the fact that it is my duty to put before the Council a Bill which though short is of considerable importance to the criminal administration of this country. I do not claim to be a lawyer and possibly legal points may be raised. If so, I hope that those Members of this Council, who are more acquainted with legal procedure than I am, will deal with them. I speak as a layman, and I hope I shall make my points clear at least to the laymen in this House. I can claim also to have had some practical experience of the evils which this Bill is designed to meet, for within recent years I have held the post of District Magistrate, and the District Magistrate is frequently coming up against the difficulties of section 526 of the Criminal Procedure Code. I do not think it is necessary for me to deal at any great length with the question of how this section came to have its present form or to detail the form in which it stood in the previous editions of the Criminal Procedure Code. It is hardly necessary for me to refer to the discussions which took place in 1923, when the central Legislatures took

upon themselves the Herculean task of amending the Code of Criminal Procedure. It is unnecessary for me to refer in detail to the amendments that were made in this section during those discussions. My object will be to make it clear to this Council that the section as it stands is open to very serious objection in that it enables the accused, or a complainant for that matter, to delay seriously the trial of a criminal case. I shall try to show that a mistake was committed in 1923 and that the present Bill rectifies that mistake.

There is one preliminary point which I wish to make quite clear to this Council, for it is possible that this point was not sufficiently emphasised in 1923, and possibly, as the result of that, the section was finally passed in the form in which it now stands. I have also noticed that in some of the criticisms which have been received on this Bill, this point has been raised. My point is this. It is recognised in the criminal law of India as embodied in the Criminal Procedure Code that in certain circumstances it may be desirable in the interests of justice that a case should be transferred from the court in which it is pending. The grounds on which a transfer can be claimed are clearly set out in sub-section (*1*) of section 526. This Bill does not in the least affect that sub-section. Nor does it affect the right of "any party interested in a case," to quote the words of the section itself, that is to say, the right of the complainant or the accused to apply to the High Court for a transfer on any of the grounds which are specified in the first sub-section of this section. That very important right is also not affected in the least by this Bill, and no attempt has been made to change sub-sections (*3*) and (*4*) of this section. These provide that the High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative. Sub-section (*4*) lays down the method by which application shall be made.

I now come on to those portions of the section which we desire to amend. The only portions which are being changed are sub-sections (*5*), (*6A*) and (*8*) and (*9*). The main change, however, is in sub-section (*8*), and the other changes are merely subsidiary to the changes made in that sub-section. What is the effect of that sub-section as it stands at present? An accused can at any time during the pendency of the case, from the time when the first witness is called for the prosecution till a Magistrate is about to deliver judgment, say to the Court by which he is being tried, "I intend to apply to the High Court for a transfer of this case from your file". He need not adduce any reason; he need not specify the grounds on which he intends to make that application. As soon as he makes that statement, all discretion is taken away from the Court, and the Court is bound to adjourn the case for—I quote the words of the section—

"such a period as will afford a reasonable time for the application to be made and order to be obtained thereon."

In the case of places far remote from the seat of the High Courts that may mean a delay of two or three weeks. This, however, is not the only or even the main objection to the section as it is. The accused or the complainant can state his intention to the Court many times during the pendency of the case, and on each and every occasion the same procedure applies, that is to say, the

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Court is deprived of all discretion and has to adjourn the case for a reasonable time. Further, and this is perhaps the worst part of the section, there is no obligation whatever on the party which has notified its intention of moving the High Court to take any such action. He may notify his intention and then merely wait. He thus secures an adjournment, possibly for some rather improper purpose, and he need not go to the trouble or expense of moving the High Court at all. In my experience as a District Magistrate I have come across far more cases in which an accused has secured an adjournment in this way and has failed subsequently to make any application to the High Court than cases in which he has actually made any such application.

I find too that this opinion of mine has been corroborated by a report of the Government of Bengal in 1928 when it was pointed out that out of 69 cases in which an adjournment had been obtained in this way the High Court was only actually moved in eight of those cases. An accused may have various reasons for endeavouring to delay the trial of the case. The Honourable the Law Member gave his own experience of a case in which he himself had been employed. The case was a simple one and should have been completed in four or five days. The case actually took $3\frac{1}{2}$ months because of the tactics adopted by the accused. The reason for these tactics was—as frequently happens, thanks to this section—that the accused wanted to get at the witnesses for the prosecution. Fortunately in this case he was unsuccessful because the case depended on documentary evidence. I may quote a similar case from my own experience. A Municipal Tax Collector was prosecuted for embezzlement of municipal funds. The case was perfectly simple and straightforward, but he succeeded in obtaining five or six adjournments under the provisions of this section, and he had been particularly active in obtaining adjournments because he knew the Magistrate before whom he was being tried was being transferred from the district. The Magistrate was transferred without completing the case. The case then went to another Magistrate. I came across it two or three months later and the accused was adopting the same tactics and the case had lasted at least $1\frac{1}{4}$ years or possibly longer. In that case the accused was not trying to tamper with the witnesses, but just think of the time and money that was wasted on a simple case merely because the accused did not choose to allow the Magistrate to complete the trial.

I have given my own expereience, but Honourable Members may like to hear some of the opinions which we have received both from the High Courts of India and also from Local Governments. The most striking condemnation of this section is given by Mr. Justice Lort-Williams of the Calcutta High Court of Judicature. This is an extract from his judgment:

"Since the enactment of the amended section, notifications have been given in most cases with the sole object of compelling the Magistrate to grant unnecessary adjournments against his will and proper judgment, or simply to retaliate upon him, out of spite, on account of some real or fancied grievance. And applications even when made honestly and seriously, are made upon the most absurd grounds, such as that the Magistrate has excluded, or included certain evidence, or has sat late, or refused adjournments, or bail, or otherwise has exercised the discertions given to him and performed the duties imposed on him by law but has done so in some way not altogether pleasing to the applicant. Even the tone of his voice and the expression of his face have been urged as grounds for transfer."

There have been similar condemnations of the section by Judges of the Allahabad and of the Madras High Courts, but I need hardly trouble the Council with reading them in detail. Local Governments and local officers have been equally condemnatory of the existing law and complaints were put forward very soon after this amendment was made in 1922 or 1923. The Government of Madras pointed out that:

"The privilege granted therein is being abused as the amendment can be used by unscrupulous persons to retard the course of justice."

Similarly the Government of Bengal reported that the section is abused by parties who want either to win over or to intimidate the witnesses. A similar complaint was made by the Punjab Government. I have seen a report of a case in which the accused was under trial for over a year and a half and at the end of that time he absconded.

I think I have said enough—and these quotations I can multiply a hundredfold if the Council so desires—to show that the section as it stands is open to serious abuse. Delays are always dangerous in criminal cases, are harassing to the parties and also to the witnesses. Adjournments are obtained under this section as it stands often for the purpose of tampering with witnesses, often with the object of harassing the opposite party and putting him to unnecessary expense in the hope of tiring him out and exhausting his resources; sometimes applications for adjournment are made merely with the object of delaying an inevitable conviction, and in such cases, as I have mentioned, there is great loss of time and of money to Government. It is not only the prosecution who may suffer in these cases but also it may happen that the accused suffers very severely. Again I may quote an extract from the judgment of Mr. Justice Lort-Williams:

"What is perhaps a worse blot upon the sub-section is that it enables a vindictive complainant, by adopting similar tactics, to harass and ruin an innocent person who has been accused and is upon trial but who for similar reasons can never be acquitted except with the complainant's consent."

Finally, this procedure puts the Court in such a very ignominious position that the accused or the complainant can dictate to the Court as to by whom, when and where the case shall be tried.

I think I have explained sufficiently fully the mischief which this Bill is designed to meet. Before I discuss the remedy proposed, there is one subsidiary point to which I must refer. When the Code was amended in 1923, a clause was inserted which it was hoped would prevent the abuse of the privileges granted by this section. It was provided in sub-section (6A) which was inserted at the time that if the High Court found an application to be frivolous or vexatious, it could order the applicant to pay by way of costs to any person who has opposed the application any expenses reasonably incurred by such person in consequence of the application. That safeguard, however, in the form in which it was provided has proved ineffective. To the layman it might appear to be sufficient, but actual practice has shown that it is not. It has been criticised by Mr. Justice Lort-Williams as being wholly illusory. It does not of course meet the cases to which I have referred which are only too frequent in which the accused or complainant does not actually go before the High Court, but even in cases in which the High Court has been moved, it has not been

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found possible to impose costs which really could compensate the opposite party for the trouble and inconvenience to which he had been put or which would tend to deter people from making frivolous and vexatious applications, although that was the intention of the section. It was held in fact by a High Court that if the application was opposed by a salaried law officer of Government no costs shall be given as no expense had been incurred in consequence of the application.

What then was the remedy proposed in the Bill as introduced in the Assembly ? It provided that this special procedure of compulsory adjournment will only be applicable in the case of a notice given before the trial actually begins. It was thought that in most cases when a transfer is justified the party concerned should be aware of the reasons for it at that stage. It further provided that the case should not stop immediately. It merely provided that the Court should not proceed to the stage at which the accused has to disclose his defence until a reasonable time has elapsed to enable him to obtain an order, that is to say, that the Court should proceed to record the prosecution evidence and it was hoped by this means to avoid the mischief which I have described of tampering with witnesses. It appeared to Government that such a provision was fair both to the prosecution and to the accused. The accused still retains his ordinary powers under sub-section (3) of section 526 to move the High Court at any stage of the proceedings. But, under the Bill, as introduced, unless he notifies the Court before the commencement of the trial the Court would not be under any obligation to adjourn the proceedings. By this means, the initiative would be restored once more to the Courts where I venture to think it certainly ought to reside. A further provision of the Bill sought to meet the point which I have mentioned before, regarding compensation for frivolous and vexatious applications. This section was redrafted so as to make it quite clear that the High Court could grant compensation.

When the Bill was under consideration in the Legislative Assembly, the main criticism of it was that it might cause a certain amount of hardship, that there might be cases when a party to a case was justified in, and had good grounds for, moving for a transfer during the pendency of the case. Circumstances might arise during the case which gave rise to a *bona fide* apprehension in the mind of one party that he would not get an impartial hearing. The section accordingly was revised and instead of providing that the compulsory adjournment should only take place if the application was made before the case was started, it was provided that there should be an adjournment if any party interested intimates to the Court at any stage before the defence closes its case that it intends to make an application under this section. Having made that concession to meet hard cases, it was necessary also to impose certain safeguards. In particular it was necessary to put a stop as far as possible to *mala fide* notifications and to prevent a party to a case obtaining an adjournment on a pretext of moving the High Court and then failing to do so. That, as I have explained, is the most frequent course of action. It was necessary also to prevent a party to a case making more than one application. To meet the first point, *i.e.*, to put a stop to cases in which no application is made to the High Court, it has been provided that the Court may

direct the party to execute a bond which can be forfeited if he fails to carry out his expressed intention of moving the High Court. The bond is limited to Rs. 200, which is a very reasonable and barely adequate amount. It is also to be noted that the accused or the complainant, if he is called on to execute this bond, does not have to give any surety. He is thus saved any trouble or possible harassment by looking round for someone to stand bail for him. To meet the second point, it has been provided that the Court shall *not* grant a second adjournment. A further amendment, which was made during the discussions in the Assembly, was that instead of allowing the High Court full discretion as to the amount of compensation to be granted if they found applications to be frivolous or vexatious it has been provided in the Bill that the compensation should be limited to Rs. 250. I myself should have preferred to have left the question of the amount of compensation entirely to the discretion of the High Courts, for the High Courts of this country can certainly be trusted not to abuse a power of that kind. Apart from that there is no need to take objection to the clause. A compensation of Rs. 250 will considerably help the injured party and will, I hope, serve to deter dishonest litigants from putting forward frivolous applications. The Bill as it comes before us will thus, I hope, prevent the evils which arise from the present section. It will expedite the trial of criminal cases and will tend to prevent any miscarriage of justice. It will not, however, in any way deprive a party to a case of the right he at present enjoys of moving the High Court for a transfer. It will give him full time to do so once during the pendency of the case. It must also be noted that the ordinary power of the Court to grant an adjournment under section 344 of the Code for any reasonable cause is not in any way affected and in fact, after discussion in Select Committee, a clause was inserted to make that point perfectly clear and definite. It is also to be noted that the High Courts still have power to stay proceedings even though the law does not compel the Court to grant an adjournment. These provisions all help the honest litigant. The clause will, however, penalise the dishonest litigant, for if he applies for an adjournment to secure a transfer and does not move the High Court, if he merely tries to delay the case by this trick, he will be liable to forfeit the bond of Rs. 200 which he has executed ; while if his application is found by the High Court to be frivolous or vexatious he will be liable to compensate the opposite side.

Those in brief are the provisions of the Bill now under consideration. I trust that this Council will agree that a mistake was committed in 1923, that a definite evil exists, that both judicial and executive authorities throughout the country have emphasised that evil, and that this Bill will, we trust, rectify that evil. (Applause.)

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to support the passage of this Bill. At the outset, I venture to point out that it was very unfortunate that when the 1923 Act was on the anvil, this Council should have thought fit to reject the amendment passed by the Legislative Assembly which sought to remove, at least to some extent, the abuses resulting from the conferment of the right of compulsory adjournment on the accused. However, as the amending Bill has been passed by the Legislative Assembly, after a keen scrutiny of its

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provisions in the Select Committee, I should think, we should without much ado accept this Bill.

I confess that the details of the Bill are admittedly technical, and not being a lawyer, I cannot enter into or expatiate on the subtleties of the law in question. But, one thing is abundantly clear, from a perusal of the opinions of various Judges and eminent lawyers, that the right of compulsory adjournment conferred on the accused by the Act of 1923 has led to grave abuses. It has resulted in many case in the obstruction to the proceedings of the Court by the accused at any time he chooses, and not infrequently on the most frivolous and absurd grounds. I would quote here the opinion of the late Honourable Mr. Justice Coutts Trotter, an eminent Judge of the Madras High Court, in this connection, which was published at page 92 in Paper IV, circulated to this Honourable House before the amendment of the Act in 1923 was passed. His Lordship said :

"I regard the suggested safeguards against frivolous applications for transfer as wholly inadequate. The proper remedy in my opinion would be to abolish the right altogether. It implies a distrust of the magistracy on the part of the legislature, which, however well-founded when the Code was drawn up originally, is not warranted now. It undermines the authority of the magistracy by opening the door to reckless and baseless charges of partiality and corruption against its members and it enormously increases the facility for that procrastination and adjournment which are the bane of Indian legal proceedings. In my three years' experience as an Indian Judge (the opinion was given in 1918), I have not yet come across an application for transfer which appeared to me to have any substance in it and I should have thought that a plain case of partiality could be set right on appeal or revision."

Even today, at least four of the Honourable Judges of the Calcutta High Court share that view. I would quote the opinion of the Honourable Mr. Justice Lort-Williams in this connection. He observes :

"Various attempts have been made from time to time by Judges to mitigate some of the absurdities of the position created by this section. However praiseworthy these attempts have been made to make the section sensible, in our opinion, they were not justified by its terms * * * *. The abuses made possible by the section cannot be cured in these ways. The only remedy is by way of amending legislation which we trust will be undertaken at the earliest possible moment. It should be provided that no application for transfer will be heard unless it is made sufficiently early to allow time for the orders of the High Court to reach the Subordinate Court before the day fixed for the trial * * * * * * *."

Very often, the accused stops with securing the adjournment and does not go to the expense of moving the High Court at all, and he need not under the existing law adduce any reason.

Recounting from personal experience, the Honourable the Law Member said in another place that a case which ought to have been finished in four or five days took three and half months on account of the accused using the right of compulsory adjournment and desisting every time from moving the High Court. Such action protracts the proceedings and deviates the course of law. I would go further and say that it defeats the very purpose of law. For instead of the normal procedure of the Magistrate trying the accused, the accused is given an opportunity—I should say endless opportunities—of trying the Magistrate before the High Court.

This Bill, Sir, seeks to remove these abuses, to dispense justice in a speedier way eliminating all unnecessary and vexatious delay and to reconcile the ends of justice with the rights of the accused. That being the wholesome object of this Bill, I heartily welcome it, and I hope the House will pass it.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, though I have not been in actual touch for many years with the administration of criminal justice I feel I can claim to speak on this Bill on account of my long professional connection. This Bill seeks to make a very significant change in the administration of criminal justice in this country. In an important provision of the Criminal Procedure Code it aims at substituting dispensation of speedy justice for dilatoriness and frivolous excuses on which criminal trials have been postponed from time to time. This Bill, though a simple one, is a very important measure. Honourable Members must have noticed that as it emerged from the Select Committee it has been much modified from the original cast of the Bill. I should personally have preferred if the Bill as originally introduced had been put on the Statute-book, but unfortunately, to meet the idiosyncrasies of many lawyers and people who cavil over trifles, Government in the Select Committee had to give way, and a compromise measure has been produced. In order to understand exactly the grave alterations we are proposing in this Bill it is necessary for a moment to consider the position of the law as it stood in 1884 and after that period. For a long period between 1884 and 1923 when the amending Act XVIII of 1923 was introduced, the practice of asking for adjournment in criminal cases was not very objectionable. At that time it was essential that the application should be made before the commencement of the hearing and the Public Prosecutor or the complainant or the accused, as the case may be, must express his intention to make an application to the High Court for transfer of the case and the trying Magistrate had discretion in allowing a reasonable time, and in many cases he recorded evidence up to the conclusion of the prosecution evidence or the framing of a charge and before the disclosure of the defence. The law then stood on such basis. But in 1923 an important alteration was made. I do not propose to weary the Council with the chequered history of this section. I may tell you, however, that it has formed the subject-matter of discussions of a very important Committee, which was known as the Lowndes Committee—he was one of the ablest of Bombay lawyers, and was the Law Member of the Government of India and presided over that Committee. The whole of the Criminal Procedure Code was considered by that Committee, and this provision was also considered at that time. But after the Bill was tossed about in the Assembly and the Council of State with vicissitudes of fortune, the Bill ultimately known as Act XVIII of 1923 was passed. Unfortunately, that Act went beyond all possible expectations. That Act provided that if an application for transfer was made at any time in the course of an enquiry or trial or before the commencement of the hearing of an appeal, the Court shall adjourn the case or postpone the appeal. Honourable Members will see from this that the trying Magistrate has no choice whatsoever under the Act of 1923. Instantly an application is made or the intention is notified to make an application to the High Court, the Magistrate automatically becomes *functus officio* and so far as the trial of that case is concerned, he has no discretion. He has no power. He is simply a tool in the

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hands of the litigants. The accused or the complainant can lead a Magistrate by his nose and stop all proceedings in that trial. The result was that this power was so much abused for years together and the administration of criminal justice in this country was so often terribly and tremendously defeated that the Government found it impossible to continue with such a state of affairs and it was found absolutely obligatory to amend that measure, and the new Bill which is now before Honourable Members is the way in which the Select Committee have modified the provisions and this Bill is now before the Council. The present Bill in other words proposes to restore the position as it stood before 1923.

I shall only briefly refer to the gross injustice, to the gross abuse and delay caused by the operation of the Act of 1923. In the first instance, under that Act when an application was made the Magistrate had no jurisdiction to inquire whether the application was a *bona fide* one made for the purpose of furthering the cause of the accused or the complainant as the case may be or that it was a genuine application made with the genuine object of approaching the High Court for the purpose of making a transfer or that it was a frivolous and a vexatious application made to frustrate and delay the dispensation of justice. The Magistrate was powerless in the matter and no sooner an intention to apply for a transfer was expressed he was bound to grant the application and the further corollary of such a law would be noticed in the fact that the accused or the complainant as the case may be was not competent to make one single application only, but he was permitted to make an unlimited number of applications from time to time, with the result that ordinary cases which could have been finished in four or five days often took months to dispose of, and the result was that the work of the Magistrates was so much clogged and impeded and so deliberately obstructed in this manner that it became hopeless for trying Magistrates to manage their criminal files. But not content with this the absurdity of the old law of 1923 contained in the fact that no guarantee of any kind, no condition of any kind, was required from the accused person that he would as a matter of fact make an application to the High Court; no such guarantee was permissible. In fact he could make an unlimited number of applications and there was no obligation, legal or otherwise, on his part to approach the High Court. You can easily realise to what extent the abuse can be aggravated in a joint trial by unscrupulous accused persons. You will see to what ridicule and contempt the law of the country is subjected to by a measure of such description. In nine cases out of ten the accused person never approached the precincts of the High Court and Honourable Members might perhaps inquire what was an accused person to gain by making such applications and delaying the conclusion of the case in which he was either on bail or as an under-trial prisoner in jail. To lawyers the explanation is obvious. This was done with two objects. The first object was that no sooner an accused found in a trial that evidence was going against him, that hostile evidence was being recorded and he found that he could not break that witness by cross-examination, he thought the only way was to break the next witness who would come to corroborate the evidence of the prior witness. With this object in nine cases out of ten in order to gain time to corrupt and tamper witnesses this sort of practice is resorted to and I am very sorry to say that in many cases dishonest practitioners

also encourage and support that practice. This is one main cause. The other important cause is this. The accused against whom adverse evidence was recorded if he only heard the news or rumours of the transfer of that Magistrate he would deliberately go on times out of number making a series of applications in the hope that in the meantime the trying Magistrate may be transferred to some other district and he may have the pleasure of a *de novo* trial. There are other reasons also which actuate accused persons in asking for similar transfers and I do not propose to weary the Council with any further description of such reasons. Now, in order to avert this danger and to ensure speedy trial the present Bill has been brought forward and the most important clause of the Bill is clause 2 (*c*) and nobody can possibly say that this clause as framed is likely to cause any injustice or inconvenience or hardship to an accused person. I am only sorry, as I said before, that the Bill as first introduced has not been approved by the Select Committee and placed on the Statute-book. Under this amended clause if any party interested intimates to the Court at any stage before the defence closes that he intends to make an application under this section, the Court shall upon his executing, if required, a bond without sureties of an amount not exceeding Rs. 200 that he will make such application within a reasonable time to be fixed by the Court adjourn the case for such a period as will afford sufficient time for the application to be made. In fact this provision seeks to substitute discretionary power with certain limitations for compulsory power to transfer the case. That is all the difference. However, the main point in this clause, Honourable Members will notice, is that the application must be made before the defence closes its case. Once the defence has closed its case, no transfer could possibly be given. Proviso to this clause makes it perfectly clear that the Court will not be bound to adjourn the case upon a second or subsequent application. Now the existing practice has rather so tarnished the fame of the administration of criminal justice in this country that the alteration of law is not only requisite but essentially necessary. I have heard a great deal said both in the press and in the other House that the passing of this Bill is going to cause considerable hardship to accused persons, that it would curtail their rights, legal rights and privileges, and that it will end often in failure of justice and the conviction perhaps of honest persons. I can assure Honourable Members that I have no apprehensions of any kind in that direction. On the other hand, I feel perfectly convinced that the substitution of the present law will have a wholesome effect on the administration of justice in this country. It will ensure speedy trials and it will result in no inconvenience, or hardship to any accused person under trial.

It must be remembered that this law does not in any way take away the powers of the High Court for granting a transfer. The Act of 1923 which had the effect of stopping all proceedings in Courts at the will of the accused was one of the methods by which the accused could apply to gain time but there are other effective provisions in the Code of Criminal Procedure under which the High Courts have full rights and powers to transfer any case when a proper case has been made out. In the first instance, under clause 3 of this very section which is sought to be amended, the accused retains his ordinary right to move the High Court at any stage of the proceedings. Again a

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trial Court is also empowered to postpone or adjourn the trial of any case under section 344 and I may briefly recall that section to Honourable Members:

"If from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time postpone or adjourn the same on such terms as it thinks fit for such time as it considers reasonable, and may by a warrant remand the accused if in custody."

The provisions of this clause are wide enough to prevent the perpetration of an injustice in solitary cases. Then again, there is the provision of 561A which gives further protection. That is the inherent power of the High Court. But the High Court will not exercise its inherent power when there is an express provision of law and therefore there is adequate protection in that connection too.

Then, Sir, the High Court's powers are absolutely untouched by this Bill. The power is given to the High Court under the Charter Act, section 15 to transfer any case from any Court to any other Court. Powers are given to the High Courts under Letters Patent to transfer cases from one subordinate Court to another subordinate Court. And there is also section 439 of the Criminal Procedure Code. And in addition, as Honourable Members are aware, there is also section 107 of the Government of India Act. The revisional jurisdiction of the High Court is uneffected and can exercise all powers whether this Bill is passed or not. In face of all these many provisions and facilities it is almost nonsensical to say that the rights and privileges of the accused will be curtailed and they will be subjected to any hardship.

Sir, this Bill has been brought forward by Government not on theoretical grounds, but on proof of actual experience and after mature consideration. I must say that this measure ought to have been brought by Government long ago. The Government is responsible for the delay in introducing a salutary measure of reform. This measure has been brought forward on the unanimous recommendation of eminent Judges of the various High Courts and also on the strength of the unanimous recommendations of all provincial Governments. A measure like this therefore needs no recommendation and I have not the slightest doubt that this Council will unhesitatingly give its adherence to this measure and its full measure of support.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir, the present system of criminal justice in India is most complicated for this country and results in inordinate delay. Any attempt to simplify the system should have the whole-hearted support of this House. Justice delayed is justice defeated. The other day on the floor of this House the Honourable Mr. Hallett told us that the Government of India had already spent 16 lakhs on the Meerut case and we know that the end is not yet in sight. Section 526 of the Code of Criminal Procedure as it stands at present has been the cause of serious delays and many evils in the criminal administration of this country and the amendment proposed by the Government of India to check the abuses is to be welcomed. I therefore support the Bill.

THE HONOURABLE MR. M. G. HALLETT: Sir, as might have been anticipated, the Bill has received support from all quarters of the House. There is no need for me to say more.

THE HONOURABLE THE CHAIRMAN: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. G. HALLETT: Sir, I move:

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

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 28th September, 1932.

COUNCIL OF STATE.

Wednesday, 28th September, 1932.

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

QUESTION AND ANSWER.

SHARE OF THE UNITED KINGDOM IN INDIAN IMPORTS IN REGARD TO MACHINERY AND MILL-WORK, ETC.

121. THE HONOURABLE RAJA RAGHUNANDAN PRASAD SINGH: Will Government state the share of the United Kingdom in Indian imports with regard to (*a*) machinery and mill-work, and (*b*) earthenware and porcelain, paints and colours in the years 1929-30 and 1930-31 ?

THE HONOURABLE MR. J. C. B. DRAKE: The Honourable Member is referred to Volume I of the Accounts relating to the Sea-borne Trade and Navigation of British India for the fiscal year ending 31st March, 1931, copy of which is in the Library.

STATEMENT BY THE HONOURABLE THE PRESIDENT EXPRESSING REGRET FOR A WRONG RULING AGAINST SIR PHIROZE SETHNA.

THE HONOURABLE THE PRESIDENT: Before we proceed to business I wish to refer briefly to an incident which occurred in the House towards the end of our sitting the day before yesterday. I have been given to understand that the Honourable Member from Bombay who moved the last Resolution that was discussed on that day feels that I unnecessarily and unduly interfered with his exercise of his right of reply, and that I should not have called him to order in the manner in which I did. He tells me also that there are some non-official Members of the House who think with him, though of that I have no personal knowledge, since I have not discussed the matter with any of them, or indeed with any Member of the Council except our Honourable Leader. I am indeed sorry that it should be the Honourable Sir Phiroze Sethna whose feelings I should have hurt. I have always admired, as I know we all have, the Honourable Member's oratory, the fluency of his eloquence, the complete mastery he invariably displays of any subject on which he speaks, and the well-ordered arrangement of his arguments. It has been a matter of regret to me, and there are others who share that regret, that his other multifarious business pre-occupations have, during recent sessions, prevented his regular attendance at all our meetings, because his intervention in any discussion has always had the effect of raising the standard and level of the debate. I say this much,

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and I do not think that I need say more, in an endeavour to convince the House and the Honourable Member that the last thing in my mind was any intention to curtail the Honourable Member's right of speech, and much less, to hurt his feelings.

During the period of eight years in which I have had the privilege of occupying this Chair I have from time to time put to myself the question whether I have been unnecessarily strict in enforcing the rules of practice and procedure in the discharge of my functions as President. I am free to admit that when I have considered the matter reflection has led me to believe that if I have erred, it has been on the side of over-strictness; but, at the same time, if that is so, I have felt no doubt whatever that has been a mistake on the right side. It is not easy for a President to strike the exact mean between over-strictness and over-lenience; and I am convinced that, in the case of a legislative body such as this Council, a tendency towards over-lenience may lead to laxity, possibly to an increasing disregard of the rules, and in the end to a loss of decorum and dignity, if not to something worse. We all know only too well how easy the downward path can be in this respect. From the outset, therefore, I set myself to try to maintain the high standard established by the late Sir Alexander Muddiman, the first President of this Council, whose methods, I, as Secretary of the Council, had the fullest opportunities for watching. What the result has been it is for you, Honourable Members, and for the world to judge; but for my part, I like to think that the Council is one of which any one might be proud to be a Member, and of which I for my part am intensely proud to have been President for so long a period.

I have taken the opportunity to mention these matters, because, as I said just now, they have often been in my mind. But when I do so, it is with no suggestion whatever that all of them, or even some of them, have a direct bearing on the particular incident with reference to which I began these remarks. In regard to that, on reflection I have felt that, in checking the Honourable Sir Phiroze Sethna when he was exercising his right of reply, I did not perhaps give sufficient consideration to the fact that I had permitted an Honourable Member from Calcutta just before to intervene and put a question to the speaker. It has been represented to me and I see some force in the representation that this necessarily had the result of diverting the attention of the Honourable Member for the moment from the strict lines of his reply and in the circumstances the Chair might have allowed him some latitude and was possibly unduly hasty in calling him to order. I hope the Honourable Member will be assured that I had no intention whatever of hurting his feelings. That I have done so I have been left in no doubt, and that is a matter that I much regret. (Applause.)

THE HONOURABLE SIR PHIROZE SETHNA (Bombay: Non-Muhammadan): Mr. President, on behalf not only of myself but I venture to submit on behalf of all the non-official Members of this House, I desire to thank you, Sir, for the statement which you have been good enough to make. (Applause.)

POSTPONEMENT OF THE DATE OF MEETING OF THE COUNCIL OF STATE FIXED FOR THE 29TH SEPTEMBER TO THE 30TH SEPTEMBER, 1932.

THE HONOURABLE THE PRESIDENT: There is another matter that I should like to dispose of before we proceed to business. I was on the point of stating that representations have been made to me by several Members that it is not convenient that our last meeting should take place tomorrow inasmuch as it is the occasion of an important Hindu festival. I should not have initiated this matter myself, but it was because the Honourable the Leader of the largest party in this House was not in his place when I stood that I did so. It is desirable, of course, that the question of the date of the next meeting should be settled as early as possible. I have been asked by a considerable section of Members on the non-official side of this House to fix Friday as the date of our next meeting instead of tomorrow. In regard to that, it is not a matter entirely in the hands of the Chair; as the day is intended for the disposal of official business, I should be glad—and the House will be glad—to hear what the Honourable the Leader of the House has to say on the subject.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, I have no objection whatever to the meeting of the Council being postponed from tomorrow till Friday, though I could have wished that the House, both from the point of view of time and still more of expense, had accepted what was originally intended, that the Tea Districts Bill should be taken today. It was expressed to me that it was the wish of the House to have a whole day for it, namely, Thursday, and it was for that reason it was put down originally for tomorrow. As I have said, Sir, I have no objection whatever to sitting on Friday.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I thank you and the Honourable Leader of the House for so kindly meeting us in this matter.

With your permission, Sir, I should like to make a suggestion that you may be so kind as to appoint a Committee to look after accommodation and the housing of Members, at Simla and Delhi, as was suggested by the Honourable Rai Bahadur Lala Jagdish Prasad the other day.

THE HONOURABLE THE PRESIDENT: In regard to the first matter, I direct that the next meeting of the Council shall be on Friday instead of tomorrow. I do so on the understanding that the business that will be before the Council that day will not take very long and therefore it will in no way interfere with our Muhammadan Members and the performance of their religious duties on that day.

With regard to the second point, I assured the House the other day when the question of a Committee to deal with the accommodation of Honourable Members of this House both in Delhi and in Simla was raised that if I felt that there was a general feeling among the non-official Members that this Committee was desirable I should have no difficulty in meeting their wishes. I have now been given to understand—it has been mentioned to me outside the House by numerous Members—that there is such a general feeling and I shall therefore take steps to appoint a Committee. In that respect I shall consult the Leaders

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of Parties and I shall consult Government as to the constitution of the Committee and I hope they will let me have early replies ; but I would remind the House that the smaller a Committee is as a rule the more rapidly will its business be despatched. (Applause.)

RESOLUTION *RE* LAYING OF PAPERS OF THE SECOND ROUND TABLE CONFERENCE ON THE TABLE.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, on the last non-official day I moved the Resolution that :

" This Council recommends to the Governor General in Council that the papers about the Second Round Table Conference and the Committees formed by the Premier thereunder be laid on the table."

On account of want of time discussion of this Resolution was postponed till to-day. In initiating the discussion on this subject, I have neither the time nor the patience to deal with all the subjects dealt with by the Second Round Table Conference. I shall confine myself mostly to the doings of the Federal Finance and the Indian States Enquiry Committee (Financial) Reports. In the beginning I wish to state that when the Congress contingent was selected for the Second Round Table Conference, all of us Indians had high hopes of the work that they might perform there ; but our hopes were dashed to the ground, and we were sadly disappointed to find that they fared no better than the average First Round Tablers had done. Not only that, the Second Round Table Conference failed to achieve any material advance on what was done in the First Round Table Conference ; it failed to arrive at a settlement on the communal question. In the face of the practical hitch that had occurred in the First Round Table Conference it was expected that Indians would be more mindful of their affairs, and it is with shame that we have to admit that they were unable to come to a settlement and had to leave the matter to the Premier. In the Second Round Table Conference the only Committee which functioned properly was the Federal Structure Committee and they formed a Sub-Committee known as the Peel Committee, which went into financial propositions. Here, Sir, I am sorry to find that this Committee took it into its head, to regard itself as a benevolent society in whose hands the resources of British India were placed to be disposed of in largesse to indigent Princes of India. They were so unmindful of our interests that they recommended that the tributes paid by the Indian States amounting to Rs. 74 lakhs, should be given up without any *quid pro quo* for the decreased resources of the federal Government, and when it was succeeded by the Davidson Committee it went much further than what the Peel Committee had done. So that if their recommendations are accepted *in toto* the federal Government will have to bear a loss of Rs. 350 lakhs, and to that extent the resources of the federal Government will be reduced. Under the orders of the Premier three Committees were formed in India to give effect to the recommendations of the Second Round Table Conference ; they were the Lothian Committee to deal with franchise, the Percy Committee for

dealing with federal finance, and the Davidson Committee to consider Indian States finances. I am not going to deal with the Lothian Committee's Report. As regards the Federal Finance Committee, I very much regret, Sir, that the Premier in his wisdom did not find it possible to include a single British Indian politician on the panel of that Committee. Even in the galaxy of the British Indian Round Table delegates he could not discern any man who had sufficient qualifications, though two gentlemen who were the representatives of the States were deemed fit to sit in judgment over the Federal Finance Committee. Indians of all shades of opinion resent this sort of discrimination, and if it shows which way the wind is blowing, and what will be the future place that we will get in the federation of India, in which our interests and our points of view will not be heeded ; it is high time that we should take warning from now onwards. If they had not selected any representative from British Indians in the Federal Committee and had selected two representatives of the States on that Committee, we expected that in return when the affairs of the Indian States were being looked into we will have at least some British Indian politician on this Committee. No Indian politician was taken in.

There is a strange example of in-co-ordination between the Reports of the two Committees. The Percy Committee reported that the tribute paid by the Princes should be included in the federation and in the specimen budget that they have made, they have included a State contribution of Rs. 74 lakhs in the list of the revenues of the federal Government, while the Davidson Committee recommends an immediate giving up of Rs. 12 lakhs and ultimately of Rs. 63 lakhs of the States' contribution.

The Percy Committee recommended that there should be a co-operation tax levied throughout the federation, whether it be British India or the Indian States. The Davidson Committee has not a word to say about it, whether it is acceptable to the Indian States or not.

Sir, when I gave notice of my intention to move this Resolution I was not aware of the fact that the Government of India in the Finance Department had, to a certain extent, tried to advocate the cause of British Indians. They were so extraordinarily modest that they did not like to publish their memorandum on this subject in India. I would never have come across this had I not by chance found it in a Command Paper of the Parliament. Last evening simply by chance I came across this book which gives the memorandum of the Government of India in the Finance Department on this subject. That eases my task enormously. I find that I have to a certain extent the support, if not of the whole of the Government of India, at least of the Finance Department. I wish to recount some of the effects, if the Davidson Committee's recommendations are given effect to. In the first place, Sir, at the present moment the Indian States have certain rights and privileges and immunities. The Davidson Committee Report says that all these are to be maintained *in toto*, and in addition to that British India must, in order to induce the Indian States to come into the federation, give them additional rights and privileges. It seems that we are trying to induce them against their will to come into the federation, as if their coming into the federation is entirely and totally to the advantage of British Indians alone. This has arisen because of the anomalous

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position taken up by the Government of India in the past, by which they have given them certain rights and privileges for which there can be no sanction in a democratic form of government. I would cite just two examples. In the Posts and Telegraphs Department in return for our establishment of post offices and communications, telegraph lines, in certain Indian States we have given them some privileges, a list of which is given in the Davidson Committee Report. We issue Rs. 3,37,000 worth of stamps free of charge to some Indian States and we carry the official correspondence of other Indian States, the loss to the post offices on which account, according to the Davidson Committee Report, comes to Rs. 7 lakhs. So that a total loss of Rs. 10·37 lakhs is placed on the head of the Posts and Telegraphs Department on account of certain concessions that have been allowed in the past to the Indian States. I do not advocate the policy that treaties are mere scraps of paper, but I say, Sir, that equity and justice and changed circumstances do demand revision, and it is not against the practice of the Government of India. They have revised treaties with the Indian States many times, and as recently as 1925. If it is mutual consent only that we can change what is the good of having the theory of paramountcy ?

The third item on which I have the support of the Finance Department is the anomalous right of the maritime States to maintain and utilise the custom incomes for their private and individual goods. The defence of India is a subject in which all Indians, irrespective of caste, creed or country they live in, ought to be interested in, and ought to pay for. As regards those States who have got no maritime customs income, they can say that the general income of the customs is, in a measure a contribution by the inhabitants of States to the general defence of the country, and I think they would be justified in this contention. But the position of the Kathiawar States and of Kashmir is anomalous, so much so that the Government of India in their memorandum, to which I referred formerly, have to say :

" This fact arises out of the favourable position occupied by the maritime States and Kashmir in regard to the customs duties and also from varying degrees of immunity from salt tax, which States capable of producing salt in their territories enjoy under agreements concluded in the past with the Government of India."

They have further, in paragraphs 32 and 33, elucidated this point and urged an equitable settlement of this issue. I have nothing more to say to what the Government of India have already said on this point, although I have to say something more on other things on which they have not touched. On the figures of 1930-31 from the Davidson Committee Report we find that we have to maintain, even in the future federation, amenities and privileges to the extent of Rs. 238·37 lakhs, composed of Rs. 10 37 lakhs in the Posts and Telegraphs Department, Rs. 46 lakhs of salt immunities and Rs. 182 lakhs in customs income of the Indian States. This was a heavy enough burden and against all principle of federation that among the people living in the federation there should be discrimination in the taxation of the different units. Federation, to be effective, must have all its taxes leviable in each and every part of the country. When British India was a separate entity and the Indian States were apart, it was quite in keeping with the spirit and with the circumstances that the Government of India should give them certain rights and privileges.

But when they are coming into the federation and they will also be a party to the scheme it is only sensible that they should also participate fully in the payment towards the expenditure of federation. Sir, as I observed before, the Peel Committee as well as the Davidson Committee have recommended that Rs. 74 lakhs of tribute should be abolished either at once or later.

But I take strong exception to a new demand set up by the Davidson Committee, that is, about the ceded territories. Here there is, Sir, a fundamental difference between us and the Committee. The Committee have repudiated tributes as somewhat feudal in nature and as having no place in a federation. But I challenge the Government to show a single instance in the whole world in which a federation pays anything for ceded territories. It may have been quite in keeping with the spirit of the times in 1820 and before that to regard people living in a country as a tangible asset belong to the Sovereign to be bartered or to be given in exchange for payment ; but, at the present moment, the democratic principles lay down that every penny paid by a tax-payer should be utilised to his good and for his benefit and his payment cannot be regarded as a vicarious sacrifice for the good of others. This amount of Rs. 37 lakhs that the Davidson Committee has included comes to this figure only because of the generosity and, I should say, the good sense of a great Indian Prince who could have demanded Rs. 71 lakhs as cash payment on the principles laid down by the Davidson Committee for his ceded territory. It is because his Government did not come forward with this insensible demand that this demand has come to the manageable figure of Rs. 37 lakhs. Otherwise we would have been called upon to pay Rs. 108 lakhs under this head. The total loss to the federation on account of the Davidson Committee's Report would amount to Rs. 3½ crores while they have, in their Report, only stated that the ultimate figure amounts approximately to Rs. 1 crore per annum as the additional burden on British India. If my reading is correct, at least they have admitted that they have placed on the people of India an additional burden of a crore of rupees for which there is no sanction.

There is another thing, Sir, to which a number of people in British India have taken strong exception and that is the method of representation of the States' people in the federal Legislature. This point is also of great importance inasmuch as uniformity in the method of choosing representatives should have been maintained, if not in both the Houses at least in the popular and Lower House. The fact that the representatives of the States will have no mandate from the people of the country would not only be a retrograde step as far as the States are concerned but it will tangibly change the tone of the Lower House. At the present momen , Sir, the nominated Members in the Legislative Assembly form about 27 per cent. but if the Davidson Committee's Report is accepted we will have 33 per cent. nominated Members in the Lower House. As far as this House is concerned, of course, its position, even with the Davidson Committee's Report, will not be worse than it is at the present moment. A number of our delegates urged that the representatives from the States at least to the Lower House should be by means of election although the States may not have as wide a franchise as we are going to have. And it would be in keeping with this idea if we for once decide that we are federating with the

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people as well as with the Princes of the Indian States. The people of British India want to federate not only with the Princes, because they are not their peers, but with the people of the Indian States.

I am not going to say anything about the management of affairs or the ways of the Indian Princes because we are debarred from doing that but I wish to draw the attention of the Government of India to a specific recommendation of the Davidson Committee which the Government of India seems averse from following. While they have done everything they could to strengthen the case of the Princes, even they were compelled to admit that there are anomalies at the present moment which ought to be righted and they have specially recommended in this connection the conditions on the Viramgam line. In their Report, paragraphs 342-45, they have discussed the Viramgam line and the future customs arrangements in Kathiawar. They have recommended that this customs barrier of British India should be removed a little further so that it might act as a barrier between the maritime state of Kathiawar and the inland state. If that recommendation of the Davidson Committee had been accepted we would have gained something like Rs. 30 lakhs in additional customs income. In pursuance of that, I gave notice of a Resolution with regard to that line, which was, according to the rules, disallowed, as it had to do with the rights of the Indian States, and I think it is but right, that as a general rule we should abstain from discussing the affairs of Indian States and it is only on a special occasion like this when a Report is under discussion that we can digress and deal with these things.

In conclusion, Sir, I wish to say a few words on the basic principles which British India demands should be incorporated in any future federation. The first principle is that the right of the federal Legislature to impose its taxes should not be frittered and that it should have the right to legislate for the imposition of taxation in each and every part of the Indian federation. The second point which we regard as of paramount importance is that there should be no discrimination in the method of election of members to the federal Legislature. Thirdly, Sir, we advocate that the rights, privileges, immunities, enjoyed by the States should be abolished if they are repugnant to federal ideals. Fourthly, Sir, we wish that no unit of the federation or ruler thereof should have any right which is not enjoyed by other members of the federation. At the present moment there are any number of privileges, special rights and special immunities for the States. This has come about because up till now the Government of India have regarded defence and expenditure thereunder as of paramount importance to British India alone of which they had perfect control. In the new federation, whether it comes through or not, the expenditure on defence must be equitably distributed among all the inhabitants of India. The States maintain a number of armed forces about which the less said the better. They spend, according to the figures I have from non-official sources, about Rs. 8 crores on their armies and a particular State I know spends something like 75 lakhs on its local army. That also is a principle which is at variance with the federation. In a federation no one but the federal Government should have the right to maintain armed forces except for police duties. If that force is abolished and we have a really effective army under

the command of our Commander-in-Chief, even if it is smaller than the present numbers, it will be far more effective and better equipped and better able to deal with the situation than the rabble that we have got in most of the States.

Sir, I have nearly finished my time. My intention in initiating this debate is simply to strengthen the hands of the Government of India and to inform the British Government of the feelings of India about this federation. I, for one, am not opposed to the principle of federation. I think that every Indian who has got the good of India at heart is of the same opinion. India cannot prosper if she is divided amongst herself. But then there must be equality of sacrifice and we should not be made the scapegoat for others. That is all I have to say. I move my Resolution, Sir.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, if I rise to take advantage at a very early stage of the opportunity afforded by the Honourable Mr. Hussain Imam in bringing about this discussion, my chief object is to focus discussion upon certain points and conclusions arrived at at the last Round Table Conference and upon the outstanding questions on which we all look forward with a feeling of hope that we shall be able to arrive at a settlement. I should at the outset like to congratulate His Excellency Lord Willingdon and his colleagues for having made the Secretary of State for India realise the stupendous political folly of the attempt to scotch the Third Round Table Conference and for making him realise that the proper course to adopt in the interests of peace and good government in India was to restore the Round Table Conference method of framing a constitution by agreement. After hearing the statement made by His Excellency the Viceroy not long ago and after the scheme adumbrated for the Third Round Table Conference, I should like to say, speaking for myself and on behalf of the Members of a party though small in number but not less influential or not less capable of handling constitutional problems, that though the number of members to the Round Table Conference may be reduced, still, in so far as equality of status has been restored and the rights and privileges which the members of the last Round Table Conference enjoyed will be given still, it is a matter for satisfaction. I am aware that the number chosen is to be very limited—possibly to a very small number. I do not deplore that. But I only mention this to urge that the authorities for making the selection should try to make it as representative as possible——

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: On a point of order, Sir. Is the Honourable Member in order in discussing the method connected with a future conference on a Resolution which by its terms is specifically limited to the Second Round Table Conference and the Committees appointed in connection with it?

THE HONOURABLE THE PRESIDENT: I think it will be a little difficult for the Chair to rule the Honourable Member out of order. The Resolution in the way it is framed naturally invites a very wide discussion and the various aspects of constitutional reforms will naturally come up for discussion. The Honourable Member is referring to something in the future whereas the Resolution deals with the past. I hope that he will not labour the point.

THE HONOURABLE MR. G. A. NATESAN : Sir, my next question will be whether, in accordance with the statement made for proceeding with the discussion of constitutional reforms, for taking up the questions that were discussed at the last Round Table Conference, and if I may say so, for discussing the unfinished agenda of the questions that arose out of it, sufficient facilities will be given to the Members to frame a constitution which will be satisfactory and which will be in consonance with the spirit of the discussions that were pursued in London at the First and Second Round Table Conferences. I hope the attention of Government has been drawn to a meeting of the Council of National and Liberal Federation which met recently at Bombay where the desire was expressed to go on with the discussion of constitutional reforms and to co-operate with the Government on certain condition. At the same time, some sort of statement as to the intentions of Government was required with regard to one or two points. I should like to avail myself of this opportunity to ask the Honourable Member, who will speak for Government, to state (1) whether the members of the Round Table Conference will be allowed full voice in the determination of the Agenda ; (2) whether the members will have the right to tackle questions such as defence, financial safeguards, etc., which were discussed at the Second Round Table Conference and about which no definite decision has been arrived at ; and (3) whether, having regard to the discussion upon a scheme of federation and the difficulties that were experienced, if for some reason or other federation does not materialise, or even if the task of framing a federal constitution may be promised in the constitution, and it may be suggested that it will be put into force in a few years, whether a definite attempt will be made to introduce responsibility in the central Government ? Sir, I make this request not only to the Members of Government in charge of this subject but I would also like to ask my non-official European friends what exactly will be the attitude which they will adopt in regard to these questions, because a great deal depends upon the spirit of co-operation and good-will which not only the Government but the non-official Europeans who will be asked to tackle these questions will adopt in regard to these matters. The situation in India as it is, is bad. Everybody deplores it. We have had instances of doings which no one would like to see repeated, and it is high time that something was done to put an end to it. It may be said that the Government at Home has its own difficulties, that it has to deal with die-hards ; but I would point out that such a responsible person as the Under Secretary of State for India, Lord Lothian, only the other day told a British audience :

" You have handed over to Indian nationalism all the instruments for the formation of opinion, the universities, the press, the legislatures and the platform, and Mr. Churchill wants us to concentrate our attention on strengthening the instruments for repressing the incredible consequences. That is lighting the fire under the boiler, and screwing down the safety valves. The only sane course is to create an outlet for the steam which has been generated by one hundred years of contact with British ideas and political progress, and that outlet can only be responsible government. For the very essence of responsible government is that people should be able to change governments of which they disapprove by constitutional means, that all sections of the community should have some representation in the legislatures and that they should learn how to govern themselves by the ancient process of profiting, as we have profited, by their own mistakes."

I am quite aware that for effecting a speedy solution of constitutional reforms, the co-operation of all parties in this country is essential, and I deplore as much as anybody else that one great political party, for some reason or other, has not given its support to the task of constitution making.

But, within the last few days, Sir, a very great and stupendous effort has been made to solve one great problem which we thought will be insoluble and likely to threaten the future constitution and the peace of the country. I am glad that the convenience and the facilities given by the Government to Mahatma Gandhi and the opportunity afforded to several leaders of parties to co-operate with him, to discuss with him and arrive at a peaceful solution has made it possible for an important matter which was almost impossible of solution to be successfully solved. May I therefore venture to hope that with this dawn the Government of India will take equally effective and speedy steps for bringing about a peaceful termination of this difficult problem to which I have referred, and will endeavour to find all possible means, to explore all avenues, of effecting a sort of friendly arrangement. It has been done in the past with success and may I venture to hope that the attempt in this direction will be made and that something will be done to promote peace and achieve orderly constitutional government, a goal which is the ambition, the aspiration, of not only Indians and Europeans in this country but I take it of the Government as well in accordance with their past promises and pledges.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, though I disagree with most of the observations made by my Honourable friend Mr. Hussain Imam, I am in agreement with one observation which he made regarding the status of the different units in the federated India. Sir, much as my community welcomes the entry of the Princes into the all-India federation it is not prepared to submit itself to any undue sacrifice to induce the Princes to come in. Sir, we object to the principle of nomination and this nomination would not be less odious only because it is made by autocrats in India and not by the bureaucratic Government of India. The representatives of the Princes should come in by the open door of election and not by nomination. It may not be possible, Sir, to observe the same rule in regard to the senate. Even in this connection I would observe that some method similar to that of election might be employed and the election held with the help of the advisory councils about which there was a suggestion at the Second Round Table Conference.

Now, Sir, my main object in standing here and intervening in this debate is to refute some of the allegations which were made by my Honourable friend Mr. Hussain Imam. Sir, my Honourable friend in his speech strove hard to lay the blame at the door of the Second Round Table Conference for having failed to find a proper solution of the communal question. May I remind my Honourable friend that it was not only this Round Table Conference which had failed to find a ready solution to this vexed question but lots of other attempts which were made in this direction proved equally a failure. Sir, the Unity Conferences that were held in 1927 and 1928, the All-Parties' Conferences that were held from time to time, all proved unsuccessful in the attempt to produce a satisfactory solution of this communal question. But, Sir, I maintain that though the Round Table Conference had failed directly to produce a settlement of this communal question, I maintain that it has indirectly been responsible for the Communal Award which has been given by His Majesty's

[Saiyed Mohamed Padshah Sahib Bahadur.]

Government recently. I say this because of this fact, Sir, the discussions at the Second Round Table Conference were of a more practical nature. They tackled the constitutional issues in a somewhat more detailed manner than it was possible for the First Round Table Conference to do. Now, since the attempt was made to tackle with the practical side of the question, several aspects of the constitutional problem which were but vaguely visualised in the First Round Table Conference which had to deal only with generalities, those aspects of the constitutional problem which were very vaguely visualised in the first session became more defined in the second session of the Round Table Conference, and it was because the second session had to deal with practical questions, to deal with stern facts and stubborn realities and not indulge in generalities, that the difficulty was felt in finding a solution for the communal problem. But, Sir, the very fact that the Second Round Table Conference which had proved its capacity to solve many other different and difficult questions, that this very Conference had failed to find a solution to this problem, made the authorities recognise the imperative necessity of finding an immediate solution to this question. Therefore, Sir, when the Consultative Committee in its attempt to find a solution to this question failed to do so and requested the British Government to make the communal settlement, the Government, in spite of its reluctance to interfere in a matter of this nature—which was purely of a domestic nature—came forward to do the needful.

Now, Sir, as regards what this second session of the Round Table Conference has succeeded in doing, I would refer, in the first place, to the grant of the reforms to the North-West Frontier Province. I regard this, Sir, as one of the most important achievements of this Conference. Sir, until this second session of the Conference had made out a strong case for the redress of the injustice in this matter, it was not realised that the denial of the benefit of the Montford Reforms to the people of the North-West Frontier Province resulted not only in imposing an inferiority complex on the people of that province, but also in constituting a blot on the fair name of India and her people, because, Sir, it appeared that in spite of our civilisation, in spite of the progress that we had made and in spite of our high and legitimate ambitions and aspirations, there was a section of the people among us who were not considered fit to be entrusted even with the responsibilities of diarchy.

But, Sir, it was given to the Second Round Table Conference to remove this blot. While I am on this aspect I would, with your permission, Sir, say a few words more about the North-West Frontier Province. To my mind, Sir, it is a wonder how in the Montford Reforms the people of the North-West Frontier Province came to be differently treated. Sir, it is these people who have an important part to play in the defence of the country and nothing could be a greater blunder than to allow these people to have a grudge against the rest of India. In fact, Sir, it is the people of the North-West Frontier Province who, in my opinion, are more fitted for the duties of responsible government than their compatriots in other parts of India. The *jirga* system which they have in their midst and the various other institutions which have helped these people to settle their internal affairs without extraneous help have fitted them best to take upon themselves the responsibilities of self-government.

Now, Sir, these Committees—the Consultative Committee, the Indian Franchise Committee, the States Committee—all these Committees, what were they but the outcome of the labours of the second session of the Round Table Conference. And it was because at this session the Conference had to deal with the practical side of the constitutional issue and it was found that for some of the questions solutions were found, there still remained several other questions, which could not be solved at the session of the Conference but which required further investigation.

Now, Sir, just one word more and I have done. In my opinion, the greatest and grandest achievement of the Round Table Conference has been the success which it has achieved in trying to educate the opinion of the British public. Sir, the policy which the Premier declared last year was the policy which he declared as head of a Labour Government. But since then much water had passed under the bridge. The result was that the Labour Government was turned out of office and at the polls the Conservatives scored an overwhelming majority. The House of Commons was packed in a manner that it was never packed before. But, Sir, the success of the second session of the Round Table Conference was so effective that even this Parliament which was so much packed with the Conservative element had to admit the right of India to responsible government. This, in my opinion, is the greatest of its achievements. Now, I will conclude my remarks with a passage from the excellent speech of His Excellency the Viceroy delivered at the opening of the session of the other House on the 5th September:

> "The Second Round Table Conference gave us in broad outline the framework of the future federation, and I would remind Honourable Members that on the conclusion of the Conference the White Paper of His Majesty's Government, comprising the scheme evolved in the Conference discussions, was placed before Parliament and received its approval. Do not let us lose sight of the importance attaching to the approval then given. What in effect did it mean? The policy of His Majesty's Government expressed in the Prime Minister's speech at the conclusion of the First Round Table Conference was the policy of the Labour Government then in power. The contribution of the Second Round Table Conference was that the same policy was first accepted by the National Government and then approved by Parliament. Once that step was taken, the introduction of constitutional reform in India on the basis of an all-India federation, coupled with the widest practicable measure of responsible government at the centre and in the provinces, could no longer be described even by its critics as a party decision. It is now the approved policy of the British Government, of the British Parliament, and of the British people."

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, it appears to me that this matter has been viewed from a wrong point of view. It is not a question at present before us as to what the First Round Table Conference, or the Second Round Table Conference, or a Third Round Table Conference, if there is one, would do. The question really is to consider that as the circumstances of India are very unique in their own nature and there is no other historical parallel with which it can be compared, we have to decide these questions not upon maxims derived from history, not from propositions imagined in political economy, or what they wrongly call political philosophy. These things are to be done by careful experiments. What has been done up to this time in the first case of calling a certain number of people there to consult and then another number, is all a proposition for what is to be done hereafter. In history it never happens that you take a maxim from a

[Mr. G. S. Khaparde.]

book and apply it in practice. If that was so it would be like telling a soldier to study his text books and put it into practice. That does not happen so. What the Government has hitherto been doing, from my point of view, is collecting materials, not of these maxims but of the principles underlying these maxims. Those maxims have to be taken into consideration and the facts that have been evolved have to be considered and the formula be suited to the altered circumstances. Anybody that takes a formula and goes to apply it will always find that it has been mistaken and that he is wrong. India is not a country, it is a continent, with civilisations from the people whom we see in the hills here to the town people of Benares, or the higher Aligarh College, as you may call it. With these variations of civilisation, with these variations of customs, variations of religions, variance of ideas, you cannot have one rule that will govern them all. If you imagine that you will find such a rule or that the Round Table Conference will lay down a magical formula which will cover all the 350 millions of India, you will find that such a thing is an impossibility. What is being done now is to collect materials. Collect parallels and see how things can be done. My Honourable friend who moved this proposition brought out a proposition that this is not consistent with federation and this is not consistent with philosophy and other things. I simply say that never in previous history has there been an instance of India invading a country and imposing its own constitution on it. The fact is that we have to have compromises and a large number of compromises in various directions and those compromises have to be made and this Round Table Conference is intended to bring people together to find out the common denominator from which you can take those common factors and this is being done and I think being properly done in England and any amount of trouble is being taken about it. But to criticise here what somebody said there or to criticise what that particular Committee decided seems a work of supererogation, if I may be pardoned for using that word. They are collecting materials now. The thing is not ready yet. It will take a long time for federation to come to us. I shall consider it very early if it comes within the next 15 or 16 years if at all. I look at it from a plain man's point of view. There are these legal rights. There are these rights derived by *sanads*. All the rights have not come by conquest. Some have come by conquest, some by understanding. A third set by contracts. A fourth set in order that there may be peace all round and so on. And all these considerations have to be put together and they have to be welded into one whole and that welded thing is to be the Indian federation, the like of which there has never been before in the world and the like of which there never will be at least in my imagination. The reigning Princes have to come into this federation. It is not only like the United States of America where a few colonies came together. The Princes' rights, hereditary rights, different customs, different rules, have all to be considered. In order that we may leave these people to arrive at the best solution the best thing that this Council could do is to let the matter alone and let us watch and see how things are forming themselves, to possibly only make suggestions but no criticisms. This is my submission, Sir, the Honourable Mr. Natesan has asked for an indication of the European non-official attitude towards these Reports which it is sought to lay upon the

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce):

table and has appealed for co-operation. The European non-officials have always held that co-operation must determine the rate of advance towards self-government and for this reason we are convinced that the policy of settlement by agreement is the only practical one. For this reason, too, we are particularly pleased to see that the Liberals are in the main willing to accept the alternative procedure proposed by the Secretary of State for further discussing these Reports. Now, Sir, we cannot hope to reach full agreement over these questions. Probably no two men think alike and very often the same man does not think the same thing for very long. But I am quite convinced and our community is convinced that it is only by agreement and by careful co-operative study of these Reports that we shall be able to arrive at a satisfactory constitution for this country.

There is, of course, no unanimity among Europeans any more than among other sections of the people. On the one hand there are those who believe that democracy as a whole is a failure. Looking around the western world and judging by what they see there, these people honestly and conscientiously do not wish to see democracy repeated in India. People of that point of view are people who conscientiously believe that a benevolent autocracy or an oligarchy is the best form of government not only in India but elsewhere. Then, again, there are those who, having studied these problems deeply and all the literature connected with it, are ready to take risks, as they see them, in matters of finance, commerce, education and so forth, but who feel that if the strong hand of the present Government is withdrawn in matters of law and order, the results may be disastrous, and they hesitate, not selfishly but conscientiously, to commit the people of India to a very advanced measure of reform. There are a few again whose hearts—all credit to them—are perhaps larger than their minds, who think that we have only got to create a pure, undiluted and undisciplined democracy for all to be as merry as a wedding bell. But what the great majority of Europeans in this country are steadily in favour of is ordered progress. If I might try and put what I understand to be the majority opinion into one sentence it is this, that they believe that the only satisfactory constitutional solution for a future self-governing India lies in a federation of states and provinces for which the most comprehensive scheme yet produced is that provided in outline and provisionally agreed to by the British and Indian delegates at the Round Table Conference and subsequently set forth in the White Paper of December 1st, 1931. I would add to that, in particular reference to these Reports, that we believe that a satisfactory adjustment of the financial relations between the centre and the provinces and between the centre and the federating states must precede any further transfer of authority from the agents of Parliament to responsible Indian ministers either in the centre or in the provinces. We are not satisfied with either the Davidson or the Percy Reports in this respect—or for that matter with the Franchise Committee's Report, but I will not go into details.

Between the present state of affairs and that foreshadowed in the future there are innumerable obstacles. It is our policy to endeavour to the best of our ability to remove those obstacles. It will not help to pretend that there are no obstacles or to give up with a faint heart when we run into these obstacles. It is correct to say that we Europeans in India are prepared to tackel

[Mr. E. C. Benthall.]

these obstacles as we have tried to tackle them before. We shall be conservative and I am sure this House will agree that there are merits in conservatism.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Especially at the moment.

THE HONOURABLE MR. E. C. BENTHALL: We shall insist upon every device that will strengthen the constitution, every guarantee for the maintenance of law and order, every insurance for financial stability, and every safeguard possible for the minorities and ourselves. We shall reserve, like every one else, the right to express a final opinion when we see the whole picture and the conditions prevailing, but we shall co-operate whole-heartedly in the endeavour to find a solution of these problems and if we are met by construction, we shall not be destructive.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, I had sent in a notice of a similar Resolution but unfortunately it has lapsed. I would rather confine myself to this Resolution and avail myself of the present opportunity to discuss it.

The Second Round Table Conference, I presume, was widely represented in as far as the Congress took part in its deliberations. But what has been the outcome of that is the subject of scrutiny. The matter is of great interest and vital importance to a nation which is trying to take its legitimate place in the commonwealth of nations. How far the recommendations of the various Committees and the assurances of the Premier have been able to satisfy the public of India is to be thoroughly investigated. The constitutional issues raised in these Committees and the solution sought therein are, I may be pardoned for saying, not acceptable to any section of the people. It has failed to satisfy the demands of even constitutional agitators not to speak of the men holding more advanced views. Two Round Table Conferences have been held and several Committees have sat and have deliberated but are we anywhere near the goal to which we all aspire—I mean responsible self-government. We have read, assimilated, and tried to scan the message of the Prime Minister and not a word do we find there that is nothing except reassurances of the fact that His Majesty's Government's belief in an all-India federation. The Premier has asked for co-operation but what the meaning of that word is I fail to understand. To have co-operation we must have good-will and trust. Trust begets trust. If we have to mobilise the good-will of India and England as the Premier pointed out, we must have an atmosphere in the country which is quite suitable to it. I hope the politicians of India as well as of Great Britain will not cloud the issues ahead by their petty-mindedness but get on with this stupendous work of finding out a solution of the problem before us.

The British Government firmly adhere to their promise to give India a democratic constitution with safeguards. But what these safeguards are and whether they are for the good of India or not remain to be seen. The explicit assertion of the Premier that:

"In all Governors' provinces the power entrusted to the Governor to safeguard the safety and tranquillity of the province shall be real and effective."

would no doubt give rise to a good deal of positive misapprehension in many minds. Safeguards we do require for the transitional period, but not the safeguards which are:

"merely beneficial to India and prejudicial to the real interests of Great Britain."

as has been rightly pointed out by Mahatmaji:

"The fancied interests of India will have to be sacrificed, the fancied interests of Great Britain will have to be sacrificed and only safeguards which may be demonstrated to be in the interests of India are to be there."

The safeguards suggested are not in the interests of India. But the authoritative declaration from the British Premier is barren from the standpoint of the Indian nationalists. It will in fact require for the Indians nothing short of supreme faith in the honesty and good intentions of the British people, to feel re-assured at the promise.

Turning now our attention to the Report of the Federal Finance Committee, we find it equally alarming. We find the empty pocket bogey as has been put forward by an Anglo-Indian press. But the bogey need not dishearten us. The Percy Committee in their concluding remarks pointed out that they have worked from the data supplied to them by the Government of India. That means that they start with the assumption that the self-governing India will have the existing machinery of administration with the highly paid staff of officials. But the fact is, need we stick to this costly system of government even under the new regime? If we Indianise the public services, both in the matter of personnel and the scale of salaries, as also in the judicious reduction of their number, we can escape the danger of an empty pocket, and the need for fresh taxation will not arise. We shall have to cut our coat according to our cloth. Piling up taxes on the already over-taxed poor Indians will not be a sound principle. The inelastic resources of revenue of the provincial Governments naturally made the Committee realise that a deficit would arise in all but the two agricultural provinces, *viz.*, the Punjab and the United Provinces. Bengal will be the worst sufferer. She will be faced with a deficit of Rs. 2 crores. Bihar and Orissa has to face a deficit of Rs. 70 lakhs and Bombay with a deficit of Rs. 65 lakhs. Madras and the Central Provinces are no exceptions and they have to face a deficit of Rs. 20 and Rs. 12 lakhs, respectively. Without severe retrenchment even the distribution of income-tax yield amongst the provinces will not enable them to make any appreciable headway in the nation-building departments. As far as Bengal is concerned, she has been most unjustly treated. Bengal has about 90 per cent. monopoly of jute and the revenue received from the export of jute should, to a great extent, be given to Bengal. (*The Honourable Mr. E. C. Benthall*: "Hear, hear.") I am thankful to the European Members for giving us support in this. This aspect has not been given sufficient consideration by the Committee. They have brushed aside the claim of Bengal to a share of the jute duty by simply remarking that it raises highly controversial questions of principle.

Then the question of taxing of agricultural incomes has been left to the provincial Governments. As far as Bengal is concerned, with the permanent settlement, it would be an act of gross breach of faith on the part of Government to subject the agricultural income to any tax. There can be no tax on a thing on which Government revenue has been collected. You cannot

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tax an income twice. All through the Report we find nothing but an attempt to pile up new taxes both by the federal as well as by the provincial Governments. The only silver lining to the cloud is the initial surplus, if the present fiscal policy of protective duties be continued. Terminal taxes are not rightly to be approved of as a normal source of revenue except for Assam. Tobacco, excise and succession duties are to be collected by the federal Government for the benefit of the provinces. The forecast of the federation revenue is not at all hopeful, the excise on matches being the only immediately feasible proposition.

Coming now, Sir, to another important item—I mean the Report of the Lothian Committee—what do we find there ? We find that the members were not all agreed on some of the conclusions reached. This has resulted in as many as eight dissenting notes. The Report of the Committee shows that the findings and recommendations are not calculated to please many among those who are anxious to work for the political advance of the country through co-operation with Government, not to speak of the advanced section of the politically-minded people in this country. On the question of franchise, the demand in this country has been one, for a system of adult franchise. Leaders both of the Congress group and outside it had made this demand. But, Sir, we are told that the introduction of universal adult suffrage as it is generally understood was not practicable. But then why not introduce some modifications in it ? I mean the system of indirect voting by the group system which is in vogue in Egypt, Turkey, Iraq and Syria. A system like this, according to those who advocate it, would minimise administrative difficulties. Under this system every adult population will have a vote at least in the primary election of the secondary electors who are to form the constituencies. This suggestion does not find favour with the Committee. Neither has the introduction of adult suffrage within certain age limits nor a system of franchise based on the combination of the direct and indirect system have any sympathy from the Committee. But, however, the Committee decided that the existing basis of franchise is unsatisfactory and inadequate. They agree that

" no important section of the community lacks the means of expressing its needs and opinions "

and that there should be

" a proper distribution of voting power between the different classes and sections of the people,"

and that the electorate should be so widened as that it will be

" representative of the general mass of the population."

The Franchise Sub-Committee had recommended

" the immediate increase of the electorate so as to enfranchise not less than 10 per cent. of the total population and indeed a larger number—but not more than 25 per cent. of the population, if that should, on full investigation, be found desirable."

The Committee tells us that in coming to its conclusions it has been more concerned to secure the best practicable distribution of voting power than the enfranchisement of any pre-conceived percentage of the population. The effect of the proposals made will however be to enfranchise about 14·1 per cent. of the total population and indeed it is a big jump from the 3 per cent. under

the present system. But I fail to see how it will satisfy the liberals as also the other co-operating politicians. In spite of the proposals for special constituencies for labour and special franchise qualifications for women and minority communities, millions of the adult population of the country will have no vote. The Committee holds that illiteracy is no impediment. What impediment there is in making the illiterate understand the issue of an election may be removed by broadcasting.

" The effectiveness of broadcasting is not lessened by illiteracy,"

admits the Committee. Another objection against adult suffrage is

" the absence of political organisations "

and the difficulties that political organisations will feel in reaching so large an electorate. The political parties themselves are asking for adult suffrage. The main objection we find is the administrative difficulties. The total adult population, as stated by the Committee, is thirteen crores. In one single day, the Committee opines, two-and-a-half crores of electors could be polled under the present administrative machinery. According to the Committee two-and-a-half crores electors can be polled in one day, four times the number can be polled in four days and thirteen crores can be polled if one more day is allotted. But, in practical politics, so great a number of people will not be on the electoral rolls. In the first place, every person who considers himself qualified as a voter will have to apply for registration of his or her name or somebody will have to do it on his or her behalf. This will automatically exclude at least a good number of the adult population. Then, again, many of those who are registered will not come to the polls ; so that it boils down to this, that not more than five crores of electors will have to be dealt with on the calculation of the Franchise Committee. So, where is the difficulty in polling ? The Franchise Sub-Committee says :

" We recommend that in any given area the franchise qualifications should be the same for all communities ; but we desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would be as nearly as possible to give each community a voting strength proportionate to its numbers and that the Commission should so continue their franchise system as to secure this result in so far as it is practicable."

The Lothian Committee have, however, stated :

" Though we have kept this question in view, when framing our proposals, it is impossible at this stage to state how clearly the ratio between electors and population will correspond, because many of the figures we give as to the effect of property qualifications, specially in the case of women are estimates, or based on estimation."

The Committee therefore proposes :

" if it is found that the ratio of voters to the population is markedly discrepant in the case of any community, it will be necessary to consider what action, if any, is required in order to rectify the disparity."

The question of the representation of special interests, like women, commerce, labour, landlords, has not been satisfactorily solved. As regards the representation of women I cannot do better than quote a few lines from the minute of dissent of Mrs. P. Subbarayan. She holds :

" I would express my regret that it was not found possible to increase the number of women electors still more."

Then again she points out :

" Women representatives on the legislatures should be there not as members of particular communities but as representatives of women of all castes and creeds."

[Mr. Satyendra Chandra Ghosh Maulik.]

Similarly the representation of landlords both in the federal as also in the provincial Councils has not been solved satisfactorily. While all other representation has gone up, the landlords representation has been kept to the old number. Labour has not also received its fair share of representation. As regards the so-called depressed classes, thanks to the intervention of Mahatma Gandhi and Dr. Ambedkar, a satisfactory solution has been found possible. On the whole, Sir, we find that neither the statement of the Premier nor the recommendations of the various Sub-Committees have brought us any nearer our goal, the ultimate goal of all nationalist and right-thinking Indians, I mean, full responsible government run on national ideas. The day is yet distant when we shall be a part of the great commonwealth of nations. *" Hanuz Delhi dur ast ".

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN (Education, Health and Lands Member): Sir, I do not think that on this Resolution it is really necessary for me on behalf of Government to make any pronouncement whatsoever. The object of the Honourable the mover of the Resolution was to raise a discussion with regard to the Second Round Table Conference and its Committees and that object has been well served by the number of Honourable Members who have taken part in the discussion. Government will no doubt note the wishes of the Honourable Members with regard to the various matters which they have discussed. Nevertheless, one or two observations on what fell from the Honourable mover and the Honourable Mr. Natesan may appear to be called for. The Honourable mover in summing up his speech submitted four principles which he desired should be followed in setting up an all-India federation. He, of course, realises that the whole question is in the melting pot and therefore Government cannot make any pronouncement on those questions with regard to which he has expressed his anxiety. He must, however, remember this, that however theoretically perfect the maxims may be which he has put forward those who have been engaged and may on the next occasion be engaged in discussing these questions in London have to face the hard realities of the situation. No doubt under an ideal system of federation each unit of the federation would contribute equally to the federal purse. No doubt under that kind of federation all representatives who are to sit in the different chambers of the federal Legislature would be elected or selected under a more or less uniform system and so on. On the other hand, those who are engaged on this task have before them the object of bringing about a federation between British Indian provinces on the one hand and Indian States or groups of states on the other and there is the greatest diversity between the conditions and circumstances of these various units. One broad fact with which we are faced is that no federation can be brought about without the full and free consent of the Indian States who desire to participate in the federation, and those Indian States have rights and privileges and immunities, to some of which the Honourable mover has referred, guaranteed to them under their treaties and it is not merely at the desire, either of the Government of India or of the delegates from British India who take part in these Conferences, that the Princes are likely to forego the privileges and the immunities which they enjoy under their treaties, so that the situation is that to a very large extent compromises have to be

*Delhi is yet far off.

arrived at which do not fit in exactly with any pre-conceived theories of federation.

The Honourable Mr. Natesan put certain questions as to whether those delegates who take part in the next Conference in London will have a voice in framing the agenda of that Conference, whether certain questions relating to financial safeguards, the reservation of defence, etc., will appear on that agenda, and whether in case an all-India federation does not materialise as the result of their deliberations the question of responsibility at the British Indian centre would be open to discussion or not? With regard to the first two questions, he himself furnished an answer when he stated that there are several matters which have not hitherto been discussed in the two Round Table Conferences or discussion with regard to which has not yet been completed. That being so, the answer naturally is that essential matters which have not so far been discussed or with regard to which discussion has not yet been completed, will be discussed in the future Conference. With regard to the last question it is a hypothesis which Government are not willing to contemplate. Both the Conferences have so far proceeded on the assumption that the object to be attained was federation of an all-India character, and it is not possible either for Government or even for His Majesty's Government to say at this moment what would happen if most unfortunately that ideal could not be realised. Let us all hope that those who participate in the next Conference will all work for that ideal and that such adjustments and compromises as may be necessary will be arrived at which might bring to fruition the labours of those who have been engaged upon this task in the past and those who may be engaged on this task in the future.

There is only one other observation I will make with regard to what fell from the Honourable Mr. Ghosh Maulik in connection with the recommendations of the Indian Franchise Committee. With regard to the recommendations of all these Committees, Government stands committed to nothing. The recommendations of these Committees are under the consideration of Government and also under the consideration of His Majesty's Government and they will come up for discussion in the next Conference. Nevertheless, I think the Honourable Member, when he was dealing with the percentages mentioned in the Report of this Committee, did not take one factor into consideration and it is this. Take, for instance, one figure that he quoted, 14 per cent. of the total population. Although stated in that way it strikes one as being rather a small percentage, yet if he had allowed for the fact that the adult population of the country is not more than 50 per cent. of the total population, if he had applied that test he would have found that 14 out of 50 is double the number of 14 out of 100, and if he further went on to analyse the figures he would see that the Franchise Committee contemplate that on the figures given by them only about one-fifth of the electorate which they contemplate would be constituted by women, so that, on a rough and ready calculation, out of the 14 three per cent. would be women and 11 per cent. would be men. Eleven per cent. men out of a total population of which only one-half are adults and where out of the adult population men will be only one-half again works out at 44 per cent. of the adult men of India. That might, to a certain extent, modify his views on the recommendations of the Committee. The anxiety should be on the other side as to whether the recommended electorate would be manageable.

[Chaudhri Zafrulla Khan.]

Sir, with regard to the Resolution itself, copies of the printed Reports available have already been supplied to Honourable Members and such as are available will be laid on the table of the House.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, I am thankful to those Honourable Members of this House who have participated in this debate for giving their valuable opinions, and I am obliged to the Government Member who has dealt with the subject.

The point that was raised by the Honourable Mr. Natesan about the failure of the federation materialising is a very important one, and I would request the Government not to be too sure of the success of the talks that are going to be held in England. They should have some scheme prepared for submission to His Majesty's Government, if this federation does not materialise. We would all welcome the federation but we cannot fight against circumstances. So far the federation scheme has not prospered materially, and advances made glaringly show what still remains to be done, it does not show what has been achieved but it brings into relief our inability to come to terms. For these reasons, Sir, it was contemplated by His Majesty's Government that provincial autonomy should be given for the mere asking at the end of the Second Round Table Conference. It was only because the federal scheme could not be pieced together that provincial autonomy did not materialise. And, therefore, if it is found that the federation scheme is not going to be settled quickly I would recommend to the consideration of Government the possibility of an alternative scheme. Sir, in view of the fact that the Government Member has assured us of the general desire to safeguard the interests of British India I do not think it necessary to press my Resolution and beg leave of the House to withdraw it.

The Resolution* was, by leave of the Council, withdrawn.

RESOLUTION *RE* FORMATION OF A COMMITTEE OF EXPERTS TO RECOMMEND A SCHEME FOR THE REDUCTION OF THE PERSONNEL AND EQUIPMENT OF THE DEFENCE FORCES.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, I rise to move that:

"This Council recommends to the Governor General in Council to form a Committee of Experts to recommend a scheme for the reduction in the personnel and equipment of the Defence Forces compatible with the requirements and resources of India."

In the ordinary course of events, Sir, after the announcement made in the Assembly by Mr. Tottenham about the Expert Committee and the information which our Gallant colleague His Excellency the Commander-in-Chief gave us in this House, I would not have moved this Resolution. At the time when I gave notice of my intention to move this Resolution, we did not know that an Expert Committee had been formed by His Excellency, and that it had already reported. The secret was so well kept that no one knew about it until it was officially announced in the other House. The reason why I wish to press this

*"This Council recommends to the Governor General in Council that the papers about the Second Round Table Conference and the Committees formed by the Premier thereunder be laid on the table."

Resolution even after that announcement is that we are not satisfied with the terms of the reference given in this House that everything possible has been done in regard to reducing our expenditure on defence. If I am satisfied by His Excellency's reply that all avenues have been explored and what little remains to be done will be done by executive orders, then it will not be necessary for me to press this Resolution.

Sir, there is a convention which is known as the Fiscal Convention, whereby, when the Government of India and the Central Legislature are in agreement, the Secretary of State does not intervene. I would wish, Sir, that a similar convention may be established in the military forces, that where His Excellency the Commander-in-Chief and the Government of India are in agreement the Army Council and the War Office should not intervene, because His Excellency being on the spot knows more about, and is more competent to deal with, the defence of India than an outside body living 6,000 miles away. We Indians wish not only for self-government but for reducing, as far as possible, of subordination in every department to the British Government. We feel, Sir, that the Commander-in-Chief being a Member of our Government ought to have his Swaraj or self-government.

The Seventh Sub-Committee, known as the Defence Committee of the Round Table Conference, among its recommendations wanted two Expert Committees. One was known as the Indian Sandhurst Committee, about which we all know, and the second was that to which His Excellency the Commander-in-Chief referred in reply to my questions. I, for one, Sir, would not ask for any material reduction in the British garrison in India if the Army Council and the War Office were human and not callous as they have been up till now. It is only because of the rapacious demand of the War Office for the capitation charges, health insurance, unemployment insurance, sea transport charges and the extraordinary charges arising out of the Great War that we want to have a reduction in the personnel of the British Army. That is not an end in itself. It is simply a means to an end. It is because we feel that the burden is crushing and that we cannot bear it, that we want to tap that source as the easiest one, because of the fact that the War Office is not reasonable enough to consider our case. I am also of the opinion, Sir, that as long as full self-government is not introduced in India the responsibility for defence should be a joint responsibility of the Government of India and His Majesty's Government. And for the stability of India it is essential that we must have co-operation from a power of the calibre of Great Britain. But this statement of mine should not be taken as in opposition to the scheme of Indianisation. Indianisation of the Indian Army proper and the ancillary services are the dreams of every nationalist Indian, and I am sorry that the Government of India, even after an expert Report submitted so far back as 1922, did not give effect to the recommendations of that Committee. If they had given effect to them, by now there would have been something like 1,000 officers in the Indian Army insteed of the 200 that there are at the present moment.

This Committee which I contemplate, Sir, would report not only on the personnel but also on the equipment of the defence forces. I bring in that phrase simply to co-ordinate the land forces and the air forces. At the time of the Inchcape Committee our air forces were not so big and their commitments

[Mr. Abu Abdullah Syed Hussain Imam.]

so immense as they are at the present moment. And it was for this reason that I brought in this word, so that a co-ordinated picture of the whole defence of India should be taken in which all arms of offence and defence should be incorporated.

I also wanted, Sir, that the pay and emoluments of the future entrants into the Army as a whole, British as well as Indian, should be revised. I do not recommend any particular pay. I leave that to the expert committee to bring forward. The scheme of Indianisation contemplates that increasing numbers of Indians will be coming in in the officers' ranks of the Army and as English officers in England receive less allowances than they do in India it is only reasonable that Indians in India should receive a different scale of pay than that which was necessary to attract cadets from England.

I would also, Sir, ask the expert committee to go into the whole question of our frontier policy. That is the main problem, and it is the frontier that lays down practically the whole of our defence policy. In the course of the Retrenchment Committee's Report we came across remarks that the Army is maintained on two different bases in India—one which is across the Indus is maintained on a different footing and on a different scale of preparedness for war, while the Army on this side of the Indus is maintained on a peace basis. I think it goes without saying that the maintenance of any Army on a peace basis and even on a partial field basis is very different and the expenses are enormously increased if that basis is to be maintained. We are not competent, Sir, to deal with this question but an expert committee would not complete its work if it leaves this immense question undecided.

I was surprised to learn in reply to one of my questions that the Howell Committee on Tribal Control had recommended changes which involve a saving of Rs. 15 lakhs from those of the recommendations only which had already been accepted by the Government. It came as an agreeable surprise to me. That Committee had been formed and consisted mostly of laymen who had not much military experience and therefore if a committee of experts is formed we have great hopes that, if the whole policy is revised in the light of the present circumstances there might be a good deal of saving. In this connection, Sir, I wish to remind the House of a military opinion, I might almost say of the greatest military genius that England has so far produced—I refer to the Duke of Wellington. In the course of his remarks and observations on the Treaty of Bassein he said that:

"The most expensive article in India is an army in the field, and the most useless is one destined to act on the defensive."

In the course of the same book I came across a remark by the Right Honourable Henry Dundas, who was the President of the Board of Directors of the East India Company, in which he said:

"That the criterion by which that question (that is, the increase in the personnel of the army) ought to be decided is rather by the relative power of our supposed enemies than our own extent of territories."

In view of the changed circumstances and the stability that prevails on the frontier on account of the programme of mechanisation and the aeroplanes and

the roads that have been opened, it may be possible to materially change our forces of defence.

I would also draw the attention of His Excellency the Commander-in-Chief to the fact that the picture of the defence of India is not complete if only the forces of British India are taken into account.

1 P. M.

We know that many of the States maintain their own armed forces and there is no doubt that some of them do maintain an efficient army. But can His Excellency assure us that the whole of the forces of the Indian States are maintained on the same scale as the British Indian forces? If they are not, then I think it is his duty to bring them up to a very high standard and take them into account in computing the forces necessary for India or he should recommend that they should be abolished, or do anything that the Government of India may like to do about them. They should not leave them out of account and maintain their own army. Our contention is that the defence of India as a whole should be the concern of the Commander-in-Chief of the future federation and it should not be divided as at present. For this reason, Sir, I have brought forward this Resolution, and if I am assured that the points I have raised have been met or will be met in the future, I would not press this Resolution to the vote of the House. Sir, I move.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, I very much regret that I cannot persuade myself to agree with the Resolution brought forward by my Honourable friend Mr. Hussain Imam. Honourable Members of this House are well aware that there have been several Retrenchment Committees last year and amongst these was also a Committee of Retrenchment on the Army. The Report of this Committee was presented to the Government of India in the early months of this year. I myself had the honour of being a member of that Committee and as such I am in a position to say that this Committee tried their level best to reduce the expenditure of the Army to the lowest possible level compatible with the requirements of the defence of this country. It has recommended all possible reduction in nearly every branch of military expenditure, and I am sure that a perusal of this Report will convince the Honourable the mover of the Resolution that there can be no scope for any further reduction in military expenditure besides those suggested by the said Committee.

As to the question of reduction of personnel and equipment of the Army, I am afraid that the present is not the proper moment to ask for the same. There are internal disorders in the country owing to the Congress agitation and the Red Shirt movement which is a branch of the Congress movement in the Frontier. There are frequent reports of unrest even beyond the frontier. Conditions in Afghanistan are not very satisfactory and Bolshevik agents are said to be always on the alert to do their propaganda close to the borders of Afghanistan as well as across the settled districts ——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Do you want the forces to be increased?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Well, I do not want the Bolshevik to be increased. To keep them in check you must have a strong army. My dear friend Lala Ram Saran Das would

[Major Nawab Sir Mahomed Akbar Khan.]

not be earning so much money if he was not properly protected. (Laughter.) In these circumstances I do not think that any reduction in the personnel of the Army will be justified at the present moment. The present strength of the Army is hardly sufficient to meet with the existing emergencies. Rather is the necessity being felt to increase its present strength. For instance, the Honourable Member might know that the Government of India have felt the necessity of posting some extra battalions in Bengal on account of the present unrest to cope with the terrorist movement there. The smallest reduction therefore in the existing strength of the Army might prove disadvantageous to the Frontier as well as to the internal provinces of India. The only possible sphere of reduction, to my mind, lies in the Indianisation of the Army.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Yes.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: There I agree with you, as I spoke to you. The gradual replacement of British troops by Indian troops will automatically reduce the expenditure and will relieve the tax-payer to some extent. But this cannot be effected all of a sudden, and especially not at the present moment.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: For how long can it not be deferred ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Well, it is for the authorities to decide for how long, not for me. I am not a prophet. I cannot say about the future. I cannot prophesy. I wish I had the power. I am not in a position to do that. Perhaps Mahatma Gandhi might be in a position. He can perform miracles, but I cannot. It is beyond me. What will be the future of India, I cannot say at the present juncture. Anyhow reduction in military expenditure is sure to come in due course of time for which we ought not to be anxious at the present moment.

As regards equipment, it ought to be borne in mind that all over the world there has been modification in the equipment of all the nations. The Great War proved beyond doubt that the equipment of the previous period was decidedly inadequate to cope with the requirements of a modern army. The science of equipment has very much improved as compared with a period of two decades back and it is therefore absolutely essential that our army should also be provided with up-to-date equipment. It ought not to be deficient in any way, for deficiency in this respect is sure to prove very injurious. For instance, the use of gas in war was quite unknown before ; aeroplanes and airships were things unheard of. The use of machine guns was very limited before the war. Tanks and armoured cars and other mechanical transport are new inventions. Quick-firing guns and long range howitzers have to replace old armaments. Hence, the question of cutting down the expenditure under this head is impossible at the present moment.

I took some notes of the observations of my Honourable friend. He has been advocating difference in pay between an Indian officer and a British officer, although both hold the King's Commission. In practice he will find it a

very difficult thing to accomplish and it is an impracticable idea. Indian Members have been appointed to the Executive Council. Has their appointment brought any reduction ? No. Their pay has been the same as those of the British Members.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do you want the salaries of Indian Executive Councillors to be reduced ?

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Charity begins at home. What you have suggested for the Army you should suggest for every branch. Why the army man should be the special target I cannot see ?

THE HONOURABLE THE PRESIDENT: The Honourable Member will please address the Chair.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: In the army in the same unit the Indian and the Britisher work together and it will be very difficult to make a distinction, because their expenses on their kit, their mess, and everything else will very nearly be the same. If my friend wants to make a difference in pay, he will find that the Indian officer holding the King's Commission will not agree that his scale of pay should be on a lower level than that of the British officer. It cannot be done.

Then my friend said something about the army across the Indus and cis-Indus. That is very impracticable, because a regiment to-day may be stationed on this side of the Indus and tomorrow that very regiment might have to go across the Indus. So I do not know how he can establish two scales of pay. Of course, he can establish something ; he has the right to say and it will be practicable if he suggests difference in kit, difference in some other respect, but when he suggests that there should be a difference of pay I call that proposition an impracticable one.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: I did not suggest that.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN: Sir, with these remarks, I think the present is the most inopportune moment to suggest reduction in the Army and I am sorry to say that I shall have no other alternative but to oppose the Resolution brought forward by my Honourable friend.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I think I can satisfy the fears of the Honourable mover in a very few words. When I first saw the Resolution I was horrified, not because I object to his proposal that a committee should inquire into the strength of the Army in India and its expense but because of the word "expert." If the mover knew how I and my officers have suffered from the so-called experts in the last two years, he would have pity on me. I feel inclined to quote the remarks of a famous judge who said with reference to the witnesses he had to have before him, that there were three kinds, the liar, the damned liar and the expert witness ! (Laughter.)

With regard to this Committee that the Honourable mover mentioned, the so-called expert committee on the strength of the Army in India, I think it would interest the House if I explained what that sort of thing means. It

[H. E. the Commander-in-Chief.]

was ordered by the Secretary of State in pursuance of a Resolution of Sub-Committee No. 7 on Defence at the Second Round Table Conference. When we get an order of that sort, we proceed in the following manner. The civilian does not enter into the matter when it is first taken up. We first of all define the responsibilities of the Army in India, what it has to do, watch and ward on the frontier, exterior defence, internal security, and so on. We then decide on the minimum forces which are necessary in our opinion to carry out those tasks and to implement the policy of the Government in connection with them. We then report to the Government of India. The Government of India ask the various departments concerned, Home with regard to internal security, the Foreign and Political with regard to the Frontier and, finally, the Finance Department with regard to the expense, to give their opinion. It is then brought before the Governor General in Council. It is discussed; the opinion of the Government of India is given on it and it is transmitted Home for the consideration of His Majesty's Government. This is what happened in this case. His Majesty's Government before they discuss it—and they have not yet discussed it—refer it to the Committee of Imperial Defence who are their expert advisers on defence matters all over the world.

Now, may I nail one lie to the counter once for all (I do not say that the Honourable Member initiated it); but it is a very common statement made in India that the War Office and the Army Council dictate military policy out here. They do nothing whatever of the sort, Sir. I have been out here for four years and I have been in constant communication, by private letter, demi-official letter, and so on, with the Chief of the Imperial General Staff. In not one of those letters has anything been said, either by me or by him, with regard to the military policy of India. They have nothing whatever to do with it. We discuss matters between ourselves and the War Office only with regard to training matters, equipment, new weapons and so on. I am not even allowed by Convention to communicate officially with the War Office on anything to do with the defence of India. But that is a very different thing to the Imperial Defence Committee. May I read what the opinion of the Sub-Committee No. 7 of the Second Round Table Conference says on that subject, and that, I would remind you, had a considerable number of Indian gentlemen on it:

"The Sub-Committee also recognise that in dealing with questions of defence it was not possible to overlook that a factor that must govern all considerations on the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India but was common to the Empire as a whole."

It is the Cabinet in England who finally decide, with the advice of the Committee of Imperial Defence, the policy which I carry out here, and the War Office has nothing whatever to do with it.

Now, Sir, with regard to the expenses of the Army, which I admit have been the cause of great anxiety to Indians. May I say in justification of myself and of my Army advisers that it is not fair that the budget which I control should be called the "Army budget." It is not, it is the defence budget. I think perhaps Members of this House are not quite aware of what is included in

that budget. In addition to being Secretary of State for War, I am a Jack of many other trades out here. I command the Indian Marine, which has a budget of 65 or 66 lakhs, which budget includes one hundred thousand pounds a year sterling which we contribute to the Admiralty for the naval defence of India. In addition to that the Air Force is under me. That has a large budget also. There are many matters which are added to the Indian defence budget which no defence budget in the world except the Indian one is burdened with. I will give you two examples. There is not a country in the world that I know of who is not proud to pay the pensions and for the upkeep of those who have been wounded in the War in her defence, and the families of those who died. You are the only people in the world who do not do it. Here it is on my defence vote and it amounts to no less than 113 lakhs in the year, which is a very large sum. I have no choice, I have no voice in how to spend it. It is a complete non-effective deadweight. I am also asked to pay a proportion of the upkeep of roads on the Frontier, and for telephones and telegraphs which I have nothing to do with. My soldiers are there in accordance with the policy of the Government, not my policy, not the Army policy, and yet I have to pay a proportion of the cost of those communications because they don't pay. I often hear that I should contribute towards the strategic railways out of my budget. By that I think is meant railways on the far side of the Indus. Those railways were built in pursuance of the Government of India policy, not in pursuance of Army policy. I contend that they are not only for defence but for the civilisation of the Frontier. If you like I will take over those railways, but if I do I will use them for military purposes only. I will have perhaps only one train a week and then we shall soon see what the inhabitants of Peshawar, Kohat, Bannu and elsewhere think of that policy.

There is another thing which I should like to mention. The Honourable mover suggested that the money which India found towards the expenses of the Great War was a terrible burden and should never have been forced upon her. That is one of the most extraordinary arguments that Indian politicians use. You paid one hundred million towards the cost of the War. That represents only the cost of 13 days of the Great War at the rate at which we were spending latterly, and what did you get for that? I am told that you spent that money in order to prevent Great Britain and the Allies being beaten. What would have happened if Great Britain had been beaten? How long would it have been before Germany, the victor, would have seized upon India as the greatest and fattest plum that had ever fallen to a victorious army in the history of the world? Was it expensive to pay one hundred millions to avoid that? If the Germans had won you would have been under the military jack-boot at this moment. There would have been no thought of Swaraj, there would have been no civil disobedience or red shirt nonsense and that sort of thing. You would have been ground down under the jack-boot of the German. What do you get for this money you spent on the Army here? I do not say that it is not too much. I can assure you I am constantly trying to reduce it. You get a safe Frontier, 500 miles, inhabited by warlike tribes, who can produce five hundred thousand men mostly armed with modern rifles; we keep that gate closed for you. And we defend you against the ever present menace of what lies beyond that Frontier, and which never in your history have you been able to defend yourselves from. We give you security over the whole of a con-

[H. E. the Commander-in-Chief.]

tinent. What does that mean ? That means that your commerce prospers and if you have security, your credit is good. What would happen if the Army was abolished or even greatly reduced in this country ? How long would your credit last ? I do not think very long.

There is one last thing I would draw your attention to, Sir. I have here some figures for a year ago, 1931-32, which I will leave in the Library of the House. They show the cost in rupees per head of the population of various armies. I will only quote one or two.

United Kingdom—population 46,179,000, revenue £851,000,000, defence expenditure £107,000,000, cost per head in rupees Rs. 30·93 per annum.

India—population 351,450,000, defence budget 51 crores (it is now much less), cost in rupees per head of the population Rs. 1·45 per annum. The lowest cost per head of any army in the world !!

Is it a heavy cost, Sir, for what I have told you you get from our Army, to pay only a charge of Rs. 1·45 per head of the population ? It does not seem to me very heavy for what you get.

It is past luncheon time now, Sir, and I do not wish to detain the House any longer, but I hope I have been able to satisfy the Honourable mover that not only is the matter of the expert inquiry into the strength of the Army in India under active consideration both at Home and here, but that I do not think anyone can say that we are not making every effort to reduce the cost of the Army and when you consider what you get for India from your Army it is not a heavy cost. (Applause.)

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, in view of the satisfactory announcement by His Excellency the Commander-in-Chief I do not wish to press my Resolution, but I wish to make just a personal explanation. I did not attack the gift that was given by the Government of India to His Majesty's Government. My contention was about the extraordinary charges arising out of the War, about which a definite settlement was reached between the Government of India and the British Government, that the extraordinary charges would be paid by the British Government. It was to that I referred. However, I wish to withdraw my Resolution.

The Resolution* was, by leave of the Council, withdrawn.

RESOLUTION *RE* COMMUNAL COMPOSITION OF THE ELECTORATE OF THE SPECIAL CONSTITUENCIES GIVEN IN THE COMMUNAL AWARD.

THE HONOURABLE THE PRESIDENT: Whether it is the wish of the Council to try and finish its business now or to adjourn for Lunch, I am not aware. It will depend naturally on how long the Resolution standing in the

*This Council recommends to the Governor General in Council to form a Committee of Experts to recommend a scheme for the reduction in the personnel and equipment of the Defence Forces compatible with the requirements and resources of India."

Honourable Member's name will take. I do not know whether he intends to make a long speech or whether he anticipates a long discussion ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): I will make a very short speech, Sir.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): We may finish the work in a few minutes, Sir.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I rise to move the Resolution which stand in my name:

"This Council recommends to the Governor General in Council to make an early announcement regarding communal composition of the electorate of the special constituencies and the precise method Government proposes to adopt for ascertaining the assent of the communities affected before undertaking revision of the electoral arrangement given in the Communal Decision."

I discern many signs in the provinces of Bengal and the Punjab of a desire on the part of the communities to come to an agreement. Whilst speaking on Resolution No. 2 on the 26th of September, I condemned the system of separate electorates in strong terms. That condemnation was not confined to this objectionable system of electorates as applied to the Punjab and Bengal alone, my condemnation was universal. But I hold that these two provinces are the pivot on which the system of electorate rests. If removed from these provinces, I am sure that the minorities in other provinces will not ask for them but will ask for their abolition. But there are difficulties in the way of agreement, and in my Resolution which I have moved, I have laid stress on two important points. If the formula, which I understand, had been put forward by some of our representatives at the Round Table Conference, namely, that the special constituencies should be credited to the community which has a majority of its voters in its separate electorate, had been adopted, there would have been no difficulty. But this has not been done. As explained by me before, voting in special constituencies will proceed on communal lines, as long as separate electorates exist for general territorial constituencies. It is, therefore, necessary to let each minority community know where it stands, and how far the special constituencies will help it. I ask for an early announcement on this point with a view to facilitate and expedite mutual agreement and not with a view to help my own or any other community. The second point which is necessary to settle is, how are the wishes of the communities as to change in the electoral system to be ascertained. A plebiscite is impossible and will, I hope, not be recommended as the proper method of ascertaining popular opinion. Referendum is resorted to in very few advanced countries, where democratic institutions have worked for generations, and where the standard of literacy is very high owing to free and compulsory education having been in force for very many years. Who are supposed to be the accredited representatives ? Between whom is agreement needed ? I hope, that if mutual agreement between accredited representatives, after the source of their authority has been defined, is made as the condition, no such obstacle will be placed on the enforcement of the agreement reached, as was proposed by the Simon Commission.

As the House is well aware, the Commission proposed that the agreement reached between representatives of the communities in the Council will not be enforced, unless the provincial Governor is of opinion, that those representatives

[Rai Bahadur Lala Ram Saran Das.]

have correctly interpreted the views of their communities on the subject. I would also point out that as opinion in favour of joint electorates is gaining strength in all communities, the limit of ten years put in the Award should be revoked. If people wish to do away with separate electorates, why should Government impose adventitious conditions.

Allow me to assure you, Sir, that the Award has created grave suspicions against the good intentions of the Government in the minds of the people. The sooner the agreement is reached, the sooner will be removed that suspicion to the good of all concerned.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, when I received notice of this Resolution, it was not very clear as to what exactly it meant and I cannot say that the speech of the Honourable the Leader of the Progressive Party has altogether enlightened me. It seems to me that in this Resolution he has dealt with two absolutely distinct subjects. In the first part he recommends to the Governor General in Council to make an early announcement regarding the communal composition of the electorate of the special constituencies, and in the second part he wants to know what precise method Government proposes to adopt to ascertain the assent of the communities affected before undertaking the revision of the electoral arrangement given in the Communal Decision. The second part of that Resolution, Sir, can be dealt with very briefly. Government have no intention whatever of adopting any precise method for ascertaining the assent of the communities affected before undertaking the revision of the electoral arrangement given in the Communal Decision. I can only refer the Honourable Member once more to paragraph 4 of the Communal Decision in which His Majesty's Government said most emphatically that it must be clearly understood that they can be no party to any negotiations which may be initiated with a view to a revision of their decision. I should like to be clear whether that is the point to which the Honourable Member is now referring or whether he wishes to know what changes will be made in the electoral arrangements after the introduction of the new constitution ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, Sir, I mean the second point.

THE HONOURABLE SIR FRANK NOYCE : Well, that, Sir, is a matter for the future. Provision is to be made in the constitution. It is not a point on which the Government can make any pronouncement now.

Then, coming to his first point, I think a little reflection will show that it is obviously impossible for Government to comply with the Honourable Member's request at the present moment.

Special seats are obviously non-communal seats. What he wishes Government to do is to state what the composition of the various parties is going to be when all these special seats are filled. We obviously cannot tell him anything about that now. He is inviting me to undertake the very dangerous task of prophesying, and I have no intention of accepting his invitation.

I would refer the House for a moment to what these special seats are. In the first category we have the seats allotted to commerce and industry, and

mining and planting. It is laid down in paragraph 15 of the Communal Award that these seats will be filled by election through the Chambers of Commerce and various associations and that the details of the electoral arrangements for these seats must await further investigation. I do not know whether the Honourable Member has studied note (*a*) to the statement at the end of the Communal Award. He will find it stated there :

> "The composition of the bodies through which election to these seats will be conducted, though in most cases either predominantly European or predominantly Indian, will not be statutorily fixed. It is, accordingly, not possible in each province to state with certainty how many Europeans and Indians, respectively, will be returned. It is, however, expected that, initially, the numbers will be approximately as follows : Madras, four Europeans, two Indians....."

I need not go on. What I would point out is that if it is not possible to say how many Europeans and how many Indians will be returned, still less is it possible to say how the various seats will be distributed amongst the different Indian communities.

Next, Sir, I come to the landholders' seats. There is only one of these seats about which any certain statement can be made and that is the tumandar's seat in the Punjab. The Honourable Member himself comes from the Punjab and he probably knows better than I do from what community that seat is likely to be filled. As regards the other landholders constituencies, it is obviously quite impossible to say from what communities the representatives will come until the constituencies have been delimited and the franchise determined.

Again, Sir, take the case of the Universities. There we know what the constituency is. It is definitely the University. But we cannot tell how the seat is going to be filled until we know whether the election is going to be made by the whole body of registered graduates or by a smaller body such as the Court or the Senate. That may make a great deal of difference to the representation and it is a point which has still to be determined.

In exactly the same way nothing can be said now with regard to labour. Paragraph 14 of the Communal Award says that :

> "The seats allotted to labour will be filled from non-communal—I draw special attention to the word 'non-communal'—constituencies. The electoral arrangements have still to be determined but it is likely that in most provinces the labour constituencies will be partly trade union and partly special constituencies as recommended by the Franchise Committee."

That, Sir, is the position. It is impossible for Government at this stage to make any announcement with regard to the communal composition of the electorates of the special constituencies. The whole of the Franchise Committee's Report will be considered by the Conference in London and the question of delimiting constituencies and the whole question of franchise itself, of which this is an off-shoot, will then be considered. Representatives of British India will, of course, have every opportunity of pressing their views on this point. There is just one thing that I would add, and that is, that the Government of India are fully aware that the question of delimiting constituencies is one which it is desirable should be taken up at a very early date. They have under consideration the arrangements to be made for dealing with it as soon as the question of

[Sir Frank Noyce.]

the franchise has been settled, so that it will be possible to come to a decision in regard to them as soon as we know what the franchise is going to be. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, the object of my moving the Resolution was mainly to ascertain what will be the constituencies and how the constituencies, particularly of labour, will be composed. As regard the tuvandar's constituency to which the Honourable the Leader of the House has drawn attention, I might mention that although special constituencies are meant to be non-communal, that constituency is purely communal. It consists of seven voters, if I am not wrong and these seven voters are all Muslims——

THE HONOURABLE CHAUDHRI ZAFRULLA KHAN: The Honourable Member is wrong in saying it is seven. It is nine.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, that is immaterial. Take it to be nine. I take the figure from the Honourable the Education Member. That is perhaps the smallest special constituency all over the world which consists purely of Muslims, a part of a family constituency. However, I do not want to prolong this debate. As the Honourable the Leader of the House says that every effort will be made to expedite matters and that matters cannot be expedited unless and until matters are settled in London, I beg leave to withdraw the Resolution.

The Resolution* was, by leave of the Council, withdrawn.

ELECTION OF TWO NON-OFFICIAL MEMBERS TO THE STANDING COMMITTEE OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT: I have to inform the Council that the Honourable Khan Bahadur Syed Abdul Hafeez has withdrawn his nomination for the Standing Committee in the Department of Industries and Labour. An election is therefore no longer necessitated in that case and I may declare at once that the Honourable Mr. Mahmood Suhrawardy and the Honourable Sardar Buta Singh have been duly elected to that Standing Committee. In the other case, the Standing Committee for Roads, there are still three candidates for one vacancy. In that case the election will take place at the next meeting.

The Council then adjourned till Eleven of the Clock on Friday, the 30th September, 1932.

* This Council recommends to the Governor General in Council to make an early announcement regarding communal composition of the electorate of the special constituencies and the precise method Government proposes to adopt for ascertaining the assent of the communities affected before undertaking revision of the electoral arrangement given in the Communal Decision."

COUNCIL OF STATE.

Friday, 30th September, 1932.

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

QUESTIONS AND ANSWERS.

SPEECH DELIVERED BY KHAN SAHIB KARAM DIN MALIK AT THE MEETING OF THE INDIAN POSTS AND TELEGRAPHS MUSLIM UNION AT THE BARKAT ALI HALL, LAHORE.

122. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Rai Bahadur Lala Ram Saran Das): (*a*) Will Government kindly state whether its attention has been drawn to a public speech delivered by Khan Sahib Karam Din Malik, Telegraph Master, Lahore, at the Barkat Ali Hall, Lahore, at the meeting of the Indian Posts and Telegraphs Muslim Union on the 10th July, 1932, and published in the *Postal Advocate*, Delhi, in its issue of July, 1932, on pages 5 to 7 ?

(*b*) Is it a fact that Khan Sahib Karam Din Malik was warned by the higher authorities in 1922 for exciting and exploiting religious and sectarian differences amongst the staff of the Peshawar General Telegraph Office and for conspiring against Mr. E. C. Moore, the then Telegraph Master there, and was made to understand that if he was again found guilty of repeating the same offence he will be dismissed forthwith from Government service ?

(*c*) Is it a fact that he was recently found insubordinate and rude in his treatment of the Superintendent-in-Charge, General Telegraph Office, Lahore, and that he has created extreme communal tension in the establishment of the office ?

(*d*) If the reply to the above questions be in the affirmative, will Government kindly state what punishment they intend giving to Khan Sahib Karam Din Malik and whether they intend transferring him from Lahore in the public interest ?

THE HONOURABLE SIR FRANK NOYCE: (*a*) Government saw the report of the speech which is understood to have been made, not, as suggested, on a public occasion but at a meeting of the All-India Posts and Telegraphs Muslim Union, a body which has not been recognised by Government. As, however, the speech said to have been made by the Khan Sahib was reprinted in a newspaper which is on sale to the public, cognisance was taken of it by Government.

(*b*) and (*c*). Government have no information but have called for a report.

(*d*) If the facts prove to be as suggested in parts (*b*) and (*c*) of the question and if it is established that the speech was actually made by the Khan Sahib, Government will consider whether disciplinary action should not be taken.

ORDER OF PRECEDENCE OF MEMBERS OF THE COUNCIL OF STATE IN FORMAL STATE FUNCTIONS.

123. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) what order of precedence the Members of the Council of State enjoy in formal State functions by virtue of their being Members of the Council of State;

(*b*) the book or manual in which such order of precedence has been laid down;

(*c*) whether the position of Members of the Council of State in the order of precedence has so far been akin to that of Members of the Legislative Assembly;

(*d*) whether the order of precedence of Members of the Council of State is in every way akin to that of Members of the House of Lords in England?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*b*). I presume the Honourable Member has in mind the Royal Warrant of Precedence published with the Home Department Notification No. F. 49/9/28-Public, dated the 2nd June, 1930. The notification will be found in the provincial Civil Lists. This Warrant is intended primarily to regulate the position of officials holding appointments in India and Members of the Legislatures are not therefore included.

(*c*) and (*d*). Do not arise.

TARIFF BOARD ENQUIRIES AND ACTION TAKEN ON THE BOARD'S REPORTS.

124. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) on how many occasions the Tariff Board has been asked to investigate matters referred to it;

(*b*) the specific subjects (to be mentioned in regular order year by year) which that Board has investigated since its creation;

(*c*) in what particular matters the Government has accepted their recommendations wholesale;

(*d*) in what particular matters the Government has partially accepted their recommendations?

THE HONOURABLE MR. J. C. B. DRAKE: (*a*), (*b*), (*c*) and (*d*). Collection and compilation of the details desired by the Honourable Member would require an amount of labour and expenditure of time which the Government consider would not be justified by the result. The orders of the Government of India directing the Tariff Board to make an enquiry are invariably embodied in a Resolution which is published in the Gazette of India. Copies of the Board's Reports, when published, are distributed to Members of the Legislature and are also placed in the Library. The conclusions arrived at by the Government of India on the Board's recommendations are also published in detail in each case and proposals for legislation are placed before the Legislature. All the information asked for by the Honourable Member is therefore available to him in the Library.

STATEMENT LAID ON THE TABLE.

RECOMMENDATIONS OF THE BANKING ENQUIRY COMMITTEE.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the information promised in reply to question No. 18 asked by the Honourable Sardar Buta Singh on the 20th September, 1932.

REPORTS OF THE RETRENCHMENT COMMITTEES LAID ON THE TABLE.

THE HONOURABLE MR. J. B. TAYLOR: Sir, I lay on the table the Reports of the Retrenchment Committees in pursuance of the Resolution adopted by the Council on the 21st September, 1932.

STATEMENT SHOWING THE ACTION ON THE RECOMMENDATIONS OF THE INDIAN CENTRAL BANKING ENQUIRY COMMITTEE.

(Vide *items in para. 782 of the Report.*)

(*A*) *Recommendations on which no action by Government is called for.*

10, 39, 82, 89, 99, 109, 110, 112—116, 130—134, 137—139, 143, 147—149, 151, 152, 159, 161, 163, 165, 175, 176, 184, 185, 189, 201, 205, 206.

(*B*) *Recommendations which are dependent on the creation of a Reserve Bank and which it would be premature to consider until a Reserve Bank is established.*

13—18, 46, 135, 136, 140—142, 144—146, 158, 166—174, 190—199.

(*C*) *Recommendations on matters on which under the existing constitution the responsibility and therefore, the final decision must rest with Provincial Governments.*

1—3, 4—9, 11, 12, 19—38, 42—45, 49—67, 68—81, 83—88, 90, 91, 95—98, 100, 101—106, 107, 108, 117—129, 162, 164, 200, 203, 207—209.

(*D*) *Recommendations on matters on which the final decision rests with the Government of India.*

Recommendations (*vide* paragraph 782 of the Report).	Action taken.
(40) Free remittances of funds for co-operative purposes is of the utmost importace to the co-operative movement and no attempts should be made to curtail those privileges under the rules of the Government of India in this matter. (Paragraph 182.)	(40) In practice at present remittance for proper co-operative purposes is freely granted.
(41) As regards remittance facilities for other than co-operative purposes co-operative banks should be entitled to the same privileges as joint-stock banks. (Paragraph 182.)	(41) This is actually being done.

Recommendations (*vide* paragraph 782 of the Report).	Action taken.
(47) Profits of co-operative societies should be exempt both from income-tax and super-tax. (Paragraph 195.)	(47) & (48) Local Governments have been addressed for an expression of their views on the desirability of granting the concessions proposed and their effects if and when granted.
(48) The exemption of co-operative societies from payment of income-tax and super-tax on earnings from investments in public securities or land mortgage debentures to the extent such investments are necessary for the purpose of their fluid resources and for the investment of reserve funds as prescribed by the rules is recommended. (Paragraph 196.)	
(92) A detailed investigation of the problem of starting railway warehouses in the chief centres of trade should be undertaken by the Railway Board and the railways should be asked to start experiments at selected centres. (Paragraph 282.)	(92) & (93) The recommendations are under the consideration of Government (Railway Department).
(93) With a view to encouraging private enterprise to provide and work warehouses in the vicinity of railway stations certain modifications in the terms of the lease suggested by the Railway Board are recommended. (Paragraph 282.)	
(94) The placing of railway receipts by the legislature on the same footing as bills of lading is recommended. It is further recommended that railway receipts should be made negotiable and that the railway authorities should issue instructions that the receipt should give as full a description as possible of the goods covered by it. (Paragraph 283.)	(94) The matter is under the consideration of the Government of India (Railway Department) and the views of Local Governments and Chambers of Commerce have been invited on certain points.
(111) Any technical difficulties in the way of Government communicating acceptances of tenders to contractors and to their financing banks or bankers and payment of all monies due to the contractors through these banks and bankers should be removed. (Paragraph 322.)	(111) The recommendation has been accepted and instructions have been issued to the Auditor General on the subject with a view to the Public Works Account Code and other Codes being amended accordingly. Departments of the Government of India and Provincial and local Governments have also been circularised.
(150) No obstacles should be put in the way of mergers among smaller joint-stock banks by stamp duties or taxation, and any existing obstacles in this direction should be removed. (Paragraph 549.)	(150) Government consider that there is no justification for exempting mergers of joint-stock banks from super-tax.
(153) Steps should be taken, as early as possible, to remove the impediments which now stand in the way of immoveable property belonging to a Hindu or Muhammadan family being accepted by banks as a normal security. It is left to the Government concerned and the legislatures to weigh the various considerations involved and determine what action should be taken in the matter. (Paragraph 562.)	(153) It is the general policy of Government not to effect changes in Hindu or Muhammadan law unless there is a general demand for it. In the absence of any such demand Government consider it unwise to act on the suggestion.

Recommendations (*vide* paragraph 782 of the Report).	Action taken.
(154) The provisions of section 58 (*f*) of the Transfer of Property Act should be extended to other important centres of trade and commerce (both internal and port towns) throughout India. (Paragraph 563.)	(154) Local Governments are being consulted in the matter.
(155) The Negotiable Instruments Act should be amended so as to provide that cheques originally drawn to bearer, would despite any endorsement, retain their character as bearer instruments. The recommendation that any holder of a cheque should have the right to alter the character of the cheque from "bearer" to "order" on the face of it and that the alteration should be supported by the name of the drawer or holding endorser who makes the alteration is approved. *Hundis* which are drawn in the form of cheques should be treated similarly. (Paragraph 564.)	(155) & (156) Under the consideration of Government.
(156) The legal position as regards trust receipts should be investigated by the legal advisers of Government and such action taken as may be considered necessary. (Paragraph 565).	
(157) The cost of internal remittance in India should be reduced as far as possible. (Paragraph 566.)	(157) Government consider that the remittance facilities which the Imperial Bank and the Government between them offer to the public and other banks are extraordinarily cheap. The matter has been examined from time to time and it was decided that nothing can be done until the question has been examined by the Reserve Bank when it is established.
(160) The abolition of the stamp duty on bills of exchange is recommended. The recommendations should be given effect to within a period of five years and as an initial step the stamp duty on all bills of less than one year's usance should be reduced to a uniform rate of two annas per one thousand rupees. (Paragraph 593.)	(160) The recommendation might encourage the use of bills but cannot be given effect to as neither the Central nor the Provincial Governments can spare the revenue obtained from the duties and as the question of allocating the revenue on commercial stamps between the federal and Provincial Governments is till unsettled.
(177) Pending the establishment of the Reserve Bank, it is suggested for the consideration of Government that efforts should be made to obtain more complete statistics for the various classes of banking institutions and to publish them as early as possible. (Paragraph 627.)	(177) After consulting the various authorities concerned, the Government of India have come to the conclusion that the question of altering the existing Banking Statistics should be deferred till the Reserve Bank is created.
(178) The limit for savings bank deposits in the accounts of minors may be raised. (Paragraph 645.)	(178)—(180) Under consideration.
(179) (*a*) Persons having post office savings accounts should be allowed to operate on these accounts, and to make deposits by means of cheques. (Paragraph 646.)	

Recommendations (*vide* paragraph 782 of the Report).	Action taken.
(*b*) Accounts may be opened jointly in the name of two persons payable to either or survivor. (Paragraph 646.)	
(*c*) Depositors may be allowed to name nominees to whom the payment of deposits should be made in the event of death. (Paragraph 646.)	
(180) The holder of a postal cash certificate should be allowed to nominate a person to whom the amount may be transferred in the event of death. (Paragraph 647.)	
(181 The issue of savings certificates payable in gold, as recommended by the Royal Commission on Indian Currency and Finance, 1926, is supported in principle. (Paragraph 649).	(181) and (182) No action can be taken at present as it is impossible to consider the issue of savings certificates payable in gold until the rupee has been stabilised in terms of gold.
(182) The issue of a new type of gold certificate, called "*stridhan* certificate" is supported in principle. (Paragraph 650).	
(183) Facilities afforded by the post office to investors for the purchase and sale of Government securities and for their safe custody may be extended to small investors generally and not confined to those who are savings bank depositors. (Paragraph 652).	(183) In the opinion of the Government of India the existing practice meets all reasonable requirements.
(186) Transfer duty on debentures may be reduced to a uniform duty of 4 annas per cent. (Paragraph 657.)	(186) Action on this recommendation cannot be taken at present as Provincial Governments cannot forego revenue in the present financial stringency and there is little object in consulting Local Governments pending a decision on the question of how the stamp duties on commercial stamps will be treated under the new constitution.
(187) Insurance companies, Indian as well as non-Indian, should be required by law to lodge an initial deposit with Government and to invest, and keep invested, a fixed proportion of their premia funds in approved Indian securities. (Paragraph 660.)	(187) Under the consideration of Government.
(188) (*a*) Facilities for payment of land revenue by cheque may be extended to taluka sub-treasuries and district treasuries.	(188) (*a*) Is not acceptable. Action on (*b*) must be postponed till the question of separate Local Government balances under the reforms is settled.
(*b*) All material payments by Government should be made by cheques. The proposals made by the Bengal Committee on the subject are commended for the consideration of Government.	
(*c*) All municipalities and other local bodies should be asked to consider the feasibility of making and accepting payment by cheque on account of salaries to some of their employees and other items of receipts and disbursements. (Paragraph 665.)	
(202) If it could be arranged, young Indians possessing high qualifications should after they have had a good preliminary training in banks in India be sent abroad to study advanced banking, especially international exchange and other subjects connected with currency and exchange. (Paragraph 766.)	(202) The High Commissioner for India has been addressed on the subject.
(204) The suggestion that the Indian Institute of Bankers should arrange in different important centres, for courses of lectures in the vernacular of the community to which the local indigenous banker belongs and to hold special examinations, on the result of which certificate could be awarded may be considered by the Institute. (Paragraph 769.)	(204) The Indian Institute of Bankers have been addressed on the subject.

MOTION *RE* NECESSITY FOR FURTHER IMMEDIATE AND DRASTIC ACTION WITH A VIEW TO CRUSHING THE TERRORIST MOVEMENT IN BENGAL.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I beg to move the following motion:

"That this House while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening last, when a second attempt was made on the life of Sir Alfred Watson, urges upon Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end."

I little thought when my Honourable friend and colleague Mr. Benthall spoke in this House a few days ago in connection with the recent outrage near Chittagong, that it would again be necessary during this short session to address this House in connection with another outrage committed by the terrorists in Bengal.

As Honourable Members know, this is the second attempt made on the life of Sir Alfred Watson during the past two months, and I am sure all Honourable Members will join with me in expressing our sympathy with Sir Alfred and also the lady who was accompanying him and not forgetting the poor innocent Indian chauffeur who lies in a precarious condition as a result of this dastardly crime. I am in no doubt as to the unanimous support this Resolution will receive from this Honourable House and, as it is the general desire that today's sitting should be of short duration, I will endeavour to express my views as briefly as possible.

I was present at the debate yesterday in another House when the European Group were appealed to not to lose their nerve or allow themselves to be worked up into a state of heat and panic on account of these recent outrages. Sir, I do not wish to boast about my community, but I think it will be generally admitted that Europeans in India, during the last year or two, have had to contend with very trying conditions and particularly so in Bengal and Bombay.

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although the problems in these two provinces have been somewhat different. Bengal has had mainly to contend with terrorism, while in Bombay the main trouble has been the boycott of British goods and also communal rioting, which have seriously handicapped both Indian and British trade in India. In neither case can the Europeans be said to have shown any sign of panic, and I should like to take this opportunity of particularly mentioning the police and civil servants of all ranks. I am beginning to feel, however, that our patient and tolerant attitude is being mistaken for weakness, and so Honourable Members must not be surprised if arising out of these two recent outrages, we express our extreme indignation in strong terms. These occurrences will certainly in no way frighten us out of the country, and Sir Alfred Watson himself is a fine example of courage, for, in spite of the attack against him in August, he has stuck to his post and has in no way altered the routine of his life or the well-considered policy of that splendid journal of which he is the able editor.

It was suggested yesterday in another place, owing to the terrorist activities having developed so much during recent months, that until it is crushed the question of granting provincial autonomy to the province of Bengal should be considered and all proposed progress should be held up until such time as law and order is established. This proposal perhaps, not unnaturally, met with strong opposition from the leaders of various communities and I can sympathise with their desire that such a penalty should not be imposed. I have lived in India for the last 30 years, during which period I have resided at Karachi, Calcutta and Bombay, and I think I can claim to have many Indian friends in all three places. I was a member of the Bombay Provincial Committee which co-operated with the Simon Commission and also more recently a member of the Franchise Committee, and in both cases have been a strong supporter of progressive development in connection with the Reforms. In saying what I do, therefore, I trust that Honourable Members will accept my assurance that it has been my desire for many years past to assist towards the advancement of these Reforms. While, therefore, I am not in favour of coming to any hasty decision in regard to retarding this development due to the recent outrages in Bengal, I do feel that if all other methods fail, the withdrawing of autonomy to the province of Bengal at any rate, must be seriously considered. It would mean, of course, that many loyal Indians would be penalised for a comparatively small group of anarchists but it sometimes happens that the innocent have to suffer with the guilty. While, therefore, not advocating the immediate consideration of such a step, it is undoubtedly one that will have to be borne in mind and so it behoves all good and loyal citizens to apply themselves with all the power and energy at their command to crush this disloyalist body by every means in their power.

While I am sure that we can rely on the full support and assistance of both the Government of India and the Government of Bengal, we must all co-operate and assist in every way. There can only be one thing said of those who do not do so, and that is that if they are not for us, they must be against us. It should surely be possible to arrange for co-operative action in order to ascertain who really are the responsible persons behind this organisation. I cannot

help but feel sorry for these misguided young men and women who are sacrificed to what they are pleased to call the "Cause," owing to propaganda spread by a cowardly and apparently educated body of men who work behind the scenes and are afraid to come out into the open and do the dirty work themselves. If some action such as this is not taken, it would be unfair to blame Government if they finally come to the decision that no advancement can be granted until law and order is established in the province of Bengal.

It must be remembered that while at the moment the terrorist movement is mainly directed against the European, it is not going to be confined to our community and, unless it is crushed promptly, it will spread and attacks will be launched against other communities. I am convinced that unless firm action is taken now it will not cease with the introduction of the new constitution and it is designed to attack all Members of this House and the majority of the communities they represent. I appeal therefore to each and every Member and to all those in their constituencies to co-operate with the non-official Europeans and the Government in taking such steps, however drastic they may be, as will stamp out this cowardly attack on all law-abiding people who have the welfare of this wonderful country at heart. Think of the effect incidents such as these two outrages must have, not only on the British public and His Majesty's Government, but also on other nations. I can think of no nation except the British that would have tolerated such conditions as exist today and the British are anxious to join issue with you all in removing this blot from our midst.

Let us all unite in getting the support of public opinion and I appeal to this House and the Government to organise some definite form of active publicity that will rally to our aid the masses throughout India (and in this I include the Congress Party) in order to exterminate this revolutionary menace from amongst us. Otherwise it can only end in a state of chaos which will throw this country back into a position from which it will take many years to recover. The situation demands prompt and drastic action and we must not hesitate to enforce the utmost rigour of the law.

Sir, once again I appeal to all parties for courageous co-operation and I feel sure I shall not make this appeal in vain. Sir, I move.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir, I had also given notice of a similar motion, but I was rather late. Only the other day we recorded our horror and indignation at the dastardly outrage in Chittagong. This second attempt on the life of Sir Alfred Watson is another of the series of crimes which are being perpetrated in Bengal by terrorists. We know that under a mistaken idea of patriotism these misguided young men are ruining their careers and are bringing a slur on the good name of Bharat. It is not patriotism but sheer madness. The law that whatever a man sows that shall he also reap is inscribed in flaming letters upon the portal of Eternity and none can deny it, none can cheat it and none can escape it. Sir, one feels distressed and ashamed that our young men in Bengal have adopted this cult of murder and suicide. It is the duty of all law-abiding citizens who love their country to try to bring these young men to the right course and to help the Government in stamping out and in curing this disease which if allowed to grow on is apt to destroy

[Khan Bahadur Chaudri Muhammad Din.]

the whole system. It is in the interests of India that all necessary steps should be taken by the Government to suppress the terrorist movement as early as possible. No true well-wisher of Bharat will have any sympathy with the terrorist murderer. I appeal to my countrymen to co-operate in eradicating this evil for the peace and prosperity of our motherland. In the words of Lord Willingdon, let us work together in the closest co-operation for the united purpose of securing a national spirit in India, for it is then and not till then that India will take her rightful place among the nations of the world. Sir, I support the motion moved by my Honourable friend Mr. Miller.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : Sir, I do not wish to take up the time of this House by making a long speech. We are all too overwhelmed with the disastrous and most unfortunate event that took place recently in Calcutta. It has been the sad fate of Bengal that it should form the subject of so many motions in this Honourable House. I feel that words are insufficient to express our horror at the dastardly attempt on the life of one of the best known, most courageous and best respected editors in India. The second attempt on the life of Sir Alfred Watson is a measure of the heroic work he has done for crushing terrorism in Bengal, and educating Indian opinion into organising effective measures for suppressing the perpetrators of horrible crimes. Indian opinion is clamouring for prompt and effective steps to check this evil. The question is not one which concerns Government alone. Every citizen who loves order, respects security and obeys the law, insistently demands effective measures for the purpose. The Government must either support such people or abdicate. Will the Government take up the challenge which has been so insolently thrown out to them ? Will they pick up sufficient courage to say, " We take up the challenge ? " Or will they continue to sit with folded hands, silent spectators of the atrocities committed in broad daylight, in crowded streets ? Where is the liberty of the subject ? Where is the guarantee of our safety ? Where are the measures for our self-preservation ? How long shall we continue in this state of senile decay and supine indifference to our safety ?

Sir, I should just like to make a few points clear. Honourable Members must have seen a statement published this morning over the signatures of some of the Members of the Central Legislature. As it is liable to be misunderstood I have thought it necessary to refer to it here. Our object, as the object of all peaceful and law-abiding citizens, is to maintain the law and help the authorities charged with its maintenance with all the help, the resources and the influence that we can command. We should do that in proportion to the gravity of the offence and support all necessary measures for suppressing terrorism. I should like also to make it quite clear that we have not indicated the Hindu community as a whole. That has never been our intention. The overwhelming majority of the Hindu community is not, I am sure, afflicted with this disease and abhors it as much as we do. It will, however, be admitted that practically all of those concerned in these outrages happen to belong to the Hindu community. I should also like to correct another possible misunderstanding. We do not want to exclude Bengal from the benefits of

the new reforms. We want provincial autonomy, and have been fighting for it for years. When we used the phrase

" either by excluding Bengal for the time being from all considerations of constitutional advance "

in our statement we had in view the prospect of general anarchy rampant throughout Bengal. I am happy to say that such a state of affairs does not exist at the present time and though the evil is serious enough, public opinion should be mobilised with sufficient celerity to remove all traces of terrorism in a short time. If all the elements of the population work whole-heartedly for this end, terrorism can be stamped out very soon. Let us therefore begin this sacred work from today and determine to end this terrible blot on the fair name of my province.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, as one who took to journalism almost as a boy on leaving college and who has been in it for 36 years I desire to express my condemnation of the attempt on the life of Sir Alfred Watson. As a journalist, I, along with others, have been protesting against any infringement of the rights of the Press and I, in common with my fellow-journalists, have protested against attempts on the part of Government to restrict the freedom of the Press either by Regulations or by Ordinances. I feel therefore most keenly that when a journalist, rightly or wrongly, expresses his own views, it is really abhorrent that an attempt should be made on his life. There will be no freedom or liberty of the Press, if such things are tolerated, and if I feel strongly upon this matter, it is because I am fortified by the feeling expressed on all sides that nothing should be done to interfere with the liberty of an honest journalist in the discharge of his duties.

Sir, as a Hindu I feel all the more the humiliation and the shame of attempted crimes of this kind, because, for centuries the Rishis and Sages of this land have sung, " *Ahimsa Paramo Dharma* "—Life is valuable, human life is sacred, and nobody has any right to attempt to take it away. I quite understand, and I sympathise with the feelings with which my Honourable friend Mr. Miller spoke. In ordinary life, when some attempt is made upon the life of an individual, the people concerned naturally burst out in terms of great indignation and the first feeling is one of reprisal. When, therefore, my Honourable friend Mr. Miller said it is but natural that these people should express their extreme indignation in strong terms, I quite sympathise with him. I would have done so myself if I were placed in a similar position. But it is the duty of all who want to promote peace and good government that we should allow time to elapse, and to recover our normal mood to think out the matter in a much more cool and collected manner than we could possibly do on the spur of the moment. I am tempted to make this remark, Sir, because an appeal has been made that Government should take drastic measures. In so far as Government initiates measures even of a drastic character to put down this movement I will give my most cordial support and I trust that people not only here but also elsewhere who are interested in rooting out terrorism will do so cheerfully and faithfully for the simple reason that as we all look forward to getting self-government in the near future, this evil, if not rooted out, will grow and grow and may be utilised against the very people who will sooner or later be called upon to

[Mr. G. A. Natesan.]

undertake the task of self-government. At the same time, I feel that it is the duty not only of non-official Members but above all of Government officials not to allow themselves to be carried away by panic at this juncture. My Honourable friend Mr. Miller has referred in somewhat cautious terms to what was said in the other House that today we shall have to reconsider how far it is desirable to introduce reforms in Bengal. I tell him in all sincerity, in all earnestness, with all the possible attention that I, as a journalist and publicist of 36 years' standing has been able to devote to this question, that unfortunately there is distrust of British rule in India and a fear that somehow or other reforms will not be given. That widespread distrust has been, among others, the root cause of this evil. I beg of you to think what the consequences will be if you are going to delay the reforms or at any rate its inauguration in Bengal. I tell you most seriously that reforms, speedy reforms, reforms quickly effected, will be one of the panaceas for this evil which has now taken root in this country. I will conclude by asking all Englishmen, Indians and officials to remember that when Lord Hardinge himself was once the victim of an attempted bomb outrage, he said :

" This will not allow my Government or anybody else to postpone the reforms ".

And I agree with what one of my own illustrious countrymen, as the Leader of the Assembly, said yesterday, who, after denouncing the whole thing, said,

" Let nothing, however, be done to deflect us from the path of constitutional reforms ".

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, in the other House our representatives were criticised yesterday for having made the suggestion that in certain circumstances it might be necessary to withhold the introduction of reforms in Bengal. The Honourable Mr. Natesan has expressed with very great sincerity, the depth of which I know only too well, the same sentiments. I would like to try and explain what is in the minds at any rate of some Europeans in respect of this matter.

When I unfortunately had to speak under similar circumstances a few days ago, I drew attention to the fact that self-government might in certain circumstances lead not to democracy or to self-government at all but to terrorist raj. I did not mean to indicate that that situation was in any way really possible ; I meant to indicate what would happen if, without considering all the circumstances, responsibility was handed over in Bengal.

Now, what would happen ? I would ask Members to consider that. If responsibility were handed over in Bengal immediately and if a predominantly Moslem government came into operation, they would be in a very invidious situation in Bengal having to cope with this terrorist movement as the first act of their government. I maintain that that would not be a fair position to place a new government in ; it would not give a fair chance to the reforms. If, on the other hand, a predominantly Hindu government came into operation, what guarantee have we at present to assume that they would effectually take action to cope with terrorism ? At the present time we know that a large volume of public opinion, public opinion in

Bengal, is opposed to this terrorist movement, but it has not yet manifested itself in public action ; and until it manifests itself in public action, I do not think it would be right to hand over responsibility ; the risk would be too great.

Now, while it is impossible to hand over responsibility until this menace has been dealt with, it is also unthinkable for one moment that this menace cannot be crushed. I am perfectly certain that the Honourable the Home Secretary has the utmost confidence that in time and, possibly with the expenditure of lives, this menace will be crushed. I am perfectly certain that His Excellency the Commander-in-Chief, if he was here, would endorse it. There is no possible doubt that in time this will be dealt with. The only question is how soon it will be dealt with. In that respect I think every Member here, every Member of the other House, every Member of the local Councils, every member of the public, can help to mobilise public opinion and public action. In the other House yesterday one of the European group put forward a suggestion that a meeting might be held immediately here in Simla to start a campaign of this nature. I hope that a meeting of that nature will be held today and I can assure the Honourable Mr. Natesan that we shall welcome the most thorough-hearted co-operation in this attempt. I think myself that the prospects of dealing with this by public opinion are extremely hopeful. We know that Mr. Gandhi is opposed to this movement ; we have the statement of the Congress that they are opposed to this movement and we have evidence received from every part of this and the other House that the whole of India is opposed to this movement; the whole of India outside Bengal. We also know that a good deal more than half of the province of Bengal itself is opposed to this movement and if the public will join with us and with Government in bringing public opinion and public action to bear, I am convinced that this menace will be wiped out in a short time.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces : General) : Sir, I deplore the incident and I congratulate Sir Alfred Watson on his providential escape. Sir, it has been said that this evil can be stamped out and suppressed by drastic methods only. I, and other law-abiding citizens and other Members of this House, will be ready to support Government in stamping out this evil if they introduce new drastic measures, but, in my humble opinion, Sir, the introduction of drastic measures is not the only remedy for stamping out and suppressing this evil. I think the Government should adopt conciliatory measures and see that the evil is not only suppressed but stamped out. I just learnt from my Honourable friend Mr. Benthall that Mahatma Gandhi and the Congress are opposed to this evil. I may suggest, Sir, to the Government that Government should release Mahatma Gandhi and let him try in his way to stamp out this evil. This movement of terrorism in Bengal is not only confined to murders, but the terrorists also commit dacoities. That shows, Sir, that this terrorism is not due simply to get more reforms or to further constitutional progress, but they want money for their maintenance. So, people with vested interests and all law-abiding citizens will really support Government in whatever necessary measures they may take to suppress this evil, but, at the same time, I may suggest that Government should find out employment for these misguided youths and they should not in the least delay constitutional progress. If these things

[Mr. Vinayak Vithal Kalikar.]

are done in time, I hope the terrorist movement will not only be suppressed but it will be stamped out and we shall all be free from this trouble that is happening every month in Bengal. With these few words I support the motion.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House): Sir, I need hardly say that the occupants of the Government Benches wholeheartedly associate themselves with all that has been said with such striking unanimity from all parts of this House in stern reprobation of this second dastardly outrage which has occurred within a week and the second outrage on Sir Alfred Watson and also with the tribute of admiration to Sir Alfred Watson's courage which has been paid. Sir Alfred and the other victims have our sincere sympathy and our very best wishes for their speedy recovery. (Applause.) I would also express our sympathy with the members of the community to which Sir Alfred belongs.

As to what has been said in regard to the responsibility of Government, I would assure this House, as my Honourable friend the Home Member did in the other House yesterday, that Government are fully alive to that responsibility. The Government of India are in constant and close consultation with the Government of Bengal. I would remind the House that the Legislative Council of Bengal have recently passed an Act specially designed to deal with the evil, the results of which are the subject of the motion before us. The central Legislatures will be asked in the course of the next session to pass certain supplementary legislation and Government feel confident that they will show no hesitation in doing so. If it should prove that further powers are required, I can assure the House that Government will have no hesitation whatever in asking for them. I share the Honourable Mr. Benthall's confidence that this menace can be crushed and we shall continue to devote all our energies towards that object.

But, Sir, whilst Government have mobilised and will continue to mobilise all the forces at their disposal, that is not enough. As has been pointed our by several speakers, there is another force the mobilisation of which is necessary and that is the force of public opinion. I have heard it said once or twice in the course of the last few days that terrorism is a passing phase. I wish we could feel sure of that. What we have to consider and consider very seriously indeed is whether there is not a serious danger that the passing phase will become the normal condition. The only hope, in my view, that this will not happen lies in the creation of an atmosphere in which the youth of Bengal and elsewhere will be compelled to realise that there is nothing heroic, nothing patriotic—but on the contrary all that is mean, cowardly and contemptible—in the cult of the revolver and the bomb. For all that the Members of this House and especially those who come from Bengal can do to bring this about—and I am sure they can do very much—India and the cause of ordered government throughout the world will have reason to be deeply grateful.

Sir, on behalf of the Government I cordially accept this motion.

THE HONOURABLE MR. E. MILLER: Sir, it seems quite plain from the tenour of all the speeches made that the motion that I have moved has the approval of this House. I also thank the Honourable Sir Frank Noyce for his reassuring remarks on behalf of Government. I have nothing further to add, Sir, except to commend this motion to the support of the Honourable Members.

THE HONOURABLE THE PRESIDENT: The question is:

"That this House while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening last, when a second attempt was made on the life of Sir Alfred Watson, urges upon Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end."

The motion was adopted.

TEA DISTRICTS EMIGRANT LABOUR BILL.

THE HONOURABLE SIR FRANK NOYCE (Industries and Labour Member): Sir, I move:

"That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as passed by the Legislative Assembly, be taken into consideration."

Sir, the Bill I am commending to the consideration of this Council is an important and intricate one, though it is simplicity itself compared with the legislation which it is intended to replace. I do not know how far this House, on the last day on which it is to sit, would wish me to enter into a detailed discussion of its provisions but I shall proceed on the assumption that those Honourable Members who are interested in the subject have studied carefully the very full Statement of Objects and Reasons attached to the Bill and also the Report of the Royal Commission on Labour on which it is based, and that it is unnecessary for me to do more than recall to their memory certain salient points in those papers.

The Bill is based on two main principles. The first is the reduction of restrictions on the free movement of labour in Assam to a minimum and the establishment of conditions which will make it possible eventually to dispense with all control. This is an ideal which has been endorsed by two important Commissions—the Royal Commission on Agriculture and the Royal Commission on Labour. It has to be remembered that the Assam Labour and Emigration Act of 1901 under which emigration to the tea districts of Assam is at present regulated was designed mainly to regulate the recruitment and engagement of indentured labour. It has not, however, been possible for some years for any worker in Assam to be subjected to a penal contract and, in consequence of this and other changes, the existing law is entirely unsuited to present conditions. Attempts have been made at various times to amend it to meet the altered conditions, but the result has been to make confusion worse confounded. A large part of those provisions which have survived the amending Acts (and I think I am right in saying that there have been at least three of them) have become completely ineffective, and even the provisions which are still operative are open to serious criticism. By 1926, the Government of India had come to the

[Sir Frank Noyce.]

conclusion that the time might have come for the abolition of control over recruitment, and that, even if this were inadvisable, considerable changes in the law were necessary. The local Governments mainly concerned, however, agreed that some restrictions on recruiting were still essential but that the existing restrictions were unsatisfactory. An Assam Recruitment Bill was accordingly drafted and sent to them about the end of 1928. However, by the time that the opinions on it were received, the Royal Commission on Labour had been appointed and a decision was therefore deferred until they had reported. As I have already said, the scheme of the Bill, as introduced in the other House, follows in the main their unanimous recommendations though some variations in points of detail were incorporated in it. Again, as I have said, Sir, the first principle of the Bill is the acceptance of the ideal policy of the removal of restrictions on the free movement of labour. I would draw special attention to the words " as an ideal policy," for it will be seen that there are two chapters in the Bill which give powers to exercise control over the forwarding or the recruitment of labour for Assam or over both. The position of Government in this matter is that they would like to see all restrictions removed and hope that the day will soon come when it will be possible to dispense with them. But in the meantime and in view of past history, they have to take precautions to prevent abuses creeping in and it is for this reason that power has been taken in Chapter III to impose control on the forwarding of labour to Assam and in Chapter IV on its recruitment. I would, however, ask the House to note that the provisions in regard to control are elastic and that they allow of their complete or partial relaxation as and where this is required. On the other hand, they are sufficiently wide to deal with any possible recrudescence of abuses.

The second principle of importance is the statutory right of repatriation which is now granted. The Royal Commission on Labour held—and the Government of India agreed with them—that a scheme of repatriation after three years should lead to a substantial increase in the number of candidates for emigration and for ever destroy the belief that Assam is a " bourne from which no traveller returns ". They thought it would lead to a healthy rivalry among garden managers in the matter of improving conditions on their estates, while it would give the labourer a greatly increased sense of security. They believed that the acceptance of their scheme would prove a profitable investment for the industry and would secure an increased flow of labour and thus reduce recruiting costs. This point of view was ungrudingly accepted by the representatives of the tea industry and was embodied in the Bill, which, I think I am correct in saying, merely gives legislative force to what has been the practice on the best gardens.

I need not, at this stage, Sir, deal with the other provisions of the Bill which are mainly concerned with procedure, machinery and other details. That, Sir, is all I would say now about the Bill as it was introduced in the Lower House.

I will now proceed to deal briefly with the changes that were made in the Select Committee as these are of considerable importance. I should mention that the discussions in the Select Committee of the other House took no less

than ten very strenuous days ; both points of view—that of the industry and that of labour—were strongly represented on it and both were very strongly urged. Almost every clause was discussed at great length and in great detail, and the result is the Bill in the form in which it is now presented to this House. Fortunately, it proved possible to reconcile the different points of view and to present an agreed Bill—a very satisfactory conclusion, I think, to the labours of the Select Committee.

A House which I have learnt from my brief experience of it has a wholesome dislike for long speeches may wonder why I have dwelt at some length on the differences between the Bill as it was introduced in the Lower House and the Bill as it emerged from that House, and may think that I should have done better to confine myself to the text of the Bill now before it. But I think it advisable to show, as I shall very briefly do, that the changes made in the Bill by the Select Committee were made almost entirely in the interests of labour as no better evidence of the spirit in which this Bill will be worked and of the willingness of the employers in an important industry to meet the reasonable demands of labour,—reasonable demands and not the far-fetched and idealistic demands which are often put forward on its behalf—could be furnished than by the readiness with which the representatives of the tea industry accepted those changes in spite of the additional burden that they will impose on the industry. To their attitude in this matter I should like to repeat the tribute that I paid in the other House.

Now, Sir, I will deal very briefly with the changes which were made by the Select Committee. The most important of these changes is to be found in the definition of " assisted emigrant." Definitions play a very important part in this Bill. In the Bill, as it was originally introduced, an " assisted emigrant," who it is important to note is the only class of emigrant who has got a statutory right of repatriation, did not include any person who had already been in a tea district when an adult and had left Assam. That provision was made in pursuance of the view of the Royal Commission on Labour who held very definitely that a clear distinction could be drawn between a man who had been in Assam before and a man who is going up there for the first time. They thought that a man who had been there before and was going back again knew all about Assam, knew what the conditions were, and what he could expect and that there was no reason why he should have any fear as to what he was going to find there. In these circumstances, they did not think it necessary to provide that he should be repatriated at the expense of the employer. The Select Committee, however, felt that a line could be drawn between the man who goes back to Assam very soon, after he has left it after being away for a short time either for reasons of health or to recruit labour, and the man who is going to Assam for the first time and knows nothing about it. For this reason they only excluded from the class of assisted emigrants people who have been in Assam within the preceding two years as labourers on tea estates. For these people they thought that it would not be necessary to provide for repatriation, but for every one else, whether he has been in Assam or not, they thought that the right should be provided. I need hardly point out that quite a considerable additional number of people will thus be included in the class of assisted emigrants and that the burden on the employers, by this inclusion,

[Sir Frank Noyce.]

will certainly be appreciable, though, as I have already explained to the House, this burden has been readily accepted.

The next important modification in the Bill is the provision that the right of repatriation should be given " for any sufficient cause." It is true that the Royal Commission on Labour recommended that it should be given for such a cause, but it was felt in drafting the Bill that the words " for any sufficient cause " were very wide indeed and that there might be considerable difficulties in interpreting them. The Select Committee, however, felt that a recommendation made by the Royal Commission should not be lightly ignored, especially as the right of repatriation is given for any sufficient cause in Ceylon and Malaya. In order to prevent administrative difficulties, we have provided that, although the power of the Controller declare the right of repatriation of an assisted emigrant for various other reasons such as the state of his health, failure on the part of the employer to provide him with work suited to his capacity, or withholding of his wages can be delegated to other officials the power to repatriate for " any other sufficient cause " should remain with the Controller himself in order that we may be certain that decisions on this point will be uniform throughout the province.

Another change which is worth mentioning is the change which has been made in clause 14 (*1*). In the Bill, as it originally stood, an emigrant labourer could have signed away his right of repatriation, either conditionally or unconditionally, within a few days of his arrival in Assam before he knew to what conditions he had come. We have now provided that an agreement to waive the right of repatriation shall not be valid unless it has been made not more than one month before the right of repatriation arises, and that when the emigrant does waive it, he may be perfectly certain of what he is doing.

A further modification is to be found in clauses 34 and 35 where the power to detain and return sick persons and the power to return persons improperly recruited has been expanded to include all emigrants who go to Assam with assistance, that is to say, all emigrants who are given any help to go to Assam whether they come under the definition of " assisted emigrant " or not.

Those, Sir, are the only changes in the Bill to which I think I need refer at this stage. In conclusion, I would emphasise that in passing this Bill, the House will be placing on the Statute-book a measure which is designed to benefit both employers and labour, for increasing the contentment of labour the employers are benefiting themselves, a fact of which their attitude towards the Bill shows that they are fully cognizant. We are also—and possibly the House may not be aware of this fact—putting an end for all time to the system of indentured labour. This Bill removes from the Statute-book every vestige of the system of indentured labour in this country, an object with which this House will, I am sure, sympathise. Sir, I move.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT (Assam : Non-Muhammadan): Sir, I think the Government of India deserve the thanks and the congratulations of this House for undertaking this piece of legislation. I shall not go into details after the speech of the Honourable mover in charge of the Bill, but shall only make a few general remarks.

12 NOON.

The Bill is an attempt to reconcile the protection needed in the interests of the tea garden coolies in Assam and the demand made on behalf of the planters for unrestricted freedom to import labour from outside. The tea gardens in Assam employ a very large number of coolies, something between 10 to 12 lakhs. These people come from different parts of India ; they belong to different castes and different classes ; they are illiterate, ignorant, and are not aware of the conditions that prevail in the tea gardens in Assam. In fact, once they go there, they do not know how to come back. Their conditions have been examined closely by two Royal Commissions and they made certain recommendations and the Bill has been based on those recommendations. The two outstanding features of the Bill are, first, the appointment of a Controller of Emigrant Labour and, secondly, the right of repatriation given to the coolies. In the Act as it was introduced this officer was called the Protector of Emigrants, and in fact he is intended to protect emigrants. The Assam Labour Board contained representatives of employers alone and did not contain a single representative of labour. The Controller will be in charge of the recruiting and transit of emigrants and their welfare in the tea gardens and for this purpose he has been armed with extensive powers. I am sure that if he properly exercises his powers the lot of coolies will be improved a good deal. I hope, Sir, that he will be an independent officer and that he will not be one interested in tea.

As to the right of repatriation, every cooly has now been given the power to claim to be sent back to his home after three years at the expense of his employer. He may also claim the same right earlier under certain conditions, one of them being dismissal otherwise than for wilful and serious misconduct; the second reason being bad health ; thirdly, on the employer failing to provide work ; fourthly, unjust withholding of wages ; and, lastly, any other sufficient cause. These, I submit, are very effective safeguards against any abuse of power by the employers. Not only, Sir, will this Bill benefit labour but also the labourers. Although the tea industry outside Assam and other industries inside Assam can get all the labour they want the tea planters in Assam complain of shortage of labour. That is due to past history. If the tea planters will now co-operate with the Controller of Emigrant Labour to make this Act successful, all the stigma that attaches to them now will go. Sir, the tea planters have done a lot for Assam and those who have not been to the province will not be able to realise what they have done. They deserve well of the country and the Government. I hope, Sir, that all restrictions on their freedom to import labour from outside will be removed as soon as they are able to demonstrate by action that they are capable of tackling the matter to the satisfaction of themselves and the employed. Sir, I support the Bill.

THE HONOURABLE MR. J. B. GLASS (Burma Chamber of Commerce): The essential fact to keep in view is that whatever we may think of the intrinsic merits of this Bill and the propriety of its provisions, it was finally formulated on a basis of agreement after prolonged negotiations. Had it simply been an off-spring of the Whitley Commission Report there would be some justification for examining critically its basic principles.

The Burma Chamber of Commerce, which I represent, expressed doubts when the Bill was circulated for opinion as to the equity of its provision in clause 7 of the principle of prescribing statutory rights of repatriation.

[Mr. J. B. Glass.]

The position as it appears to me now is that free unindentured labourers after an expensive process of recruitment are bound under the Bill by no obligation to work for the employer who has defrayed all the expenses of their emigration, but nevertheless are given this valuable right of repatriation.

Not only is the tea industry saddled with this burden but a special authority is also set up at the expense of the industry to enforce the obligation. This authority is armed with powers which seem in some respects to exceed the powers exercised by the executive officers of Government, and no provision appears to be made any where in the Bill of a right of appeal against any orders of the Controller.

Turning to examine the other side of the picture one would expect that the least that the tea industry would receive as a *quid pro quo* for the benefits and safeguards which the Act is going to confer on assisted emigrants would be free rights of recruiting such as every other employer in India enjoys. This, however, is far from being the case. Chapters III and IV seem to the uninitiated, like myself, to be susceptible of repressive and vexatious interpretations.

However, as the tea industry accepts the position, it does not seem necessary to stress the apparently unequal balance of this legislation. I consider, however, that in fairness to the industry it should be placed on record as the opinion of this House, that the recommendations of the Whitley Commission on page 372 be kept clearly in mind, in that in all controlled areas the position should be reviewed after the expiry of five years.

THE HONOURABLE MR. J. A. HUBBACK (Bihar and Orissa: Nominated Official): Sir, I rise to support the motion. I do so, Sir, in view of the fact that I am here on the recommendation of the Government of Bihar and Orissa which is very closely connected with recruiting questions with which this Bill deals. I have also served, and shall shortly again be serving, as Commissioner of the Chota Nagpur Division, a division from which a very large proportion of the labour recruits for the Assam tea gardens is drawn. As the Honourable the Leader of the House has explained, this Bill is the first general attempt to put on a new basis the system of recruiting for the Assam tea gardens for something over 30 years and everyone has agreed that the time has come to reconsider the whole question in the light of the facts as they stand now. A very great advance has been made in those 30 years. In the first place, there has been a marked advance in the intelligence of the type of recruit who goes to Assam and, in the second place, there is—thanks to the cordial assistance of both the tea industry itself and the work of the Assam Labour Board—an even more marked advance in the conditions of labour in Assam and in stopping the abuses which used to exist years ago.

In that light, Sir, I strongly support the Bill as a whole. At the same time, I must still stress the fact that the recruits of whom I have any knowledge are very largely drawn from the poorer and the more ignorant and the more simple folk of India and therefore it will continue in my opinion to be indispensable for some years to come to afford them some protection against misrepresentation by those gardens connected with the tea industry who are not prepared, except under strong pressure, to toe the line and follow the general policy that the tea

industry has laid down in past years. I give my most cordial acknowledgments to the general attitude of the tea industry.

Further, I think that the Government and the Select Committee are to be congratulated on the retention in the Bill of Chapters III and IV. Chapter III provides that, under the control of the central Government, local Governments may apply certain provisions which will operate in the protection of emigrant labour. I feel myself that the provisions of this Chapter should be applied in the division of which I have intimate knowledge and I am very nearly certain that the Government of Bihar and Orissa will accept that view. When the matter comes before the Government of India I do trust that they will pay the greatest possible attention to the considered opinion of the Government of Bihar and Orissa. I do not urge precisely the same thing in regard to Chapter IV which is, as one may say, merely a big stick to be held over the head of the tea industry. I have every hope that if the attitude of the tea industry remains what it has been in the past there will be no need for any application of this Chapter. At the same time, the Royal Commission very definitely said that, if there was a recrudescence of abuses, power should be taken to deal with them effectively. I trust that there will be no recrudescence and I think that there will not, but still, if there is a clear proof that abuses have again emerged and one of the Governments of the recruiting provinces should urge on the Government of India that Chapter IV should be introduced, I do trust that the Government of India, in whatever constitution it may then be, will give the most careful consideration to such a recommendation.

I need not delay the House any further except to refer to one defect which, I think, there is still in the Bill. The Bill provides, rightly, as I think everybody will agree, for certain definite restrictions on the recruitment of children and married women. It seems to me a pity that these restrictions will not also apply to unmarried daughters. It may not be generally known that among the tribes occupying the Chota Nagpur Headquarters Division, the girls are not by any means married at the age of 17, and in spite of the advance in the standard of family intelligence throughout India, I think anybody who has local knowledge of that part of the world would not be prepared to deny that a girl of that age in that part of the world is in a position to make a free contract which involves expatriation. There are other minor defects and I trust, if these defects develop into serious abuses, the central Legislature and the Government will be prepared to consider favourably an amendment of this Bill after an experience of some years. At the same time, Sir, I agree with the other speakers that this has been a fair adjustment on the whole between the rival views of the tea industry itself and of those who have most at heart the interests of labour and I congratulate the Government and the tea industry and the Select Committee on bringing the Bill to this stage. I trust it will help the tea industry to regain the prosperity which it is not enjoying at the moment and at the same time to continue to allow a suitable outlet for the energy and enterprise of the poorer classes in India and especially those of the aboriginal population. (Applause.)

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I rise to support the passage of this Bill. It is a beneficial measure which I heartily welcome. The Government of

[Diwan Bahadur G. Narayanaswami Chetti.]

India deserves to be congratulated for having brought forward this beneficial measure both in the interests of the employer and the employee. Under the Bill there are beneficial safeguards for the labourers and therefore from that point of view this will be a great help for people to go and serve in the tea estates. I shall not take up any more of the time of the Council but will congratulate the Government once again heartily on this beneficial measure which they have introduced and I have great pleasure in once more supporting the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

" That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2 to 41 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR FRANK NOYCE : Sir, I beg to move :

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

I have only a very few remarks to make with regard to what has fallen from other speakers. The House will, I am sure, have listened with very great interest to the views of the Honourable Mr. Dutt, the representative of the province to which the labour has to go, and of the Honourable Mr. Hubback, the representative of the province from which the bulk of the labour is recruited. They will have noticed with satisfaction that both of them have given their support to this measure. They will also, I think, have listened with some surprise to the remarks of the Honourable Mr. Glass who has, in regard to this measure, taken, if I may say so, a rather more extreme point of view than the tea industry itself has ever taken. I think he has overlooked in this connection the long history behind this measure as the result of which the tea industry was in a very different position from the other great industries of India. One point which he raised was that we have provided no appeal from the orders of the Controller. Well, Sir, the reason for that is that it is very difficult to provide a satisfactory channel of appeal in view of the numerous points which will arise, and that we can always bring pressure to bear on the Controller, who will be an officer of the Government of India and will therefore be very strictly under our control. The main thing is to make sure that we choose the right man and we shall take every care to do so.

There is one point mentioned by the Honourable Mr. Hubback to which I would like to refer, and that is, his objection that we have not provided against the recruitment of unmarried women save with the consent of their parents or lawful guardians. Such women must, of course, be over 16 as no one under 16 can be recruited except with their parents. I would like to draw attention to the only note of dissent recorded on this measure, which was not however pressed in the other House. From that note, it is clear that I am not revealing any secrets of the Select Committee when I say that there was a

strong body of opinion in the Select Committee, which consisted of a very large majority of Indian members, that women should be entirely free to go to Assam whether they were married or unmarried. That was modified to the extent of providing that married women should not go without the consent of their husbands, but the Select Committee did not feel inclined to go further and insist that unmarried women over 16 should be prohibited from going to Assam.

There is one other point, Sir, which arises out of the remarks of the Honourable Mr. Glass and of the Honourable Mr. Hubback. I need hardly assure the House that when we bring forward a new measure of this character, we propose to take every precaution in regard to watching its effects. It is undoubtedly an experiment, and its operation will have to be carefully watched. If we find that the Act is defective in any respect, we shall endeavour to revise it. I can assure the Honourable Mr. Hubback that the views of his Government, which is the Government mostly concerned in this matter, will be very carefully considered on all the points that they may bring before us. Sir, I move.

The motion was adopted.

ELECTION OF A MEMBER TO FILL A VACANCY IN THE STANDING COMMITTEE FOR ROADS.

THE HONOURABLE THE PRESIDENT : I have to inform the House that owing to further withdrawals of nominations there is now only one candidate for election to the Standing Committee for Roads, that is, the Honourable Diwan Bahadur G. Narayanaswami Chetti. I have to declare him duly elected.

THE HONOURABLE SIR FRANK NOYCE (Leader of the House) : Sir, I have to state that there is no more business before the House.

THE HONOURABLE THE PRESIDENT : The Council will accordingly adjourn to a date in Delhi which will be notified to Honourable Members hereafter. I understand that that date is likely to be the 21st of November, and that in any case it is not likely to be earlier than the 21st of November.

The Council then adjourned.

COUNCIL OF STATE.

Thursday, 8th December, 1932.

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

MEMBER SWORN:

The Honourable Mr. Ram Chandra, M.B.E. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

Restoration of the Cut on Salaries from 1st April, 1933.

165. The Honourable Rai Bahadur Lala RAM SARAN DAS: Will Government kindly state whether they intend to restore the cut on salaries of various services with effect from 1st April, 1933? If so, will Government give their reasons?

The Honourable Sir ALAN PARSONS: Government are not at present in a position to make any statement on the subject.

Report of the Postmaster General, Punjab, on Khan Sahib Karam Din Malik.

166. The Honourable Rai Bahadur Lala RAM SARAN DAS: Will Government kindly state whether the allegations contained in detail in my question No. 122, asked in this Council on the 30th September, 1932, were, on enquiry, found to be correct? Will Government kindly lay the copy of the relevant report made by the Postmaster General, Punjab, and also state how many verbal warnings have already been given to Khan Sahib Karam Din Malik, and what action Government have taken on this occasion?

The Honourable Mr. J. A. SHILLIDY: The allegations contained in the question No. 122 were found to be generally correct but Government are not prepared to place on the table of the House copies of departmental communications. The official in question was once warned in a previous case and has again been warned that any future offence will be more severely dealt with.

Levy of a Surcharge on the Import Duty on Wheat.

167. The Honourable Rai Bahadur Lala RAM SARAN DAS: Will Government kindly state whether surcharge on import duty is being levied on imports of foreign wheat? If not, why?

THE HONOURABLE SIR ALAN PARSONS: No surcharge on the import duty on wheat is levied. The Indian Finance (Supplementary and Extending) Act, which was passed by this Council, did not provide for the levy of surcharge on the special import duty on wheat.

UNEMPLOYMENT AMONG THE EDUCATED CLASSES.

168. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what action they propose taking to solve the question of unemployment particularly among the educated classes? If none, why?

THE HONOURABLE MR. J. A. SHILLIDY: The question is primarily one which concerns Local Governments and, as the Honourable Member may be aware, some of them have devoted considerable attention to it in recent years.

FURTHER RETRENCHMENTS.

169. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they propose to make any further retrenchments? If so, will they lay a detailed statement on the table of this House?

THE HONOURABLE SIR ALAN PARSONS: Government, while they believe that the major economies possible have already been secured, are still actively considering what more can be done. No details can usefully be given at this stage.

ALLEGED FREIGHT WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND INDIAN SHIPPING COMPANIES.

170. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: With reference to question No. 99 answered on the 23rd September, 1932, will Government kindly state what action they are taking to stop the freight war between the Indian indigenous shipping companies and the British India Steam Navigation Company in coastal shipping?

THE HONOURABLE SIR ALAN PARSONS: With your permission, Sir, I will answer questions relating to the Commerce Department, as the Honourable Mr. Drake is unavoidably delayed elsewhere.

THE HONOURABLE THE PRESIDENT: The Honourable Sir Alan Parsons.

THE HONOURABLE SIR ALAN PARSONS: The matter is still under the consideration of the Government of India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: How long will it be under consideration? Further delay might result in collapse of indigenous shipping concerns.

THE HONOURABLE SIR ALAN PARSONS: I am afraid I am unable to tell my Honourable friend.

CAPACITY IN WHICH THE PRIME MINISTER ANNOUNCED THE COMMUNAL DECISION.

171. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether the Communal Award given by the Premier was given by him in his official capacity on behalf of the Cabinet?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Honourable Member's attention is invited to the Communal Decision of 4th August, 1932, which was made by His Majesty's Government and to the statement of the Prime Minister issued with it.

EXPENDITURE INCURRED ON THE CONSTRUCTION OF BARRACKS FOR BRITISH TROOPS STATIONED AT DACCA.

172. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state the total cost of the construction of the barracks for the British soldiers now stationed at Dacca?

(*b*) Who have contributed to the cost and in what proportions?

(*c*) Will Government be pleased to state the total strength of the Dorset Regiment at Dacca?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) It is estimated that the provision of accommodation for British troops at Dacca will cost about $4\frac{3}{4}$ lakhs of rupees.

(*b*) The entire cost will be charged to Army Estimates.

(*c*) On the 1st November the effective strength of the battalion was 798.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Were they deputed on Army requirements or on the demand of the Bengal Government?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: At the request of the Bengal Government.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will the Honourable Member inform the House why the Central Government is being saddled with the cost if they have gone on the demand of the Bengal Government?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: In pursuance of the general policy of the Central Government, with reference to the state of affairs in Bengal.

INDIAN REGIMENTS STATIONED AT DACCA.

173. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (*a*) Will Government be pleased to state how many Indian regiments are now stationed at Dacca and what are their names?

(*b*) Is there any Volunteer Company permanently stationed at Dacca?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (*a*) There are no Indian regiments stationed at Dacca.

(*b*) The Headquarters of the Eastern Bengal Company of the Auxiliary Force are located at Dacca. The total enrolled strength of the Company is 172, of whom only 21 are actually in Dacca.

REASONS FOR BILLETING BRITISH REGIMENT AT DACCA.

174. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Will Government be pleased to state the reasons for billeting a British regiment at Dacca when there is already a detachment of Indian soldiers permanently stationed in the city?

(2) Will Government be pleased to state how long the British regiment will remain at Dacca?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (1) There was no permanent garrison stationed at Dacca. Additional troops have been sent to Bengal in furtherance of the general policy of the Government in connexion with the terrorist movement.

(2) No period has been fixed.

REMISSION TO BENGAL OF A PORTION OF THE EXPORT DUTY ON JUTE.

175. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Is it a fact that the Central Government and the Government of Bengal are in negotiation over the matter of remission to Bengal of some portion of the jute export duty obtained from Bengal?

(2) Are Government considering the question of surrendering any portion of jute export duty to Bengal?

THE HONOURABLE SIR ALAN PARSONS: It would not be correct to say that negotiations are in progress, but the Government of Bengal have made representations that under the new constitution the jute export duty should be a provincial tax.

THE HONOURABLE MR. E. C. BENTHALL: Are the Government of India aware that a memorial signed by most of the principal associations in Bengal, irrespective of nationality, creed or political views, was recently forwarded to the Secretary of State demanding the immediate revision of the financial settlement of Bengal and the allocation of the jute export tax to provincial revenues?

THE HONOURABLE SIR ALAN PARSONS: I am aware that such a representation was made. I will take it from my Honourable friend that there was a reference in it to the jute export duty; I have not myself read it recently.

THE HONOURABLE MR. E. C. BENTHALL: Did Government observe in the morning's press with reference to the Round Table Conference proceedings a statement to the following effect: "General agreement was expressed with the Percy Committee's list of revenue sources" and, if so, do they interpret that to mean that the settlement proposed for Bengal is accepted by the Round Table Conference?

THE HONOURABLE SIR ALAN PARSONS: This particular official of the Government of India, Sir, observed that statement in the press, but I have not placed any interpretation on it.

THE HONOURABLE MR. E. C. BENTHALL: Is the Government aware that in the opinion of the people most interested no reforms are likely to be successful in Bengal without a revision of the financial settlement in Bengal's favour?

THE HONOURABLE SIR ALAN PARSONS: I should not like to commit myself on that point.

IMPORTS OF NON-BRITISH PIECE-GOODS.

176. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Will Government be pleased to make a statement on the import of non-British piece-goods, especially Japanese piece-goods, since the recent imposition of the *ad valorem* duty on non-British piece-goods?

(2) Has there been any rise or fall in the customs revenue since the imposition of the said duty?

(3) Will Government be pleased to make a statement on the position of Japan in the Indian market in respect of piece-goods?

THE HONOURABLE SIR ALAN PARSONS: (1) The Honourable Member presumably refers to the recent increase in the duty on cotton piece-goods. The increased rate of duty only came into force on the 30th August, 1932, and the Government of India do not consider that sufficient time has yet elapsed to enable them to judge the effect on the import trade.

(2) I lay on the table a statement showing the receipts from the import duty on cotton piece-goods during the period April to October, 1932, inclusive.

(3) Without knowing more precisely the nature of the information which the Honourable Member desires, it would not be possible to make such a statement in reply to a question.

Statement showing the receipts from the import duty on cotton piece-goods during the period April to October, 1932, inclusive.

(In thousands.)

——	April.	May.	June.	July.	August.	September.	October.
Of British manufacture.	27,63	25,51	27,27	27,73	31,26	30,67	19,54
Not of British manufacture.	20,83	18,22	25,27	33,19	36,74	39,65	33,19
Total .	48,46	43,73	52,54	60,92	68,00	70,32	52,73

ALLEGATIONS MADE BY THE "AMRITA BAZAR PATRIKA" IN THEIR ISSUE OF THE 28TH OCTOBER, 1932, UNDER THE HEADLINES "REGIMENT IN DACCA" AND "PANIC IN DACCA".

177. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Has the attention of Government been drawn to the news items under the captions "Regiment in Dacca" and "Panic in Dacca," published in the *Amrita Bazar Patrika* of the 28th October, 1932 (dak edition)? If so, what action have they taken with reference to the allegations contained therein?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have seen an article with the heading mentioned by the Honourable Member but with a different sub-heading. If the article which I have seen is the one which the Honourable Member has in mind, I would refer him to the answer given on the 29th November to part (*b*) of his question No. 125.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Is it a fact, Sir, that the public of Dacca are being subjected to such indignities as assaults, being kicked and violently pushed from the bicycles and their open umbrellas being forcibly closed by the members of the Dorset Regiment now stationed at Dacca ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I have certainly no information of that sort, Sir. If the Honourable Member will supply me with any details, I shall go into the matter.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will Government have first-hand information from me, Sir ? If so, what steps do Government propose to take to put a stop to such happenings in Dacca in the future ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I could not quite hear what the Honourable Member said.

THE HONOURABLE THE PRESIDENT: I think the Honourable Member's supplementary question is not entirely in order. If I understand it rightly, he says, "If His Excellency the Commander-in-Chief will take my assurance that these are the facts, what steps do Government propose to take ?" The question in fact is based on a hypothetical proposition and therefore does not seem to be in order.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: May I ask whether Government will have the first-hand information from me on this point?

THE HONOURABLE THE PRESIDENT: I am afraid I do not myself quite understand what the Honourable Member means by the question.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Will the Government have the first-hand information from me on this question that I have asked ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I am afraid I did not hear the Honourable Member, Sir.

THE HONOURABLE THE PRESIDENT: His Excellency may understand the question if I repeat it. I do not quite understand it myself. "Will the Government have first-hand information from me on the points which I have mentioned in my supplementary question ? "

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Does the Honourable Member mean, will they accept his first-hand information ? If that is the case—no, Sir. We should want full proof of it.

ASSAULT ON A STUDENT OF THE DACCA UNIVERSITY.

178. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Is it a fact that Mr. Kali Pada Barman, a B.A. student of Dacca University attached to Jagannath Hall, South House, was severely assaulted by a British soldier on his back by a bamboo rod and, when it was broken to pieces, by severe blows on his chest, on the 28th October, 1932, on the Fuller Road, Ramna, Dacca, near the University buildings ?

(2) Is it a fact that the House Tutor of the Jagannath Hall wired the matter to the Vice-Chancellor of Dacca University who was then at Darjeeling and that a copy of the application of Mr. Kali Pada Barman was sent to the Officer Commanding the Dorset Regiment ? If so, what action was taken ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: A complaint more or less to the effect stated was made, and has been the subject of an enquiry by the Officer Commanding the Battalion in conjunction with the Vice-Chancellor of Dacca University. I will communicate further with the Honourable Member as soon as the result of the enquiry is received.

UNEMPLOYMENT AND ECONOMIC DISTRESS OF THE EDUCATED MIDDLE CLASS.

179. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Raja Raghunandan Prasad Singh): Will Government be pleased to indicate what measures they have been taking or propose to take towards mitigating the evils of educated middle class unemployment and economic distress ?

THE HONOURABLE MR. J. A. SHILLIDY: I would refer the Honourable Member to the answer I have already given to question No. 168 asked by the Honourable Rai Bahadur Lala Ram Saran Das.

CONVERSION OF WAR LOAN.

180. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (1) Will Government now reply to parts 4—6 of my question No. 90 of the Simla session in connection with War Loan conversion ?

(2) Will Government state the date on which the first communication on this subject was addressed to the Secretary of State for India by the Government of India ?

(3) Have Government made any payment to the British Government on account of interest on War Loans since the expiration of the Hoover moratorium ? If so, on what date, and when is the next payment due ?

(4) Has the attention of Government been drawn to the note of the British Government to the Government of the United States of America on the subject of repayment of War Loans ? Has Government taken any steps to get from His Majesty's Government the same concessions ? If not, why not ?

THE HONOURABLE SIR ALAN PARSONS: (1) The matter is still under consideration.

(2) The question was taken up for consideration soon after the results of the British conversion loan were announced.

(3) The next payment is due in December, 1932.

(4) The answer to the first part of the question is in the affirmative. As regards the second part, the Honourable Member is no doubt aware of the later developments as reported in the newspapers.

METAL PASSES ISSUED BY THE RAILWAY BOARD AND STATE RAILWAYS IN 1931.

181. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (1) Will Government state the number and kinds of metal passes issued by the Railway Board and each of the State Railways in 1931?

(2) Will Government state the number and kinds of upper class passes other than metal passes, issued free of charge by the Railway Board and the different State Railways?

THE HONOURABLE SIR ALAN PARSONS: (1) The Railway Board issue gold passes to the Members and Directors of the Railway Board available over all Class I Railways and silver passes to certain principal officers of Class I Railways. Such of these passes as are in possession of State Railway officers permit the holders to travel over all State-managed Railways, whilst those in possession of officers of Company-managed lines permit the holders to travel over the State-managed Railway or Railways in immediate connection with the railway to which that officer belongs. These passes are current from the original date of issue so long as an officer is holding a post which entitles him to the use of such a pass. The revision of the rules for the issue of metal passes being at present under the consideration of the Railway Board, the issue or replacement of such passes during the last three years has been suspended and in lieu the Board have issued card passes available for six months at a time. On the State-managed Railways, metal passes, either silver, bronze or nickel, are issued to all permanent superior officers. These passes are available for use over the railway on which they are issued. Government are not aware of the number issued on State-managed Railways in 1931.

(2) The number of passes other than metal passes issued by the Railway Board during 1931 is as follows:—

(*a*) Card passes (1st class)	89
(*b*) Cheque passes (1st class)	540

Government are not aware of the number issued by the different State-managed Railways in 1931, but if the Honourable Member will indicate for what purpose this information is desired Government will consider whether it should be collected.

PERSONS ALLOWED TO IMPORT GOODS FREE OF CUSTOMS DUTY.

182. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (1) Is it a fact that certain persons (*ex officio*) can import goods free of customs duty at British India ports? Will Government give a complete list of such persons?

(2) Is it a fact that the personal effects of certain persons (*ex officio*) are passed free of customs duty at British India ports? Will Government state the authority under which this is done and lay a copy of it on the table of the House? Will Government give a complete list of such persons?

THE HONOURABLE SIR ALAN PARSONS: (1) and (2). I would draw the Honourable Member's attention to items 11 and 12 of Part I of Schedule II to the Indian Tariff Act, 1894, and to items 23 to 36 of Notification No. 14-Customs of the Government of India in the Finance Department (Central Revenues), dated the 9th April, 1932.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will the Honourable Member lay that Notification on the table, Sir?

THE HONOURABLE SIR ALAN PARSONS: The Notification is very long, Sir, and copies of it are already in the Library of the House.

TOTAL IMPORTS OF CERTAIN ARTICLES INTO INDIA AND IN THE UNITED KINGDOM.

183. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (1) Will Government kindly lay on the table a statement giving the following information about the items mentioned in the new Tariff Bill:

(*a*) the customs duty in force on 15th January, June and November, 1931;

(*b*) the total imports into India (1929) of each item from the United Kingdom, the rest of the British Empire and the rest of the world?

(2) Will Government kindly give the following information about Schedules A, B and C of the Trade Agreement between His Majesty's Government in the United Kingdom and the Government of India:

(*a*) the total imports of each item in the United Kingdom in 1929;

(*b*) the total imports of each item in the United Kingdom from India in 1929;

(*c*) the total imports of each item from the rest of the British Empire (1929)?

THE HONOURABLE SIR ALAN PARSONS: (1) (*a*) The Honourable Member is referred to the Indian Customs Tariff (Fifth, Sixth and Seventh Issues), copies of which are in the Library of the Legislature.

(*b*) The information required by the Honourable Member is contained in Volume I of the Annual Statement of the Sea-borne Trade of British India, a copy of which is also in the Library.

(2) I lay on the table a statement containing the information asked for. The information has been extracted from the Annual Statement of the Trade of the United Kingdom, copies of which are not in the Library of the Legislature.

Statement showing imports into United Kingdom in 1929 of articles mentioned in Schedules A, B and C of the Trade Agreement between His Majesty's Government in the United Kingdom and the Government of India.

Article.	Total imports into United Kingdom (a).		Imports into United Kingdom from British India (b).		Total imports into United Kingdom from rest of British Empire (c).	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
		£		£		£
Schedule A.						
Wheat in grain (cwts.)	111,767,398	57,784,498	141,169	78,134	40,144,178	21,078,786
Rice, husked including cargo rice and cleaned whole, but not including broken rice (cwts.)	1,380,842	1,217,453	447,848	317,693	5,282	6,150
Castor oil (tons)	3,696	155,016	1,615	67,060	1	82
Linseed oil (tons)	31,046	1,048,122	..	..	7	710
Cocoanut oil (tons)	64,698	2,362,090	820	33,052	10,634	368,341
Groundnut oil (tons)	22,333	882,216	..	..	1	24
Rape oil (tons)	4,708	178,699	..	..	16	1,342
Sesamum oil (tons)	10	500	..	..	..	3
Magnesium chloride (Magnesium compounds including chloride and sulphate) (tons)	40,086	147,593	..	..	289	1,565
Linseed (tons)	284,413	4,946,110	76,183	1,596,798	230	5,238
Schedule B.						
Coffee (cwts.)	558,286	3,763,491	23,502	168,052	180,785	1,132,037
Schedule C.						
Tea (lbs.)	559,167,758	37,558,282	306,734,835	20,082,540	155,887,640	12,179,543
Coir Yarn (cwts.)	483,050	705,498	427,616	619,031	45,322	70,834
Coir mats and matting (sq. yards)	6,135,629	604,005	4,571,909	437,949	13,874	1,057
Cotton yarns, unbleached up to No. 40 count (lbs.	11,471,415	921,579	257,356	11,961	1,493	103
Cotton manufactures	..	9,583,397	..	189,578	..	79,362
Leather undressed hides other than sole leather (cwts.)	388,887	3,151,873	249,628	2,336,784	6,795	56,031
Leather undressed skins (cwts.)	173,608	3,585,785	116,463	2,755,106	10,401	134,268
Jute manufactures	..	3,624,765	..	2,797,675	..	120,613
Oil seed cake and meal (tons)	493,476	4,548,975	108,806	1,106,104	10,644	105,636
Paraffin wax (cwts.)	1,500,626	1,741,025	666,496	909,531	619	732
Spices (cwts.)	311,832	2,382,182	57,678	411,665	149,210	1,192,150
Teak and other hardwoods, whether hewn or sawn (c. ft.)	38,836,929	9,599,829	1,973,493	1,043,368	8,386,066	1,612,465
Woollen carpets and rugs (sq. yds.)	3,247,142	4,030,267	761,130	545,718	54,913	29,837
Bran and pollard (tons)	108,404	729,413	260	1,686	5,874	45,112
Rice meal and dust (tons)	280,745	1,873,221	205,517	1,388,297	781	5,527
Tobacco—						
Un-manufactured (lbs.)	240,026,107	17,187,434	9,180,662	334,408	22,350,265	1,516,996
Manufactured (lbs).	1,475,173	1,311,097	48,929	12,779	35,619	13,428
Castor seed (tons)	34,768	600,660	29,684	510,165	12	175
Magnesite—						
Crude (tons)	11,590	34,104	..	..	197	1,272
Calcined (tons)	27,315	189,485	596	4,870	4,512	34,562
Sandalwood oil	..	..	..	..	..	..
Granite setts and curbs (tons)	117,224	293,726	..	..	8,809	20,038
Groundnuts—						
Undecorticated (tons)	49,727	751,494	2,197	44,721	10,651	158,699
Decorticated (tons)	84,603	1,644,761	73,254	1,410,952	9,958	202,572
Lead ore (tons)	3,976	49,644	538	5,488	2,951	36,929

VALUE OF INDIA'S TRADE WITH THE BRITISH COLONIES.

184. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government state the items and the total value of Indian trade with the British Colonies mentioned in Notification No. 780-T. (12)?

THE HONOURABLE SIR ALAN PARSONS: The Honourable Member is referred to Schedule H of the Trade Agreement made between the Government of India and His Majesty's Government in the United Kingdom and to Table 13 of Volume II of the Annual Statement of the Sea-borne Trade of British India, a copy of which is in the Library of the Legislature. To assist the Honourable Member in making use of this Annual Statement I lay on the table a statement giving the numbers of the pages in the volume on which are to be found details of India's trade with each of the British Colonies.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, will the Honourable Member give the names of the Colonies at least?

THE HONOURABLE THE PRESIDENT: The Honourable Member will find that the names are given in the statement laid on the table, of which the Honourable Member has provided me with a copy.

Statement giving the numbers of the pages in Volume II of the Annual Statement of Sea-borne Trade of British India, 1931, on which are to be found details of India's trade with the British Colonies.

	Page Nos.
Ceylon	422—436
Straits Settlements	437—458
Hongkong	475—482
Colonies in West Africa	517—518
Zanzibar	533—538
Kenya	538—543
Tanganyika Territory	544—546
Uganda Protectorate	547
Nyasaland Protectorate	547
Somaliland	550—551
Mauritius and Dependencies	555—558
Seychelles	559—560
West Indies	588
Honduras	590
British Guiana	593
Fiji Islands	607—608

Note.—The imports from Northern Rhodesia into India are not shown separately from those from South Rhodesia.

COMMODITIES OF BRITISH ORIGIN WHICH RECEIVE PREFERENCE UNDER THE INDIAN TARIFF ACT, 1894.

185. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government give the names of the commodities which at the moment receive preference under the Indian Tariff Act, because of their British origin? Will Government state the amount of preference given to each item? Will Government also give the value of the imports from the United Kingdom of these items in 1929?

THE HONOURABLE SIR ALAN PARSONS: No commodities at present receive preference under the Indian Tariff Act, 1894, on the ground that they are of British origin. The Honourable Member is presumably referring to the lower duties imposed in the interests of consumers in India, on certain articles of iron and steel and on cotton piecegoods of British manufacture by the Steel Industry (Protection) Act, 1927, and the Cotton Textile Industry (Protection) Act, 1930. I lay on the table a statement showing the differences between the existing rates of duty applicable to these articles when of British and non-British manufacture, respectively, in which the value of the imports of these articles from the United Kingdom in 1929 is also given.

Imports of Iron and Steel articles and cotton piecegoods of British manufacture from the United Kingdom into India in the year 1929.

No. in statutory schedule.	Articles.	Existing difference in duty between articles of British and non-British manufacture (including surcharge).	Value of imports from the United Kingdom in 1929.
	Iron and Steel.	Per ton. Rs. a.	Rs.
142	Coal Tubs, tipping wagons, etc.	18 12	1,52,000
143	Iron Angle, Channel and Tee—		
	(*a*) fabricated, etc.	18 12	21,000
	(*b*) not fabricated, etc.	13 12	15,000
144	Iron, Common bar	13 12	23,000
146	Iron or Steel pipes and tubes, etc.—		
	(*b*) not galvanised—		
	(*i*) not under 1/8″ thick	18 12	..
	(*ii*) under 1/8″ thick	32 8	14,000
147	Iron or Steel plates or sheets, etc.—		
	(*a*) fabricated, etc.	18 12	88,000
	(*b*) not fabricated, etc.	20 0	32,11,000
148	Iron or Steel sheets, etc.—		
	(*a*) fabricated—		
	(*ii*) all sorts (except galvanized)	32 8	79,000
	(*b*) not fabricated—		
	(*ii*) all sorts (except galvanized)	30 0	31,67,000
150	Iron or Steel Railway Track Material—		
	A. Rails, etc.—		
	(*b*) Rails under 30 lbs., etc.	13 12	77,000
	B. Switches and Crossings, etc.—		
	(*ii*) for rails under 30 lbs.	15 0	3,000
	D. Spikes and tiebars	13 12	74,000
151	Steel, angle and tee, etc.—		
	(*a*) fabricated	18 12	18,63,000
	(*b*) not fabricated	13 12	82,52,000
152	Steel, bar and rod, etc.	13 12	43,30,000
153	Steel structures, etc.	18 12	50,05,000
		Total	2,63,74,000

Difference in the rates of duty levied on cotton piecegoods of British and non-British manufacture.

(From 30th August, 1932)—	
When assessed *ad valorem*	25 per cent.
When assessed to specific duty	7/8 anna per lb.

Value of the imports into India from the United Kingdom in 1929 . . . . . Rs. 35,10,65,000

VALUE OF EXPORTS TO AND IMPORT DUTY LEVIED IN THE UNITED KINGDOM ON INDIAN TEXTILE GOODS.

186. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: 1. Will Government kindly state the import duty now fixed by the United Kingdom on Indian textile goods? What was the duty in 1931? What was the value of India's export to the United Kingdom in 1929?

2. Will Government state the rate of duties imposed now and in 1931 by the United Kingdom on Indian silk goods? What was the value of silk goods exported to the United Kingdom in the years 1928 to 1931?

THE HONOURABLE SIR ALAN PARSONS: No duty is at present imposed on textile goods from India other than silk goods. The general rate of duty in the United Kingdom is 20 per cent. *ad valorem* on cotton, jute and wool manufactures and 10 per cent. *ad valorem* on cotton, jute and wool yarn, and imports of these articles from all countries of the Empire, including India, are exempted from the whole of these duties. In 1931 no duties were in force in the United Kingdom on any of these articles, whatever their origin. The value of the textile goods imported into the United Kingdom from India including the Indian States in the year 1929 was, according to the United Kingdom Trade Accounts, £3,580,000.

The rates of duty on silk manufactures from India in force in the United Kingdom range from 1*s.* 2*d.*—1*s.* 6*d.* to 6*s.* 5½*d.* per lb. according to their class, as compared with corresponding duties on goods of non-Empire origin ranging from 1*s.* 5*d.* to 7*s.* 9*d.* per lb. These duties have not been changed.

The value of the silk manufactures imported into the United Kingdom from India including the Indian States in each year from 1928 to 1930 was, according to the United Kingdom Trade Accounts, as follows:—

	£
1928	6,346
1929	10,440
1930	4,502

DATE OF TERMINATION OF OTTAWA CONFERENCE AND TRADE AGREEMENT WITH UNITED KINGDOM.

187. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) on what date the Ottawa Conference terminated its sittings;

(*b*) on what date the Agreement arrived at was signed by the respective parties thereto;

(*c*) on what date the members of the Indian Delegation appended their signatures to the Agreement;

(*d*) on what date the Report of the Indian Delegation reached the Government of India;

(*e*) on what date the Report was sent out to the Members of the Legislative Assembly;

(*f*) on what date the Report was sent out to the Members of the Council of State;

(*g*) whether full proceedings of the Conference have been published;

(*h*) if so, whether printed copies of such proceedings are available to the Members of the Central Legislature?

THE HONOURABLE SIR ALAN PARSONS: (*a*) The 20th August, 1932.

(*b*) and (*c*). The Honourable Member is presumably referring to the Trade Agreement made between His Majesty's Government in the United Kingdom and the Government of India. This Agreement was signed by Mr. Stanley Baldwin on behalf of His Majesty's Government in the United Kingdom and by the Leader of the Indian Delegation, Sir Atul Chatterjee, on behalf of the Government of India on the 20th August, 1932.

(*d*) The 2nd October, 1932.

(*e*) and (*f*). Copies of the Report of the Indian Delegation were despatched to Members of both Houses between the 10th and 13th October so as to reach them, as far as possible, on the 13th October, the date fixed for the publication of the Report.

(*g*) and (*h*). An official Report of the Conference was prepared and published in two volumes by the Government of Canada, and a Summary of Proceedings was presented to Parliament by His Majesty's Government in the United Kingdom. A sufficient number of copies of the last-named document were obtained by the Government of India to enable them to supply each Member of the Indian Legislature with a copy. Copies of it have recently been distributed to Members of this House and copies of the other publications have been placed in the Library of the Legislature.

REPRESENTATIONS RECEIVED FROM INDIVIDUALS, FIRMS AND COMMERCIAL BODIES WITH REGARD TO THE OTTAWA TRADE AGREEMENT.

188. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) whether they have received representations from individuals and representative bodies in India with regard to the Ottawa Agreement;

(*b*) if the answer is in the affirmative, the names of such individuals and bodies;

(*c*) the names of those individuals and bodies that have supported the Ottawa Pact?

THE HONOURABLE SIR ALAN PARSONS: (*a*) Yes.

(*b*) I lay on the table a list showing the names of the individuals, firms and commercial bodies from whom representations on the subject have been received since the Agreement was published.

(*c*) It is not possible to give a categorical reply to this part of the Honourable Member's question because, while certain bodies have expressed disapproval of the Trade Agreement, a great many of the representations have not stated either approval or disapproval of it but have only made requests in regard to the rates of duties to be levied on particular articles as the result of the Agreement.

List of individual firms and commercial bodies.

Indian Chamber of Commerce, Calcutta.
The Indian Merchants' Chamber, Bombay.
Mysore Chamber of Commerce, Bangalore.
Bengal National Chamber of Commerce, Calcutta.
Maharashtra Chamber of Commerce, Bombay.
Ahmedabad Millowners' Association, Ahmedabad.
Karachi Indian Merchants' Association, Karachi.
The Baroda Millowners' Association, Baroda.
Muslim Chamber of Commerce, Calcutta.
Aluminium Manufacturers' Association, Calcutta.
The Deccan Merchants' Association, Bombay.
Northern India Chamber of Commerce, Lahore.
The Karachi Chamber of Commerce, Karachi.
Federation of Indian Chamber of Commerce and Industry, Bombay.
The Karachi Iron Merchants' Association, Karachi.
Motor Industries Association, Calcutta.
The Calcutta Paper Import Association.
Gwalior Chamber of Commerce.
Southern India Chamber of Commerce, Madras.
Indian Chamber of Commerce, Bombay.
Glass and Bangles Association, Firozabad.
The Punjab Aluminium Works, Amritsar.
Indian Hume Pipe Company, Limited, Calcutta.
Kirloskar Brothers, Limited, Bombay.
Dyer Meakin and Company, Solon.
The Tata Iron and Steel Company, Bombay.
The Indian Steel and Wire Products, Limited, Tatanagar.
The Tata Oil Mills, Limited.
The Cement Marketing Company of India, Limited, Bombay.
Kamroodin Rasoolji, Bombay.
Balraj Company, Lahore.
Mr. Balaram Kurup, Managing Agent, Techno-Chemical Industries, Limited.
The Mirrless Wayson Company, Limited.
Ramington Rano Inc.
The Cawnpore Woollen Mills Company, Cawnpore.
Photo Service, Limited, Bombay.
The Punjab Oil Machinery Store Company.
W. H. Deeth and Company, Bombay.
The Land Development and Engineering Corporation, Delhi.
Shan and Company, Baroda.
Mr. Karimjee Esmailjee, Bombay.

REFUSAL OF SANCTION BY THE SECRETARY OF STATE FOR INDIA TO A FURTHER EXTENSION OF THE CUT ON SALARIES.

189. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) whether the Secretary of State for India has refused sanction to further extension of the 10 per cent. cut in the salaries of the members of Imperial Services;

(*b*) whether he has asked the Government of India to frame their future year's budget on the basis of no cut in the pay of all servants in the employ of the Central Government;

(*c*) whether he has issued similar instructions with regard to the pay of all Government servants in the different provinces?

THE HONOURABLE SIR ALAN PARSONS: The answer to all three parts is in the negative.

THE HONOURABLE MR. G. A. NATESON: Sir, is there any correspondence going on between the Secretary of State for India and the Government of India with regard to this question of the 10 per cent. cut?

THE HONOURABLE SIR ALAN PARSONS: As far as my recollection carries me, not at the moment, Sir.

THE HONOURABLE MR. G. A. NATESON: Do I understand from it that, though not at the moment, correspondence was previously carried on?

THE HONOURABLE SIR ALAN PARSONS: There certainly has been previous correspondence, Sir, with regard to the 10 per cent. cut.

REPRESENTATION OF LANDHOLDERS AT THE THIRD ROUND TABLE CONFERENCE.

190. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (on behalf of the Honourable Kumar Nripendra Narayan Sinha): Will Government be pleased to state:

(*a*) whether any representative of the land-owning interests has been selected and sent to the Third Round Table Conference to watch landed interests particularly;

(*b*) if the answer is in the affirmative, the name of such representative and the class of landed interests that he will represent;

(*c*) if the answer is in the negative, the reason or reasons for which they did not think it proper to send such a representative this time?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) and (*b*). One of the Indian delegates, the Raja of Khallikote, is the representative of landed interests.

(*c*) Does not arise.

CONVICTIONS UNDER SECTIONS 21 AND 25 OF THE SPECIAL POWERS ORDINANCE AND THE CORRESPONDING PROVISIONS OF THE EMERGENCY POWERS ORDINANCE.

191. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (1) Will Government kindly state the number of cases instituted and convictions secured under sections 24 and 25 of the Ordinance No. X of 1932?

(2) Will Government state the sections of the earlier Ordinances corresponding to sections 24 and 25 of the tenth Ordinance?

(3) Will Government state the number of convictions under the earlier Ordinances for offences similar to those created by sections 2 and 3 of the Bill to Supplement the Criminal Law?

THE HONOURABLE MR. M. G. HALLETT: (1), (2) and (3). The figures of convictions are as follows:

(*a*) Under section 24 of Ordinance X of 1932 and the corresponding section 23 of Ordinance II of 1932 71

(*b*) Under section 25 of Ordinance X of 1932 and the corresponding section 24 of Ordinance II of 1932 1

I regret I have no information as to the number of cases instituted.

PAYMENT OF GRATUITIES TO THE FAMILIES OF GOVERNMENT SERVANTS WHO DIE BEFORE RETIREMENT.

192. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: (*a*) With reference to the question of the Honourable Mr. Khaparde No. 53 of 20th September, 1932, will Government be pleased to state whether the Provincial Governments have approved the scheme? If not, how long do Government intend to keep it pending?

(*b*) Will Government be pleased to lay the scheme on the table with the replies so far received from the Provincial Governments?

THE HONOURABLE SIR ALAN PARSONS: (*a*) None of the Provincial Governments whose replies have been received have supported the scheme, and the Government of India have decided not to go on with it.

(*b*) I will consider laying papers, or, as they are very voluminous, a full résumé of them, on the table.

GRANT OF PUBLIC HOLIDAYS TO THE STAFF OF CURRENCY OFFICES.

193. THE HONOURABLE SARDAR SHRI JAGANNATH MAHARAJ PANDIT: With reference to the reply to question No. 53 of 9th July, 1930, will Government be pleased to state whether the general principle, which was communicated by the Controller of the Currency in 1921 to the Calcutta Currency Officer, has now been communicated to the other Currency Officers? If so, what public or sectional holidays are granted to the Currency staff by retaining only part of the staff to deal with urgent work in different Currency Offices in India?

THE HONOURABLE SIR ALAN PARSONS: The answer to the first part is in the affirmative. As regards the second part it is a matter entirely within the discretion of the head of the office.

OIL MINES IN ASSAM.

194. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) Are there any oil mines in Assam? If so, how many and where?

(2) Are any of them being worked now? If so, where, by whom and for how many years?

(3) Are these mines in Government lands or in permanently settled areas?

(4) Does the Government of the province or the Central Government derive any profit from the mines in the permanently settled areas? If so, in what way and how much in each case?

(5) Who gets the duties from the mines, the Government of Assam or the Central Government?

THE HONOURABLE MR. J. A. SHILLIDY: (1) There are no oil mines in Assam but oil is obtained from oil wells in different areas such as Digboi, Badarpur, Masimpur and Patharia.

(2) and (3). Assuming that the Honourable Member is referring to oil wells and not to oil mines, the answer to the first part of part (2) is in the affirmative. I regret that the remaining information asked for by the Honourable Member is not available.

(4) and (5). Royalties on minerals and dead and surface rents accruing from mines generally are credited to Provincial Governments. Ordinarily speaking, neither the Central Government nor the Provincial Government derives any direct profit from minerals extracted from permanently settled areas.

DUTY RECEIVED DURING LAST TEN YEARS FROM KEROSENE AND PETROL.

195. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) What were the amounts of duty on kerosene and motor spirit received by Government during the last ten years?

(2) Does the Government of Assam get any share of the duty? If so, what are the amounts which were received by the Government of Assam during the last ten years?

THE HONOURABLE SIR ALAN PARSONS: (1) The information is given in the Finance and Revenue Accounts of the years concerned. I think the Honourable Member will find it in Account No. 14.

(2) The answer to the first part is in the negative. The second part does not arise. I do not think the Honourable Member is referring to the share of the proceeds from the additional duty on petrol payable to the Local Government for road development.

ESTIMATE OF THE FEDERAL FINANCE COMMITTEE WITH REGARD TO ASSAM'S DEFICIT.

196. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Has Government examined the estimate of the Federal Finance Committee that Assam's deficit during the next five years is likely to be Rs. 65 lakhs a year? If so, with what result?

THE HONOURABLE SIR ALAN PARSONS: The Federal Finance Committee estimated that the deficit of Assam would be Rs. 65 lakhs in the earlier years of the Federation under more or less normal conditions. In the opinion of the Government of India there is no ground which would justify their questioning the figure arrived at by the Federal Finance Committee after prolonged study and examination of provincial witnesses.

DECISION ARRIVED AT WITH REGARD TO THE RECOMMENDATIONS OF THE FEDERAL FINANCE COMMITTEE.

197. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Has Government come to any decision with regard to the recommendations of the Federal Finance Committee?

THE HONOURABLE SIR ALAN PARSONS: No.

ANNUAL AVERAGE REVENUE AND EXPENDITURE OF ASSAM FOR THE YEARS 1921-22 TO 1931-32.

198. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) What is the annual average revenue of Assam from the year 1921-22 to the year 1931-32?

(2) What is the annual average expenditure per year during that period?

THE HONOURABLE SIR ALAN PARSONS: The information for which the Honourable Member asks can be obtained from the Finance and Revenue Accounts of the years in question. I think he will find it in Accounts Nos. 8 and 9.

FINANCIAL ADJUSTMENTS BETWEEN THE FEDERAL AND PROVINCIAL GOVERNMENTS.

199. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) Who is to make financial adjustments between the Federal Government and the Provincial Governments? If the Government of India, does it propose, in making the adjustment, to devise means to make up the deficit in Assam?

(2) If the adjustments are to be made by the Round Table Conference or the British Government, does Government propose to recommend to the authority concerned the desirability of devising means of making up the deficit in Assam?

(3) Has Government received any representation from the Government of Assam on the question of Assam's deficit? If so, has the representation been disposed of? If not, by when does Government expect to be able to dispose of it?

FINANCIAL ARRANGEMENTS FOR THE FINANCING OF THE FUTURE AUTONOMOUS PROVINCES.

200. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Has Government set up any machinery to go into matters relating to the financing of the future autonomous provinces? If so, what is that machinery and when was it set up?

THE HONOURABLE SIR ALAN PARSONS: With your permission, Sir, I shall answer questions Nos. 199 and 200 together. The financial arrangements under the new constitution have been under consideration for some time. The Honourable Member is no doubt aware of the Committees which have reported on this matter. The Round Table Conference now sitting will also deal with it. I think my Honourable friend may rest assured that the position of Assam will receive due consideration.

REPRESENTATION OF ASSAM AT THE THIRD ROUND TABLE CONFERENCE.

201. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Is Assam represented on the Third Round Table Conference? If not, why not? Has anybody been charged with the duty of looking after Assam's interests, constitutional and financial?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The representation sought in the Round Table Conference personnel was not of provincial units as such but primarily of important general Indian interests and views. Consequently, though a considerable degree of provincial representation has in fact been achieved it was not possible, consistently with the need for restricting numbers, to include persons directly representative of Assam. No delegate can be said to be charged with the duty of looking after any particular province's interests; all will take part in the general discussions on constitutional and financial matters and it may be taken that Assam will not lack consideration in these discussions.

VISIT OF HIS EXCELLENCY THE VICEROY OR MEMBERS OF THE EXECUTIVE COUNCIL TO ASSAM.

202. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Has the present Viceroy or any Member of his Executive Council visited Assam during His Excellency's term of office? Has His Excellency or any Member of his Executive Council any intention of doing so in the near future?

THE HONOURABLE MR. M. G. HALLETT: His Excellency the Viceroy has not so far paid any visit to Assam. His Excellency the Commander-in-Chief visited Assam in April, 1931 and the Honourable Sir Joseph Bhore in December of the same year. I cannot say at present whether His Excellency or any Members of his Council will be able to make tours there in the near future, but I understand that if the public interest permits some Honourable Members contemplate doing so.

APPROXIMATE DATE OF INTRODUCTION OF THE NEW CONSTITUTION.

203. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) Is Government in a position to state when the next constitution is likely to be introduced?

(2) Has the attention of Government been drawn to the recommendation of the Select Committee on the Criminal Law Amendment Bill, now before the Assembly, that the operation of the Bill should continue for three years from its commencement in order that it might remain in force till after the next constitution was brought into being?

(3) Has Government any idea as to when the deliberations of the Third Round Table Conference are expected to be concluded?

(4) Can Government state the approximate time when the Joint Parliamentary Committee is expected to meet, when the Government of India Bill is expected to be finally prepared, when the Bill is expected to be introduced in Parliament, and when it is expected to be passed?

(5) Is Government in a position to state whether it will be possible to introduce the next constitution in 1934 or before 1935?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (1), (3), (4) and (5). I regret I am not in a position to give any definite information on the points raised. But according to press accounts the Secretary of State is reported to have said at the opening of the Third Round Table Conference that he hoped the Conference would end about the 20th December, and added that if they were to get ahead with the Joint Select Committee at the next session of Parliament it was essential that His Majesty's Government should have time to consider the proposals of the Conference at the earliest possible moment.

(2) Yes.

EXTENSION OF THE LIFE OF THE ASSAM AND OTHER LEGISLATIVE COUNCILS.

204. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: (1) Is it a fact that the life of the Assam Legislative Council has been extended by His Excellency the Governor of Assam for one year with effect from 7th September last?

(2) Does Government intend further to extend the life of Provincial Legislatures in case it becomes impossible to introduce the new constitution before 1935?

THE HONOURABLE MR. M. G. HALLETT: (1) Yes.

(2) Under sub-section 1 (b) of section 72B of the Government of India Act the matter is one for the Provincial Governors to deal with.

GOVERNOR'S PROVINCE RANKING NEXT ABOVE ASSAM IN POINT OF REVENUE.

205. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: Which is the Governor's Province which comes next above Assam in respect of its revenue and what is its annual revenue ?.

THE HONOURABLE SIR ALAN PARSONS: It appears from the Finance and Revenue Accounts of the year 1930-31, the latest year for which the Accounts have been published, that the Central Provinces comes next above Assam. Its revenue in that year was Rs. 4,70 lakhs.

CONVICTIONS UNDER THE ORDINANCES IN FORCE IN ASSAM.

206. THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT: What Ordinances are now in force in Assam ? How many persons have up to now been convicted under the Ordinances there ? Has any political offender received pardon on giving an undertaking not to take part in any movement against Government ? If so, how many, with particulars as to the districts they come from ?

THE HONOURABLE MR. M. G. HALLETT: Sections 58—63 and 65—73 of Ordinance X of 1932 are now in force in Assam, in addition to those sections which are in force in all British India. 616 persons have been convicted under the Ordinances in that province up to the end of October, 1932 and 213 have been released on apology out of the total convicted, both under the Ordinances and the ordinary law, up to that date. I have no information as to the names of the districts from which they come.

ALLOTMENT OF A SPECIAL DAY FOR THE DISCUSSION OF THE STATEMENT IN REGARD TO THE WORKING OF THE CAPE TOWN AGREEMENT OF 1927.

207. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (on behalf of the Honourable Rai Bahadur Lala Jagdish Prasad): With reference to the statement made in the Council of State by the Honourable Member for Education, Health and Lands on the 5th April, 1932 regarding the working of the Cape Town Agreement of 1927, the desire of the House for a separate day being allotted for the discussion of the statement and the assurance given by the Honourable Khan Bahadur Mian Sir Fazl-i-Husain in response to that desire, will Government be pleased to state if it is their intention to allot a special day during the current session for the discussion of the question ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Sir, my promise was that, if Honourable Members wished to discuss the statement after studying it, a day would be allotted for this purpose during the Simla session. That session is over. The present session is an emergency one and presently there will be plenty for the Council to attend to, so Government regret that they cannot allot a day for this discussion in course of it.

THE HONOURABLE MR. G. A. NATESAN: Are the Government of India aware of the very serious agitation which is now being pursued by Indians in South Africa against the provisions of the Transvaal Asiatic Tenure Act and the fact that they have also refused to give evidence before the Feetham Commission ? Having regard to the interest now aroused in reference to this matter will Government at least consider the desirability of issuing a Communiqué on the present situation ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Government are in very close touch with the developments that are taking place in South Africa and when there is anything to be communicated to the public in India, a suitable opportunity will be taken to communicate it.

APPOINTMENT OF THE HONOURABLE MR. BIJAY KUMAR BASU TO THE LIBRARY COMMITTEE OF THE INDIAN LEGISLATURE.

THE HONOURABLE THE PRESIDENT: The resignation of Sir Dinshaw Wacha created a vacancy on the Library Committee. I am glad to inform the House that the Honourable Mr. Bijay Kumar Basu has accepted my invitation to fill that vacancy.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to Supplement the Criminal Law which was passed by the Legislative Assembly at its meeting held on the 7th December, 1932.

RESOLUTION *RE* DRAFT CONVENTION AND RECOMMENDATION CONCERNING THE AGE FOR ADMISSION OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE AT ITS SIXTEENTH SESSION.

THE HONOURABLE MR. A. G. CLOW (Government of India: Nominated Official): Sir, I move:

"That this Council having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its sixteenth session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

It is a matter of regret to me that this recommendation should be couched in the negative form that it takes. The subject of the Convention is one which I am sure will appeal to all Honourable Members of this House. It represents one of the now numerous efforts to ensure that childhood shall be really childhood and not an anticipation or an aggravation of the toils of adult life

[Mr. A. G. Clow.]

As Honourable Members may have observed, the Convention contains provisions specially designed to meet the case of India, which makes it the more unfortunate that we are not able to accept those provisions. I hope, however, to be able to convince the House that the ratification of this Convention is impracticable, indeed impossible, in existing circumstances.

In September last, the Department to which I belong circulated to Honourable Members copies of the Report prepared on this Conference by Sir Bhupendra Nath Mitra and Sir Atul Chatterjee who represented the Government of India there, and appended to that Report were copies of the Draft Convention and the Recommendation. As all Honourable Members possibly have not brought their copies, a few spare copies of the Convention will be found in front of them. The Recommendation, to which I do not propose to refer again, is partly an amplification of the Convention and partly a guide to the methods which the Conference thought were best suited to the enforcement of the Convention.

I think it will assist the discussion of the subject if I indicate very briefly how the Convention came to take its present form. When these proposals were first mooted, the Government of India consulted Local Governments, and the information they received indicated that it would probably be very difficult to make any progress along the lines that the Conference desired. But in view of the great importance of the subject—the importance properly attached to it in international circles—they felt that they should make an effort to try and meet the Conference half-way, and they therefore instructed their delegates to press for certain special conditions for India. I would refer only to two of these—the first, and perhaps the less important, was that the age limit should be fixed at 10 years instead of at 14 which the Conference was contemplating generally and the second, the vital condition, that the Convention in respect of India should apply only to certain specified occupations. Sir Bhupendra Nath Mitra put these points forcibly before the Committee which considered the question and he received support from a most valuable quarter. M. Albert Thomas, the Director of the International Labour Office, a dynamic personality, whose death immediately after the Conference was a loss, not merely to Geneva, but to Labour throughout the world, came to the Committee and urged on it strongly the acceptance of the Indian proposals. He warned the Committee that the acceptance of those proposals offered the only chance of ratification by India, and the Committee agreed to the proposals. But when they came to the full Conference, they were met by a certain amount of criticism and after some confused debate, different proposals were put before the Conference by a lady from Spain. Sir Bhupendra Nath Mitra protested, but the Spanish lady's proposals were carried by a small majority and, as a result, the Indian Government delegates and the Indian Employers' delegate, Mr. Shanmukham Chetty, found themselves unable to support the Convention by their votes. I might add that they shared that position with a number of other Government delegates, including the Government delegates from Great Britain and from Japan.

Now, I would ask Honourable Members just to consider what the Convention does. I am not going through the provisions in detail, because there are really only two articles that apply to India, article 1 and article 9, apart from certain formal and supplementary propositions. Article 1 defines the scope of the Convention and article 9 contains the special provisions for India. The Convention, as the preamble and the title and article 1 indicate, applies to non-industrial employment, and it is proposed that in India three things shall be done. In the first place, much the most important, children

under 10 should be excluded from all non-industrial employment. In the second place, older children should be excluded from certain street and itinerant occupations; and in the third place, children under 14 should be excluded from occupations involving certain dangers and risks. I would ask Honourable Members to concentrate particularly on the first point, which is the exclusion of young children from all non-industrial occupations, and I suggest that they put to themselves a question which I have put to several of my friends of different communities. If this Convention were accepted, what children in India would be affected? In other words, what children under 10 are employed in non-industrial occupations? They may find that question at first a little difficult to answer. Some of those to whom I spoke thought of tennis courts and golf courses where very young children are sometimes employed in getting tennis balls and in looking for golf balls. Undoubtedly that would come under the Convention. More than one Local Government which was consulted indicated that so far as was known there was no substantial non-industrial occupation which would come under these provisions. I think most Honourable Members would agree that there are probably a small number of children scattered over various occupations, casually employed, under ten, and there is at least one occupation of importance in which, in some provinces at least, probably a considerable number of young children are employed. I refer to domestic service. I need not remind Honourable Members that we are dealing with non-industrial employment only; that is, all industry and all agriculture is excluded, and perhaps the most important of the remaining occupations is, I suggest, domestic service. Now that affords a good example of the main, indeed the only reason why this Convention cannot be ratified. It is not that we want to see children under 10 employed. Far from it. It is not that their labour is in any way essential or that India would suffer if they ceased to work tomorrow. It is simply the difficulty of enforcing the Convention. Remember that these children employed in domestic service are not concentrated in towns. They are scattered throughout the length and breadth of India. How are we going to enforce in the various houses, one child here and one child there, a Convention of this kind? I do not think I would get much support here or in any Provincial Council if I suggested, even if we could find the money, that the police might be strengthened and granted powers of entry into private houses for the purpose of enforcing the Convention. The other alternative would be the employment of special staff; and I must leave it to Honourable Members to form some picture of the size of the staff that would be required for excluding what is probably on the whole a very small number of children from certain occupations in which at present they find comparatively light work.

In conclusion, I would remind the Council that the proposals in this Convention are not the only proposals recently made for stopping the employment of young children. These proposals relate to non-industrial employment, but there are a large number of young children engaged in certain forms of industrial employment. The Whitley Commission in their Report called special attention to the case of children who are employed in what are known as unregulated factories, that is, in workshops where such occupations as weaving carpets, splitting mica, making *biris* and things of that kind are carried on, and they suggested that the first step should be to exclude children under 10 from that kind of workshop and to limit the hours of elder children. India is a country of very limited resources and that makes it the more important that any resources we can find should be devoted where they are most needed. I have no doubt personally that the needs of children employed in industry are far greater than those of any children coming under this Convention speaking

[Mr. A. G. Clow.]

as a whole. I cannot attempt to prophesy in the present difficult circumstances at what rate progress will be made; but I would put it to the Council that whatever steps we are able to take should be directed first towards those children who are employed in industry. If Local Governments, owing to the acceptance of this Convention, found themselves obliged to deal with non-industrial employment they would find, I think, Sir, that such resources as are available for progress in protecting child labour would be mortgaged for years to come, so that progress in other directions would be impossible. Not only is the need greater in industry, but the possibilities of enforcement are very much greater, because there you are dealing with children employed frequently in comparatively large groups and generally in the bigger towns. In suggesting that it is along that direction that we ought to move as soon as we can move, I think I can claim the support of the International Labour Conference itself. This is a supplementary Convention. It is intended to supplement several Conventions relating to industry, to agriculture and to maritime employment. The Conference itself dealt with industrial employment in the year 1919, whereas this Convention was only framed last year. It seems to me therefore that we should tackle that question first. If and when we have been able to make some progress with the difficult question—for even that is not going to be easy—of children in industry, it will be time to turn, if we still have resources left, and consider what can be done with the very much less important and very much more difficult question of children in non-industrial employment.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, the question involved in this Resolution can be looked at from two different points of view and I only want that the Members who represented this Council on the Committee when they considered this question will extend to us the courtesy of giving some sort of lead in this matter because they had the opportunity of discussing this matter in the Committee. The question involved is very difficult from both points of view, the point of view that was placed before us by the Honourable Mr. Clow and also the point of view that we feel, namely, that children under a particular age should not be employed but should be left to do some other work so that they may be more useful to the country after they become youths. Before we make up our minds I would ask the Honourable Members who represented us on the Committee to give us the benefit of their discussion there.

THE HONOURABLE MR. E. MILLER (Bombay Chamber of Commerce): Sir, I think the Honourable Mr. Clow has made it abundantly clear that he and the Government are in full sympathy with the protection of child labour. We know Mr. Clow's efforts in this direction and that he has very great sympathy for anything of that nature. I think he has made it quite clear that this particular proposed reform is impractical because it cannot be enforced and for that reason I support the Resolution.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa Muhammadan): Sir, I rise to speak on this motion with some temerity because I am not very conversant with the subject, but I wish to enter a protest against the manner in which the Government is utilising this House. This Resolution could have been moved in the other House as well. It is not necessary that this should be ratified by the Upper House.

Because they find that they can have an easy time and can get through any measure according to their own desire they bring forward this sort of Resolution in this House simply to lower the dignity and the regard in the public esteem for this House. This Convention is not being ratified because the Government does not find itself able to do so. The Honourable Mr. Clow stated that India was prepared to accept the Convention if certain amendments were made in it, but he failed to inform us when the Government intend to bring forward a measure on the lines which they suggested to the Conference; but if they had come forward and said that they would introduce in this House a measure according to their own lights, we would have seen no reason to oppose it, because I quite agree with the Government in thinking that it is impossible to give effect to all these provisions in the Convention. But when the Government have accepted that certain steps could be taken, unless we have the assurance from the Government that they are going to bring forward a measure on the lines suggested by the Indian delegates, we cannot, Sir, support this measure.

THE HONOURABLE MR. A. G. CLOW: Sir, in view of the modest silence of members of the Standing Committee attached to the Department of Industries and Labour, I think I ought to explain to the House that the Resolution which stands in my name was put forward after consulting them and represents their views.

I would just like to say in reply to what has fallen from the Honourable Member who spoke last that I was very greatly surprised to hear his suggestion that the dignity of this House was in any way being infringed by the present Resolution. The Resolution is put before this House in consequence of a Treaty obligation. Government are obliged within a year or 18 months of the conclusion of the Conference to put before the competent authority Conventions of this kind. The competent authority in this case is the Indian Legislature and a Resolution in identical terms has been tabled in both Houses. I do not think that Government can be blamed if the other House has found itself somewhat preoccupied and has been unable as yet to find time to deal with this Resolution. I am surprised that the Honourable Member should have made a charge of this kind and I hope he will realise on reflection that it is entirely unjustified.

He went on to say that India was prepared to accept the Convention if certain modifications were made in it. If I conveyed that impression, I misled the House. What I said was that the Government of India suggested certain special provisions, but I did not say that India would accept the Convention if those special provisions were embodied. I do not attempt to disguise from the House the fact that we should have been faced with by no means an easy problem if our original proposals had been accepted; but it would have rested with the Legislature to consider whether anything was possible along those lines.

THE HONOURABLE THE PRESIDENT: The question is, that the following Resolution be adopted:

"That this Council having considered the Draft Convention and Recommendation concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference at its sixteenth session, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

The motion was adopted.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I beg to propose that Wednesday next the 14th instant——

THE HONOURABLE THE PRESIDENT : If the Honourable Member would wait a moment I think the Honourable Leader of the House is going to make some remark on that subject.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Government, Sir, have no occasion to suggest that the Bill which has been laid on the table this morning should be proceeded with before the expiration of the ordinary period of notice, and I would suggest that the Council might meet for the consideration of the Bill on Monday next and from day to day thereafter until the Bill has been disposed of. If this course is adopted there is a possibility that further business may reach the Council before the sittings devoted to the Bill terminate.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I propose that Wednesday next the 14th instant be fixed for the consideration of the Bill to supplement the Criminal Law. Sir, some of us will be going to Dehra Dun to attend the inauguration ceremony of the Military Academy there and it will be rather difficult for us in particular to consider well and put in the amendments within the time limit. Besides this, Sir, this Council has still to dispose of other legislative measures which are now under consideration and discussion in the Assembly and it is not likely, Sir, that those measures will be decided there before Wednesday next. There seems no hurry therefore in the matter, Sir, and so I beg to make this proposal.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : May I enquire, Sir, from the Leader of the House when the Ottawa Bill is likely to reach this House ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Much as I should like to possess the capacity to see into the future, especially where the Assembly is involved, I am afraid I do not possess that capacity yet ! However, from lobby gossip it appears that there is a possibility of the other House passing the Ottawa Bill towards the end of the next week as it is understood from lobby gossip that the Members have now developed a keen desire to leave Delhi before Sunday week.

THE HONOURABLE SIR MANECKJI DADABHOY : Sir, I do not know what is the general opinion of the House on this subject, but speaking for myself I think Monday next would by no means be a very early date for the discussion of this Bill. My Honourable friend, Lala Ram Saran Das, has mentioned that many Members are going to Dehra Dun to attend the opening of the Military College and it might be difficult for some of them to put in their amendments. Today is only Thursday and if the amendments can be lodged by tomorrow the Bill could be easily brought for discussion on Monday next ; especially if the other Bill is likely to reach this House next week, it will be much better that the debate on this important Bill should be finished before the other Bill comes to this House as many people here are equally anxious, as the Honourable the Leader of the House has told us the Members of the Assembly are, to go away from this place. However, if it is the general opinion of this House that the Bill should be taken up on the 14th, I shall not oppose it.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, speaking for myself, it is a matter of indifference whether this Bill is taken up for discussion on Monday or Wednesday, but in view of the fact that we have not been doing anything for nearly a week and that it is very difficult for the Members here simply to mark time while the Assembly is having these elaborate discussions of things in the other House, I urge that it is desirable that the discussion may be taken up on Monday. Sir, the only objection that could be taken to this course is the want of opportunity for the Honourable Members of this House to study the provisions of the Bill. As regards this, Sir, I may bring to the notice of the Honourable Members of this House that, though the Bill has been tabled today it was published in the Government of India Gazette in September, 1932 ; consequently sufficient time has been afforded to the Members of this House to consider the provisions of this Bill and make up their minds as to what they ought to do. Therefore, Sir, if my own view was consulted I would urge that the discussion be taken up on Monday.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, I support the last two speakers. Some of us have been waiting here for some considerable time for work and I am sure the Honourable Mr. Hussain Imam would agree that it would not be in accord with the dignity of the House that when work is put before us we should appear to run away from it. The only possible reason why there should be any delay is that the House may not have had sufficient time to examine the Bill : the Bill has been public property during two sessions and during the last few days of enforced leisure every Member should have had sufficient time to consider any amendments he wants to move. I therefore suggest that the Bill be taken up as early as possible.

THE HONOURABLE THE PRESIDENT : There seems to be a majority view in favour of taking the Bill up on Monday. I have to say that I am somewhat impressed by the reasons advanced by the Honourable Member from Lahore for a little further delay in considering the Bill. I do realise that in the circumstances, as some Honourable Members have to be away in the course of the next few days, they may possibly be handicapped to some extent in the framing of amendments to the Bill and putting those amendments in with due notice. If the Bill is taken up on Monday the amendments must be tabled on Saturday. However, I think the general view is that we should proceed on Monday and therefore I adjourn the House till that day, which will be the 12th of December.

The House then adjourned till Eleven of the Clock on Monday, the 12th December, 1932.

COUNCIL OF STATE.

Monday, 12th December, 1932.

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

MEMBERS SWORN:

The Honourable Khan Bahadur Dr. Sir Nasarvanji Choksy, Kt., C.I.E. (Bombay : Nominated Non-Official).

The Honourable Khan Bahadur Jamshedji Bejanji Vachha (Government of India : Nominated Official).

QUESTIONS AND ANSWERS.

WORK DONE BY SIR WALTER LAYTON IN CONNECTION WITH THE SIMON COMMISSION.

208. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) whether it is a fact that Sir Walter Layton was brought out to this country to deliberate upon the important financial questions affecting the future relations of India and England in connection with the Simon Commission;

(*b*) whether it is a fact that his report on Indian financial questions received the approbation of both the Government of India and the Government at home?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) and (*b*). Sir Walter Layton acted as Financial Assessor to the Indian Statutory Commission. Comments on his financial proposals in connection with that Commission's Report will be found in the Government of India's Despatch on Proposals for Constitutional Reform, dated 20th September, 1930, which is available in the Library.

ELECTIONS IN BURMA.

209. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state:

(*a*) whether the anti-separationists have triumphed everywhere in the recent elections in Burma;

(*b*) if so, whether such a contingency was ever anticipated by the Government of Burma;

(*c*) if the answer to (*b*) is in the affirmative, when was it that such an apprehension first came to be entertained by the Burma Government;

(*d*) whether the significance of the anti-separationist movement has been taken note of and duly communicated to His Majesty's Government in England ;

(*e*) whether in view of this development in the political situation arising in Burma the Round Table Conference that has been sitting in London will have to revive the Burma question over again?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I regret it is not possible for me to make any statement until the separation issue has been debated and voted upon in the Burma Legislative Council. In this connection I invite the Honourable Member's attention to the Reuter's report of the replies given by the Secretary of State in the House of Commons on the 16th November to questions on the subject.

SEPARATION OF ORISSA FROM BIHAR.

210. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state :

(*a*) whether or not the Orissa Boundary Committee have found against the question of separation of Orissa from Bihar ;

(*b*) whether or not the Government of India have accepted the conclusions of the Orissa Boundary Committee in that respect ;

(*c*) why it is that a fresh movement has been started for the dismemberment of that province from Bihar ;

(*d*) whether such a movement has the sympathy and support of the Government of India ;

(*e*) whether the financial questions affecting the separation question have all been finally analysed and solved ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) and (*b*). The Honourable Member will find from its terms of reference that the Orissa Enquiry Committee was not required to report on the issue whether or not Orissa should be separated. The Committee therefore made no recommendation for or against the separation of Orissa.

(*c*) I have some difficulty in following this part of the Honourable Member's question. I understand that for some time past Oriyas have been claiming a separate province.

(*d*) and (*e*). After consulting Local Governments and examining the financial aspects the Government of India have communicated their views on the separation of Orissa to the Secretary of State. I regret I cannot at this stage disclose what those views are.

PROGRESS OF THE UNITY CONFERENCE AT ALLAHABAD.

211. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state :

(*a*) whether they have kept themselves posted day to day about the deliberations of the Unity Conference at Allahabad ;

(*b*) if so, the manner or way in which they have kept themselves informed about the proceedings ;

(*c*) whether copies of resolutions relating to the decisions arrived at in the Conference have come to them from the conveners thereof ;

(*d*) if so, whether they have duly communicated to His Majesty's Government the texts of such resolutions ;

(*e*) also whether they have apprized the delegates to the Third Round Table Conference of those resolutions ?

THE HONOURABLE MR. M. G. HALLETT: (*a*) and (*b*). Government have kept themselves informed of the proceedings of the Unity Conference through Press reports.

(*c*) No.

(*d*) and (*e*). Do not arise.

EVIDENCE COLLECTED BY THE OTTAWA COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

212. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA: Will Government be pleased to state :

(*a*) the names of persons who were invited to the Assembly Select Committee on the Ottawa Agreement ;

(*b*) the respective bodies which they represented ;

(*c*) the academical and other qualifications that those witnesses possessed in order to entitle them to figure as expert witnesses before that Committee ;

(*d*) who of those witnesses have favoured the Agreement ;

(*e*) who of them have opposed it ;

(*f*) whether other persons than those examined by the Committee had sent printed memoranda to the Committee and had shown their willingness to give evidence before it ;

(*g*) if so, the names of all those persons whose offer to give evidence was not accepted by the Committee ?

THE HONOURABLE MR. J. C. B. DRAKE: The attention of the Honourable Member is invited to the two reports submitted by the Committee to the authority that appointed it, namely, the Legislative Assembly, which, as he may have noticed, have been published in Part I of the Gazette of India, dated the 3rd December, 1932. The Government of India are not able to disclose any information relating to the work of the Committee which the Committee itself has not deemed it necessary to make public.

LICENCES ON THE BURMA OILFIELDS.

213. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government be pleased :

(*a*) to state whether licences on the Burma oilfields have been given to one company or more and the name or names of the same and when such licences will expire ;

(*b*) to lay on the table the terms and conditions of such licence or licences ;

(*c*) to state whether at the expiration of the present licence or licences public tenders will be invited for future licences ? If the reply is in the negative, the reason therefor ?

THE HONOURABLE MR. J. A. SHILLIDY : (*a*) Prospecting licenses and mining leases for oil have been given to a number of companies and individuals in Burma. The names of the licensees and lessees, and the dates of expiry of the licenses and leases will be found in the Report on the Mineral Production of Burma which is issued annually by the Government of Burma.

(*b*) and (*c*). Development of mineral resources is primarily the concern of Local Governments and mining concessions are granted by them in accordance with the Mining Rules. A copy of these rules and of the standard Forms of Prospecting Licences and Leases is available in the Library of the Legislature.

EXPORTS OF CERTAIN COMMODITIES TO CERTAIN FOREIGN COUNTRIES.

214. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM : Will Government give the figures of India's Export Trade in the following commodities to the following countries in the last three years :

Countries.	Commodities.
Germany	Wheat.
Germany, Czechoslovakia	Coffee (raw).
Germany, Czechoslovakia, Holland	Tea.
Germany, France, Switzerland	Tobacco (unmanufactured).
U. S. A.	Castor seed.
Germany, France, Czechoslovakia	Coir mats, matting.
Germany, France, Switzerland	Tanned hides.
Germany, France, Belgium	Jute cloth and raw jute.
Germany, France, U. S. A., Czechoslovakia	Woollen carpets, rugs.
Germany, France, Czechoslovakia	Linseed oil.
Germany, France	Groundnut oil.
Germany, France, Japan	Pig iron.
U. S. A.	Jute fabric and raw jute.

THE HONOURABLE MR. J. C. B. DRAKE : I lay on the table a statement containing the information asked for.

Statement showing figures of India's exports of certain articles to the countries mentioned below in the years 1929-30 to 1931-32.

Article and country.		1929-30.		1930-31.		1931-32.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
			Rs.		Rs.		Rs.
Wheat	Tons	*Nil*	*Nil*	70	7,000	*Nil*	*Nil*
Germany							
Coffee (raw)	Cwts.	15,181	12,19,135	21,893	13,77,283	16,318	9,94,625
Germany		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Czechoslovakia							
Tea	Lbs.	189,527	1,66,072	146,220	1,18,560	106,481	80,609
Germany		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Czechoslovakia		84,172	49,707	76,136	45,709	79,033	42,030
Holland (Netherlands)							
Tobacco (manufactured)	Lbs.	12,000	2,332	295,216	31,527	*Nil*	*Nil*
Germany		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
France		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Switzerland							
Castor seed	Tons	50,987	1,01,46,527	39,519	64,62,970	34,743	48,49,656
United States of America							
Coir mats, matting	Tons	7,913	23,81,617	4,780	15,63,605	4,624	11,59,262
Germany		3,258	10,15,625	3,151	9,57,658	3,609	9,16,442
France		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Czechoslovakia							
Tanned hides	Tons	*Nil* 1	1,200	1	3,600	*Nil*	25
Germany			2,100	*Nil*	600	*Nil*	*Nil*
France		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Switzerland							
Jute cloth and raw jute							
Jute cloth	Bags No.	2,595,975	10,26,773	1,776,591	6,52,414	1,712,800	4,90,090
Germany	Cloth Yards	1,240,500	2,06,435	2,535,500	2,88,802	1,673,300	1,59,515
	Bags No.	2,074,427	7,34,514	1,076,500	3,24,862	749,786	1,85,999
France	Cloth Yards	25,000	4,000	*Nil*	*Nil*	*Nil*	*Nil*
	Bags No.	12,491,400	37,77,274	11,975,547	28,71,503	6,721,200	14,61,748
Belgium	Cloth Yards	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*

Statement showing figures of India's exports of certain articles to the countries mentioned below in the years 1929-30 to 1931-32—contd.

Article and country.		1929-30.		1930-31.		1931-32.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Jute cloth and raw jute—contd.			Rs.		Rs.		Rs.
Raw jute	Tons						
Germany		216,467	7,40,63,511	168,976	3,50,45,783	130,853	2,43,68,769
France		106,473	3,61,64,575	89,268	1,84,63,451	51,869	99,34,143
Belgium		46,298	1,54,36,564	47,915	90,32,878	45,869	84,13,007
Woollen carpets, rugs	Lbs.						
Germany		1,805	6,574	7,106	18,380	9,074	7,659
France		23,196	84,238	7,775	11,708	3,539	6,582
United States of America		1,127,295	36,02,820	840,197	20,92,243	553,742	10,87,410
Czechoslovakia		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Linseed oil	Gallons						
Germany				3	15	25,062	35,188
France		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Czechoslovakia							
Groundnut oil							
Germany		20	37				
France		*Nil*	*Nil*	*Nil*	*Nil*	*Nil*	*Nil*
Pig iron	Tons						
Germany		14,723	6,72,956	11,032	4,27,716	13,022	4,54,842
France		*Nil*	*Nil*	1,099	24,189	*Nil*	*Nil*
Japan		349,512	1,58,63,071	160,584	64,11,426	188,106	65,75,921
Jute fabric and raw jute							
United States of America. Jute fabric.	Bags	16,972,340	51,45,868	10,585,300	25,40,651	2,408,900	13,51,328
	Cloth Yards	1,071,908,666	18,25,14,948	852,798,377	10,65,67,244	692,368,265	6,56,56,906
Jute raw	Tons	79,386	2,52,17,031	53,060	1,04,48,323	49,115	91,23,237

COMMUNAL COMPOSITION OF HIGH COURTS.

215. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will Government give the following information about each of the High Courts in India:

(*a*) Total permanent strength on 31st March, 1932.

(*b*) Total additional appointments since 31st March, 1932.

(*c*) Total number of Indian Civil Service Judges.

(*d*) Total number of directly appointed Judges.

(*e*) Total number of non-Indian Civil Service official Judges.

(*f*) Total number of European Judges.

(*g*) Total number of Muslim Judges.

(*h*) Total number of non-Muslim Indian Judges.

THE HONOURABLE MR. M. G. HALLETT: I have called for the information and will communicate it to the Honourable Member when received.

INSURANCE PAYMENTS MADE IN RESPECT OF BRITISH SOLDIERS ON THE INDIAN ESTABLISHMENT UNDER THE NATIONAL HEALTH INSURANCE ACT AND UNEMPLOYMENT INSURANCE ACT.

216. THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: (1) With reference to the reply to my question No. 150 on the 29th November, have Government considered the effect of:

(*a*) the words "not being a soldier of His Majesty's Indian Forces" in sub-section (*1*) of section 57 of the National Health Insurance Act, 1924;

(*b*) the references to employment in the United Kingdom in the First Schedule to that Act and to the Unemployment Insurance Act, 1920;

(*c*) the excepting provisions in paragraph (*a*) of Part II of the First Schedule to the National Health Insurance Act, 1924, and paragraph (*c*) in Part II of the First Schedule to the Unemployment Insurance Act, 1920;

(*d*) the words "out of moneys provided by Parliament" in sub-section (*1*) of section 41 of the Unemployment Insurance Act, 1920?

If so, with what result?

(2) Has Parliament sanctioned the payments by the Government of India towards unemployment insurance?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (1) Government have considered the effect of the provisions quoted by the Honourable Member and have the following observations to make:

(*a*) The Honourable Member has apparently failed to realise that insurance payments are made in respect only of British soldiers on the Indian establishment and that such British soldiers are not part of His Majesty's Indian Forces.

(*b*) The Schedules in question specify insurable employments embraced by section 1 of the two Acts in question and have no application with reference to section 57 of the National Health Insurance Act and section 41 of the Unemployment Insurance Act, which operate irrespectively of the part of the world in which British soldiers, sailors and airmen are for the time being serving.

(c) (The Honourable Member has failed to observe that the excepting provisions in question are themselves qualified by the words "except as otherwise provided in this Act".

(d) Payments under the section in question are made out of moneys provided by Parliament, the payment from Indian revenues not being a payment under the section but a payment made to His Majesty's Government in pursuance of an arrangement arrived at between the two Governments.

(2) No, Sir. The position has been explained in my reply to part 1 (d).

ARRANGEMENTS FOR THE COLLECTION OF MUSLIM INSCRIPTIONS.

217. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: (a) Is it a fact that there is a well equipped staff to deal with Southern India inscriptions and that their collection still continues in spite of these days of financial stringency?

(b) Is it a fact that no such staff or arrangements exist so far as the collection of Muslim inscriptions is concerned?

(c) If the answer to (b) above is in the affirmative, will Government please state why no action was taken by them on the matter being brought to their notice several years ago in this Council?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) The gazetted staff for dealing with inscriptions in Sanskrit and allied languages has been reduced from five officers to three as a measure of economy.

(b) and (c). Yes. Government have a part-time Epigraphist to deal with Muslim inscriptions and in 1930 the post of an Assistant to help and understudy him was sanctioned, but has not been filled owing to the prevailing financial stringency. When conditions improve, Government will reconsider this matter.

PUBLICATION OF VOLUMES DEALING WITH SOUTH INDIAN INSCRIPTIONS.

218. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: (a) How many volumes of the Southern India Inscriptions (Texts and Texts and Translation Series) have so far been published and how many are in hand at the present moment?

(b) Is it a fact that besides the number of volumes of Southern India inscriptions, so far published, the volumes on Telugu and Kanarese have been entrusted to outside scholars? If so, what expense was involved?

(c) If the answer to the first part of (b) is in the affirmative, will Government please state why it was considered necessary to seek outside help?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) Six volumes of the South Indian Inscriptions (Texts and Texts and Translation Series) have so far been published. Volume VII has been passed for final printing and material for others is in hand.

(b) There were impressions of about 18,000 unpublished records stored in the Epigraphical Office at Madras including 1,800 Kanarese and 2,000 Telugu inscriptions. In response to persistent questions in the Assembly and continued complaints from scholars, it was decided to entrust the task of editing the Kanarese and Telugu inscriptions to two outside scholars who alone could do justice to them as this arrangement was considered to be most economical. It was also decided that the material should be published in four volumes at a cost of Rs. 5,000 each (honorarium, stationery, travelling allowance, etc.). The remaining 14,000 inscriptions are being dealt with by the staff in the Epigraphical Office at Madras.

(c) If the task of publishing these 18,000 inscriptions were left to the staff attached to the Epigraphical Office at Madras, unaided by outside scholars, it might remain unaccomplished for many years.

TRANSFER OF THE SUPERINTENDENT FOR EPIGRAPHY TO MADRAS AND HIS SPECIAL PAY.

219. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: (a) Is it a fact that the Superintendent for Epigraphy was formerly attached to the office of the Government Epigraphist and has now been transferred to Madras and is solely responsible for the Madras Epigraphy Office and the publication of Southern India inscriptions and the Epigraphy Report?

(b) If the answer to (a) is in the affirmative, will Government please state why the special pay of Rs. 100 is still allowed to the Government Epigraphist?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) Yes, but he continues to be the Government Epigraphist throughout India for non-Muslim epigraphy.

(b) The special pay of Rs. 100 per mensem to the Government Epigraphist has been granted in view of his special responsibilities which, as stated, include the control of non-Muslim epigraphical work under this Department throughout India.

CONTRACT FOR REPAIRS TO THE MINAL TALAO AT DHOLKA.

220. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: (a) Is it a fact that the contract for the repairs to the Minal Talao at Dholka has been given by the Archæological Superintendent to one of his relatives at higher rates than those tendered by approved contractors?

(b) Will Government please state whether the work has been inspected by any archæological officer and whether the work done by the contractor was in accordance with the specifications?

(c) Is it a fact that the Superintendent passed the contractor's bills without checking the measurements, etc., and in certain cases made excess payments?

(d) If the answer to (c) above is in the affirmative, what action does Government propose to take in the matter?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) to (d). The matter is under investigation and Government regret that they are not in a position to make any statement in regard to it.

GRIEVANCES OF A GOODS VENDOR AT SIKANDRA.

221. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ: (a) Is it a fact that the goods of the vendor at Sikandra were thrown out of the stall by a choukidar of the Archæological Superintendent at Agra?

(b) Is it a fact that the vendor reported the matter to the Superintendent?

(c) Is it a fact that the Superintendent threatened the vendor with confiscation of his security and turning him out of the stall?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) No. The vendor was merely asked to remove his goods from the gate-keeper's room where he had stored them without proper authority.

(*b*) Yes.

(*c*) In view of the tone of the vendor's telegram and his having stored his goods in the gate-keeper's room without proper authority the Superintendent called upon him to explain why his licence should not be cancelled and the money deposited by him forfeited to Government.

REPRESENTATION FROM THE MUSLIMS OF JAUNPORE PROTESTING AGAINST THE APPOINTMENT OF A HINDU SUB-OVERSEER TO LOOK AFTER CERTAIN MONUMENTS.

222. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ : (*a*) Will Government please state whether the Archæological Department received a representation from the Muslim citizens of Jaunpore amongst the signatories being Government officers—protesting against the appointment of a Hindu subordinate to look after the monuments which the Muslims hold in religious veneration ?

(*b*) How long is it since the representation was received and has any action been taken by the Archæological Department or any reply sent to it ? If not, why not ?

(*c*) Was any Muslim subordinate previously employed at Jaunpore and if so, has he been retrenched and replaced by a Hindu ? If so, why ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*) Yes.

(*b*) The representation was received in the Director General of Archæology's Office on the 18th May, 1932. Enquiries were thereafter made as to the possibility of replacing the Hindu sub-overseer at Jaunpore by a Muhammadan, and one of the signatories to the representation was informed that the matter was receiving attention.

(*c*) Yes ; the Muslim subordinate in question was retrenched as he was the junior-most sub-overseer. A Hindu already in service was transferred to take his place as there was no Muhammadan sub-overseer available.

NUMBER OF JUDGES IN THE CALCUTTA HIGH COURT.

223. THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ : (*a*) Will Government kindly state the total number of High Court Judges in Bengal ?

(*b*) Is it a fact that there is only one Muslim Judge on the Bench of the Calcutta High Court ?

(*c*) Will Government give the reasons for not appointing more Muslim Judges in the Calcutta High Court ?

THE HONOURABLE MR. M. G. HALLETT : (*a*) Sixteen including the Chief Justice and an Additional Judge.

(*b*) Yes.

(*c*) As stated before in this House, permanent appointments to the High Courts are made by His Majesty under section 101 of the Government of India Act. The main consideration in filling vacancies is necessarily that of legal qualifications subject to which the claims of Muslim candidates receive careful consideration. Such appointments are not filled on a communal basis.

ACTION TAKEN ON THE REPORT OF THE DRUGS ENQUIRY COMMITTEE.

224. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (on behalf of the Honourable Sir Phiroze Sethna) : Will Government be pleased to state :

(*a*) When they propose to take action on the Drugs Enquiry Committee Report ?

(*b*) Why they have not done so already ?

(*c*) Whether they propose to issue a statement of their conclusions on the Report at an early date ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (*a*), (*b*) and (*c*). The Report did not become available in print until towards the end of last year. Some time had then to be spent by the Government of India in making a preliminary examination of the Report in consultation with their technical advisers. The next stage was to invite the views of Local Governments who are intimately concerned with the recommendations contained in the Report. Their replies are expected by the 1st January, 1933, and until they are received, it is not possible for the Government of India to formulate any conclusions.

DEATH OF SIR NARASIMHA SARMA.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House) : Sir, I have to mention with your permission the great loss India has suffered on account of the sudden death of Sir Narasimha Sarma, who was for a number of years a Member of this Council, and a Member of His Excellency the Governor General's Executive Council. He had a distinguished career before he was appointed a Member of the Executive Council. He was a most industrious, painstaking and diligent student of politics. As a Congress man he rendered great service to his country. The great courage he showed at the Amritsar Congress marked him out as a man who was prepared to hold views of his own and was not afraid of expressing them wherever he happened to be. His work as a Member of His Excellency the Governor General's Executive Council was marked by the same qualities which had distinguished him in public life, great industry, great interest in his work and a very high order of efficiency. His administration was of a very superior kind. I remember very well in 1925, when I was in office for a few months, how he impressed me with the tremendous knowledge that he possessed and the great perseverance he exhibited in discussions and holding to his views, even when he happened to be the only Member holding those views. It is a great loss to the country at such a critical juncture. It is true that on relinquishing his office here, he did not return to political life, but it must be remembered that he was devoting his great knowledge and experience to work of a very important Committee, the Railway Rates Advisory Committee. And that was the reason why he was not, if I may so put it, in the limelight during the last few years. A solid worker like Sir Narasimha Sarma would be a loss to any country. His sudden death is a particularly heavy loss to India at this critical juncture of India's history.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, I have also heard with great sorrow the sad news of the untimely death of our late colleague Sir Narasimha Sarma. I

[Sir Maneckji Dadabhoy.]

myself was associated with him for many years both in the late Imperial Council and in the Council of State and when I came in contact with him I learnt not only to have great respect for him but also much admiration for the courage with which he worked throughout his official as well as non-official career. He had the courage of his convictions ; he was an honest man and I am glad that the Honourable the Leader of the House has referred to the part he took at the Amritsar Congress when a motion of censure was moved against Lord Chelmsford's Government and he fought single-handed the battle in that big assembly without fear and without any axe to grind. Sir, his work as a Member of the old Imperial Council was very valuable. He had a profound knowledge of finance and he always studied financial questions and on budget discussions he brought to bear both his ability and skill as a great financier. In the post he held as Law Member he worked honestly and to the satisfaction of the Council. Honourable Members will remember the speeches which he made in this House. He had a clear head, he had sound judgment and he always spoke with sincerity and honesty. He was one of the finest men that India has produced, and though not very eloquent he was one of the most reasonable men that one could come across. We all lament his death and I am glad that the Honourable the Leader of the House has made a suitable reference to his work in this Council.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I associate myself fully with the views expressed by the Honourable the Leader of the House and the Honourable Sir Maneckji Dadabhoy. Sir Narasimha Sarma was a charming personality and so he was very popular amongst his colleagues and the general public. He was a very able and a very sincere person and we all deeply mourn his loss. His loss will be mourned all over India and we wish you, Sir, to express and convey the condolences of this House to the survivors of the family.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I join in the feeling tributes that have been paid to the memory of the late Sir Narasimha Sarma. Sir, as one who has had the privilege of being his colleague in this Council I can testify to the consummate ability, the great tact and courtesy with which he discharged the duties of the high office which he held as a Member of the Viceroy's Executive Council. Sir, as has been rightly remarked by the Honourable the Leader of the House, Sir Narasimha Sarma possessed in great measure the gifts of a great statesman. He was honest, he was capable ; he was serious in his work. Above all, he had the courage of his convictions, of which an unmistakable proof was afforded by his conduct at the Amritsar Congress to which reference has been made by the Honourable the Leader of this House. Sir, as one coming from Madras, the province to which Sir Narasimha Sarma belonged, I can speak with some knowledge of the great love and admiration which this great patriot of the country, Sir Narasimha Sarma, enjoyed for the remarkable qualities both of his head and of his heart. Sir, India in general and my province in particular has sustained a great loss in the sudden and untimely death of Sir Narasimha Sarma. I join in the message to be sent to the survivors of the late Sir Narasimha Sarma and hope that the deceased will be in Valhalla and have peace and tranquillity.

THE HONOURABLE MR. C. A. NATESAN (Madras : Nominated Non-Official) : Sir, as one coming from the province of Madras and as one who has had the privilege of being associated with the late Sir Narasimha Sarma for a long number of years as a non-official and as one who has also watched his career as a very active, earnest and sincere Member of the Madras Legislative Council for years and as one particularly acquainted also with his great work as a non-official Member of the Imperial Legislative Council and has had occasions sometimes to know the very quiet and unostentatious manner in which he was doing his duty as a Member of the Viceroy's Executive Council, I desire to join in the tributes that have been paid to his memory. I do not think any useful purpose will be served by speaking longer on his great qualities. He was a thoroughly conscientious man. He took enormous pains to master the details of any subject which he desired to handle and I think he did nothing without preparation or forethought. I should like to add perhaps one point that everyone knows, that as a Member of the Viceroy's Executive Council he was all hospitality not only to people from Madras, but his friends from all parts of India were quite welcome to his home. His loss is very serious indeed and I desire to request you, Sir, to communicate the tributes that have been paid in this House and our condolences to his representatives.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce) : Sir, on behalf of my colleague Mr. Glass and myself I should like to associate myself with the views expressed by previous speakers. Sir Narasimha Sarma was hardly known to me personally but of course we are fully conscious of the great work which he has done for India right up to the last when he was employed on the Railway Rates Tribunal. I should like to express our regret at the great loss which his family and India have suffered by his death.

THE HONOURABLE THE PRESIDENT : I wish to associate the Chair with the tributes that have been paid to the late Sir Narasimha Sarma. I knew him very well, first of all for four years as a Member of the Imperial Legislative Council and then for five years, throughout his term of office, as a Member of the Executive Council of the Governor General. Throughout that term of office, except for the first few months when the Council of State had not been inaugurated, he was a Member of this Council, and for the last year of his office he was the Leader of this House. I think perhaps he possessed one quality that impressed more than anything else his friends, both official and non-official, and that was his honesty and sincerity of purpose. I well remember when Sir Narasimha Sarma was about to lay down his office that at a series of farewell parties in Simla speech after speech referred to this particular quality of his and it was notable that it was his own colleagues in the Viceroy's Executive Council who laid the greatest emphasis on the matter. I shall communicate to the bereaved relatives of Sir Narasimha Sarma the sentiments and sympathy of the House.

CRIMINAL LAW AMENDMENT BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I move :

"That the Bill to Supplement the Criminal Law, as passed by the Legislative Assembly, be taken into consideration."

I wish, Sir, that the duty of moving this motion was in more competent hands than mine, partly because of its importance and partly because it is difficult to know how much or how little to say on this important subject.

[Mr. M. G. Hallett.]

This Bill has come before this Council after a most thorough discussion and debate in another place. Possibly there has never been a Bill which has been the subject of such lengthy and such thorough discussion. Every clause, every sentence, has been debated in that House. The arguments for and against this Bill must be well known to all Members of this Council. But I trust they will forgive me if I have to repeat—and I cannot avoid doing so—the arguments in favour of it that have been put forward in another place and if I mention too some of the arguments that have been put forward against it both in the Assembly and in the Press. Possibly the arguments against it are better known than those for it but the Assembly has shown by its vote that they have accepted the arguments in favour and have passed it by a large majority. I do not however ask this Council—I should not think of doing so—merely to follow blindly that vote but I ask them to consider this Bill on its merits and I feel sure that they will give me their whole-hearted support.

To deal with the Bill itself, its object is very briefly to give Government power to deal with the subversive and revolutionary movement known as civil disobedience—a movement which, as its originator has said, is an effective substitute for armed rebellion. I do not intend to weary the Council by a long account of that movement. The history of it is well known and Honourable Members themselves must have full knowledge of the conditions prevailing in certain areas in India in the early part of this year and of the measures which Government were forced to take to meet the very dangerous agitation which was started after many months of intensive propaganda in that inflammable area—the North-West Frontier Province. They must know too of the equally serious agrarian agitation started among the illiterate peasantry of the United Provinces at a time when they were very hard hit by economic conditions. They will recognise too the danger that existed at that time of these movements spreading to other parts of India. But there is one point that must not be lost sight of and possibly memories are short. This movement was a revival. It was not a single instance and we must look back also to the conditions which were prevailing over a very large part of British India in the early part of the year 1930. We must remember the widespread outbreak of picketing, the interference which was caused thereby to individual citizens and we must remember also the serious hardship that was caused to many loyal Government servants by means of social boycott. Finally, we must remember the challenge that was set up against orderly administration by the numerous volunteer camps and Congress ashrams which were dotted about the country in the towns and villages. That takes us back to 1930. We must not forget that there was a similar movement ten years ago supported by similar activities although it was given then the name of non-co-operation and not civil disobedience. We have to go back still further to get to the time when these weapons of picketing and boycott were first used. They were I think first used during the partition agitation in Bengal some 15 or 20 years ago. I venture to recall these facts to the Council because they help me to meet the argument that because the civil disobedience movement of 1932 has been brought under control or, as is sometimes optimistically said, is dead, therefore there is no need for this legislation. The history of the last 15 or 20 years shows I think that a movement of this kind can be started without difficulty and that if it is not at once tackled and brought under control, it may grow to the most dangerous proportions. The recrudescence of civil disobedience is in fact not a singular or a novel feature in the political life of the country. That is one of the main reasons why we wish to have these powers. The revival of civil disobedience or its continuance

may endanger the success of the constitutional reforms which we all hope will, within a short period, be brought into effect. It must not be forgotten that, at a time of transition such as we are going through at present, at a time when a momentous change is about to be made in the whole system of government in this country when men's minds are unsettled and disturbed, then there is a very grave risk, a graver risk than exists in more normal times, of discontented and hot-headed elements in the population taking up a movement of this kind and seeking to introduce revolutionary rather than evolutionary changes. The result, I think the Council will agree with me, cannot fail to be chaos instead of ordered government and those on whom the duty of government will, in a short time, we all hope, devolve, will find that task not merely difficult but impossible.

There is a further point which I would make. The civil disobedience movement engenders in the minds of a certain portion of the population contempt for law and for any system of orderly government. That is particularly dangerous at the present time for there are two other movements to which this country is exposed, the movements of terrorism and communism. Civil disobedience teaches the youth of the land to have no respect for authority and to disregard law. It is not very difficult, if that disrespect for law grows, to persuade the youth of the country to go a step further and become recruits for the terrorist force. The communist menace is one that comes from outside India. It is a movement that has not yet, I am glad to say, taken a strong hold on any part of this country. But the danger is there, and there is no doubt that the supporters of the movement have their eye on any country in which conditions of disorder and lawlessness arise. They are ready to make use of any opportunity that might be offered to them by the growth of lawlessness and disorder, and if this spirit of lawlessness increases, if this contempt of law is still maintained, then there is grave risk that more serious dangers may confront us.

I have said before that it is sometimes optimistically said that the civil disobedience movement is dead. I do not think that can be maintained for a moment. I admit—thanks to the measures that have been adopted during the past ten months—that it has been brought very effectively under control and there are not the same outward and visible signs of civil disobedience as there were in January or February of this year. But it must be remembered that there are not the least signs that the authors of the movement have abandoned their creed. There is nothing to show that they are prepared to call off the movement and to resort to constitutional methods. On the contrary, there are signs that they intend, as far as they can and unless they are prevented by the powers which we hope will be given to the executive authorities to intensify the movement. I can quote from numerous Congress bulletins, if the House wishes to hear them, to show that they are sending out circulars to the supporters of the movement in the various provinces telling them to do all they can to intensify boycott, to intensify picketing, and to send as many persons as possible to fill up the jails and thereby embarrass Government. In some provinces I have heard of the dissemination of pamphlets which is always the first step towards the development of this movement. I have heard also from the United Provinces that there can be no doubt that in certain districts the supporters of the movement contemplate the re-start of a no-rent campaign if the opportunity is given to them. Economic conditions are bad in those districts and they still hope that they may be able to revive the campaign which failed last year. This legislation and the legislation which has been passed by the United Provinces Government will, I think, effectually remove any danger of that kind.

[Mr. M. G. Hallett.]

An argument which is put forward against a Bill of this kind is that the ordinary law should suffice and that there is no reason why we should take special powers. It is true that we do utilise the ordinary law as much as possible in dealing with a movement of this kind, but the organisers of this movement, many of whom are well acquainted with the law, have devised activities which just do not come within the four corners of the criminal law of this land. Picketing is akin to many offences in the Penal Code. It is akin to intimidation, criminal restraint, or to that offence mentioned in section 508 of the Code,—trying to induce a person to believe that he will be rendered an object of Divine displeasure. But none of those sections actually cover the offence of picketing. Experience has shown that the existing law is not enough, and I can well remember myself in 1930, when I was in a district, searching the Penal Code to try to find a section which would enable me to deal with picketing of cloth and liquor shops and to deal with other activities which were harmful to the general public. I found that there was nothing to help me and I had to wait until the Ordinances were promulgated and the necessary powers were made available.

Then again, another example of how the existing law is insufficient is given by the sections which deal with the Press. In regard to the Press, under the ordinary law we have two powers available. One is the power of prosecution for publication of seditious matter under section 124A of the Penal Code and the other is the power of proscription given by the Criminal Procedure Code. Neither of these remedies is in the least effective. Those of us who have experience of the courts know that prosecutions for sedition are difficult and prolonged. A prolonged trial on a charge of sedition very often has the effect of giving a sort of advertisement to the offending newspaper. It certainly does not have the effect of stopping the newspaper from publishing further objectionable articles. There is the further difficulty of dummy editors. It has been our experience in several provinces that we cannot get hold of the right person. A dummy editor is put up; his name is registered; he is convicted and goes to jail but the paper carries on the publication of seditious articles. Then again, as regards proscription, we can proscribe an article, but the mischief has been done; the lie has been issued, and we cannot overtake it. Proscription is, I admit, of some use in dealing with pamphlets and books, but it is of very little use in dealing with the objectionable type of newspaper.

I shall now deal shortly with the provisions of the Bill and I trust I shall not weary the House by doing so. The Bill includes three main provisions. The first is the provision against certain forms of intimidation; the second is the provision against associations dangerous to the public peace; and the third is the provision to secure greater control over the Press. I deal first with the provisions against certain forms of intimidation. I have referred to the Congress bulletins which have been issued recently and which had advocated intensifying boycotting and picketing. In a recent bulletin I saw these words:

"The campaign of the boycott of British goods and concerns forms the spearhead of Congress activities today."

That shows that they intend to carry on this item of their programme. Picketing or molestation, to use a technical term, is prohibited by clause 7 of the Bill. The offence is akin to intimidation and is in fact moral intimidation. Certain people wish to get others to agree with their views. They wish to get them to purchase swadeshi instead of foreign articles or to

give up drinking intoxicating liquor. We have no objection to propaganda on those lines, but what we do object to is the method adopted, the method of intimidation and coercion rather than appeals to reason or attempts at argument. Honest attempts to convert people to those views are not prohibited by this provision in the Bill. This point has been made clear by the *Explanation* added to that clause by the Select Committee, which says clearly that the encouragement of indigenous industries or the advocacy of temperance without commission of any of the acts prohibited by this section is not an offence under this section. This point was made clear when the Ordinances were first promulgated in May, 1930. At that time it was said as follows:

"What is not legitimate is for those who desire these ends, proper though they may be in themselves, to pursue them by means amounting in effect to intimidation of individuals and to endeavour to force their views on others not by argument but by the coercive effect of fear".

The actual methods adopted are too well known to need any description, but I would remind this Council that this work is carried on mainly by the riff-raff of the bazaar hired for a few annas by the organisers of the movement. I would remind them too that this so-called peaceful picketing frequently degenerates into violence if the customer or the seller has the courage to oppose the picketer. Akin to picketing, which is an interference with the individual citizen's freedom of action, is the more cowardly offence of boycott of Government servants. I cannot imagine a more cowardly offence. A Government servant carrying out his duty, carrying it out under orders often in the most unpleasant conditions, cannot obtain for himself or for his family the bare necessaries of life, food, shelter or even water. This offence was very common during the early part of 1930, and the persons who suffered most from it were the humblest of Government servants, the village choukidar and the village patel. The result was that in many parts of the Bombay Presidency several hundred, I might even say thousands—I forget the exact number—several hundreds of these village officers were forced to resign their service. I can quote too from my own experience in Bihar. In a certain part of that province pressure was brought to bear on the choukidars, pressure originating from a Congress camp in a certain village. The result was that nearly all the choukidars in one police station resigned and a free field was left for the thief and the dacoit. There was consequently a very large increase of ordinary crime in that area.

The next main provision is that which deals with unlawful associations. These provisions are, I admit, drastic, but they have been tempered in the Select Committee by the modifications which have been made in them. They were, however, very necessary at the time when they were first introduced. They were also of the greatest use when the movement was revived in January last, and they will continue to be necessary so long as this movement continues. They aim at striking at the organization and not at the individual. The sections which make picketing punishable, and the ordinary sections of the Penal Code, enable us to deal with the individual offender. But one result of that is that we get numerous convictions. We get our jails overflowing, and it is in fact the admitted policy of the Congress, it is an item in their programme, to cause embarrassment and expense to Government by overcrowding the jails. Government do not want to send people to jail unnecessarily, and surely it is better in dealing with a movement of this kind to strike at the source rather than at the hirelings and dupes who are induced or coerced into committing offences. It is with that object that these sections

[Mr. M. G. Hallett.]

were promulgated which enable Government to seize the buildings used for the purposes of an unlawful association. And there can be no doubt that the prompt seizure in every province of the headquarters of the civil disobedience movement in the beginning of January of this year had a very great effect in preventing the spread of the movement. It was largely, as a result of that that, although in the early months of the year convictions under the Ordinances or under the ordinary sections of the Penal Code amounted to fifteen or sixteen thousand, they very soon fell to a much smaller figure and that in recent months they have come down to a still smaller figure, merely two or three thousand or less. By seizing these buildings the spread of the movement in towns and villages was, to a large extent, stopped and all Local Governments have agreed that these sections have been of the greatest value in stopping these activities. The power to seize funds has also been useful. The total amount seized has not been large, but the mere knowledge that Government have power to seize the funds of unlawful associations has, we are informed, had the effect of making people less ready to contribute towards the association.

I now come to the third set of provisions, those concerned with the press. These amplify the Act which was passed last year and which only dealt with the very worst form of press activity, the publication of matter inciting to murder or violence. The amplification of section 4 of that Act makes it possible to demand security or to forfeit security if newspapers contain or a press publishes seditious matter or matter which incites people to commit the offences which are prohibited by the other clauses of this Bill or by the Bills which have been introduced into local Legislatures. I do not intend to weary or possibly to nauseate this Council by reading out samples of objectionable articles which have appeared in the press or the even more objectionable pamphlets which have been issued from time to time. I have plenty of them available, if the Council should wish to hear them, and I can cite many instances to show what a spate of misrepresentation, of calumny and abuse was directed against Government during that period at the end of 1930 when Government had not these powers. It will be recollected that the first Press Ordinance came into force at the end of April, 1930. It expired at the end of October. Government hoped that the necessity for re-issuing that Ordinance would not arise, that the press had learnt its lesson. But their hopes were doomed to disappointment and it soon became obvious that the press were not observing that restraint which it was hoped they might do. There had been a progressive deterioration in the tone of the press during those two or three months and at the end of December it became necessary to re-promulgate the Ordinance. The provisions of that Ordinance are now included in this Bill.

I cannot refrain, however, from mentioning one instance which had recently come to my notice which shows to what extent the organisers of this movement are prepared to go in their attack on Government by means of the press. It shows also how effective the Press Ordinance has been in restraining those attacks. I have before me an extract from a paper, the *Indian News Bulletin*, that is published in Dublin; it is not published in India. The article I have before me gives a most grossly perverted and false account of that incident at Chittagong which occurred a few months ago and which was strongly condemned by this Council. I hesitate to read out or to give publicity to it, but you can take it from me that it is a grossly false account, published with the one object of bringing

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Government into hatred and contempt. This article was published in Dublin. It had not, I am glad to say, been published by any newspaper in this country and that I think shows the two points which I mentioned before, that the supporters of this movement are prepared to go to any extreme in their campaign of calumny against Government and that the Press Ordinance has given us power to stop these most objectionable attacks upon it. The Press Ordinance and the provisions of this Bill do not in any way stop legitimate and fair criticism of Government. Of that we are not afraid, and I think any one reading the press of this country will see that there is plenty of criticism of Government. Nearly everything that is done by Government is subject to criticism, but the criticism which appears in the press at present is fair criticism: it is not criticism based on false allegations or misrepresentations. So much for the press provisions of this Bill.

There are certain other provisions, but I do not propose to deal with them in any detail. Some of them have been challenged by amendments and I shall have the opportunity, if the need arises, of defending the provisions and showing how sections, such as section 2, which prohibits dissuasion from enlistment, are necessary, that a section such as section 8 which visits the sins of the children upon the fathers and which has for that reason been rather severely criticised has had a very salutary effect in inducing parents to keep better control of their children.

I do not think it is necessary for me either to detail the changes made in the Bill during its examination by the Select Committee. Various additional safeguards have been introduced, such as those in regard to the seizure of movable property of unlawful associations or in regard to the seizure of their funds. There has also been an important change, that the Bill is for a period of three years and not permanent. On that point too, on the question of duration of the Bill, I shall have a further opportunity of speaking when the amendments to clause 1 are under consideration. But I may say here that Government consider it essentially necessary that during this period of transition these powers should be in force so as to enable them to control any attempt at the revival or continuance of the conditions of disorder which are engendered by the civil disobedience movement. I do not think it is necessary for me to say more. If arguments are put forward against the Bill, I will attempt to meet them; but I trust that this House will now put the finishing touch to the work that has been done by the Assembly, to the work which has been done by the Legislative Councils of the North-West Frontier Province, of the Punjab, of Bombay, of the United Provinces and Bengal, all of whom have passed Bills to supplement this Bill which has been put before the Central Legislature. Once this Bill is on the Statute-book, I feel certain that the menace of civil disobedience will soon disappear. The fact that this Bill has been passed will show the organisers of that movement that the Legislature is at one with the Executive in being prepared to take action to prevent its revival. If it revives we may be faced with chaos and disorder. If it is not revived then we may look forward to future peace and prosperity and to the introduction of the constitutional reforms in the best possible atmosphere.

*THE HONOURABLE NAWAB SAHIBZADA SIR SAYAD MOHAMAD MEHR SHAH (West Punjab: Muhammadan): Mr. President, in speaking in support of the Bill now before the House, I desire to make it clear at the outset that I am not voicing my own opinion but the opinion of those whom I have the

*The Honourable Member, who spoke in the vernacular, submitted the translation here produced.

[Nawab Sahibzada Sir Sayad Mohamad Mehr Shah.]

honour to represent in this House and the large number of the followers of my family. No considerations other than the good of India sway them, or me, in supporting a measure which aims at the eradication of the spirit of terrorism. To my mind, there can be no qualified condemnation of terrorism, because such condemnation is in reality giving moral support to a movement which threatens the very foundations of authority, no matter by whom exercised, whether by the British or by ourselves, and, in doing so, threatens to plunge India into chaos. This House, I am sure, will unequivocally pronounce against allowing rein to such a movement.

Mr. President, knowing as we do, the great harm which the terrorist movement has done to India, how can we blame any Government for legislating against it ? It is not the Government, or the Legislature, which is responsible for giving birth to the Bill, but the terrorists themselves, who have left no alternative to those who believe in upholding the law. There are some who mistakenly believe that by opposing the Bill they are supporting the Congress, which they honestly hold is not a terrorist organisation.

Mr. President, I agree with these champions of the Congress that the Congress in its inception was not a terrorist organisation. Far from it, it was inspired by noble motives of service to our Motherland. My brother, who wields considerable influence among Muslims in India, and, particularly, in the Punjab, attended meetings of the Congress in its early days and in other ways supported it, regarding the work of the Congress as an influence for the good of the country. He has now detached himself from the Congress because of the undesirable manifestations of subversive movements in that organisation, and he cannot, by any stretch of the imagination, be accused of doing so with the object of securing worldly ends. The Congress has lost its noble impulse, and fallen into the hands of people who have been powerless to stem the tide of extremism. To this extent, Congress is accountable for the evil of terrorism.

Mr. President, we cannot let loose the floodgates of defiance of established authority and law and expect not to be swamped by lawlessness. We cannot play with dangerous ideas without creating conditions which demand stern measures to eradicate them. If India is to have ordered progress under the new reforms, we cannot safely ignore the existence of the doctrine of terrorism, which is attempting to introduce the element of coercion as the ruling principle of political life.

Coming from the Punjab, I cannot forget the indelible stain left on the life of my province by the dastardly deed of terrorism which had for its aim the murder in cold blood of one of the most distinguished and most popular, and most sympathetic of the Governors we have ever had, in circumstances which leave no manner of doubt that those who inspire terrorist activities are dead to all sense of shame. I need not enumerate the manifestations of terrorism.

Mr. President, it is fortunate for us in India that, at this critical juncture in our history, we have as Viceroy a statesman of such great insight into the needs of the country as His Excellency Lord Willingdon. He has worked untiringly to restore peace to the country, and it is now possible for us to face the future with confidence, because the fight against subversive principles which threw the whole country into a welter of confusion, economic and political, has, so far, fortunately, gone well. I appeal to the House not to throw its weight in favour of lawlessness by opposing a measure, which, one sincerely hopes, is the *coup de grace* to terrorism.

Mr. President, it has been urged by some critics of the measure that it is a violation of the liberty of the subject and of the freedom of the press. So is every section of the Indian Penal Code, but no one will oppose legislation directed against highway robbery, nor against murder, nor against theft. The law is against terrorism, and it rightly interferes with the liberty of action of terrorists and no one else. It is also directed against undesirable features of journalism and the press, but it does not tamper with the freedom of honest journalism, or of the press.

Mr. President, with your permission, I may observe, finally, that there is some confusion in ideas of loyalty to party and the necessity of opposing this measure. It is true, as I have said, that the Congress, in itself, has not espoused the cause of terrorism, but no one will deny that the doctrines of non-co-operation and civil disobedience are rooted in defiance of established authority and of the law. These doctrines have provided fertile soil for terrorism, which is essentially a negation of authority and law in a more intensified form. This House, standing as it does for law itself, cannot countenance or encourage any infringement of authority, or the law, and I can appeal with confidence to the House to declare itself in unmistakable terms in favour of the Bill and against the activities which the Bill seeks to eradicate.

The consequences of not speaking for the law, openly and courageously, are too serious to contemplate. The virus of lawlessness, once allowed to gain a grip, cannot easily be eradicated, and, no matter what the Government, once it has spread all government will become impossible. The poison is already spreading, and not only the political life of this country, but also the economic life of its people, and relations between community and community, are showing an unhealthy pallor. At this critical moment, the Congress itself could not serve India better than by abandoning its policy of non-co-operation and civil disobedience, and this House, I am sure, will not be a party to the encouragement of the continuance of the struggle in which the Congress is at present engaged, but which is already a struggle in vain.

Mr. President, I beg to support the Bill before the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, a retrospect of the constitutional history of India within the last twelve years shows that a step in political advance is preceded by the enactment of measures which are incompatible with the spirit in which advance is made. This indicates the existence of two schools of politicians both in England and in India ; those who want to base the government on the wishes of the people and advocate the reflection of popular opinion in the administration of the country, and those who are opposed to the change. It appears that the second class of politicians are more assertive and for the moment carry their point when the reforms associated with the names of Mr. Montagu and Lord Chelmsford were about to be introduced, we had that obnoxious measure called the Rowlatt Act, so strong was the opposition to the Bill when it was before the Legislature of the time, and though passed by the Legislature it never came into force. The discontent was so widespread that incidents occurred which were never anticipated by even the framers of the Bill. The present Bill is another instance of the legislation which preceded the introduction of the reforms now in force. I hope it will not meet with the same fate which befell its predecessor. When the material advance towards self-government is anticipated and when the Round Table

[Rai Bahadur Lala Ram Saran Das.]

is sitting in England to give it a practical shape, I do not see the necessity of a measure of this kind. From the accounts which have so far been received of the proceedings of the Conference, it appears that in every province law and order will be transferred to popular control, it will not be long before the provinces will be empowered to pass laws which the exigencies of the times require for the purpose of maintaining peace and tranquillity; where is the necessity of tying the hands of the future Legislatures by measures of this kind.

I am unable to reconcile the introduction of a law of this kind with declarations made in Parliament by the Secretary of State more than once that the civil disobedience movement has been crushed. If it has been crushed by the use of those extraordinary powers which Ordinances gave to the Executive, then the movement has not died a natural death, it has only been partially checked for a time and the Bill before us is intended to retain the extraordinary powers which have been instrumental in controlling the movement. Makeshifts of this kind never achieve the object of creating an atmosphere of harmony and co-operation, which are essential requisites for the purposes of administration. If Government feels compelled to penalise attempts to induce public servants to fail in their duty, or to penalise refusal to render customary service, which ordinary citizens can easily procure, there is a virtual admission of the failure of the Government and collapse of administrative machinery. Penal law of this kind is not an effective remedy for the disease.

There is another dark side of the picture to which I wish to draw the attention of the Government. It is hoped that the new constitution will come into operation within the next two years, Government wishes to give a three years' life to the Bill. The obvious inference is that Government is by no means sanguine of the reception which will be given to the new constitution about to be framed. In a way the Government is giving a forecast of the constitution.

Though a few representatives of politically-minded Indians have been invited to co-operate with political parties in England, Government fears that they will not be able to evolve a constitution which will satisfy the public.

The real cause of discontent and dissatisfaction in the country which manifests itself even in terrorism is not removed by strong penal laws. The history of penal laws clearly illustrate the principle that the stronger the penalty devised the greater is the readiness of the people to bear it. In no other way can the movement for teaching arts and crafts in the jails be explained. Poverty and hunger are the real causes of crime against property and unless these are removed, crime against property shows no sign of mitigation. The present system of education and unemployment is the real cause of the prevailing discontent which even assumes the form of revolutionary crime. The present or the future Government will have to tackle the unemployment question before it can expect to create contentment and peace in the country. Laws of the kind that we have before us not only fail in removing the real cause but are instrumental in widening the sphere of discontent and resentment. Dissatisfaction with the system of government and the Executive which lead to actions proposed to be penalised will spread, the proper remedy lies in dealing with the root cause, which created this situation and not in punishing the outward manifestation of discontent.

I can anticipate the fate of this Bill in this House but all the same I think it my duty to advise the Government that they should not be content with superficialities but should study the situation in a deeper light and devise measures which would be conducive to permanent peace in the country.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal: Muhammadan): Sir, on behalf of the Muslims of Bengal and on behalf of my constituency I strongly support the Resolution moved by the Honourable Member. I am sure this Honourable House will unanimously support the Resolution in view of the convincing arguments put forward by the Honourable mover. This measure needs to be adopted inasmuch as it proposes to enact the law required to check the wave of lawlessness in this country. No doubt such a measure would not have been brought and much less sanctioned in normal days. Such measures are necessary when the situation demands such extraordinary laws to be introduced to help the cause of law and order. I do not wish to make a long speech as the Honourable Members who are representatives of the people will realise their responsibilities and discharge their duty by checking the spirit of lawlessness which is growing apace in the country and thus give their sanction to the Bill before the House.

Sir, I support the Resolution.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, in spite of the able advocacy of the Home Secretary and the eloquence of my Honourable friends Nawab Sir Mehr Shah and Khan Bahadur Syed Abdul Hafeez, I fear I do not see eye to eye with them so far as the motion before the House is concerned. Although I have absolutely no sympathy with the civil disobedience movement and strongly disapprove of the cult of direct action, yet I think that the provisions of this Bill, notwithstanding the changes that have been made in it by the Select Committee of the Legislative Assembly, are so wide, drastic and vague that they would be a menace to the liberty of the subject, and therefore the measure is not in my humble opinion worthy of consideration by any legislature which loves liberty or loves constitutional rights. The provisions of this Bill place the liberty of person, of association and of the press virtually at the mercy of the Executive and greatly enlarge the powers of the latter. The Bill seeks to prescribe a new criminal procedure for the land by making offences cognizable and non-bailable and arming the magistracy with powers which the ordinary law does not deem them fit to discharge. It provides for the forfeiture of property, which provision is repugnant to modern conscience. It seeks to virtually gag the press which is, so to say, the handmaid of democracy and at a time when the country being on the eve of a constitutional experiment every effort should be made to secure the co-operation of the press in India.

Sir, so far as I have been able to follow the Honourable Mr. Hallett, the Bill is intended to curb the activities of the Congress. But I consider that the ordinary law of the land is quite sufficient to deal with the civil disobedience movement and gives the Government ample powers to deal with conspiracies, sedition, and unlawful assemblies, etc., and then there is section 144. The movement of 1922 was fought by the Government with the aid of the ordinary law and without these special powers. There is, therefore, no need for enacting an emergency legislation like this. Sir, I ask the Government a question: "Has the Ordinance rule, according to them, succeeded or failed to meet the object they had in view?" If they think that a large section of the masses

[Rai Bahadur Lala Jagdish Prasad.]

have entirely kept aloof from the Congress movement, as was expressed by His Excellency the Viceroy in his speech on the 5th of September last and as the Home Secretary has also expressed this morning, then there is no justification whatsoever for the re-enactment of the provisions of the Ordinance. If, on the other hand, the Government think that the Congress has still got the same strong hold on the people as before the promulgation of the Ordinances, then, surely, the remedy should be found elsewhere and not in continuing the Ordinance in another form. As regards the no-rent campaign in the United Provinces, to which province I have the honour to belong and to which reference was made by the Home Secretary, I may remind him that the United Provinces Legislative Council has already passed a legislation to deal with such propaganda and I do not think we need be anxious on that score. In my opinion the Bill cannot kill the civil disobedience movement, because Congressmen go to the jails voluntarily; and it cannot kill communism and terrorism——(*An Honourable Member*: "Question ?")——as these are bred in an atmosphere of discontent which has to be removed by conciliation. The occasion therefore demands the examination of the situation more dispassionately and calmly, and the co-operation of the people is most essential for the welfare of the country. I need hardly refer to the violent agitation and discontent that were aroused in the country consequent on the passing of the Rowlatt Act, to which a reference has already been made by the Leader of my Party, and hope that both sides of the House will learn a lesson from past experience. In my opinion unemployment, on the one hand, or, in other words, the economic situation to which a reference was made by the Honourable Mr. Hallett, and the growing consciousness among the people of their political rights on the other, are at the root of the civil disobedience movement, and resentment against repressive laws has only added to the discontent. The Government, therefore, instead of trying to arm themselves with more repressive weapons, should find out the real remedy and the causes of discontent. As regards the trouble about public servants being harassed, which the Government seem to be anxious to provide against and to which a reference was made by the Home Secretary, it is, in my opinion, the off-spring of resentment against the repressive policy of the Government, and it can only be prevented by Government by a policy of sympathy and conciliation and by meeting the just aspirations of the people, and not by any stringent legislation which will only result in making the relations between the Government and the people all the more strained and thereby increasing discontent. In my opinion reconstitutional advance is thus the only remedy for civil disobedience.

Sir, I do not propose at this stage to deal with the different clauses of the Bill, as we will get an opportunity of doing so later on when the Bill is taken up clause by clause. Speaking generally, any one with a knowledge of how the Ordinances have been worked in actual practice by the Executive will be loath to invest them with such drastic powers as this Bill contemplates giving them. Have we not heard of such heavy sentences being awarded under the Ordinances as a fine of Rs. 20,000 in addition to 18 months' rigorous imprisonment, reported to have been imposed on Mr. Gulab Chand Hira Chand (the brother of Mr. Wal Chand Hira Chand) of Bombay ? And to quote only one more instance, what is one to say of the following notice of which a *tarkariwala* was reported to have been the recipient from the District Magistrate of Midnapore and which I understand formed the subject of interpellations in the other House some days ago ?

The notice runs thus :

"Whereas it appears that you, Balai Guchhait, of village Chilmara, have been for a long time in the habit of selling vegetables daily in Anandpur Bazaar; and whereas that either of your free will, or by some outside influence, you have ceased selling vegetables in Anandpur, which action is prejudicial to the public peace, therefore, under section 4 of Ordinance II of 1932, I direct that you for one month from date of receipt of this notice will sell vegetables at least twice a week in Anandpur, and will report yourself each time you visit Anandpur to the Sub-Registrar of Anandpur ".

An Honourable Member: Will my friend give the name of the person receiving that notice ?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: That is for my Honourable friend to give. Sir, I am aware of the virtues of a vegetable diet, but I never knew that the particular varieties sold by this unfortunate *tarkariwalla* were so indispensable that their disappearance from the market would endanger the public peace ! Can a better example be furnished of the use to which the Ordinances can be put in not only restraining the just liberty of a person by asking him to refrain from doing an act but by also forcing him to do a thing which he can under no constitutional law be compelled to do against his will ?

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official): That is the object of the civil disobedience movement. They impose their will and they force others to do what they have a right to refuse to do.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: My Honourable friend will have his say later on and he can criticise me then. Sir, it is no use multiplying such instances, which only tend to outrage public sentiment and which furnish a clear warning against the desirability of clothing the Executive—an irresponsible Executive as we have in this country—with extraordinary powers of the nature contemplated by this Bill. I am therefore not in favour of a repressive policy being continued as foreshadowed by this measure, but as a friend of the Government will advise them to find a remedy which may not be worse than the disease itself.

With these words, Sir, I oppose the motion.

THE HONOURABLE NAWAB KHWAJA HABIBULLAH (Bengal: Nominated Non-Official): Sir, the Bill that has been presented and is before us today has already been through the Select Committee and discussed threadbare in the other House. I shall confine myself at first to the necessity as to why it is important that this Bill should come into force immediately. The total disregard for law and order by a large section of the inhabitants of this country and the increase in crime requires that the Government of the country should arm themselves with necessary legislation to protect itself and those who serve them in an official capacity and peaceful citizens from carrying on their ordinary routine of business without being subjected to harassment.

Sir, the law as at present framed does not fulfil present-day requirements as those who framed the law ages ago never, in their wildest dreams, dreamt of what was going to take place at the present time. The House is well aware that, for some time past, a section of the community have thought fit to start civil disobedience, the object being to prevent the present Government of the country functioning, for alleged grievances and have decided to continue until their demands, as formulated by the Indian National Congress, have been

[Nawab Khwaja Habibullah.]

acceded to. It may well be said by those who are objecting to the present Bill coming into force that it stops the people of this country from agitating legitimately for redress of present-day grievances. I will show, Sir, to the Members of this House how wrong some of them are in their hypotheses. This Bill is not brought forward to deal with such persons who wish to seek redress of their wrongs in a constitutional way, but is meant for that section in preventing them from employing methods which bring strife, anarchy, lawlessness, arson, murder, class hatred and revolution in its train. It is all very well for one to say that the present law is sufficient for present-day needs. Everyone who has any sense knows that present-day laws are very complicated. The delay and the loss to the public exchequer is great. As an illustration I give the Meerut Conspiracy Case which has already caused the public exchequer a total sum of over Rs. 18 lakhs and one never knows where it is going to end. A Bill to remedy this defect was brought by the Government and was not enacted for which reason the public are today the losers. Is it to be taken for granted for one to say that any such person who is not satisfied with the form of government prevailing they are at liberty to take any steps to overthrow that Government by whatsoever illegal methods they wish to employ and no steps be taken by constitutional authority to penalize those who wish to bring disorder and unrest. If we had in India today a National Government what would they have done in the present circumstances? They would have taken much more severe measures than are being asked for by the present Government. It is all very well to assume that the need would not arise as the people of the country would be ruled through their accredited representatives. Let us see what is happening in other countries where the Government is run on national lines. Russia, Turkey, Spain and other countries know better how to deal with these classes of people. They do not apply constitutional methods in dealing with them. They either hang or shoot without even giving them a fair trial.

Sir, we are told that civil disobedience or, in other words, passive resistance, is a peaceful method of non-co-operation with those who are in power to redress their supposed grievances. Let us see by this application how far it has justified itself in the epithet of passive resistance. Before the advent of civil disobedience there was perfect harmony and peace. Since its advent there have been riots in Bombay, Calcutta, Dacca, Cawnpore, Delhi, Benares and many other places with most unfortunate results. The main reason for these unfortunate happenings taking place was the so-called method of peaceful picketing in the name of swadeshism, forced violence and criminal intimidation leading to bloodshed and riots.

Youthful students, male and female, have been injected with this poison by certain sections of the press. We have had enough experiences of how the ordinary laws have failed in preventing these offensive tactics which lead to the masses taking the law into their own hands with such dire results, and that feeling of unrest has not yet subsided. Sir, if one has a just cause why employ these coercive methods? I am glad to see that at last the Government has awakened from its lethargic sleep and are realising their position and responsibilities to the country. I will say that the Government is just as much to blame for not having taken steps earlier to deal with this matter firmly and to have put it down with a stronger hand.

Before concluding I should like to put in a word about the special powers to control the press which this Bill confers on the Government. While I

champion the cause of the liberty of the press, I cannot be a party to licensing it to breed class hatred and to fan the communal fire. It is no secret that the present deplorable tension and communal hatred has been materially augmented by the irresponsible canards emanating from the so-called nationalist press. The gross inadequacy even of Act XXIII of 1931 to control the vicious propaganda is no longer a secret. The Government had to take powers under different Ordinances to strengthen their hands to fight this "hybrid hydra." It is a dictum of law that accessories to the crime are as much liable to punishment as the perpetrators of the crimes themselves. Necessarily those who incite others to commit the offences enumerated in sub-clauses (*f*) and (*h*) of clause 16 ought in justice to be held responsible and liable to punishment. The doings of the irresponsible press which has no ideal to live up to makes it a disgrace to the country and society and a blot on the fair name of Indian journalism. It is a jingo press with a vengeance. It should not be taken that my support of these measures is actuated by any desire to curb the legitimate freedom of the press. I yield to none in my love for a fair, free and efficient press.

We, of Bengal, have had sad experience of too much licence allowed to the press. The way in which the assassinators have been lauded to the skies and featured as martyrs in the cause of the country, has induced other impressionable youths to follow the footsteps of those so-called heroes. Had the Government taken strong action in the beginning and put a stop with an iron hand to the illegitimate propaganda Bengal would have been saved from all the terrorist crimes which are now disfiguring her fair face.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Sir Maneckji Dadabhoy.)

My only regret is that Government machinery is always clogged with red tapism and by the time its wheels are set in motion the smouldering fires in the country blaze forth into a widespread conflagration. I conscientiously believe that the withholding of our consent to this Bill will harm the country more than it can possibly trouble the present Government.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, I think that after the discussion which has taken place during the last two sessions most Members will have come here with their minds made up. I am afraid that therefore I am not likely by an impassioned appeal to be able to touch the hearts of Members who have come here with a determination to oppose the Bill; nor am I confident that I shall by close reasoning be able to change their views, because I fear that in this matter their views are swayed by sentiment rather than by reason.

But I do not entirely despair of this matter, because I remember that two of the Members who have so far opposed this Bill are members of the Progressive Party, and I would surely like to see them inaugurate their Progressive Party by voting for a piece of progressive legislation of this sort, for I would remind them that a vote in favour of this Bill is a vote in favour of the end of Ordinance rule. I think I am correct in saying that of 60 or 70 clauses which were incorporated in the Ordinances only some 20 are reproduced and they cover only some five subjects of which the exercise of two are left entirely to the provinces.

It is of course fashionable to describe any legislation which emanates from the Home Department as repressive. Any Government Bill is described as repressive, even though it forms part of a deliberate plant to ensure that it is only under the best possible conditions that reforms of a most sweeping

[Mr. E. C. Penthall.]

nature are introduced. The Honourable Lala Ram Saran Das has argued that this Bill is incompatible with the spirit of reforms and the Honourable Mr. Jagdish Prasad has argued that it is opposed to the principles of liberty. Every patriotic Indian of course desires responsibility at the earliest possible moment that it is safe. Responsibility of course signifies in their minds freedom. But freedom is not, I venture to say, the right, as many people seem to think, for a man to do exactly as he pleases, but freedom is the willing obedience to the laws, and those people are most free where the laws protect the individuals from the coercion of a minority and that is exactly what this Bill provides.

It is of course directed against the civil disobedience movement, but all future movements of a similar nature designed to coerce this or other Governments will be dealt with under this Bill. The civil disobedience movement was designed to paralyse Government by bringing pressure upon Government servants. It was based upon a close examination of the law and upon finding every loophole in the law in order to embarrass Government. It was a movement which was the negation of freedom and responsibility. It was a most powerful movement admittedly and a most serious movement and it did strain the resources of Government. As a result of this Government found it necessary to arm themselves with these powers. Of course Government were successful and they are now placing before the Legislature this Bill to incorporate in the law of the land with the consent of the Legislature, an Act which will enable their own Government and future Governments to deal with any recurrence of a similar nature.

It is argued, of course, that the movement is under control and that this legislation is not necessary. I agree that at the moment it is under control and I submit that in consequence India is a much happier place today because of the fact that it is under control.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The Secretary of State has said that the movement has been crushed.

THE HONOURABLE MR. E. C. BENTHALL: I used the words "under control." I think in his heart of hearts every man likes to see strong government and during the past year or two when there was some doubt whether Government or Congress would triumph, some doubt in the minds of some people, undoubtedly their minds were disturbed for they did not know on which side of the fence to jump and very many are now sorry they jumped on the wrong side of the fence. It is argued that there is no need to retain this Bill. I maintain that that is a wrong view. There are two very good reasons for supporting this legislation. The first is that while reforms are being introduced it is necessary that the country should enjoy the utmost peace and tranquillity. The second reason is that when the reforms are introduced, the new responsible Governments of the provinces should have all the powers that could be given to them to deal with similar movements. The new Governments will not be strong Governments. They may contain many very clever men but they will be inexperienced in the art of administration. They will not have behind them the prestige of many years of sound government. They will perhaps not be backed by solid parties and they will need every power that can be given to them for dealing with subversive movements. For that reason I should have liked to have seen the Bill have no period set to it or at least a longer period, but the period which is set to the Bill is the result of a compromise and

I think it will be agreed that the three years which are set to it should amply cover the period for introducing the provincial reforms, and it is, after all, the provinces who will be mostly concerned with this subject in the future——

(At this stage the Honourable Sir Maneckji Dadabhoy vacated the Chair, which was resumed by the Honourable the President.)

——and I venture to say that these Governments will be the first people to ask for this legislation to be renewed.

It is argued that this Bill is designed to crush the national spirit, that peaceful persuasion and the advocation of swadeshi will be hindered by this. Well, many a lawyer has to fight a bad case from time to time and it is exceedingly difficult when he knows in his heart that his case is bad. I venture to say that everybody knows that this Bill will not prevent the encouragement of indigenous industry or the advocation of temperance. Those were not the real objects of the civil disobedience movement: they were merely cloaks for weapons with which to attack Government. The civil disobedience movement was a deliberate plan to force the will of a section —a well-organised and powerful section—upon Government and upon the masses—a plan to coerce honest men to fail in their duty or to give up their legitimate business. But this Bill will not touch the masses: no man concerned with the progress of his country need fear this Bill which will not hinder but will help the legitimate aspirations of the country. Day by day we see the reforms coming nearer. As one studies the press of all descriptions one sees that the minds of men are turning day by day to constructive work. Such constructive work is not possible when men's minds are distracted by subversive movements and I regard this constructive turn that politics have taken at the present time as one of the most hopeful signs in the country at the present moment. No Government I think in the history of the world has shown to the same extent and with the same ability the determination to pursue the dual policy of standing unflinchingly for reforms and, at the same time, dealing with a powerful and insidious movement to bring their operations to a standstill. I think that history will record their admiration of the astonishing moderation of Government in exercising the powers given by the Ordinances, and I believe further that the future responsible Governments of the provinces will recognise that, by dealing firmly with direct action and proving that resolute government can deal effectively with subversive movements, the present Government have laid them under an incalculable debt. I would therefore ask the Progressive Party to look forward to the day when they themselves are perhaps sitting upon Government Benches. Will they then like to see their own government servants pilloried? Would they like to see recruitments for their services stopped?—false rumours about their Governments disseminated, and business paralysed? The time will come and I would ask them to look forward to that time. I would ask them to trust the present Government to use the powers that are given to them under the Bill with the moderation which they have shown in the past. I would ask them not to delay the passing of this Bill and to earn the thanks of the future Governments by voting courageously now.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I rise to oppose the Bill which seeks to enact extraordinary laws to deprive even the elementary rights and liberties of the people. Sir, it is admitted by Government that the civil disobedience

[Mr. Jagadish Chandra Banerjee.]

movement is on the wane. If that is so, what then is the necessity of this Bill which will naturally antagonise the spirit, the co-operating spirit of the people and alienate their sympathy from Government. The measure seems to be oppressive, harsh and drastic. The remedy to eradicate the influence of the Congress is worse than the disease from which India is suffering at present. It is at one and the same time attempting at gagging the press and the platform and I would not go into details to prove that, as much has been said about it in the other House where the Members tried to impress upon Government the feelings of the people whom they represent. It is an unwanted piece of legislation, the evil effects of which Government have not been able to imagine. Administration by Ordinance does no credit to any civilised Government, yet our Government are ruling the country with such Ordinances that can favourably be compared with martial law.

Sir, Bills have been passed by the Provincial Governments to suppress the civil disobedience movement, communistic movement as well as the terrorist movement but what little freedom remained of the followers of the policy of constitutional agitation appears to be taken away by the Bill before us inasmuch as it particularly aims at the press and the platform. It will depend upon an ordinary limb of the bureaucracy to interpret our speeches on the platforms and the writings in the press, in the manner in which he would think, he would be able to fasten guilt on us, as the clauses of the Bill are so elastic that they may be characterised as the *tentacles and arms of an octopus*.

Sir, it is very regrettable that when we are on the eve of having a new order of things in the country, when Government are giving us a further instalment of reforms and when we are thinking of starting with a clean slate, the policy of that Government would be oppressive, repressive and suppressive, and I should further like to say even vindictive !

Sir, we, the elected Members of this House are here to express to Government the true feelings of the country, and I for one can say that I shall be failing in my duty by my country, constituency and the Crown if I do not say that this Ordinance Bill is considered, nay, looked down upon by the people as an unclean thing—a pernicious piece of legislation. Can Government give us any assurance that with the passing of this Bill, will come Gabriel, heralding the dawn of a new era of peace, prosperity and happiness in the country ?

Then, Sir, there is the question of the abuses of the powers of this Bill, which, I am afraid, may be worse than those committed under cover of the former Ordinances. There are aspects of this Bill which are repugnant and retrograde in nature and as such to be strongly resented by this side of the House. What is wanted at present is that Government should follow the policy of leniency and act up to a spirit of conciliation which will save the country from a worsening situation with which she will evidently be faced if such obnoxious measures find place in the Statute-book. In view of these circumstances I would, in all seriousness, ask this Honourable House to reject this Bill as it is uncalled for, unnecessary and untimely.

THE HONOURABLE MR. G. A. NATESAN (Madras : Nominated Non-Official) : Sir, my Honourable friend, Mr. Benthall, just now made an observation that a vote given in favour of this Bill will be in favour of the end of the Ordinance régime. If the thing

1 P.M.

were so innocent as that I should readily comply with his request. I submit, Sir, that a perusal of this Bill will certainly show that many of the provisions of the Ordinances which were in force until recently are virtually provided under cover of law and this House is asked to give its sanction to them. I should like to ask the Government to draw the moral from the speech of the two distinguished and well-known landlords and one of the zemindars of Bengal who have taken part in the debate to-day. To my mind it should serve as an effective eye-opener to the Government and should indicate to them correctly the temper not only of the much abused intelligentsia but also of people who have large and definite stakes in this country. Sir, it is one of the chief features of the English constitution, indeed it is the pride of all constitutional writers who dwell on it, that it is a rule of law. According to the greatest constitutional writer, Professor Dicey, the English constitution is characterised by the supremacy of the rule of law. I very much regret to observe that despite the best attention that has been given to the provisions of this law and the discussions in favour and against it and the apology given on behalf of Government, this legislation is wholly against the traditions of English law and English legislation. I cannot but think it a matter to be deeply deplored that a piece of legislation like this should be brought before this House and that the House should be asked to sanction it particularly at a time when we are talking of constitutional reforms. A more ill-timed and ill-conceived piece of legislation it is for me impossible to conceive. Sir, this legislation, in my humble opinion, is very drastic, to use the words of the Honourable the Home Secretary, though he said that the Select Committee had tried to remedy it here and there. If I may say so, it cuts in the first place at the freedom of the press. Being a journalist myself I naturally take that first. I will not dwell on the provisions with regard to the press. They have been sufficiently adumbrated here and elsewhere. I would only like to point out that the provisions regarding the press have been condemned by the most sober portion of the Indian press. Take my own province for instance. The *Hindu*, a leading daily newspaper there, whose editor was a member of the last Round Table Conference, has condemned the measure, particularly with regard to the portions relating to the press. Not only that. The *Justice*, a leading organ of the Ministerial Party in my own province, which has always stood for law and order, and which is one of the strongest supporters of Government, has thought fit to denounce this measure. I only give these two instances to show how the most sober-minded press, the press which has generally been supporting the Government, has thought it necessary to criticise this piece of legislation.

It is for me very difficult to reconcile two statements, one statement made by the Secretary of State for India in London that the movement has been crushed, while here we are told that it is being brought under control. One or the other must be true, and it is so difficult to reconcile these two statements. If this legislation were confined to weeding out terrorism or the civil disobedience movement I should not object, but a careful perusal of the provisions shows how wide and drastic they are. I have here a comment made by an ex-Advocate General of Madras after making a very close study of the provisions of this Bill and I will read an extract or two. He says :

"If houses or lands were not let to public servants or their relations that was an offence. If a washerman or a barber would not serve a public servant, he would be brought under this legislation. Innocent things had been converted into offences by simply tampering with words. It used to be said that a father's sins would be visited on his children. But in this legislation they would see a reverse of that process. If a son or daughter took to civil disobedience the father would be punished for it".

[Mr. G. A. Natesan.]

Sir, we have heard a great deal about the dual policy. I think it is most unfortunate that this dual policy is being worked in a very peculiar fashion. The odious task of carrying out all the repressive policy is thrown upon the Government of India presided over by a great and liberal Viceroy ; the real task of postponing the reforms, of finding every pretext for postponing the reforms, is in the hands of Sir Samuel Hoare who speaks on behalf of a Government which pretends to be National but which is out and out Conservative. It is the greatest obstacle to all progress in this country. Sir, I who am opposed to Ordinance régimé would be the first to welcome it if somehow or other human ingenuity—and there are many clever men at present—could devise a measure or Ordinance to compel the Secretary of State for India to realise the gravity of the situation and go on with reforms as quickly as possible. (Hear, hear.)

Many of the facts that have been stated by the Honourable the Home Secretary and my Honourable friends, Mr. Benthall and others, who have spoken in favour of this Bill are undoubtedly true. But how long are you going to go on merely stating the facts without making an endeavour to go into the root causes of these troubles ? I tell you frankly—from what I have been able to study of the situation as a student of politics for years who has been closely associated with more than one school of politics—I tell you frankly that all this present trouble is due to assurances not being fulfilled, to promises having been broken. And now every attempt is being made at home, if I read the newspapers aright, not to give us a real measure of responsible self-government. You are not doing that. What is the use of making us understand that everything is all right, that reforms are being hastened and that you are setting the house in order to see that these reforms are carried out? The reforms do not seem to be in prospect. You are now asking this House to give support to a legislation which undoubtedly will make the situation worse. It would be one of the saddest mistakes of politicians, it would be one of the gravest blunders on the part of any statesman if he thinks that everything is all right here. I think there is a great deal of discontent. To my own knowledge many of my friends who belong to the Liberal Party or the Moderate Party are gradually feeling that they have to revise their policy. I am trying to think loudly. I know sometimes these are very inconvenient things to say. But I want to tell the Government that they are not keeping themselves in touch with the trend of thought of the country. Do not be misled about the situation. I do not think that this legislation will enable you to remove the evils complained of, and as it will not effect its purpose and as it will affect the liberties, not merely of the press but even of the ordinary citizens, I feel it impossible for me to give my support to it. I beg of Government to reconsider its position.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, from the Statement of Objects and Reasons attached to the Bill, it appears that it is intended to cope with the unhappy situation caused in the country on account of the civil disobedience movement on the part of the Indian Congress. From the provisions of the Bill, it seems to be intended to deal with the different lines of action proposed by the Congress in this connection, such as (1) intimidation to those who do not fall in with the views of the Congress to bring them round to its views of thinking ; (2) picketing and boycotting the persons who do not agree with its adherents in the matter of different methods designed by them to achieve their object ; and (3) especially to control the press.

Now, Sir, before going into the merits or demerits of the clauses comprising the Bill under discussion, I think we ought to see whether this state of affairs exists in the country or not. As far as our past experience of the last two or three years is concerned, I do not think any Honourable Member of this House can deny the fact that this state of affairs does exist in the country to a large extent. Instances are not wanting to prove it and there can be no gainsaying the fact that the Congress, during the last two or three years of its activities, has not hesitated to add to its coercive methods of disturbing the peace of the country with the idea of changing the present form of government. Honourable Members know full well that all its methods have been devised to paralyse Government and had not Government taken adequate measures to cope with the situation created by its coercive methods by promulgating different Ordinances at the proper moment, it was feared that the Congress might carry the day in disturbing the peace and tranquillity of the country. Frankly speaking, these methods of the Congress have gone a long way in paralysing the trade of the country. Under the circumstances there seems to be no harm if Government is armed with the necessary powers it desires to possess for the restoration of the normal conditions that prevailed prior to the existence of civil disobedience.

There is no doubt that the Bill is a drastic measure and there can be no doubt as well that its provisions are against certain sections of the public, but there can be no doubt also that it is intended to do greater good to a decidedly greater number of people and as such its adoption can in no wise be called a matter for regret. It is argued that public opinion is very much against the passing of this Bill, but, Sir, if you go into a bazaar or into a village and if you meet an ordinary man in the street, you will find that, with the exception of Congress-minded men (if at all there is any exception) nearly the whole population of this country is sick of the present state of affairs brought about by the Congress activities. The zemindar, as well as the general trader, is equally tired of it, owing to the present depression in trade and the tremendous fall in the prices of agricultural produce. It has very nearly destroyed the trade of the country and brought the zemindar to the verge of ruin. It would have thrown the country into a state of more chaos and disorder had not the Government taken the courage of dealing with it in an effective measure and at the proper moment, though a little late. It is on account of the effective measures that have been taken by the Government of India since December last that the every-day activities of the Congress have been restricted to a great extent, although not wholly abandoned. The movement cannot be said to have been destroyed *in toto*. On the other hand, there is every probability of its revival with renewed vigour the moment the powerful hand of the emergency measures which has held its progress in check up till now is relaxed.

Again, Sir, the object of this Bill, as its name denotes, is to strengthen the ordinary law so as to enable it to cope with those aspects of the civil disobedience movement which cannot be met with under the existing law of the country. To my mind the civil disobedience movement seems to be the result of a lawyer's study of the defects in the existing law. This Bill seems to be intended to meet the loopholes in it. As such there can be no harm in supplementing the law of the country and thus removing the defects in it which the Congress and its chief workers have taken advantage of to start such a subversive movement generally known as the civil disobedience movement.

Again, Sir, the present Bill is not of Government's seeking. Honourable Members are well aware that last year when every Provincial Government in India was threatened with a particular measure of lawlessness, for instance,

[Major Nawab Sir Mahomed Akbar Khan.]

the redshirt activities in the North-West Frontier Province, the no-rent campaign in the United Provinces, and similar demonstrations in other provinces, His Excellency the Governor General had to issue certain Ordinances in order to cope with the situation immediately and effectively. The motive underlying the promulgation of these Ordinances seems to be no other than to safeguard the country from going back into the same state of chaos and confusion as had been experienced in the year 1930-31 on account of the civil disobedience movement and restore the normal conditions of peace as soon as possible. After the issue of those Ordinances, there was a general hue and cry all over the country, in the press and on the platform, protesting against the promulgation of those Ordinances. There were questions after questions in the Legislative Assembly as well as in this House (if I recollect correctly) as to why those Ordinances had been issued without consulting the Legislature of the country. The justification of the Ordinances was questioned by everybody and it was everywhere argued and stated that prior to the promulgation of the Ordinances the Government ought to have obtained the consent and co-operation of the country's Legislature. It is in response to that hue and cry throughout the length and breadth of the country that the Government of India, placing reliance on the good intentions of the country's well-wishers, have thought it advisable to bring the Bill before the country's Legislature for its sanction and approval. It is now for the Legislature to stand by its promise of co-operation with the Government in their methods of restoring peace in the country and give them those powers which they deem necessary for the restoration of peaceful conditions disturbed as they are by the revival of civil disobedience and are further expected to be in case the powers asked for by the Government are denied to them.

Much stress is laid on the drastic nature of the provisions of this Bill, but I say that no law-abiding citizen need be afraid of them. I do not think that it is the intention of the Government to make everybody the target of this Bill in one way or the other, irrespective of his taking part in the Congress activities. Those who are not indulging in the unlawful Congress agitation should have no fear whatsoever of the drastic provisions of this Bill. All the same, the Bill is not going to be a permanent measure. It is only for a period of three years, during which time, and I must say even before that, we ought to expect the return of normal conditions in the country, in which case there can be no fear of its further application any more.

Now, Sir, with regard to the provisions of the Bill. As to the boycott of public servants, I may say that so many resignations from the patels in Gujrat Kathiawar at the time of Mahatma Gandhi's march to Dandi in the year 1930 were simply due to the threat of their being boycotted by their brethren in case they continued to hold their posts. Although this form of molestation has not been experienced very much in the north, it was feared that it would extend up country. The provision of a punishment against such a threat is quite up to time and can be expected to render satisfactory results.

With regard to picketing, whether peaceful or otherwise, I must say that it is the most objectionable method adopted by the Congress to induce people to desist from their regular course of employment or business. I myself have been an eyewitness to this sort of persuasion at the time of our Provincial Council election in March last. The elections at Mardan were to be held about the 12th of that month. The red shirts in that quarter had proclaimed their intention of picketing the polling stations there. On the day of the election

there were innumerable hordes of these people roaming in every street and bazaar of Mardan, hindering people by persuasions and threats from recording their votes at the polling stations. Mardan was in an actual state of blockade, and no man's honour and even life, whatever his status or position, was safe at the hands of these picketers unless he obeyed their demand of not voting at the polling stations. I have myself seen people insulted and assaulted by these proclaimers of non-violence simply because the registered voters had expressed their intention to record their votes, but for the timely help of the military and police, I do not think a single voter would have succeeded in reaching the polling station. All the same hardly one-sixth of the total voting strength had been able to record their votes in due time. This is only a single instance. There are many more of this kind but I do not wish to take up the time of the House in narrating every one of them. However Honourable Members may have read in newspapers that there was only one vote polled at Charsadda in a constituency of something like 3,000 voters. Besides this, just remember the recent happenings in Cawnpore and Bombay. The root cause of so many casualties and injuries connected with such like unhappy occurrences is due to nothing else but these picketings by Congress volunteers. These daily riots, in one place or another, go a long way to show that the general public of India is thoroughly tired of these demonstrations and molestations on the part of Congress. To say the least the picketing system is the greatest of all evils so far invented by the Congress, and the sooner it is done away with the better for all concerned.

With these remarks, Sir, I lend my support to the Bill.

THE HONOURABLE THE PRESIDENT: I think this is a convenient moment to adjourn the House. Before I do so I should mention that several Honourable Members have suggested to me that it might be convenient if instead of adjourning till half past two this afternoon we adjourn this discussion till the next business day. In that connection I might mention that tomorrow is a public holiday and I assume that our Muslim friends would deprecate our meeting tomorrow. Therefore it is a question of meeting this afternoon or not meeting till Wednesday morning. My own personal feeling is that as the discussion on this motion has not yet finished and there is a long list of amendments, the House should continue this afternoon. But my own feelings of course have very little to do with the matter. I am anxious to take the course which is most convenient to a majority of the Members of the House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, I have not heard yet the reasons those Honourable Members have to urge in support of their view that instead of meeting this afternoon we should meet on Wednesday next. But these must indeed be very very strong reasons to convince one that this House which has been waiting for so long to get at its work should, having met this morning, again put it off till day after tomorrow. Whenever a proposal to put off one's work is made, one feels tempted to accept that proposal. The holiday spirit of the schoolboy is revived when one grows old. But it is all very well for those who are sitting day after day to indulge in that luxury once in a way. It may give cause for some comment which we may not quite appreciate. I would therefore ask Honourable Members to think twice before they wish to indulge in this holiday spirit.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, I fully endorse what has fallen from the lips of the

[Mr. Mahmood Suhrawardy.]

Honourable the Leader of the House and I think we must expedite matters and work and finish quickly and sit if possible after lunch. Sir, I speak on behalf of my party.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): The opinion on this side of the House, as far as I am able to gauge, is that we should sit this afternoon. The work is not likely, in my opinion, even to be finished in the course of today and it will be necessary to have another day, perhaps on Wednesday, as we are not in a position to sit tomorrow on account of a public holiday. I think it will be in the interest of this House that the debate should be resumed after lunch. I do not know if my Honourable friends have any special reasons to ask for an adjournment, but if the Leader of the Opposition can show to this Council and satisfy that there are very substantial reasons, we may be able to reconsider our decision on this matter.

THE HONOURABLE THE PRESIDENT: I might explain that the suggestion which was made to me in this connection did not come from that side of the House at all.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, in case the House is generally of opinion that we should meet this afternoon to resume the discussion on this Bill, I have no objection, but as far as sitting tomorrow is concerned, I think, Sir, because it is a religious festival day of our Muslim friends ——

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Nobody has suggested that.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS——so I propose there should be no meeting tomorrow and after we finish this afternoon, we meet on Wednesday.

THE HONOURABLE THE PRESIDENT: There will be no meeting tomorrow.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I have heard with as much attention as it was possible for me to give to the speeches that were made this morning in this House. I must say though with the greatest reluctance that I have got to characterise some of the speeches from the opposite side as speeches meant more for the hustings than for this Council.

Sir, it has been argued that the present law is sufficient to meet the movement known as the civil disobedience movement. If my friends had

taken the trouble of going through the criminal law of the country, they would have found that dissuasion from enlistment, for example, could not be punished under the Indian Penal Code; so boycott of Government servants could not be punished under the Indian Penal Code however much you may stretch it. Picketing, likewise, would not come under the ambit of the Indian Penal Code. These were practically the handmaids of the movement known as the civil disobedience movement, and I think that if the Government really want to govern, they must have some powers—at any rate some weapons in their armoury— to cope with these menaces. Sir, no Government in the world, I say, if it had regard for law and order and tried to have good government in the country, could possibly look on with equanimity, while their troops were being weaned away and the police were being asked to rebel, very much less, Sir, an alien Government. They cannot certainly look on with equanimity in matters of that kind. So if they have got to govern, and if they do not really mean to abandon the country, they have got to get these powers and this Bill which is before us today gives to them those powers.

Then, Sir, I think it was my Honourable friend, Rai Bahadur Lala Ram Saran Das, who told us about the Rowlatt Act. He felt very indignant at it and no doubt people generally feel very indignant at measures which they are pleased to call repressive, however much they may be wanted by the powers that be. The Rowlatt Act was passed quite a long time ago at a time when I perhaps did not come out of college, but even up to date, Sir, I have never heard of one instance in which that infamous and much-maligned Act was ever applied. If my friend thinks that this piece of legislation is going to be another Rowlatt Act I do not think there is any point in my friend's condemning it or trying to vote against it, because if this Act is not applied, no harm can be done either in my friend's constituency or anywhere else.

Sir, about the civil disobedience movement, what I feel is—and I have it on the opinion of one of the highest authorities—that if civil disobedience which made a very large impression in the country could have been abandoned and the forces of that movement could have been brought towards co-operation with the Government, I think the country would have gone much further than it has by following the civil disobedience movement. With your permission, Sir, may I read a telegraphic summary of what the Lord Chancellor, Lord Sankey, said about it?

"London, November 11th. Gandhi has power to change situation and can do much to restore peace. Civil disobedience does not strike individuals (*mark the words*) but ordinary organised Governments and civilised society. I believe that if Gandhi made great gesture and dropped weapon of civil disobedience and with his followers offered to co-operate with British Government, whole situation would be transformed. Co-operation cannot mean that man gets immediately all he wants but means that he gets infinitely more than he could by fighting to finish."

After paying tribute to Gandhi's sincerity and character Sankey concludes:

"Let him abandon civil disobedience and bend his great powers to task of bringing men together instead of keeping them apart, then I have no fear for future."

I think, Sir, a student of politics who looks dispassionately at things will endorse every word of Lord Sankey. The reforms are well within sight. The constitutional questions that are troubling the Round Table Conference at the present moment, I think if all of us, all shades of political opinions in the country, if we all put our heads together to find a solution, a solution can be found, and a very favourable solution too. Then, Sir, another

[Mr. Bijay Kumar Basu.]

argument that was put forward is that this measure which we have before us will be liable to abuse. Every law can be abused but my friends forgot that this law will be administered by people from the same strata of society from which we ourselves are drawn. This law will be administered by magistrates who, I think, come from the same strata of society as ourselves. What reason is there to suspect that these people will not act according to the law or that they will abuse the powers with which they may be entrusted ? To say that all the magistracy is corrupt is to put the blame on ourselves and to admit that we are absolutely unfit for power. I for one would never give any thought to the proposition that all the magistracy was corrupt. I refuse to believe it.

Objection has also been taken that this measure deals very drastically with the press. As was pointed out by the Honourable the Home Member in the other House and the Honourable the Home Secretary here, this measure is admittedly *drastic and exceptional*. It is only necessary to point out the exceptional nature of the circumstances that have arisen in the country which do call for an exceptional measure of this character. About the press—I do not find my friend Mr. Natesan here—every clause of this measure against the press was debated upon both in the Select Committee of the Assembly as well as on the floor of the Assembly. There have been amendments after amendments on this clause, and the vast majority that supported the measure in spite of the amendments is to my mind convincing proof that the country wanted this legislation. There may be one man here or one man there who do not like it, but the vast majority which passed this measure in the other House gives us full confidence to say that the country wants to arm the Government with these powers. Sir, in a country which has about 94 per cent. illiterate people, who cannot even sign their names—to them, Sir, whatever is in print is true. They believe that it must be true because it is in print as Autolycus said, and there you have got to safeguard the good government of the country by taking the press in hand. Fair comment, fair criticism of measures or steps taken by the Government cannot come under this Bill. Honest criticism need have absolutely no fear from the provisions of this Bill.

There has been another contention of my Honourable friend Rai Bahadur Lala Ram Saran Das that the new constitution will be in this country within a period of two years. He asked, why then the life of this Bill should be three years ? May I tell my Honourable friend that it is because we are going to have the reforms here within two years that the life of the Bill should be a little more than that. If the new Government of India do not want these powers, it will be quite easy for them to repeal this Act. If they think that the country do not like a measure of this sort, it will not take them more than a week to repeal this measure. If they found, after coming into the Government, that they wanted these powers, it would not be possible for them, being, I take it, a popular Government, to carry a measure like this through in the Legislative Assembly or this Council in less than a year's time. So give them another year. If they want it, let them have it ; if they do not want it, let them throw it out. There will be very little trouble in throwing it out.

So far as the general tendency of the Bill is concerned, there is one thing about this measure which makes me very glad. This measure intends to cover all communities. It is not only the Congress or the civil disobedience led by the Congress which it wants to suppress. It means to suppress the

sinister movements of other communities, such as the Ahrar movement or the Jamait-ul-ulema, if they ever go beyond the pale of law ; because coming from Bengal, we have found that in Chittagong a collective fine of Rs. 80,000 was levied from the Hindu inhabitants alone—a place the population of which consists of 74 per cent. of Muslims and 21 per cent. of Hindus ! Then again in Midnapore, the punitive police tax was levied on Hindus alone because we were told that amongst the Hindus there were the terrorists....

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : On a point of order, Sir.

THE HONOURABLE MR. BIJAY KUMAR BASU : On a point of order ?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Yes. There is not a single instance in which we find that Mussalmans are identifying themselves with the terrorists at Midnapore ; so why should they pay police tax ?

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable Member is not raising a point of order.

THE HONOURABLE MR. BIJAY KUMAR BASU : I am only trying to review the fact that this is a general penal law and will be applied with equal severity or leniency to all. I have therefore no hesitation in supporting this measure.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : Sir, this is, to my mind, the most momentous session of the Indian Legislature, and as far as I can recall to memory, since the days of the Criminal Law (Emergency Powers) Bill, commonly known as the Rowlatt Act, no Bill has invoked so much criticism, so much comment, so many adverse remarks and so much discontent as this Bill. I understand that there is a strong feeling in this Council as well as in the country against this Bill, and I therefore propose to speak with a measure of restraint and moderation. I quite appreciate the other point of view, but I feel, at the same time, that the real situation has not been correctly grasped by my Honourable colleagues, especially by my Honourable friend Rai Bahadur Lala Jagdish Prasad, when he pointed out in conjunction with the Honourable Mr. Jagadish Chandra Banerjee that there was no justification whatsoever for the introduction of this Bill. It makes it therefore necessary for me to prove to him what justification there is for this Bill, and I would therefore give in chronological order the history of the second civil disobedience movement, and I feel quite certain that when I recall that sorrowful narrative to him he will agree that opposition to this Bill would not in the circumstances be either just or proper.

Sir, in order to clearly comprehend the necessity and justification for the launching of this Bill it is expedient to recall to our memory the events which necessitated the suppression of the second civil disobedience movement. It is only by understanding the real nature, the genesis and the potential but sad results of that movement that we would perceive as reasonable men the justification for passing this Bill. As pointed out by Mr. Hallett, human memories are generally short and we are apt to forget more frequently recent events that have taken place than those that occurred years ago. Honourable Members are aware of Mr. Gandhi's famous march to Dandi Beach on the 6th

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April, 1930, and with the assistance of his followers how he broke the Customs laws by manufacturing salt. From that date onwards the civil disobedience was inaugurated and serious disorders and disturbances started throughout the country and not a single province was secure from unrest, serious upheaval and riots. It will be remembered that on the 11th April, 1930, the principal cities of Bombay and Calcutta were involved in terrible riots and bodily injuries were inflicted on innocent men and women and murders, arson and rape and other offences were openly committed. The tragedies of Ahmedabad, Malegaon and Viramgaon are still lingering in our memories. Shortly afterwards, on the 15th April, other serious and disastrous riots broke out in Calcutta resulting in a terrible loss of lives and on the following day similar riots occurred in Karachi. On the 18th April, a dastardly attack was made by the terrorists on the armoury at Chittagong. On the 23rd April, the frontier town of Peshawar was disturbed by a serious upheaval followed by riots of a serious nature at Sholapur in the first week of May and the Government were obliged to proclaim martial law there. It would be difficult to find a parallel in the recent history of the country in the matter of crime and carnage as one witnessed in Sholapur. In order to stem these movements it will be remembered that Lord Irwin was compelled to promulgate Ordinances between the 19th April and 7th July, 1930, and was even forced to arrest and incarcerate some of the leaders of the Congress. On the 5th March, 1931, an agreement was arrived at between the leaders of the Congress headed by Mr. Gandhi and Lord Irwin's Government and a pact was signed which will descend to history as the famous Irwin-Gandhi Pact. The terms of that agreement were published in the Gazette of India and by virtue of that pact the civil disobedience movement was called off and picketing conditionally stopped. Unfortunately, the Second Round Table Conference broke down on the communal issue and Mr. Gandhi's followers made the excuse of re-starting the civil disobedience movement on the ground that the terms of the agreement of the 5th March, 1931, were broken by the Government of India. The Government, on the other hand, accused the leaders of the Congress of violating the provisions of a solemn pact that was ceremoniously entered into. The annual administration report of the Northern India Salt Revenue Department for 1931-32 has now thrown a lurid light on the working of the Delhi Pact by the followers of Mr. Gandhi. It is well known that under the Delhi Pact villagers living in close vicinity of salt outcrops were allowed, as a special concession, in response to Mr. Gandhi's request, to collect small quantities of salt for their daily use or for limited sale in their villages. This permission conceded under the Pact was deliberately, seriously and mischievously abused and we have now before us the definite information that a large number of persons from all over the country and mostly from Gujrat visited the salt range and removed not only as much salt as they could carry away but even resorted to animal transport not only to re-kindle the smouldering embers of the civil disobedience propaganda but also for the purpose of making illicit gain and causing serious loss of revenue to Government. We are now authoritatively informed that altogether 42,290 maunds of salt were removed within a brief interval from numerous circles of the range. The excessive quantities that were removed and the distances to which they were carried indicated too plainly the desire to set up an organised traffic which was never contemplated by the pact and which was done in order to deliberately violate the pact and to make it a handle for re-starting political trouble in the country. If any further proof was needed to establish which party was guilty of breach I have only to remind the Council of the statement Mr. Vithalbhai

Patel made within three days of the signing of the pact that the Congress should sheathe their weapons for a couple of months and that they should see that they were not rusted. As if this was not enough, Pandit Jawaharlal Nehru at another meeting, which shortly followed in Bombay, said that the pact by no means meant a final peace and that—

"people should keep up the war mentality in the country so that in case of another fight they would be in a position to fight more vigorously".

Honourable Members will also remember that when Mr. Gandhi attended the Second Round Table Conference in England last October and he was confabulating with the representatives of His Majesty's Government and his brother delegates from India and he was discussing a formula which would reach the greatest measure of agreement as the basis of the new constitution, two most significant movements in this country were started by his ardent and less scrupulous followers in order to undo the good work which he was endeavouring to do overseas, and I may tell you that this action on the part of his followers was not without reason or premeditation. Two most dangerous and disastrous movements to the peace of the country were started, first in the United Provinces and which took the form of a scheming and cunning appeal to the people of that province to refuse the payment of Government dues and also the payments of rents which tenants legitimately owed to their landlords. That movement was particularly dangerous at a time of great economic depression which had practically strangled trade and industry from every point of view, which had ruined agricultural industry and had rendered homeless and without food many thousands of people, which had caused serious unemployment in the country and when particularly the financial and economic basis of society had been cruelly disturbed and torn to pieces. The second movement was started in the North-West Frontier Province in which conditions are not as a rule peaceable and happy and the martial people of that province were instigated to start an organised movement against Government of a semi-military character and in plain defiance of the control and authority of that Provincial Government. The Local Governments had to take immediate, necessary and effectual action for the suppression of these movements and to counteract the efforts of Government a renewal of the civil disobedience movement throughout the country was wantonly started in order to thwart the efforts of the Round Table Conference to arrive at an agreed settlement on the one hand, and, on the other hand, to create disturbance and economic loss in the country. In order to justify their action in re-starting the civil disobedience movement some of the leaders and representatives of the Congress also started baselesss rumours that it was the intention and desire of Government to attack and crush the spread of nationalism and not to give responsibility in the centre and to counteract the movement of Government the civil disobedience movement was justified. The renewed movement was in fact a well considered and deliberate attempt to coerce the authority by mass action and combined force. I shall not refer to consequences that generally result from misguided mob psychology nor dilate on the series of other crimes—on the dastardly and despicable offence committed at the Railway Institute when innocent and inoffensive people were entertaining themselves at a dance, nor will I refer to a series of murders and attempted murders of public officers and private citizens, both Europeans and Indians. It will be unquestionably admitted that all these offences either directly or indirectly can be traced to the existence of a subversive propaganda against an orderly and constitutional Government and the direct result of a policy of boycott, molestation and harassment by which Congress was seeking to serve its nefarious ends.

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My Honourable colleagues will see that it was under these circumstances that the civil disobedience movement was revived with all its tyranny and vigour. His Excellency Lord Willingdon was then obliged, from time to time, to promulgate nine Ordinances which expired in June last. He also promulgated another consolidated Ordinance, No. 10 of 1932, known as the Special Powers Ordinance, embodying the main and important provisions of several previous Ordinances and which would expire on the 29th of this month. To replace the provisions of the said Ordinance No. 10 this Bill has been introduced and it may also be remarked that it does not include all the provisions of the previous and existing Ordinance but only those provisions which have from experience of practical working proved to be absolutely necessary to control the situation as it exists today in this country, and the Central Government have left to Local Governments to supplement these provisions in different provinces by means of local legislation to meet local conditions. It is a matter both of gratification and satisfaction that most of the Provincial Legislatures have already passed supplementary Bills to adequately meet local conditions and exigencies. I may also remark that the Bill was framed in consonance with the wishes of the many Members of the Assembly and particularly the Honourable the Leader of the Nationalist Party in the Assembly who invited the Government in September last, on behalf of his party, to govern the country not by Ordinances but by a legislative enactment, and it was then urged by him that the Government had only to place before the House their Bill and they would receive their co-operation and support which that side of the House (the Opposition) had never stinted. I have endeavoured, Sir, to recapitulate these salient and important facts in order to prove to my Honourable colleagues that not only stringent measures are still essential to extirpate the final stage of the present civil disobedience movement but also to effectually check its revival or recrudescence in any shape or form. It was under these circumstances that this Bill has been introduced and I hope this brief narrative will convince my Honourable friend Rai Bahadur Lala Ram Saran Das who questioned the justification of the introduction of this Bill, and I feel he will agree in the face of these hard facts which I have stated that the Government had no option, the Government would have been gravely responsible for a dereliction of their natural duty if they had not brought this Bill immediately forward before the Legislature.

Sir, having given this brief narrative of the second civil disobedience movement, I propose now to answer the points raised by my Honourable friend Lala Ram Saran Das, my friend the Rai Bahadur and my friend Mr. Natesan, who, I am glad to see, is here. The first argument which has been advanced is that this Bill, if passed, will interfere with the primary rights of personal liberty and freedom. What is the primary right which, in the first instance, I am unable to see. Does not my Honourable friend there consider the safety of the State a most primary and essential requisite? Does my Honourable friend there think that if the safety of the country is not preserved by the maintenance of law and order he will be able to carry on his trade, his avocation, his industrial concerns? Will he be able to carry on the agricultural industry in which he is so much interested? I submit to my Honourable friend that the first essential of primary obligation of the State is to enforce law and maintain peace in the country and any Government that omits to do that would be an irresponsible Government and would not be regarded as a Government at all. Then about personal liberty, am I not entitled to ask whether personal liberty of a man should not be checked when he inflames the public mind, when he instigates people to commit riots, when he instigates people to commit arson and murder? Is the Government to sit quiet and watch with folded hands events which are happening in the country? Is there no duty, is there no obligation, vesting in the Government to check such movement, and if the Government takes action in checking that movement can you regard it as a breach of the primary obligation of the Government?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: What about vicarious punishments?

THE HONOURABLE SIR MANECKJI DADABHOY: I will deal with that subject presently if I have the indulgence of the Council for a few minutes.

Then the next argument which I have seen advanced both here and in the country is that if this Bill is passed it will enable the Executive to abuse their powers. Now, so far as I am aware, this is a stock argument. Every penal Act when brought before the country, before the Council, this argument is advanced that the Executive will abuse their authority, the Police will abuse their authority. Carry this argument to its logical consequence and see how ridiculous this argument is. If you say that the Executive will abuse powers vested in them when this Bill is passed, you might as well argue and ask that all the penal laws of the country should be abolished because the Executive will abuse them. You might as well say: "Repeal the Penal Code because the Police are liable to abuse, they are liable to arrest people and abuse their powers". What about the safety of the State under which alone society can exist, trade and business can go on. Is not special legislation necessary to meet national danger? So you will see that there is no reason or sense in an argumet of this kind to advance against the introduction of a Bill of this character. I quite admit that occasionally mistakes are made by the Executive. I am not going to say that every Executive is infallible. Mistakes are often made, but when you compare the number of prosecutions that annually take place with the number of convictions that are obtained every year, you will realise that this argument has not much value.

Then you said these special Acts enable the Executive to abuse their authority. Now I will only take three important instances. I remember I was present when the Newspaper Incitement Act of 1908 was passed to meet the exigencies of the situation created by the Bengal Partition agitation against which the same contention was raised. This Act was repealed in 1921 and during the 14 years of its existence in a place like Bengal which was then a hot-bed of sedition, do Honourable Members know how many prosecutions took place, how often this Act was availed of? Only nine times, and in six of them the men were acquitted. You call that an abuse of authority? In the same way, the Rowlatt Act, when it was passed, you all remember the agitation that took place in the country. From every platform opposition was offered and most of the Members of the Imperial Legislative Council then spoke against the Bill and said it was going to cause terror in the country. It would make the lives and liberties of the people of this country absolutely insecure. And may I tell you how many prosecutions took place under the Rowlatt Act? Not a single prosecution took place under the Rowlatt Act. Take again, the Press Act of 1908. The same sort of argument was repeatedly and vehemently advanced. There were very few prosecutions under the Press Act. It was only in the case of the gutter press of India which is always irresponsible either to the country or to the Government or to themselves, that a few prosecutions were undertaken. So I am speaking now with reference

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to hard facts, placing hard facts before you in order to enable you to remove these apprehensions from your mind regarding the alleged abuses by the Executive in respect of these matters.

Then my friends, both Lala Ram Saran Das and the Honourable Rai Bahadur, have said that the policy of repression will do no good : stop repression. And the Honourable Mr. Natesan as well wound up his most eloquent speech by a reference also to the fact that we have to get to the root cause of this evil, namely, to give responsibility to India and if Government give responsibility to India everything will be well. I am not so optimistic as my friend there or my friend Mr. Natesan. I have grown grey in this Council and I realise that this sort of talking will never eradicate these evils in the country. What is repression ? The Bill aims only at law breakers. Is protecting law-abiding citizens, protecting public servants from murders, assaults, harassments repression ? Can the suppression of unlawful organisations be regarded as repression ? Is Government not bound to suppress those who have removed all fear and restraint from the minds of the people ? You require a stern hand. But my Honourable friend Mr. Natesan has asked : " Why does not the Government make any overtures and move for co-operation and conciliation ?" Has not the Government done that ? Has not the history of the last two years testified to that fact, that the Government have repeatedly and most sincerely and most earnestly endeavoured to bring about an amicable settlement with the leaders of this subversive movement ? Why was the Round Table Conference held three times ? Has not the Premier, has not the Secretary of State, from their places both in the Conference and in the House of Commons, made emphatic statements about the future policy of this country which the Government is going to adopt and is that not a gesture of goodwill ? Is that not a gesture of conciliation ? Is that not the gesture which you require ? What more do you require ? And if my Honourable friends need any further proof, what has His Excellency the Viceroy told us only a few weeks ago ? I will read an extract from his speech to remind you of what he said that you may dispel from your minds altogether that no gesture of goodwill has been shown by the British Government and British statesmen. Here is the first extract which His Excellency Lord Willingdon in his speech the other day said :

" The introduction of constitutional reform in India on the basis of an All-India Federation coupled with the widest practicable measure of responsible government at the centre and in the provinces could no longer be described even by its critics as a party decision. It is now the approved policy of the British Government, of the British Parliament and of the British people."

What more assurance does my friend Mr. Natesan require than this as a gesture of conciliation, as he said ? And here I will quote another passage from His Excellency's speech :

" Speaking on behalf of my colleagues and myself, I tell Honourable Members frankly that the conclusion we have reached is that all that is now required is goodwill and mutual confidence to carry us to the end of our journey, so that we may see rising before us the fruition of our hopes and labours."

What more definite statement than this can you have ? And only two days ago our esteemed friend, His Excellency the Commander-in-Chief in India, speaking at the inauguration of the Military College at Dehra Dun, advising the cadets told them :

" Be ready for the new responsibilities which you are shortly going to obtain."

What more emphatic statement than this can possibly be urged on behalf of Government ? I submit, therefore, it is absolutely futile to say seriously that what is wanted is the sympathy and goodwill of Government. The goodwill must depend on us. We must try and meet Government now in the solution of this most difficult question. We must meet Government and give them every help. The country must give it. The Congress must give it and then even what answer do we get to that, which my Honourable colleagues have forgotten ? Only the other day, Mr. Gandhi, from his place in jail, has announced that the civil disobedience movement has become an article of faith with him and it will never be given up. Is that the reconciliation on the side of the Congress ? Is that the conciliation which you Honourable Members require ? For these reasons I say this Bill was perfectly justified.

My friends there have stated that we are required to give our support to a set of laws which are entirely unsuited and which never could be obtained in any civilised form of government. I must say, with great deference to my Honourable colleagues, that they must be very imperfectly acquainted with the legislative history of European countries ; otherwise, no such statements would have been made. Even in Ireland, the 17th Amendment was passed a short time ago doing away with civil powers and giving the Cabinet the right to appoint a Tribunal of five people, not civil officers conversant with law and usage but military people, with no appeal, no revision, no form of mercy over their decisions, and with powers to sentence to death any man who would not pay Government dues or who carried on or aided or abetted a boycott of public servants or a no-rent campaign. If you want a concrete example, the 17th Amendment of the Irish Free State Constitution gives you a vivid instance. Different countries have adopted different methods to deal with internal disorders. New methods must be provided for new forms of crime and for new circumstances which have actually arisen.

Then, as regards the doctrine of vicarious punishment. Is it a new law ? Would you not, standing in the position of *loco parentis*, be responsible for the actions of your wards ? Is that a doctrine unknown to all the civilised countries ? I may say for the edification of my Honourable friends that this doctrine has been embodied in the English Statute, which is the Children's Act, 8 Edward VII, Chapter 67. This is a very old Statute. It is a law which has been recognised throughout England and which has also formed the basis of parental responsibility in America and in many European countries. But why go so far? We have passed long ago in various Presidencies in India similar Acts. The same principle is recognised in Bengal Act II of 1922, section 25. In Bombay Act XIII of 1924 the provision embodied is virtually a reproduction of the English provision. In Madras, the province from which my Honourble friend Mr. Natesan comes, the Act is known as Act IV of 1920, which reproduces a similar provision. In my own province, the Central Provinces, they have lately actually passed the Children's Act on similar lines. A provision of a like nature exists in the unwritten law of the tribal area of the Frontier province. To a certain extent it also existed in the Frontier Crimes Regulation of 1901 which has now been suspended. The Bill simply embodies provisions which impose vicarious liabilities on parents and guardians for the offences of young persons. Clause 8 has been so amended by the Select Committee that a parent or guardian is allowed to show in his defence that he has not helped in the commission of the offence by neglecting to control the offender. For any parent it is very easy to prove that he did not help or aid his ward in the perpetration of the offence. How many of us can honestly say in this country that we have prevented our young children

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from participating in the Congress propaganda, and in aiding and abetting it ? Thousands and thousands of children are allowed to go their own way without any restraint. Some parents actually instigate their children to go and participate in these activities. It is now considered patriotic and heroic to do all this. Is legislation to suppress this nefarious practice to be looked upon and detested as a piece of noxious legislation ? My friend referred to the doctrine of vicarious punishment and I have now given him full explanation. I am indeed very sorry that in the original Bill a punishment of imprisonment was provided, but the Select Committee, in its judgment removed that and made it only a question of fine. I think a few instances of imprisonments of the parents would have got rid of this form of the Congress propaganda much earlier.

Sir, I have already taken three-quarters of an hour and I am very grateful to you and the House for showing me this indulgence. I think that we shall our sound judgment and wisdom and keep up the traditions of this House if we today unanimously, with one voice, without a single dissentient, support this measure and I appeal to my Honourable friends there, who have spoken against this Bill, to see their way to show to the country that though they are prepared to safeguard all legitimate and varied and vested interests of the country, they are also interested in the maintenance of law and order and the good government of the country. Sir, I will not speak on the other provisions of the Bill now as I shall have another opportunity of speaking later on. (Applause.)

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I had no intention of participating in this debate and if I do so now it is just to reply to certain points and direct references made by the Honourable Mr. Benthall to our Party and to certain remarks which fell from our Honourable friend the nominated Member from Calcutta and the gallant Knight of Nagpur.

Sir, the reason why we on this side are not prepared to offer our support to the Government is not due to the fact that we do not appreciate the difficulties of the present Government. Why we are not willing to give our support to this measure is because it is desired to have a one-sided bargain. In all business deals it is the custom that for each rupee to be paid there must be some value received. The price for the powers that the Government wants now is, that the future status of India should be so raised as to make it a land fit for free people to live in. Mr. Benthall appealed to our Party to show a progressive spirit. Well, it takes two to make a quarrel. If he wants us to be progressive, we would demand, on the other hand, that the Government should also be more liberal and less conservative in its safeguards and other provisions which are being forged now by Sir Samuel Hoare in the Round Table Conference. If the spirit that was shown by Lord Irwin and Mahatma Gandhi in March, 1931, to which Sir Maneckji referred, had continued, there is no doubt the whole country would have been in a better position. The Government on its side would have been saved from the necessity of bringing in a law of this nature, and the country would have been saved from the turmoil in which it is now. But, Sir, it is a moot point, who started the game first. The thing started, and now those who have the upper hand, those who have the power, ought to come out first and show compassion and give sincere proofs of their desire to do good by India, and it is not for the Congress men, who are rotting in jails, to give the lead. There is no doubt that the

Congress, if it had wanted to shorten the fight, could have done so, but the reasons which compelled them to continue this fight, knowing that it was a losing hazard, was that the mentality of the Government in England after the defeat of Labour had changed enormously and there was no more prospect of an honourable settlement being made in the case of India.

Sir, our very presence in this Council Chamber is a proof positive that we are not like Congress men but are believers in the constitution and in co-operation. We have come here in direct defiance of the Congress mandate to non-co-operate and it should not be taken that the reason why we now turn round and do not support the Government is to be found in the Congress propaganda. It is because the Government by its action in India and outside has shown its utter disregard for the voice of its advisers who want to further India's good, that we have become despondent of having any fruit from co-operation. Non-co-operation may be barren but there is no doubt that those who are following it are doing so without any regard for their personal benefit, they are doing so patriotically, it may be that they are not well guided in selecting their part, but there is no doubt about their sincerity. They are doing it out of patriotic motives and this cannot be said about all of us who have come to co-operate with the Government.

Mr. Benthall asked what the representatives of the people would do if they were faced with a situation of this nature ? Would they ask for powers like this and would we support them or not ? The question is not necessary. As Sir Maneckji pointed out, in Ireland we had a proof of it. The Black and Tan methods which failed to quieten Ireland were not half as stringent as the measures started by Michael Collins and Cosgrave but Ireland did not demur at the stringent measures of Cosgrave because they knew that the man at the helm was their own man and they had perfect confidence in him. They knew that whatever he was doing he was doing for the good for the country, and that confidence was lacking in the case of England, when they started Black and Tan methods during the war and afterwards. The same thing would happen in India. A responsible Executive could be armed with far more stringent powers than what the Government are asking us now, because there would be the security that the people in whose hands we were placing the administration of the powers would be responsible to us ; they would have to face the constituencies and if they mismanaged things they would be liable to be turned out. If we could have a like assurance from the present Government they could have freely demanded unconditional support from the people of the country, provided they had behaved in the manner in which the National Government when formed in England does behave. But do we find, Sir, that the Government in India is behaving in the same manner in which the national Governments in England have behaved ? I may say that the worst features of Party Government that could be found in England are perpetrated every day in India. All the Party preferences and the other evils of Party Government—I might even go so far as to say that Tammany Hall methods—are sometimes indulged in and still the Government demands from the representatives of the people that they should be above Party and support the Government. We would be perfectly willing to give our unstinted support to the Government when we find that the Government is in the interests of India, for the people of India and for no other cause. Mr. Basu asked us to support the measure so that an alien Government may continue to rule over India. That is a strange appeal from a patriot.

THE HONOURABLE MR. BIJAY KUMAR BASU : I did not say that.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: That is what I have taken down.

THE HONOURABLE MR. BIJAY KUMAR BASU: I am afraid you are wrong.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir Maneckji has recounted the troubles and distress with which India was afflicted on account of this civil disobedience movement. There is no doubt, Sir, that India has suffered greatly from the civil disobedience movement, but there are times when sacrifices have got to be made and there are times when sacrifices do pay. The Honourable Mr. Hallett in this introductory speech referred to this civil disobedience movement as a sort of unarmed rebellion. I think he correctly described it. It is a sort of rebellion, but against what? Against the present order of things; and I should like that England should repeat the history and be as generous with us as they were with their armed foes who fought with them in the Boer War. That would enhance the lustre of the English name more than these pettifogging measures of repression. England will come out brighter, more glorious and better able to fight the economic battle if it has contented members in its Empire. I look forward, Sir, to the day when these talks that are going on in the Round Table Conference are finished. Sir Maneckji Dadabhoy has pointed out to us all the gestures that have been made by the Government. I admit gestures have been made. But when we come down to brass tacks we find that there is more loud talking than real good.

THE HONOURABLE SIR MANECKJI DADABHOY: Loud talking on whose part?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Loud talking on the part of the British Government. The constitution that has been framed for the Centre makes our position even worse than it is now. At the moment, Sir, this House has got only 12 Government Members, whereas then there will be 40 per cent. Members coming from the States who will be as much Government Members as anybody else.

The reason why people have, to a certain extent, grown weary of this movement and are really now wanting to have a respite is not because the laws have proved effective in crushing the movement; the laws have simply tired them and let the movement go underground. People who have gone to jails have not been permanently incarcerated, they are likely to come back again, and we have seen that they can again go in for this disorder. The one reason we suspect to be underlying in this measure is that the present economic depression and the worsening of the Government finances may compel the Government to bring forward, at the next budget session, more and more taxes on the already overburdened Indians and we fear there may be such economic upheaval in the country that the Government will require more powers than they have now.

The Honourable Sir Maneckji pointed out that we must support Government to mantain peace in the country. I would appeal to him and remind him of the Irish example and the adage that "good government is no substitute for self-government". We know that it is a good government, but it cannot be a substitute for self-government. The penal laws that are in existence and the penal laws that this Bill proposes to enact are far different. There is a world of difference between the two. The ordinary penal laws are

subject to all the ingenuities of the law of evidence and appeals. We can exhaust all the machinery of the law in the case of the ordinary criminal law, while in these laws the Government enact special provisions. We had a reminder of these special provisions in a debate in the Assembly last year, on the "Habib Noor case" in which the time between the attempted murder and the execution was only three days. The whole legal process was finished in three days. These are special laws. That is why people are so wary; they do not want to enact special laws, because of the fact that it shortens the procedure. By leaving out all the ways in which its correctness could be tested in ordinary courts of law, by shortening these processes, and by stopping appeals, power is given to the magistracy which the ordinary penal law does not give. What Mr. Basu pointed out about the magistracy is not correct. But can we deny that the magistracy of India is not as independent as the magistracy of England? Here we have got paid men and hirelings of the Government as the magistracy.....

THE HONOURABLE MR. BIJAY KUMAR BASU: Are they all honorary?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Most of them, Sir. Here they are paid by the Government and are therefore under their orders, while in England a great portion of the magistracy is free and not subservient to the Government of the day. These are the safeguards which we demand.

If the Government really wanted to arm itself and wished to make a real effort to get the support of this House, the right method would have been to have a Joint Select Committee of the two Houses. We are never given an opportunity to give our advice when legislative measures are on the anvil. When everything is cooked and ready to be served, it is brought to us and we are asked just to say "Yes." We have got no business with the shaping of the laws. It is here that the Government usually blunders, and it is this action of the Government which is more responsible for turning people of this House against it than anything else. Government does not want our co-operation. We have tried times out of number to be included or to be associated with measures when they are under discussion. If you will see the Report of the Select Committee, you will find, Sir, that a great deal of change has been incorporated in the Bill. In the Assembly only two amendments—and those two by the Government Members—were accepted. That shows that there is more scope for work in the Select Committee than there could possibly be in the open session of the Council. It is because the Government has got no regard for the feelings of this House, it is because they do not want our co-operation that they do so.

THE HONOURABLE SIR MANECKJI DADABHOY: How is that the fault of the Government? It is the constitution, it is the Government of India Act which precludes them. It is not at all different in any other Upper Chamber.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: The Rules provide that if it is the desire of any Chamber to have a Joint Select Committee, a motion to that effect can be made in the originating Chamber, and then it can be brought to the second Chamber, and if both concur, then the Bill will be referred to a Joint Select Committee. That provision is present in the Legislative Rules, and if the Government had really been anxious to secure the co-operation of this House they would have done this. They ought to have done it in September when they introduced the Bill and

[Mr. Abu Abdullah Syed Hussain Imam.]

referred it to a Select Committee in the Simla session when there was ample time. There was no question of want of time. Government seems secure in this House, as they really are. I admit that. They can very well disregard the Opposition, because it is very ineffective here; but that ineffective opposition cannot be justly condemned for taking this attitude, when we find that the Government is likewise behaving in the same irrational manner. They are non-co-operating with us. They give us the first lesson in withholding co-operation, and as a corollary we have got to follow suit.

THE HONOURABLE SAIYID MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, my Honourable friend Mr. Hussain Imam has just remarked that we have no prospect at present before us of an honourable settlement. Sir, I contend that we have now much greater prospects than we had at the time when civil disobedience had not been restarted. Sir, what was it that we had when the civil disobedience movement had been in abeyance? All that we had was the pledge of the Labour Government, the support of the Labour Party, and what is it that we now have? Sir, as has been observed by His Excellency the Viceroy, we have now the pledge not only of one Party in England but of all the three leading Parties there. We have the pledge not only of the British Government but we have also the pledge of the whole British Parliament. Are not, Sir, our prospects now much better than they were at the time when the civil disobedience had not been restarted? And what was it, Sir, that changed our dim, flickering hope built merely on the support of one Party, the Labour Party in England, what was it that changed that prospect into the bright hopeful prospect that we have now before us? It was all due to the gesture of co-operation that was shown by the Party which is now non-co-operating. Even though, Sir, the deliberations of the Second Round Table Conference had ended in failure, even though, owing to our failure to reach an agreement on the communal settlement, the deliberations could not attain their full success, in spite of this, Sir, our prospects have become greater only because of this fact that the people in England were assured that they had a better atmosphere in India so that they could co-operate with us in evolving a form of government which would go to place more responsibility on Indian shoulders.

Now, Sir, as regards the Bill before us, Honourable Members are aware we are legislating for abnormal times. The conditions which obtain in the country today are exceptional requiring exceptional laws to meet the necessities of the situation. Sir, if we refer to the Preamble of the Bill we find it reads as "Whereas it is expedient, etc.". Sir, this expression, "expedient", connotes the subordination of a principle for the sake of achieving an aim or purpose. We shall not therefore be justified in rejecting the present measure merely on the ground that it is drastic or different in principle from the ordinary law of the land. I do not mean to contend, Sir, that the measure before us is perfectly flawless. I am conscious of the fact that there are provisions in the Bill which have an ambit only too extensive and a range of application so wide that they are apt to bring within the clutches of this law even such acts as, far from being reprehensible, are most necessary for the well-being of society. I am also conscious of the fact that the provisions about the press are somewhat drastic and it is just possible that free and frank criticisms of the actions of the Government and of their officials may become more difficult, and it may be contended that at a time when the Third Round Table Conference is sitting in London and deliberations and consultations are being held with Indians in England regarding the kind of constitution to be installed in this country, it

may be contended that this is not the opportune moment when anything should be done that might have the effect of stifling honest criticism or free and frank expression of views. I wish, Sir, these provisions had been improved at the time when other improvements had been effected by the Select Committee but, Sir, even if these defects are not remedied, I am sure that the law which is being enacted will be reasonably administered. I am sure, Sir, our Honourable friends here who have been opposing the Bill will give credit to the magistracy in our country to have some amount of common sense and discretion to administer these laws in a reasonable manner, striving their best to avoid mischieveous consequences.

Now, Sir, the Bill has been immensely improved by the Select Committee. But for the vast improvements that have been made by the Select Committee and particularly for the fact that the Select Committee has prevented this legislation from becoming a part of the permanent law of the land it would have been impossible for most of us who are now supporting this Bill to have given our assent to it. Sir, it is admitted on all hands that the present is an extraordinary situation. It is in view of this fact that abnormal laws were promulgated to cope with the exceptional situation in the country. But, Sir, these Ordinances which had been utilised to cope with the situation could not be indefinitely issued over the heads of the legislatures in the land. It has therefore become necessary for the legislators of the country, for the representatives of the people, to play their part in the keeping of the public peace and in the maintenance of law and order in the country. It was in view of these facts, Sir, that in several provinces like the Punjab, the North-West Frontier Province, Bombay, the United Provinces, the local Legislative Councils have passed emergency laws. It was in view of this fact also that the Legislative Assembly only the other day passed the measure which is now before this House. Sir, the very fact that the Legislative Assembly which is considered to be the popular House has passed this measure should be proof patent of the necessity for this emergency law.

4 P.M.

Sir, I was surprised to hear from my Honourable colleague Rai Bahadur Lala Ram Saran Das that this Bill reminded him of the Rowlatt Act. He compared this Bill with the Rowlatt Act. But he conveniently forgot the fact that the Rowlatt Act was the creature of a Council in which the elective element had hardly any effective voice. He forgot the fact that this Bill is one which reflects the view of the Legislative Assembly and as such reflects the view of the representatives of the people in the country. If only my friend the Honourable Rai Bahadur Lala Ram Saran Das had given some credit for the elected Members of the Assembly to have some sense of responsibility, some feeling of patriotism, which no doubt has animated my Honourable friend in all his utterances here, he would have realised the fallacy of his analogy.

Now, Sir, it is true that there are provisions in this Bill which have too wide a scope. True also that the law which this Bill enacts is drastic, severe and repressive. But, Sir, it is no less true that the object of the Bill is not punishment but prevention. The end aimed at is not the curtailing of the freedom of speech or action but the securing to ordinary citizens their bare right of existence. Sir, the object of this Bill is to make people more responsible, more tolerant, less prone to inflict their will upon others. Sir, in a word, this Bill is meant to ensure to millions of our countrymen and countrywomen their natural rights and liberties without which every improvement is a sham, every advance a mirage and even democracy only a mockery. Sir, without this securing of their natural rights to the masses,

[Saiyid Mohamed Padshah Sahib Bahadur.]

without this self-discipline, self-control which would make it impossible for us to interfere with the national rights and liberties of others, self-government will be a farce, because, Sir, it is of the very essence of self-government that it is a well-ordered, well-regulated form of government of the people, by the people and for the people.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal: Non-Muhammadan): Sir, although I come from Bengal where of late terrorist crimes are on the increase, yet I can not accord my support to this piece of legislation, because I feel that the Central Government has, in the first place no necessity for enacting a legislation of this repressive character. The Provincial Governments have betimes moved themselves in the matter and have posted themselves up-to-date with the remedial measures in order to cope with any emergency arising. In the second place, Sir, the life of the Bill should not be extended to three years because if the fresh instalment of reforms proves quite reasonable and satisfactory, as it is held out to us, all these sinister movements against which this measure is directed will die a natural death. In fact some of the Provincial Governments where the evil is admittedly on the increase, in bringing about legislation on identical lines have given it only a year's duration, evidently acting on that belief.

Sir, my own experience of the working in my province of the Ordinances, most of which have been incorporated in this Bill, has unfortunately hardened my feeling against them. The discretionary powers with which they have clothed the Police and the Executive have in effect brought about a suspension of the constitution and have paved the way for defiance of law and for the substitution of military rule or misrule in place of civil rule. Property and home are no longer inviolate under them. They have already begun to suppress even educational and other social service institutions which do not participate in political work. As a hereditary stake-holder in the country, I cannot but view such a state of affairs without considerable alarm, especially when the Press, whose main function is to bring to light all cases of just complaints on the part of the aggrieved public, is sought to be ruthlessly put down through their operation. Sir, it is not people like myself that have occasion to find fault with them. Your people your Christian missionaries who have had experience of their working have condemned them in no unmeasured terms. One must not forget that among those Scottish missionaries who have sought to draw the attention of their Scottish Members in the House of Commons to the unfortunate working of the Ordinances in this country are *ex*-lord bishops, *ex*-vice chancellors, principals of colleges, heads of medical missions and eminent divines. On the top of this comes the severest condemnation of the Ordinances from the pen of that servant of Christ, the Reverend C. F. Andrews, in the course of a thought-provoking article entitled "Asia in Revolution" in the October number of the *Modern Review*. Lastly, Sir, Father Elwin in his book *Truth about India* : *can we get it* has ruthlessly run down the Ordinance regime. Sir, if these opinions do not prevail with the Government, I wonder what sort of opinions will.

Sir, we cannot shut our eyes to the fact that of late there has been growing unpopularity of British rule in this country and that for causes too well known to need recapitulation on this occasion. But to consider this sort of feeling as revolution is really misreading of the true situation and amounts to a condemnation of the entire Indian population. One can call it a feeling of revulsion, but not revolution. Because if there were really revolution in the country, the Government could have hardly secured the backing that they had in the Provincial Legislatures for their emergency legislations one after the other. Again, Sir, when one finds that there are some longstanding grievances of the people against the existing form of Government one can easily account for that revulsion of feeling. The civil disobedience movement is only the means to the end of remedying those grievances. But the policy of the Government in regard to the civil disobedience movement seems to me entirely misconceived in method as it is itself futile and meaningless in object. Civil disobedience is not a disease in itself, but only a symptom of a deep-seated disorder in the body-politic. Government should not forget that they might keep all Congress men in confinement for some time, some of them for all time, but they must remember that they could not keep all Congress men in confinement for all time either under a special powers Bill or under the ordinary law. The way of looking at the nationalist movement as an evil which must be put down at all costs is bound to fail. There is no better proof of this fact than the failure of the Ordinances in their effect necessitating their statutory permanence in this Bill. But I feel sure that no sooner the present form of government changes, that moment this movement will collapse. But from the moment this sort of reactionary legislation is put into operation all spirit of nationalism will be crushed amongst the people and they will be reduced to the position of serfs and villains, and in place of just and judicial administration an arbitrary and tyrranical form of government will reign supreme. The consequence will be that people will be driven to utter desperation and Congress, which, according to English, American and Continental autnorities, has in fact been the bulwark standing between the British official and the assassin, will loose its hold upon the people and one shudders to think what may not happen then.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Sir, I have no great enthusiasm for this Ordinance Bill. At the same time, it would not be wise to skip over the administrative difficulties created by the civil disobedience movement and by the terrorist outrages in the country. Some of my Honourable friends who preceded me have based their objections largely on the arguments that its provisions were liable to be abused. I admit, Sir, that any measure of this kind which confers such wide powers on the Executive might be abused. But I doubt if there is any one here or in the country who really in his heart of hearts believes that the ordinary law is capable of combating the triple menace of the revolutionary movement, communism, and terrorism or the civil disobedience movement. Therefore, Sir, like other countries in the world, Government has to resort to a measure of this kind. A Government has no choice: either it has to abandon its duty of defending itself and the State in the interest of the public safety or permit a revolution to plunge the country into chaos.

Sir, I come from the district of Midnapore in Bengal. Let me respectfully but forcibly bring to the notice of the House that the Midnapore district is the representative of the province. Here it was that two District Magistrates have been murdered in cold blood despite strong precautionary measures. Mr. R. Douglas, the latest victim, was personally known to me and was a very popular magistrate. He was very highly spoken of by the local public. He dealt with the Congress leaders and the Congress picketers in a very gentle manner and allowed peaceful picketing, but in spite of all this he was not spared. His murder was described by a section of the Hindus as *go-bodh*, that is, as heinous a crime for th Hindus as the killing of the sacred cow. Now, Sir, I should ask the House to judge if Congress tyranny and its sympathisers have compelled and forced the Government of Bengal and the Government of India to have this Ordinance Bill or not? Sir, as we have all

[Mr. Mahmood Suhrawardy.]

noticed, out of 27 districts of Bengal, Midnapore, Chittagong and Dacca are the plague spots of terrorism. The terrorist section of the Hindus and these misguided but desperate youths organized the conspiracy to kill Mr. Douglas in the District Board Hall while he was actually discharging his public duties. Sir, six years ago I happened to be both Chairman and Vice-Chairman of the District Board of Midnapore. I am still in touch with the people there. These wanton assassinations have caused great panic and I know how high officers have to live in intolerable conditions. In my humble opinion, Congressmen and their leaders who are sympathisers of the terrorist section of the civil disobedience movement are responsible for this Ordinance Bill and such strong measures. Government are fully justified in taking prompt and effective action for the safety of the public and the State. Sir, when I notice the condition prevailing in the Calcutta Corporation and in the District Board of Midnapore and when I notice that the schools and colleges have become the nursery of revolutionary doctrine in my country, Government, in my opinion, have every justification in arming themselves with adequate power in the interests of good government and the protection of their officers. Sir, if you want the safety of your officers you are bound to do so. If you want to save them from all cares and anxieties of their lives, if you want to ward off the evils of terrorism, you have got to arm the Government with powers as provided in this Ordinance Bill. Sir, I do not see eye to eye or agree with those who say that the Act will not check the evil. If you want to remove the evil you have got to take extraordinary measures for these extraordinary evils wholly foreign to the people of this land. Congress leaders should have called off the civil disobedience movement, since liberal reforms and responsible government have been vouchsafed by the British Parliament and the dual policy has been very successful in India. I wish Congress and its supporters, from Mr. Gandhi, the apostle of non-violence, whose broad and liberal ideas are to uplift the depressed classes, with his soul force down to Hossani Methar of Midnapore, now an M. L. C. in the Bengal Legislative Council, representing the Congress section, would remember that the first law of all human progress is "to live and let live", and that the Hindu community cannot and should not be an exception to it. Therefore, Sir, I would impress upon that section of their community who want to adopt a high-handed policy towards honest citizens by threats and terrorism to call off civil disobedience and to bring peace and prosperity in the country.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: Why not give the same advice to the Moslems of Dacca?

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Well, I wish my friend there would himself go to Dacca and advise or preach this gospel to the Moslims there. But, Sir, I must, at the same time, sound a note of warning against encroachments on the inalienable right of the people, the free ventilation of one's ideas whether in the press or at public meetings. The Press and such meetings are the safety valves and give indications of public opinion, which is the basis of good government. I offer this criticism, Sir, not in a destructive sense, but to enable the Government to mould its policy towards the Press leniently. Sir, I support the Bill. I have no objection to Government assuming larger powers for the maintenance of law and order to combat this new pestilence in this country.

THE HONOURABLE MR. M. G. HALLETT: Sir, I do not think it is necessary for me to reply at any great length to this debate. My arguments

such as they were, have been supplemented very ably and fully by many non-official Members and they have answered most of the arguments put forward by those on the opposite side of the House who still consider that this Bill is not necessary and is in some respects dangerous. One of the arguments put forward, on which I would like to say a few more words, is that this Bill sets up a kind of martial law. I think my friend, the Honourable Mr. Banerjee, made that observation. Possibly the Honourable Member was reading the Special Powers Ordinance and not this Bill, for this Bill omits the more drastic provisions of the Special Powers Ordinance, Chapter II, and does not embody any of the regulations which are ordinarily brought into force where martial law is in force. Further, to say that it gives very wide executive powers seems to overlook the clear provisions of the Bill itself. The Bill makes certain acts penal offences. Those offences are triable in the ordinary criminal courts by the ordinary magistrates, subject to the ordinary appeals, subject to the ordinary revision. The Honourable Mr. Hussain Imam observed that there was no right of appeal. That is quite incorrect. A full right of appeal exists and there is no extraordinary procedure in regard to the trial of these offences. Then again, take the provisions about unlawful associations. The civil court has been brought in there and an appeal to the District Judge is allowed. Take again the law regarding the Press. The High Court comes in there under the provisions of the Act which was passed last year and an appeal to the High Court can be filed. I may make one other comment with regard to the Press. The last speaker, the Honourable Mr. Suhrawardy, mentioned that we should not close the safety valve. I may say on that point that the Government of India have always issued instructions that this Act should be applied with reason and with discretion. They were first issued by His Excellency Lord Irwin after he had met a deputation of journalists in June, 1930, when the first Press Ordinance was promulgated, and the Honourable the Home Member in the course of the debate in the Assembly has shown his readiness to re-issue those instructions to Local Governments as soon as this Bill is passed into law. The Council may therefore rest assured that the Act will be applied with discretion and moderation by Local Governments. Again, another point was raised—I think it was by the Honourable Rai Bahadur Lala Jagdish Prasad—it was suggested that this Bill would deprive many citizens of their liberty. I should be glad if people who make such criticisms would sometimes study the statistics which are issued by the Home Department from time to time showing the number of convictions under the Ordinances which are now in force. They would find, for instance, that in the United Provinces, from where the Honourable Member comes, since January of this year up till October only three people out of every 10,000 of the population have been convicted and thereby deprived of their liberty, convicted, mind you, and not deprived of their liberty by mere executive action. In other provinces the figures are equally striking. In the Punjab, for instance, only seven people out of 100,000 have been convicted since the 1st of January. That I think disposes of the argument that the provisions of this Bill or the Ordinances which preceded it deprive people unjustly of their liberty. It affects only a small part of the population, but a very tiresome and a very turbulent and a very talkative minority. Reference has been made to the vegetable seller of Midnapore. He has got a good deal of notoriety. He has been mentioned in this House, he has been mentioned in the Assembly; he has even been mentioned in the House of Commons, and in the House of Commons, if I remember correctly, rather an apposite question was put, whether the vegetable seller himself objected to the order. I think if an answer is obtained to that question it would probably be found that he was only too glad to return to his work without any let or hindrance. But if we

[Mr. M. G. Hallett.]

remember the vegetable seller of Midnapore let us not forget the toddy vendors of Bihar who were deprived of their livelihood by their trees being cut down by Congress volunteers, so much so in one case, of which I have knowledge, the toddy sellers turned on the Congress volunteers and killed one of them. I do not think we can make too much of the vegetable seller of Midnapore if we remember the other side of the picture.

I do not think it is necessary for me to add anything to meet the other arguments that have been put forward ; for, as I have said, this Bill has received a very full measure of support from non-official Benches and I trust, in agreement with the Honourable Sir Maneckji Dadabhoy, that this House will unanimously take the Bill into consideration and unanimously pass the Bill.

THE HONOURABLE THE PRESIDENT : The question is :

"That the Bill to supplement the Criminal Law, as passed by the Legislative Assembly, be taken into consideration."

The Council divided.

AYES—32.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.	Israr Hasan Khan, The Honourable Khan Bahadur Sir Muhammad.
Bartley, The Honourable Mr. J.	Johnson, The Honourable Mr. J. N. G.
Basu, The Honourable Mr. Bijay Kumar.	Mehr Shah, The Honourable Nawab Sahibzada Sir Sayad Mohamad.
Benthall, The Honourable Mr. E. C.	Muhammad Hussain, The Honourable Mian Ali Baksh.
Charanjit Singh, The Honourable Raja.	Murphy, The Honourable Mr. P. W.
Chetti, The Honourable Diwan Bahadur G. Narayanaswami.	Noon, The Honourable Nawab Malik Mohammad Hayat Khan.
Choksy, The Honourable Dr. Sir N.	Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Clow, The Honourable Mr. A. G.	Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Commander-in Chief, His Excellency the.	Parsons, The Honourable Sir Alan.
Cotterell, The Honourable Mr. C. B.	Ram Chandra, The Honourable Mr.
Dadabhoy, The Honourable Sir Maneckji.	Shillidy, The Honourble Mr. J. A.
Devadoss, The Honourable Sir David.	Sinha, The Honourable Rai Bahadur Madan Mohan.
Drake, The Honourable Mr. J. C. B.	Suhrawardy, The Honourable Mr. Mahmood.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Vachha, The Honourable Khan Bahadur J. B.
Ghosal, The Honourable Mr. Jyotsnanath.	
Habibullah, The Honourable Nawab Khwaja.	
Hafeez, The Honourable Khan Bahadur Syed Abdul.	
Hallett, The Honourable Mr. M. G.	

NOES—10.

Banerjee, The Honourable Mr. Jagadish Chandra.	Kalikar, The Honourable Mr. Vinayak Vithal.
Dutt, The Honourable Rai Bahadur Promode Chandra.	Kidwai, The Honourable Shaikh Mushir Hosain
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Natesan, The Honourable Mr. G. A.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Jagdish Prasad, The Honourable Rai Bahadur Lala.	Sinha, The Honourable Kumar Nripendra Narayan.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Wednesday, the 14th December, 1932.

COUNCIL OF STATE.

Wednesday, 14th December, 1932.

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

QUESTIONS AND ANSWERS.

FINANCIAL GRANT OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH TO THE UNIVERSITY OF DACCA.

225. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Will Government be pleased to state the amount of the annual financial grant of the Imperial Council of Agricultural Research to the University of Dacca for research work at the Agricultural Farm at Manipur, Dacca ?

(2) Will Government be pleased to make a statement on the research work done by the scientific expert or experts of the Dacca University at the Manipur Agricultural Farm, Dacca, with the aid of the said financial grant of the Imperial Council of Agricultural Research ?

(3) Will Government be pleased to state whether the annual report of the research work done at the Manipur Agricultural Farm at Dacca with the financial aid of the Imperial Agricultural Research Institute, is translated into the vernacular of the province for the enlightenment of the public in general ? If not, why not ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (1) The Imperial Council of Agricultural Research has so far sanctioned the undermentioned grants to the Dacca University :

(*i*) Rs. 26,000 spread over a period of five years on account of staff.

(*ii*) Rs. 5,000 initial grant for apparatus.

(*iii*) Rs. 1,518 for apparatus in 1930-31.

(*iv*) Rs. 1,806 for apparatus in 1931-32.

(*v*) Rs. 2,000 for apparatus in 1932-33.

It is probable that a further sum of Rs. 4,000 may be required for apparatus before the scheme is completed in May, 1935.

(2) The research for which the grant has been made is on two problems, namely, (*i*) methods for the mechanical analysis of soils including a study of the organic matter in the soil, and (*ii*) the assimilation of nitrogen by the rice plant. The scheme was started in May, 1930. Interim progress reports on the work done during the years 1930-31 and 1931-32 have been received by the Imperial Council of Agricultural Research and examined by a sub-committee composed of expert members of the Advisory Board of the Council interested in soil problems. The Sub-Committee agreed with the Agricultural Chemist to the Government of Bengal who is co-operating with the Dacca University that satisfactory progress had been made.

(3) The annual reports which have been received so far are periodical progress reports and the results obtained cannot be regarded as final. When the scheme is completed and final results of the work are available, the question of translating them into the vernacular of the province will receive due consideration.

HUNGER-STRIKE IN THE DEOLI CAMP JAIL.

226. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: (1) Has the attention of Government been drawn to the news item published under the captions, "Deoli Detention Camp", "Is a Hunger-strike On?" in the *Hindustan Times* of the 29th November, 1932?

(2) Is it a fact that trouble occurred there on the 2nd November last as a result of a conflict between the Gurkha guards and the Bengali detenus?

(3) Were there any casualties among the detenus? If so, how many and what is their present condition?

(4) Is it a fact that the detenus have been on hunger-strike since the day of the incident? If so, what have Government done to end the reported hunger-strike of the detenus?

(5) Will Government be pleased to make a detailed statement on the incident?

(6) Is the Deoli Detention Camp visited from time to time by any non-official gentlemen under orders of Government? If so, do they submit any report to the authorities? If so, will Government be pleased to lay on the table the report or reports of the non-official visitors to the Deoli Detention Camp?

(7) Why has detenu Satindranath Sen been transferred to Ajmer Central Jail?

THE HONOURABLE MR. M. G. HALLETT: With your permission, Sir, I will answer the seven items of the question together. The facts are as follows:

During October, some of the detenus at the Deoli Camp disregarded the rules about roll-call. On the 26th October, two detenus were found absent from roll-call, and subsequently refused to obey the orders of the Superintendent summoning them to his office. The Superintendent awarded punishment to the senior detenu for absence from roll-call and deliberate and obstinate disobedience of his orders. The punishment awarded was reduction of diet allowance and personal allowance for 14 days and the cancellation of the privilege of writing and receiving letters for a period of two months. On the morning of the 29th October, the Superintendent received a general communication from a number of detenus threatening that they would cease to attend roll-call unless the punishment was withdrawn. On the 30th, only nine or ten detenus attended the roll-call, and similar disobedience of the orders occurred on the 31st October and the 1st November. Later on that day one detenu, who had not only refused to attend the roll-call but for a long time could not be found at all, was summoned to the Superintendent's office, but refused to obey. He was again summoned to attend on the morning of the 2nd, but again refused. The detenus' manager had been asked to persuade the detenu to proceed to the office, but he replied that he could give no help in the matter. Guards were therefore sent to bring the detenu to the office, whereupon some 50 detenus crowded round the entrance of the room blocking the way and adopting a threatening attitude towards the Superintendent. The guards were ordered to make a passage for the removal

of the detenu. They forced back the crowd and a scuffle ensued. The detenus abused the jail officers, seized the Deputy Superintendent round the waist and tore the uniform of the Superintendent and others. Two detenus received small cuts on the head, and a number received contusions. There is no truth in the suggestion that 30 detenus received injuries of a serious nature. On the 5th November, two of the detenus commenced a hunger-strike, and four others followed their example on various dates between the 10th and 15th November. On the 25th November, all six abandoned the hunger-strike, and their condition is understood now to be quite satisfactory. The hunger-strikers were looked after by the Medical Officer of the Camp, and the additional Civil Surgeon of Ajmer was also specially sent out to Deoli and remained there superintending their treatment.

The Chief Commissioner, Ajmer-Merwara, has appointed a Visiting Committee including a non-official visitor. Under the rules the Committee must visit Deoli Jail not less than once in every calendar month and their reports are submitted to the Chief Commissioner. I do not propose to lay those reports on the table.

Mr. Satindranath Sen has been transferred from the Deoli Jail, as he was the prime instigator of these organised attempts to defy authority.

CRIMINAL LAW AMENDMENT BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The Bill to supplement the Criminal Law. Clause 2.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): Sir, I move:

"That in clause 2 for the word 'wilfully' the word 'maliciously' be substituted."

Sir, my amendment is a very innocent one and my intention in moving it is to shift the burden on the prosecution to prove that the accused was instigated by malice to induce the public not to join the Military, Naval, Air or Police service of His Majesty. It is admitted that under the ordinary law of evidence the prosecution has to prove the bad faith of the accused. In the two exceptions that have been appended to this clause the accused will have to prove good faith, and, therefore, the burden will be on the accused to prove good faith. It will be very difficult for the accused to prove good faith. So my intention in moving this amendment is simply to see that the accused is not put to any trouble and opportunity is given to enable him to show that he was not at all instigated by malice in dissuading the public from entering the Naval or Military forces. The word "malicious" has been defined as

"a wrongful act done intentionally without just cause or excuse".

Now, Sir, if the prosecution really has a good case against the accused it can prove that the accused really intended with malicious intention to dissuade the public from enlisting, and it will also be possible for the accused to prove his innocence. So, therefore, I appeal to the Honourable the Home Secretary to accept my innocent amendment.

THE HONOURABLE MR. J. BARTLEY (Government of India : Nominated Official) : Sir, I am afraid that the amendment moved by the Honourable Member is not quite so innocent as he attempts to make out. This clause as originally drafted ran :

" Whoever dissuades or attempts to dissuade ..... ".

In response to an objection which was ingenious and imaginative rather than well-founded, the word " wilfully " was inserted. The effect of " wilfully " is to put beyond doubt the fact that a wrongdoer who commits this offence involuntarily is not touched by the section. In fact, Sir, " wilfully " means nothing more than this, that the wrongdoer being a free agent and knowing what he is doing and intending to do what is done commits the act. Now the word " maliciously," if substituted for the word " wilfully," would have a very much more substantial effect on the meaning of the clause than that. The Honourable Member has said that a malicious act is a wrongful act done intentionally without just cause or excuse. That is a very bare and inadequate definition of the word " malicious." A man acts maliciously when he wilfully and without lawful excuse does that which he knows will injure another in person or property, and the word " malicious " and " maliciously ," although used in English law in the expression " malicious prosecution," " unlawfully causing death by malice aforethought " and so on, has been avoided as far as possible in the Indian Penal Code. In the Code as it stood for 40 years the word " maliciously " can be found only I think twice. Stephens in his Digest of the Criminal Law calls attention to the pitfalls which underlie this word " maliciously." He says :

" The word ' malice ' seldom has any meaning except a misleading one. It refers not to intention, but motive : and in almost all legal inquiries intention, as distinguished from motive, is the important matter ".

He adds :

" Another objection to it is that its popular meaning is not barely ill-will, but an ill-will which it is immoral to feel ".

Now, what the State sets out to do by this clause is to prohibit a certain class of offence as being against the interests of the State. It is necessary to stop them. In other words, this clause creates a wrong of absolute liability. The law says, this act shall not be done, whatever the intention of the doer. It cannot afford to make terms with the wrongdoer in matters of this kind. An important right of the State is at stake, and the State sets out to say that in the public interest this act must not be done. You do it at your peril. You may do it with the best motives, you may do it with an innocent intention, but you must not do it at all. If you are a free agent and know what you are doing, you are liable to punishment if you do the act at all. The Honourable mover says that he desires to shift to the prosecution the burden of proving that the wrongdoer was actuated by malice, that is, that he had an intention to do without lawful excuse an act which he knows will injure another in person or property. If you say here that the prosecution must prove malice, they must prove the state of mind of the wrongdoer. They must prove that he does an unlawful act to the detriment of another. To whose detriment ? To the detriment of the person dissuaded ? Well, it may not be to his detriment or it may be absolutely impossible to prove that it is. Then, to the detriment of the State ? The answer is, what detriment is there

to the State if one man is dissuaded from enlisting. The detriment is so slight that it could be argued on the principle *de minimis non curat lex* that it is beneath the notice of the law. But if a number of cases of this kind accumulated, the detriment caused by a number of attempts to commit this offence would be a very serious matter. The State might in the end be prejudiced in obtaining the services of citizens in its own defence. It is not the individual case that counts, it is the aggregate. Therefore, if you put upon the prosecution the onus of attempting to prove what can only be proved by overt acts, the state of mind, and if you put upon the prosecution the onus of showing that some detriment was caused, you render the protection afforded to the State by this enactment practically nugatory. Therefore this amendment, Sir, must be opposed.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Sir, since my first amendment to this clause has not been accepted, I move another amendment. There is a clerical error in it and, with your permission, Sir, I want to add the word " or " before the words " attempts to dissuade the public or " in my amendment. My amendment therefore runs thus :

" That in clause 2 the words ' or attempts to dissuade the public or ' be omitted."

The clause would then read :

" Whoever wilfully dissuades any person from entering the Military, Naval, Air or Police service of His Majesty shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both."

Sir, in my opinion this clause is unnecessary and the difficulties that are anticipated by the Government for framing this clause are practically imaginary. Owing to unemployment among the educated, as well as the uneducated classes, you will get a number of persons to enter the Military, Naval, Air or Police service of His Majesty. I may state, Sir, that if anybody is dissuading the public from entering these services, I believe it is the Government which is dissuading them, because I can say with confidence about the educated classes that if you give them proper facilities, you will find a number of educated persons ready to enter the Military, Naval, Air or Police service.

Coming to the amendment, Sir, I submit that in this clause and Exceptions, there is no definition of " attempt to dissuade. " The phraseology is so vague that one cannot say what " attempt " is, what is the meaning of " attempt " and what results have followed from the " attempts " if there are any. Sir, I submit that there must be some overt act and that overt act must result in dissuading the public from enlistment. So if there is any overt act on the part of the wrongdoer and if it does not result in dissuasion, then in that case these words are unnecessary. By keeping these words in the clause, I submit that, in my opinion, you are giving practically a blank cheque to the prosecutors, because nobody knows what interpretation will be put on the words " attempts to dissuade " by the courts and if I were to give advice to a person on account of his personal circumstances, still I might come under the purview of the clause if these words are there. So I submit, Sir, that the words " attempts to dissuade " should not be there in the clause, and if these words are removed the object which the Government have of getting enlistment in these services will be achieved.

With these few words I move my amendment.

THE HONOURABLE MR. J. BARTLEY: Sir, the Honourable Member has corrected his amendment, but I do not know whether he yet completely appreciates the implications of the wording he has employed. The amendment is that the words " or attempts to dissuade the public or " be omitted. The clause will therefore read :

" Whoever wilfully dissuades any person from entering the Military, Naval, Air or Police service of His Majesty, etc."

There are therefore two results following from this amendment, first, that attempts to commit the offence are not punishable, and second, that the offence when committed with regard to the public as well as an attempt to commit the offence in regard to the public is no longer punishable. Now, the result of the omission of the word " public " is that general solicitations not addressed to individuals would no longer be punishable, that addressing a public meeting would no longer be punishable, that issuing a circular addressed to a community would no longer be punishable. In other words, the most dangerous and far-reaching forms of this deleterious activity are left untouched by the clause. As regards the effect of the omission of the word " attempts," so far as I understand the Honourable mover, he has no particular objection to the punishment of attempts *per se* but he objects in this case because he conceives that the courts may have difficulty in determining what actually constitutes an attempt. He says there might be no overt act. Well, if there is no overt act, there is no offence. I do not share his apprehension that the courts will have any difficulty in interpreting the word " attempts. " It is a well known stage in the commission of an offence. There are four stages : the intention or formation of the mental state, the preparation, the attempt and the commission. The law as a rule takes no regard of the first two stages, but it steps in at the third stage. In all modern systems of jurisprudence, attempts are penalised. In the Indian Penal Code section 511 makes a general provision for attempts where not otherwise provided for by the Code and if the Honourable Member will look at sections 153A, 161, 162, 165, 171C and 196 he will see that in the wording of these sections in the Code itself attempts are penalised—" Whoever promotes or attempts to promote feelings of enmity or hatred ", " Whoever accepts or obtains or agrees to accept or attempts to obtain ". Now, have the courts ever had any difficulty in interpreting what " attempt " means in these sections ? I think not. Therefore, Sir, my objections to this amendment are that it rules out the most dangerous and far-reaching form of this activity, and secondly, that the fears of the Honourable mover are completely unfounded in respect of the difficulty of interpreting what the word " attempts " means. I must therefore oppose the amendment.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : Sir, my third amendment is as follows :

" That in clause 2 after the words ' or with fine ' the words ' which extend to Rs. 200 ' be inserted."

This is a new offence created under this Bill, and in certain clauses of this Bill, I mean in clause 4 and clause 7, a maximum punishment of fine has been mentioned, but in this case no maximum punishment of fine has been mentioned. My submission is that as the Government has created this new offence there ought to be some limit for the fine which a magistrate will impose on a wrongdoer under this clause. I know, Sir, that an argument would be advanced that the

trial would be by a first-class magistrate and he would fine only Rs. 1,000 but in some parts of the country, especially in my province, the Honourable Sir Maneckji Dadabhoy knows it, under the Ordinances and in some cases under the sections of the Indian Penal Code, certain offences were dealt with severely and an over-enthusiastic magistrate went to the extent of imposing a fine of Rs. 10,000 under section 124A. So there must be some limit. Supposing this trial comes before a magistrate who is empowered under section 20 of the Criminal Procedure Code he may fine from Rs. 10,000 to Rs. 20,000. So as you have created a new offence and as I think you do not want to be vindictive on the wrongdoer, you must fix some limit and therefore I propose that a limit of Rs. 200 should be fixed.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I must oppose this amendment. It will be admitted, I think, by the Members of this Council that the offence of dissuasion from enlisting is a very serious one and a deterrent punishment must in some cases, not necessarily in all cases, be imposed. It has been argued that we have created a new offence, I admit we have created a new offence. There was a lacuna in the Penal Code. There was a hole in the law and Congress agents tried to get through that hole in the law. But because we have created a new offence, because we have realised that a serious offence may be committed, that is no reason why we should limit the power to impose punishment for that offence. The Honourable Member also referred to the fact that in certain cases he has heard of very severe fines being inflicted, that magistrates with special powers have imposed sentences of Rs. 5,000 to Rs. 10,000. But, Sir, even in cases tried by these courts there is still the right of appeal to the High Court or some other appellate court and my experience of appellate courts is that if a fine or a punishment is in their opinion in any way too high they reduce it. Further, I would remind the Honourable Member that there is a section in the Indian Penal Code which is no doubt borne in mind by the High Court when dealing with such a case that if no limit is stated in the law to the amount of a fine that fine shall not be excessive. To suggest that Rs. 200 is sufficient punishment for an offence of this kind in the worst circumstances—for after all this is a maximum and need not be imposed in every case—seems to me to be quite absurd. I have looked through the Code to see in what cases the limit of Rs. 200 is fixed. I have found one—that is a case of an offence under section 358—assault on grave and sudden provocation. It cannot for a moment be held that the offence of dissuasion from enlistment is at all comparable to the very petty offence of assault on grave and sudden provocation. We can trust our magistrates to impose suitable fines in suitable cases. Even if they do not we can trust our appellate courts to see that the fine is appropriate and for that reason we think it far better to fix no limit in the law. I oppose the amendment.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir I move :

" That to clause 2 the following proviso be added, namely :

' Provided that no Court shall take cognisance of an offence punishable under this section unless upon complaint made by order or under authority from the Local Government or some officer empowered by the Government in this behalf'. "

[Rai Bahadur Lala Ram Saran Das.]

Sir, this amendment is a simple one and my object in moving it is to avoid giving a blank cheque to the police. I do not want that any policeman might prosecute anybody he likes. What I propose, Sir, is that as similar clauses exist in this very Bill in clauses 4 and 7, I see no reason why such a special clause should not be added to this section. What I wish, Sir, is that the filing of a prosecution should be in the hands of a responsible officer. In case the case goes to the Local Government, the Local Government will see whether or not there is a *prima facie* case against a certain person. This will create confidence among the public and the public will find that innocent persons are not allowed to be wrongfully hauled up by the police. Therefore, Sir, I hope this House will accept this amendment.

THE HONOURABLE MR. M. G. HALLETT: Sir, the Honourable Member has moved this amendment, which I must oppose, because he anticipates that the police will use the power given them by this section unnecessarily and to harass innocent persons. I do not think there is any need for that apprehension. My own opinion of the police is considerably higher than that of very many gentlemen on the opposite side of the House and my experience of them which is considerable is that they do not file cases unnecessarily. Strict control is kept by the superior officer and there are very few occasions on which they abuse their powers. There are it is true certain sections of this Bill, there are certain sections in the Indian Penal Code in which the sanction of the Local Government is required. In the case of the Penal Code, that sanction is required in cases mainly of very serious offences against the State coming under Chapter 6 of that Code. In those cases difficult questions of law may arise but in cases where a person has gone to a village and has made a speech or has talked to people with a view to dissuading them from enlisting it is merely a very simple question of fact and surely the local officers, the local police and the local magistrates, are competent to decide questions of that kind and say whether a *prima facie* case has been made out, without the very cumbrous procedure of references to the Local Government. If a reference is made to the Local Government it must involve delay. That is our universal experience. But in these cases delay might be most disastrous. A Congress volunteer is going round the village trying to persuade people not to enlist in the Army. He tries to interfere with the recruiting party. It is essential in the interests of the Army that prompt action should be taken to stop any such pernicious activity. There is a further point that I would make. The Honourable Member referred to the necessity of the institution of such cases being subject to the control of a responsible officer, not merely in the hands of a sub-inspector of police. In many cases where recruiting parties are interfered with, it is probable that the first complaint will be made to the officer in charge of that recruiting party, that is to say, to a commissioned officer of His Majesty's Army. He would probably make a preliminary enquiry and then an enquiry will be made by the local police. That again is a protection, if a protection is needed, against any chance of harassment by a sub-inspector. But the main ground on which I oppose this amendment is that to introduce the Local Government into a case of this kind which merely involves decisions on questions of fact would involve a very cumbrous and very dilatory procedure and will take away greatly from the deterrent effect of prompt action. I oppose the amendment.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 3.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, this amendment is just the same as the one I moved on clause 2. The amendment is:

"That in clause 3 the words 'or attempts to induce' be omitted."

A new offence is being created and this clause is very wide. Taking into consideration the *Explanation* to this clause, even a village choukidar, or the servant of a local authority or railway administration will come within the scope of this clause. If you make the clause so wide, you must, at the same time, see that the wording of the clause is not vague and that it is not difficult for the prosecution or the accused to prove the guilt or innocence respectively. At the same time, the courts must not find it difficult to interpret the words "attempts to induce." It has been said in opposition to my first amendment on clause 2 that the word "attempt" may mean three different things. I quite agree that it means really three different things, intention, preparation and result. But here what is the meaning? The word "attempt" has not been defined in this Bill. The result will be that the prosecution will get a free hand to prosecute anybody though there is no practical result of his attempt to induce any public servant to fail in his duty. Cases may occur when advice may be given by the relatives or friends of a public servant that on account of certain circumstances he should not be in the service and that he should give it up. He will thus become a wrongdoer and will be punished under this clause. Even if there is an attempt, and if it proves abortive, there is no harm done to the administration. If really the attempt is successful and the public servant leaves Government service or fails in his duty, then there is some harm, but if the attempt is not successful, then the administration can be run as smoothly as before. In view of the large number of servants that have been included under the *Explanation*, petty cases, cases specially arising out of personal malice or out of a private grudge will crop up, and in such cases the principal witness will be the Government servant, and he, out of a private grudge, will try to take revenge on his opponent. Take, for instance, the case of a village choukidar who is mentioned in the *Explanation*. In my part of the country, the village choukidar, if I understand the term rightly, is called the kotwal. In my part of the country, practically in every village there are two parties. Suppose the kotwal belongs to one party and the accused to another. Suppose, again, the tenants who belong to the opposite party say that they cannot pay their rent on a certain day or that the kotwal should not ask them for rent. That will also be an attempt to induce him to fail in his duty as a public servant. In these circumstances, I want that these words should be omitted altogether. The court also should not find any difficulty in interpreting these words. At the same time, the courts should come to a certain conclusion not only on the evidence of the public servant, but there should also be some corroborative evidence to bring home the guilt to the accused. Therefore, Sir, I submit that these words should be omitted.

With these words I move the amendment.

THE HONOURABLE MR. J. BARTLEY: Sir, it appeared at first from the speech of the Honourable mover that he did not know what the meaning of the word "attempt" was. Subsequently it appeared that he was able to make a tolerably accurate guess by the example which he provided. There is really no obscurity or mystery about the meaning of the word "attempt" in law. "Attempt" is an act done in part execution of a criminal design, amounting to more than preparation but falling short of actual consummation. The only justification that I can see for accepting the amendment of the Honourable Member is if this House came to the conclusion that when a man sets out to commit an offence and succeeds, he should be punished, but when he sets out to commit an offence and does his best and fails, then he should be consoled by immunity for his incompetence or his lack of success. That seems to me about the only argument that can be put forward in favour of this amendment. Subversive activity is to be allowed to continue until it produces effect, until it succeeds. Only then would the Honourable Member agree to penalize it. This is a case in which it is absolutely essential that attempts to commit the offence should be punished with the same severity as actual commission of the offence, and that principle will be found recognized in the Indian Penal Code in the offences dealing with the relations of the public with public servants and servants of the State:

"Whoever assaults or threatens to assault, or obstructs or attempts to obstruct any public servant in the discharge of his duty in endeavouring to disperse an unlawful assembly",

and so on. Everywhere you will find that the logical position has been adopted that it is necessary to punish and by punishment to prevent attempts just as much as it is necessary to punish and prevent the commission of certain offences. I therefore, Sir, oppose this amendment.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, my next amendment is:

"That in clause 3 for the words 'one year' the words 'six months' be substituted."

I do not think this amendment requires a speech from me. It is just like the amendment I moved under clause 2. Of course, this being a new offence a maximum period of punishment has to be fixed. But I do not know of any reason why the maximum period fixed in the case of two clauses, clause 4 and clause 7, should not have been fixed in this case. I think that a maximum punishment of six months will be quite sufficient and it is with that object that I move this amendment.

THE HONOURABLE MR. M. G. HALLETT: Sir, I am afraid I must oppose the Honourable Member, and my reasons for doing so are much the same as those which I gave when discussing his previous amendment. The offence is a serious one which may cause considerable trouble and inconvenience to the public generally, if somebody comes along and persuades public servants to fail in their duty. If he persuades the servants of a railway company or persuades the servants of a local authority, the inconvenience may be great. You may be deprived of your electric light or your water supply if they get hold of the servants of a municipality and persuade them to give up their work. You may be deprived of the convenience of telephonic communication if they get hold of the servants of the post office and persuade them to give up their work. Government feel that they are bound to make it possible to impose a deterrent sentence when such offences are committed. The full sentence will not always be imposed, but there may be cases in which it is fully justified. I oppose the amendment.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, I move:

"That in clause 3 after the words 'or with fine' the words 'which may extend to Rs. 200' be inserted."

In this clause, Sir, the maximum period of punishment has been fixed for one year, but the maximum amount of fine has not been fixed. I fail to understand why it has not been fixed? If the period of punishment can be fixed, then under the same principle the maximum amount of fine also should be fixed. I have already said that as this is a new offence you should not be vindictive. It is just possible that the court may levy any amount of fine, and therefore I submit that some maximum should be fixed.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, I am afraid I must again oppose the Honourable Member. I do not think I need repeat the arguments which I have already given in regard to the other amendment. We are following a very excellent precedent in this clause. There are many sections in the Penal Code where the sentence of imprisonment is subject to a maximum but where the fine is unlimited.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, my next amendment is:

"That in the *Explanation* to clause 3 the words 'a servant of a local authority or railway administration, a village choukidar and an employee of a public utility service as defined in section 2 of the Trade Disputes Act, 1929,' be omitted."

It is argued, Sir, on behalf of the Government that this Bill is intended to crush the civil disobedience movement. If it is intended to crush the movement launched by the Congress I may bring to the notice of the House that Congressmen are very keen to enter local bodies and they will not in the least attempt to disorganize the services of local bodies, because if those services are disorganized the public will feel the sting of it and as they are returned by the public they will think twice before disorganizing such services. The same applies to members of public utility services who will not fall a prey to the tactics of Congressmen. They have launched the civil disobedience movement but they do not want at all to inconvenience the public. It is not their programme to put the public to trouble by the stoppage of these services. If this *Explanation* is left here it will not do any good to the administration and it will create unnecessary discontent. Under the Trade Disputes Act labour organizations have a right to get their grievances redressed by striking. If this *Explanation* is left with the clause the right of the labour organizations to get their grievances redressed by way of a strike will come to an end. The same case occurs in local bodies. I am afraid I have to state it frankly, but I must state it that in all local bodies, rightly or wrongly, there are two factions and the office-bearers of local bodies are to some extent very strict when they have got the least suspicion that some of their servants belong to the other party. In fact those

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servants do not belong to the other party. In such cases, Sir, the servants of the local bodies also try this remedy of going on strike for getting their legitimate grievances redressed. In that case, the remedy that is open to the servants of local bodies will no longer be available. I have already referred in my speech to the inclusion in this clause of village choukidars. It will be a great hardship and will give a handle to the police to institute a large number of frivolous prosecutions. Taking into consideration these hardships, I submit that the inclusion of servants of local authorities, railway administrations and village choukidars and employees of public utility services in the clause is unnecessary. I therefore submit that my amendment should be accepted by the Government and these words removed.

THE HONOURABLE MR. M. G. HALLETT: Sir, again I must oppose this amendment. The exclusion of these words would render this section very ineffective; it would take away the protection this section is intended to give to the public. The Honourable Member is optimistic that Congress would not indulge in any of these activities, it would not interfere with the work of local authorities or with the work of some of the public utility services. I do not think that optimism is justified. We never can quite tell what mischievous activity the Congress will not adopt tomorrow. It may not be on their programme at present, it was, I admit, not in their original programme. But we have all heard of frequent cases where Congress volunteers caused considerable inconvenience to the travelling public by pulling communication cords of railway trains. We have heard of other cases where mischievous boys employed by the Congress have set fire to letters in letter boxes. We have heard also of cases in which telephone and telegraph wires have been cut. We have also had a case which occurred in the province from which I come in which certain people who from the evidence that was produced in court were shown to be connected with the Congress even went so far as to make two very serious attempts to derail the train. Those attempts were, I am glad to say, unsuccessful, unsuccessful rather in the sense that no loss of life occurred and I am glad to say that those two miscreants are now suffering transportation for life. Those are examples of the activities, the mischievous activities, due to Congress; and it is those activities or similar activities that a section of this kind is designed to prevent. Apart, however, from these servants of local authorities or railway administrations or public utility services, the Honourable Member thinks that by including the village choukidar we may give power to the police to bring false cases against those who refuse to cow tow to their authority. This section has been in force for some considerable time and has had none of those results. The number of cases reported under this section is not large, but the mere fact that this section has been a part of the law of the land for the last year or so has protected the humble choukidar from the very serious harassment to which he was exposed during the early part of 1930. I referred to that in my general speech on the Bill and I pointed out that in an area which I knew a great number of choukidars were forced by means of social boycott to fail in their duty, to neglect their work, the result was one disastrous to the general public, for a free field was thrown open to the thief and the dacoit and there was immediately a very large increase in ordinary crime. Sir, I consider that this definition, amplifying the definition of a public servant in the Penal Code is essential and without it this section would have very little effect.

The motion was negatived.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, the amendment which stands in my name runs thus:

"That in the *Explanation* to clause 3 the words 'a village choukidar' be omitted."

Under this clause it is a punishable offence to tamper with public servants and in the Explanation to this clause we find the definition of public servant. This definition is so wide that it includes from the highest paid officers down to the ill-paid choukidars of the village. Any inducement or attempt to inducement to fail in their duty will be punishable with imprisonment for a term not exceeding one year, or with a fine of unlimited amount, or with both. Sir, even in the Ordinance itself "public servant" did not include such a wide class of people as the village choukidar or a railway servant. A village choukidar is generally illiterate. He is in most cases recruited from the lowest ranks of society. He is low paid and I do not know, and I am sure, if any ordinary villager knows what are the actual duties of his employment. His outlook cannot but be narrow. He is self-centred and too much engrossed with parochial affairs, and anyone who tries to belittle his importance in any way will at once incur his wrath and run the risk of being harassed under this section. The desire of power in excess caused angels to fall, leave alone an ordinary illiterate village choukidar. A weapon like this in his hands is sure to be an engine of oppression and a strong handle for satisfying his private grudge.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: I have already given some reasons for opposing this amendment in dealing with No. 12 which has just been rejected by this Council. I do not myself hold as low an opinion of the choukidar as the Honourable Member who has just spoken. He is a most useful servant of the public and of Government. He does come from a very low strata of society—that is true. He does receive a very inadequate and wretched pay,—often only Rs. 4 a month. But without him the police could not really function in rural areas. If he is persuaded to withdraw from his work then the police work for the whole of that area must very nearly come to a complete end. I do not think there is any risk that he will abuse his power and harass people in his village. Public opinion will prevent him. But I think we are bound to protect him from the serious attacks to which he has been subjected during the last two or three years as a result of the civil disobedience movement.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 4.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, my amendment is:

"That in sub-clause (*1*) of clause 4 the word 'lawful' be inserted between the words 'his' and 'duties'."

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Sir, the duties of a public servant are not defined in this clause. This is a new clause and such an all-pervading clause that from a money-lender to an ordinary washerman everybody can come under the purview of this clause. If a money-lender refuses to lend money to a sub-inspector because he has no security for returning the money or because he does not agree to the rate of interest, he can also come under this clause. If a washerman refuses to wash the clothes of a police inspector or a police jamadar or if a barber refuses to shave a police jamadar or police officer, he also can come under the purview of this clause. So, I want to submit, Sir, that the duties of the public servant should be mentioned and it should be made clear what are the duties and how a man who does not deal with him or who is alleged to harass him, fails to assist him in performing his duty. I therefore submit that if the word "lawful" is there that will clear the position. Recently a case occurred in my province, Sir, which I may bring to the notice of the House, where a veterinary officer wanted a cart to take him to some other village and his chaprasi went to a poor tenant and brought his cart without paying any money to the tenant. The tenant resisted and afterwards for that resistance he was challaned and fined by the lower court. In the appellate court, however, it was decided by the district magistrate that the taking of a cart by *begar* without paying anything for it was not a legal duty of the chaprasi and as such the resistance offered by the tenant was quite legitimate. He was within his rights in resisting and the poor man was acquitted. I have just heard from my Honourable friend, the Home Secretary, that there will be appeals and in case of fines the fines will be reduced. I quite understand, I quite realise the position, but then I submit why should poor people be made to pay unnecessary expenses for going to the appellate court and to pay large fees to barristers and pleaders like my Honourable friend, Sir Maneckji Dadabhoy, and others ?

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : I do not get any money nowadays !

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : So my submission is that the phraseology should be as clear as possible and that there should be nothing left which will not be described in clear terms as to what are the lawful duties of the public servant. I therefore submit that this is a necessary amendment and should be accepted.

THE HONOURABLE MR. J. BARTLEY : Sir, I find myself in complete agreement with the Honourable Member who has just spoken in this respect that he says the clause should be as clear as possible and that there should be no ambiguity. I agree with that. The clause is as clear as possible and there is no ambiguity, but the insertion of the word which he wishes to interpose would, I think, introduce ambiguity. He says : "What are the duties of a public servant ?—make it clear what are the duties of a public servant". Duty, Sir, as the Honourable Member doubtless knows, means in law a legal obligation. There is very little difficulty in determining what are the duties of a public servant when the question arises in the courts. A duty is a legal obligation. Then what would a lawful duty be ? It would be a lawful legal obligation. Could there be an unlawful duty ? It would be a contradiction in terms. The word "lawful" is utterly unnecessary. Its introduction would suggest that there could be duties other than lawful duties and that is not the case. The courts will decide what are the duties of a public servant in any particular case where he was actually harassed in the discharge of his duties and it would receive no assistance whatever—in fact it would if anything be hampered—were the word "lawful" interposed here in this section. I do not think, Sir, that I need say anything more except that the amendment is unnecessary and might be harmful.

The motion was negatived.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Sir, the amendment that stands in my name runs as follows :

"That in sub-clause (*1*) of clause 4 for the word 'otherwise' the words 'by services of a similar nature' be substituted."

The expression "otherwise" is vague and may include anything in common parlance. I have been a student of law and I know that according to the principle *ejusdem generis* the word will include services of a similar nature, but, Sir, this being a penal law, I would not like to keep the clause vague so that the prosecuting clever lawyer or for the matter of that the trying magistrate could stretch it in a way to cover a wide area which I am sure was not the general intention of the Legislature. Sir, it will remain in the hands of the magistracy and the judiciary for the interpretation of clauses. But, Sir, when it is possible to narrow down the limits of such interpretation and express the intention of the Legislature in no uncertain terms, I consider that the best interests of the country and the Government will be served if we express in no unambiguous terms the intention lying behind the clause. The days are not yet over when the saying "No conviction, no promotion is true."

With these words, Sir, I move the amendment.

THE HONOURABLE MR. J. BARTLEY : Sir, it is necessary in dealing with this matter to consider briefly the stages through which this clause proceeded before it took on its present form. The wording in the Bill as originally drafted was

"refuses to deal or do business with, or to supply golds to, etc."

Now, in the Select Committee, that wording was simplified and the words "deal with" were employed as, in the words of the Report of the Select Committee,

"a comprehensive general description of the activities particularised in the draft clause".

The result was to employ this expression "deal with" which is a popular expression, not a technical word or a word of art, and immediately a strange interpretation was forthcoming. I think that it was suggested that in addition to having the meaning of "associate with", the expression might be held to refer to a game of cards. An amendment was accordingly moved by Government. Government said in effect, "We will indicate clearly what we aim at by this expression. We aim at refusal to hold business transactions of the kind that men normally have with one another"; and this clarification was done by inserting after the words "deal with" the words "whether by supplying goods to, or otherwise". Those words are meant to indicate the nature of the transactions covered by "deal with". They cover various transactions which it is impossible to foresee in detail and to particularise in

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detail. Now, the amendment proposed would, instead of clarifying the meaning, introduce ambiguity. The amendment proposed is "whether by supplying goods to, or by services of a similar nature". The Honourable Mr. Ghosh Maulik has objected to the words "or otherwise", on the ground that they are vague; but the words "of a similar nature" are as much open to that objection. Take a specific instance of a refusal of services, or of a manifestation of unwillingness to serve that may take place. It is impossible to foresee all the forms which the ingenuity of people intent on harassing public servants may devise. Take a cooly or a railway porter refusing to carry luggage, or a hackney carriage refusing to convey a passenger, or a motor mechanic refusing to tighten up the brake of a motor car. Now, is that refusing to deal with "whether by supplying goods to, or by services of a similar nature"? The wrongdoer will say, "I have not refused to supply goods or refused services of a similar nature to the supply of goods; I have not refused to supply anything except the labour of my hands." His act will be covered by the wording of the clause as it stands. I do not say it would not be covered or might not be covered by the amendment, but there is a risk, and it is a risk that we cannot afford to take. The amendment will make the clause no longer wide enough to cover all manifestations of unwillingness to serve a Government servant. I must oppose the amendment, Sir.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, I move:

"That in sub-clause (*1*) of clause 4 the words 'or to render any customary service to such public servant or any member of his family' be omitted."

This clause is so wide that even the members of the family of a public servant are included in it. One does not know what the duties are, and what are not, of the general public towards the public servant. Even under the ordinary law one does not know what the customary services are. As an agriculturist I can bring to the notice of the House that there are certain services rendered in a village not only to a public servant but to any guest or any new comer who comes into that village. But are we to call those services customary services? Are we to call the services of a barber or washerman customary services? In my humble opinion, I do not think they should be called customary services. Take an instance of an officer going to a village for a shooting party. He wants to take about 200 men with him. Suppose some of them refuse to go with him for shooting in the forest. Will those persons come under the purview of this clause? Because in some cases those very people had accompanied certain other people to that forest for a shooting party, will it be called a customary service and will those people come under the purview of this clause? So, Sir, the phraseology is so vague and so wide that one cannot understand what are the customary services. Moreover, the customary services are to be rendered not only to the officer but to the members of his family. It may be possible that one may not know who are the members of the family of a particular officer. If some people accompany him, one can know that they are members of his family or party. But suppose that the members of his family come to a village in his absence and the villagers do not know that they are members of the officer's family and they refuse to give them a cart or the barbers of the place or washermen refuse them their services, then under the present phraseology of the clause they will come under the purview of this clause and they will be hauled up. I therefore submit that in order to make the clause quite clear and unambiguous these words should be omitted.

Sir, I move my amendment.

THE HONOURABLE MR. J. BARTLEY: Sir, I am not quite certain of the grounds on which the Honourable mover thinks it necessary to omit these words. He argued that it is impossible to determine what are customary services. He added that he himself was aware that there were certain services which were rendered not only to public servants but to ordinary visitors to the village, and I assert, Sir, that it is a commonplace of village life that there are certain customary services, well known, well understood, in some cases even carefully recorded; that there are certain classes of villagers whose special privilege, function or liability it is to perform these services; that they can be performed adequately by no one else; that if these persons will not perform the services, a state of affairs arises in which the person who is deprived of these services finds it practically impossible to continue living in the village. Now the essence of this section is precisely to prevent an unfair discrimination in treatment directed against a public servant merely because he is a public servant. The attempt to make his life uncomfortable is made solely with a view to diminish his efficiency as a public servant. And one of the methods which could be adopted and which actually was adopted was to bring pressure to bear upon him by the withholding of those services and that treatment which the custom of life accords to other members of the community who have not the misfortune to be public servants. If there were any doubt whether the service withheld was a customary service or not, there is no doubt whatever that the courts would give the benefit of that doubt to the accused person in accordance with the general principle on which the criminal law is administered in this and other civilized countries. I do not suppose that the administration of this section will be done in a manner other than intelligent and I think we may safely depend on the vigilance of the courts to prevent the occurrence of any of the dangers which the Honourable mover of this amendment fears.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 5.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, I move:

"That in sub-clause (*1*) of clause 5 after the word 'Whoever' the words 'with malicious intention' be inserted."

This also is a new offence created under this Bill and the gist of the clause is that anybody who reads or repeats or circulates any passage from a proscribed newspaper, book or document will be punished. But I do not find here anything which will help the accused to defend himself against a charge under this clause. My intention in inserting these words is to show that the wrongdoer published, circulated or repeated the passage with a

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particular intent. Suppose I were to read a passage out of a book with a view to condemning publications of that kind, and at the same time I do not know that the book has been proscribed by some Local Government, I think I come under the purview of this clause. So I submit that the prosecution must be made to prove that the wrongdoer committed the offence with malicious intention. One may find cases in which people do not know that certain books have been proscribed. But then even in that case if a person were to repeat or read from that book not knowing that the books have been proscribed, still he would be punished. I therefore submit that this is a new offence and as this to some extent affects the press also the wording should be as clear as possible. There should be no ambiguity and the court should find no difficulty in giving decisions in such cases. I therefore submit, Sir, that my amendment should be accepted by the Honourable the Home Secretary.

THE HONOURABLE MR. J. BARTLEY : Sir, I do not propose to weary the House by repeating the arguments which I used in connection with these words on an earlier clause. I will confine myself to answering the representations which have now been made, namely, that it appears to be a matter of some hardship that a man who reads a passage from a proscribed document for the purpose of indicating how reprehensible are the contents of that document and without knowing that the document has been proscribed should be punished. My answer to that, Sir, is, first, that he ought not to be in possession of a document which has been proscribed. Proscription is an executive act aimed at saving the public from material which is calculated to poison their minds or in some manner to be detrimental to them and so far as is possible Government achieve that end by securing and preventing the public from securing copies of the deleterious document. Secondly, if the document is one of a nature such as is likely to be declared forfeited, it is a seditious document and whatever may be the motives of a person who reads, publishes, circulates or repeats in public that document, he is doing a wrongful act. He is propagating sedition. As a matter of fact this section was aimed, as is perfectly well known, at a very definite exhibition of wrongful activity. It became the fashion, I might say, to give public readings of documents which have been proscribed ; so that the circumstances under which the offence that will generally be pursued under this section are committed are such that an intention, and a malicious intention, using that very dangerous word "malicious" in its narrow sense, malicious intention is at once obvious from the circumstances under which the offence is committed. Further, in enacting this clause it is not intended that the onus of proving any intention should be imposed on the prosecution. It is an absolute prohibition of an act which the State desires to prevent. It imposes a penalty on the commission of the act quite independent of the intention with which the act is committed and it would weaken the clause if it were necessary to prove a definite state of mind in the person who committed the offence before a conviction can be obtained.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern : Non-Muhammadan) : Sir, I move :

"That in sub-clause (*1*) of clause 5 after the word 'force' the following words be inserted, namely :

'knowing or having reason to believe that such copies have been so declared to be forfeited',"

so that if my amendment is accepted, the clause would read thus :

"Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, knowing or having reason to believe that such copies have been so declared to be forfeited, shall be punished with imprisonment, etc."

Sir, it seems to me that my amendment is quite simple and does not require many words in its support. When you are going to punish a person who publishes, circulates or repeats in public any passage from a newspaper, book or other document, copies of which have been declared to be forfeited to His Majesty, you should make sure whether the accused person did so knowing or at least having reason to believe that such copies had been declared to be forfeited, lest an innocent person should suffer in spite of his innocence. At a time when the Executive is going to be vested with such wide powers I think we should make pretty sure that the chances of innocent people suffering under the new law are minimised. If the phraseology of the clause is allowed to remain as it is, I fear that the mere publication, circulation or repetition in public of a forfeited document will constitute an offence irrespective of the fact whether or not the accused person knew or at least had reason to believe that such document had been declared to be forfeited. I think, Sir, this kind of thing must be provided against and the accused should be given an opportunity to show that he did not know or had no reason to believe that such document had been previously forfeited. I hope that the Government will accept this amendment.

THE HONOURABLE MR. J. BARTLEY : Sir, I regret that it is necessary to oppose the amendment. The forfeiture of a document of this nature is made known to all whom it may concern by publication in the Gazette. That is the ordinary method by which Government conveys to the public the facts, the rules and the laws which it desires to make known. There is practical y no other means by which, and no means by which greater, publicity can be given to the fact that a particular document has been declared forfeited. Now, the amendment would impose on the prosecution the onus of proving not merely that the document had been forfeited and that the fact of its forfeiture had been gazetted, but that the Gazette was actually brought under the eye of the accused. He of course would assert that the Gazette had not been brought under his eye and I would ask the House to consider how it could reasonably be expected that the prosecution could actually prove—unless some presumption of law were employed to make the task easier—how it could actually prove that the accused was aware of the existence of this notification or, if aware of its existence, that he had actually perused it. Accordingly it is impossible to accept a suggestion of this kind or to insert a provision of this kind in the clause.

The motion was negatived.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : My next amendment is :

"That in sub-clause (*1*) of clause 5 after the words 'or with fine' the words 'which may extend to Rs. 200' be inserted."

Sir, I have no new argument to urge in support of this amendment except to say that as the previous amendment of my Honourable friend Lala Jagdish Prasad has not been accepted the position is still there that the wrongdoer will not know whether the book or the publication has been proscribed and in such cases I submit that it may be his first offence and he might not have done

[Mr. Vinayak Vithal Kalikar.]

it knowingly or with malicious intention and therefore the maximum amount of fine should be fixed and he should be fined for a less amount and that if the case is tried by a magistrate he will be fined to the extent of Rs. 1,000. So my submission is that you fix the amount of the maximum fine because under this clause cases may occur where a man may do things without having any intention of going against the provisions of this clause. I therefore move that this amendment be accepted.

THE HONOURABLE MR. M. G. HALLETT: Sir, I admire the Honourable Member's persistence but once again I must oppose the amendment. I do not intend to repeat the arguments that I have already put before the House in regard to the question of limitation of fines.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 6.

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, I beg to withdraw my amendment.*

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: My amendment is as follows:

"The after sub-clause (2) of clause 6 the following sub-clause be added, namely:

'(3) No court shall take cognisance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of an officer in charge of a police station'."

Sir, I propose this amendment not with an idea to obstruct Government, nor with an idea of taking away the sting from this section, nor with the idea of really improving the section but I move this because I feel that before this clause is put into operation against anyone or before the police take advantage of this section, its very existence in the Statute-book without a safeguard of the nature that I am proposing would create a panic in the public mind which I am sure the Government would like to avoid. Sir, I frankly admit that in my mind there is no delusion of any kind that the man in charge of a police station is in any way different either in his outlook or by his training from the constable under him. So far as my experience goes, one is as good or as bad as the other. It is just to allay the panic in the public mind that I am suggesting this amendment and I do not think the Government will object to accept this amendment as it makes not the slightest difference to them whether the report is made by an ordinary constable or a sub-inspector or an inspector of police.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, while recognising the motives which have made the Honourable Member propose this amendment

*"That in sub-clause (1) of clause 6 for the words 'one year' the words 'six months' be substituted."

I regret that I must oppose him for I regard this amendment as harmless possibly but entirely unnecessary. He has copied this amendment from sub-clause (2) of clause 7 and I would like to explain briefly why that clause has been inserted. Government were apprehensive, possibly unduly apprehensive, that the offence of molestation might be used by private individuals as another new way of harassing an enemy. Those of us who have experience of magistrates' courts will remember the cases which were not infrequently filed in these courts and how when there was a quarrel in a village one party accused the other of six or seven or eight offences under the Penal Code, we thought that there might be a risk that when there was a quarrel between two shopkeepers they would include with the offence of criminal trespass, assault, grievous hurt and other offences, the offence of molestation as well. We intended that there should be some safeguard against that and therefore we introduced this special clause which makes it necessary for them to go to the police in the first instance. If the police refuse to entertain their case, they have then no right to go to the court and file a case and ask the court to take cognisance of it. That is the object of this sub-clause---to prevent the section being used by private individuals to harass people. But in the case of section 6 there is no such need for any such clause. Section 6 is not likely to be ever used by a private individual. The case is started by the police officer himself and there is no chance of a private individual coming forward and saying that a rumour was likely to cause fear or alarm the public. Therefore, this amendment is not necessary and will effect no useful purpose.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): On a point of information, Sir? May I know from the Honourable the Home Secretary whether the procedure he has just outlined will be always adhered to?

THE HONOURABLE MR. M. G. HALLETT: Sir, I cannot guarantee what procedure the court will follow. That is a matter for the High Court to issue orders about but my own opinion is that generally they will follow that procedure and the cases would in all cases be police cases and not complaint cases.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 7.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I beg to move:

"That in sub-clause (1) of clause 7 after the word 'Whoever' the words 'wrongfully or without any legal authority' be inserted."

This clause, Sir, as at present worded, will apply to coercive intent which is manifestly beneficent in the interest of the person sought to be coerced. For instance, a parent seeking to obstruct his son with intent to cause him to abstain from going to a house of ill-fame or to a liquor shop would be within its purview, and this result would appear to be the more paradoxical if the

[Rai Bahadur Lala Jagdish Prasad.]

new provision imposing vicarious punishment on the parent contained in clause 8 of the Bill is considered. I would therefore insert the words "wrongfully or without any legal authority" to safeguard against the danger of the nature mentioned above. My information is that a provision of a like nature is also found to exist in the English law on the subject. Especially when the Government are not prepared to allow even peaceful picketing, as I gather from the proceedings of the Lower House, I hope the Government will not object to accepting this small amendment of mine.

THE HONOURABLE MR. J. BARTLEY: Sir, I oppose this amendment. The words which it seeks to introduce are completely unnecessary. An act is wrongful if it is contrary to law and it is unlawful if it is contrary to law. There cannot be legal authority for doing anything which is prohibited by law. It is unnecessary to say that any one who does these acts does them unlawfully or without legal authority. The Honourable Member has said that these words are used in the English Statute. That is a very fallacious argument to apply to Indian Statutes. In the whole of the Indian Penal Code containing 511 sections, the word "wrongfully" will be found in connection with two matters only, wrongful restraint and confinement and wrongful loss or wrongful gain. For the purposes of the sections dealing with these offences, the word "wrongful" is defined. Thus:

"'Wrongful gain' is gain by unlawful means of property to which the person gaining it is not legally entitled".

Otherwise, the word is never used I think in the whole of the Indian Penal Code, and the reason why it does not occur is that it would be superfluous if it were inserted. Therefore, Sir, I must oppose this amendment. The words are unnecessary and useless.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: On a point of information, Sir? May I know if it is a fact that a provision of the nature suggested in the amendment exists in the English law on the subject?

THE HONOURABLE MR. J. BARTLEY: Sir, in the Conspiracy and Protection of Property Act, 1875, the words "wrongfully and without legal authority" are used. Section 7 says:

"Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing wrongfully and without legal authority uses violence, etc.".

They are used there, Sir, but they are, I submit, superfluous there also.

The motion was negatived.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: Sir, the amendment that I have proposed runs thus:

"That in sub-clause (*1*) (*b*) of clause 7 after the words 'similar act' the words 'after warning' be inserted."

Sir, the amendment which I have proposed in this connection is really to further the purpose of the Government, that is to say, to apprehend the real culprits. I have known that various political organisations employ volunteers or hirelings called volunteers, who are employed to do what has

come to be known as picketing. These poor fellows do not realise the real significance of their own actions. The people whom the Government would like to apprehend are in most cases behind the scenes and cannot be got at. If a warning is given then the volunteers concerned may realise the gravity of the situation and in most cases I hope will desist from persisting. If after warning they persist then it will be safe to conclude that they are doing it with a real criminal intention and no law-abiding citizen can possibly have any objection if such persons are apprehended and the law is set in motion against them.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, I must oppose this amendment. Picketing is, I regret to say, a well-kown offence and I think everybody who is employed on it must know what the offence is and what the results are or may be. It is true that they are hirelings; it is true they are dupes; but they are paid for their services and I think every picketer knows pretty well that he will get paid eight or four annas a day and he does not very much mind if he goes to jail for a short period during which also he receives food and shelter. A warning will, as a matter of fact, in most cases be given. The sub-inspector will usually first tell the picketers to go away before he actually arrests them; and I have heard of numerous cases in which seven or eight picketers are put up before the court but only two or three of them are actually convicted and sent to jail; the rest are let off with a warning. But we do not want in any way to tie the hands of the police or the courts by making it a statutory obligation on them to say to each picketer, "Now, I warn you." To insist on a constable giving such a warning will serve no useful purpose. It is not quite clear whether the Honourable Member wishes the warning to be given by a policeman or by the shopkeeper. If he intends it to be given by the shopkeeper, my answer to that is that our trouble is that shopkeepers are very reluctant to protest and in cases where they do protest the result is re-doubled activity by Congress to harass them and put more picketers in front of their shops. Sir, I oppose the amendment.

The motion was negatived.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Sir, I move:

"That for the *Explanation* to sub-clause (*1*) of clause 7 the following be substituted namely:

'*Explanation*.—Peaceful persuasion, or inducement which does not, or is not calculated to involve any obstruction, violence, intimidation, annoyance, or alarm to any person does not come within the purview of this section'."

Sir, all that I would like to say in commending my amendment for the acceptance of the House and Government is that the *Explanation* is meagre and indefinite and saddled with such a condition as "without the commission of any of the Acts prohibited by this section", which is objectionable and so wide in its scope that it will be very difficult for those who would sincerely engage themselves in the work of encouraging indigenous industries or advocating temperance or doing some such social reform work in the country, because there is the hindrance of clause 7 of this Bill. But if the *Explanation* is substituted by the one I am putting in by way of an amendment to clause 7, I think the aim of the *Explanation* will have been better fulfilled than by the one we find in the clause. The *Explanation* defeats its own purpose by being

[Mr. Jagadish Chandra Banerjee.]

evasive and meaningless, and therefore it should be substituted by the one I am pressing for, because it will then be quite understandable to the public as to actually what Government want by this clause 7 and its *Explanation*. Sir, if it is the pious wish or, say, the sincere intention of Government to promote the cause of " honest swadeshi " as Lord Minto used to call the encouragement of indigenous industries and buying of country-made cloths by the Indians, then what is the necessity of this condition which practically aims at stifling that honest swadeshi movement or hampering the progress of the work against the drink evil ? I therefore say that the *Explanation* is superfluous and useless and strongly urge on the acceptance of the one by which I want to substitute it. If Government are sympathetic towards encouraging indigenous industries and advocating temperance I do not think there can be any objection to their accepting my amendment which aims to make peaceful persuasion lawful. Peaceful persuasion is not picketing, Sir, and that done by a single individual to a friend who is going to a shop to buy foreign goods can not, it may be easily understood, involve any obstruction, violence, annoyance or intimidation, yet the shopkeeper may think that his would-be customer was dissuaded or withdrawn by " picketing " and may report the matter to the police who will then exercise the power given by this proposed Act. In that case, Sir, even a single individual who thought he had every right to ask his friend not to buy foreign goods would be punishable by law. This is something unique and unheard of. I would therefore ask the Honourable Members of this House to ponder over such matters seriously before they give their assent to the *Explanation* to sub-clause (*1*) of clause 7 of the Criminal Law Amendment Bill and I hope their verdict will be in favour of my amendment.

Sir, I move.

THE HONOURABLE MR. J. BARTLEY : Sir, I oppose this amendment. In effect the *Explanation* merely states a perfectly self-evident fact that where there are not present the elements of the offence as defined in this section, no offence is committed. That in effect is what the proposed *Explanation* says, its substitution would be useless and undesirable. The clause defines the elements of the offence as consisting of an

" intention to cause any person to abstain from doing or to do any act which such person has a right to do, etc."

in other words to coerce him—and in addition to that intent, the commission of an overt act, obstruction, violence, intimidation, loitering, persistently following or interference with property. The amendment says that where there is no obstruction, violence, intimidation, annoyance or alarm there is no offence. Of course there is no offence if those elements are absent. Annoyance or alarm must inevitably be caused by the acts which are specified in the clause. Alarm must be caused by violence, it must be caused by intimidation, it may be caused by obstruction or it may be caused by loitering or besetting. Annoyance is bound to be caused by loitering or besetting and by interference. Therefore, in effect the non-criminal activities which are to be saved by this *Explanation* are not in fact touched by the section. But the section does intend to prohibit, for whatever reason done, acts coming within the purview of the clause, that is comprising the intention and the activities which I have described. An *Explanation* already exists in the section calling attention to the absence of any design to hamper the encouragement of indigenous industries or the advocacy of temperance by the provisions of this Bill. In other words, the laudable purposes which

the Honourable Mr. Banerjee has at heart are safeguarded to some extent by the declaration that this section is not meant to touch them. But, of course, if the methods by which advocacy of swadeshi is pursued do come within the purview of the section then the persons employing those methods are bound to become subject to the penalties imposed by it. I oppose this amendment, Sir, on the ground that it contributes nothing to the elucidation of the clause and is utterly unnecessary.

The motion was negatived.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : Sir, my amendment runs as follows :

" That in the *Explanation* to sub-clause (*1*) of clause 7 after the words ' advocacy of temperance ' the words ' or social service ' be inserted."

Sir, I am glad to note that Government in the Select Committee accepted the amendment proposed by what is known as the Opposition, and in the clause under reference added the words :

" Encouragement of indigenous industries or advocacy of temperance, without the commission of any of the acts prohibited by this section is not an offence under this section."

I think the words " social service " as I now propose for inclusion should have been added to the clause. My belief is that these words did not occur to anybody there and that is why they are not found in this clause. You, Sir, personally, have experience of social service in this country and the good that selfless workers do to the country at large. I do not think I need labour on this point, because I am sure my Honourable friend the Home Secretary will be able to accept my amendment.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT : Sir, I am certainly at one with the Honourable Member in his wish that social service may be developed in this country, but I regret that I cannot accept his amendment to this clause. This *Explanation* is, to a certain extent, rather out of place in an Act of this kind. It merely says that what is not an offence under this section is not an offence. We could have gone further and added other things that are not offences under this section. We might have mentioned that speeches in the Assembly or sermons in church advocating temperance are not offences. We did not try to make an exhaustive list ; we merely wanted to give examples of the two principal activities which might be confounded with the offence of picketing and we did not attempt to elaborate it. Though I am entirely at one with the Honourable Member in supporting the idea that social service should be developed, I cannot hold that anything will be gained by including a special mention of it in this *Explanation*. By omitting it we are not in any way saying that we are opposed to any form of social service. Sir, I oppose the amendment.

The motion was negatived.

THE HONOURABLE THE PRESIDENT : The question is :

" That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the Chairman (the Honourable Nawab Malik Mohammad Hayat Khan Noon) in the Chair.

THE HONOURABLE THE CHAIRMAN: Clause 8.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, if clause 8 is before the House, I beg to oppose that clause and I propose that that clause be not included in the Bill.

THE HONOURABLE THE CHAIRMAN: The Honourable Mr. Jagadish Chandra Banerjee.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Sir, I move:

"That in sub-clause (*1*) of clause 8 for the word 'sixteen' the word 'fourteen' be substituted."

Sir, the amendment proposed by me is a very modest one. It is very often found that boys of fourteen or over the age of fourteen no longer remain meek and mild as we want them to be but defy their parents or guardians and commit acts over which the parents or guardians have no control. It has further been found that in my part of Bengal, boys of fourteen years, impulsive as they are, joined the civil disobedience movement in the teeth of vehement opposition offered by their guardians and parents and courted imprisonment cheerfully. Boys of fourteen years or over that age are sometimes uncontrollable and, especially in these days, when there is such a political movement in the country which holds mighty sway over them. It would be really improper and unwise on the part of Government to impose fines upon the parents and guardians of boys over the age of fourteen or of fourteen who could not be kept under control. It would indeed be the sins of the sons visiting the fathers. Moreover, Sir, boys under fourteen, if they are found guilty of any offence under this proposed Act and convicted thereof, may be sent to the penitentiaries or to jails for juvenile offenders. Boys of under fourteen years of age may be kept under control and if they commit any offence their parents or guardians may be held responsible. Government will be doing a great injustice to the parents or guardians of boys over the age of fourteen or of fourteen by imposing fines on them for the sins of their sons and wards. I think I have been able to make my point clear in this respect. I therefore ask the House to adopt the amendment and substitute the words "under fourteen" in place of "under sixteen" in sub-clause (*1*) of clause 8.

Sir, I move.

THE HONOURABLE MR. J. BARTLEY: Sir, the reasons given in support of this amendment by the Honourable Mr. Banerjee appear to be that it is reasonable to expect a parent to control his child up to the age of 14 but that it is unreasonable to expect him to be able to control a child once he has passed the age of 14. Sir, I should be very sorry to believe that that was the case in India and fortunately I am not compelled to believe that it is the case in India, but if it were the case in India then it would appear that parents in India labour under a disability which parents in other countries do not labour

under. I say "fortunately I am not compelled to believe it" because the provisions of this section originate in the English Children's Act of 1908 passed by the Parliament in England and in force in England. These have been adopted in turn by practically all the provinces. I think a list of the local Acts in force was given in the Notes on Clauses to the Bill as introduced in the other House. The Central Provinces, Madras, Bengal, Bombay, have all passed Acts including this section and in every one of these Acts the limit of age for the child is 16. Now it is not unreasonable to expect a parent to be responsible for the good conduct of his child up to the age of 16 and it is infinitely preferable that that responsibility should be exercised as far as possible by the parent. For what is the alternative?—that the child is brought under control by the State, that methods adopted for the check of criminals are applied to the boy, that he is brought in contact more than he should be brought with people who are definitely criminal in their habits. Therefore it is highly desirable that any means that can be employed to convince parents of the importance of keeping their children under proper control should be employed. This is a very mild means but it will undoubtedly operate to encourage parents to take a more serious view of their responsibilities towards their children than they have in the past in some instances exhibited and there seems to me to be no valid argument in favour of confining the provisions of this clause to the cases in which the child is under fourteen. A parent ought surely to continue to be responsible for his children for some time after they reach the age of fourteen when as a matter of fact they are still only on the threshold of adolescence. I must oppose this amendment, Sir.

The motion was negatived.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Sir, the next amendment stands on the agenda paper in my name. Knowing full well the fate of the two previous amendments which I moved, I move this third amendment, which runs as follows:

"That for sub-clause (*2*) of clause 8 the following be substituted, namely:

'(*2*) No such order shall be made if the young person is not under the control of parent or guardian and maintained by such parent or guardian'."

Sir, the object of moving my amendment is that sometimes it is found that young persons run away from home, live apart from their parents and guardians and join some undesirable political movement without the knowledge of their parents and guardians and commit offences that may come within the purview of the proposed Act. In that case, Sir, fines imposed upon offenders to be realised from their parents or guardians would be not only a great hardship on them but unreasonable as the sons and the wards when they committed the offence were not actually maintained by the parents and guardians. Such may sometimes be the case with young persons who, disregarding instructions and commands, may join undesirable movements and may not live with their parents or guardians and may not be maintained by their parents or guardians at the time of the commission of the offence. Will it then be legal and logical to realise the fine from parents or guardians? My view-point is to make sub-clause (*2*) of clause 8 explicit, clear and unambiguous by inserting the words of my amendment for the present sub-clause (*2*) of clause 8.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, the object of the Honourable Member in moving this amendment is to make the section clearer. I do not think the amendment proposed will succeed in that object and I must oppose it. It will also give rise to certain difficulties. The clause was very carefully considered in the Select Committee, especially the actual drafting, and this clause makes it clear that the person who will be liable to the fine if a boy misbehaves himself is the parent or guardian in actual control of the child. That follows the principle laid down in the English Act, from which I quote the following extract:

"The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having actual possession and control of the child or young person."

(At this stage the Honourable the Chairman vacated the Chair, which was taken by the Honourable the President.)

A definition, which is similar to ours, has been given in the Irish Public Safety Act, 1927, which, as Honourable Members know, corresponds very closely to our Special Powers Ordinance. We have got the definition:

"In this section the word 'guardian' includes any person who, in the opinion of the Court, has for the time being the charge of or control of the offender."

The essence of the definition of the word "guardian" in this section is the word "control." But the Honourable Member introduces another point. He introduces the word "maintenance." Now that may give rise to considerable difficulty. Take a hypothetical case, the case of a boy who lives, we will say, in Muttra. He comes to Delhi for his education and he lives in Delhi with his uncle and his uncle has control over him, but his father sends to the uncle, his brother, say a sum of Rs. 50 a month to maintain the boy. The maintenance in this case rests with the father who lives in Muttra but the control of the boy, the possession of the boy, rests with the uncle as the *de facto* guardian in Delhi. It is the uncle that we want to get at under these circumstances because he has the control of the boy. If this amendment were accepted, we could not inflict a fine upon the uncle because the "maintenance" would rest on a different person though the control of the child would rest with him. That makes the amendment likely to give rise to very serious difficulties and to render the section ineffective. We have met the case which he has cited where the parent or guardian has a good excuse for not being able to control the child. We have endeavoured to meet that by the drafting of sub-clause (2) of this clause. The first point that this clause makes clear is that the parent or guardian shall have a chance of being heard and can put forward anything he likes in his defence before the court. It is emphasised in this clause that no order of fine shall be made if the parent or guardian satisfies the court that he has not conduced to the commission of the offence by neglecting to control the offender. If he shows that owing to circumstances over which he had no control, the boy had run away and got into bad company, then I presume he could get off. The final point on which the parent can give evidence before the court is that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace. I submit, Sir, that this gives ample protection to a parent or guardian who really has taken all steps in his power to control his child. The section has not been very widely used. It has been used with discretion by magistrates. The total number of fines that have been imposed is nothing very much. I do not remember the exact figures, but we have the concurrent opinion of all Local

Governments that the mere fact that this section was in the Ordinance has had a deterrent effect, or rather an encouraging effect, on parents, and has led them to exercise more control over boys in schools and colleges, who otherwise might have been misled into taking part in these pernicious activities, which can only result in their being sent to jail. We have modified the section in that it is not possible for the Court to send the parent or guardian to jail but it can only realise the fine by the method provided by the Criminal Procedure Code.. For these reasons, Sir, I oppose the amendment.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: May I ask the Honourable Member why, when the boy is not with the parent or guardian and is away from him, that parent or guardian should be penalised for the offence of their son?

THE HONOURABLE THE PRESIDENT: Order, order.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I beg to to move:

"That in sub-clause (2) of clause 8 after the word 'offender' the following words be inserted, namely:

'or that the offender was not in his charge at the time of the commission of the offence'."

Sir, this amendment is somewhat different from the amendment just disposed of in that it does not seek to replace the entire sub-clause but only seeks the insertion of some words, and I hope that the Honourable the Home Secretary will treat it differently. In the first place, it is outrageous to seek to punish a parent for the actions of his ward, and no one should reconcile oneself to the principle of vicarious punishment being imposed on anybody, although my Honourable friend Sir Maneckji Dadabhoy said a good deal in support of the proposition the day before yesterday. But when you are going to make such a drastic provision, at least minimise its rigours. I am glad that it is proposed at least to give to the parent or guardian an opportunity to appear and be heard and to satisfy the court that he has not conduced to the commission of the offence by neglecting to control the offender or that the offence was not committed in furtherance of a movement prejudicial to the public safety or peace. But you have not provided against the contingency of a certain person being accused under the section who may not in reality be in charge of the young man at the time of the commission of the offence. I therefore seek to insert this important provision in the interest of a person who may not happen to be the real guardian of an accused young man at the time the offence was committed by the latter, as it is very important that a wrong person should not be punished for the actions of some one else. Hence the amendment.

THE HONOURABLE MR. M. G. HALLETT: Sir, I must oppose this amendment as being unnecessary. As I said in dealing with the last amendment, I think this section is perfectly clear in itself. It will be seen in the *Explanation* that the word "guardian" includes any person who in the opinion of the court has for the time being charge of or control over the offender. It follows from that, I think, that if the father was not in charge of the boy at the time of the commission of the offence he has not committed any offence and no court would inflict a fine upon him. Further it will be seen that under

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sub-clause (2) the parent or guardian can satisfy the court that he has not been negligent. Where there is no duty there can be no negligence, and it has to be proved that the parent had the duty of looking after the child and that he actually in fact exercised control over him. It is not a question of legal guardianship. It is a question of actual *de facto* guardianship. It is the person in actual control of the boy that we want to get at by this section, and I do not think there is the least chance of anybody suffering owing to faulty drafting of this section of the Bill.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 8 stand part of the Bill."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to propose that this section be not included in the Bill; that it be deleted.

My reasons for this are that no parent likes his boy to join the civil disobedience movement or to do anything which is not proper and desirable. Most of us now send our boys to school or college where they live in boarding houses, and if they do anything wrong it is the educational policy of the Government of India which is to blame. The education imparted is Godless. No religious or moral instruction is given to the students at all. It may be that Government does not like to interfere with the boy's religion, but various religious institutions can be asked to nominate or put in teachers for their own religions. If that be done the students will be Godfearing, and will behave very much better. They will realize their duty to their parents, to their nation, to their God and to their Government. There is great defect in the system of education which is given to them. Before the educational portfolio was taken over by Sir Harcourt Butler, students used to behave very much better than they do now. We find now that most of the children are beyond the control of their parents, and when the Government with the penal measures behind them have so far failed to control them to the extent that is desired, it is too much to expect from their parents to do so. The parents have no penal powers. If they confine a boy in a hut or room or inflict bodily punishment there are sections in the penal law which will render the parent or guardian liable to prosecution and punishment. Therefore I think that the true guardian, as far as misbehaviour in schools and colleges is concerned, is the Government. Such a measure, Sir, is against the very spirit of criminal jurisprudence. To haul up the parent or guardian for the sins of his children or wards is wrong. Take the instance of a students, hostel, where a superintendent is in charge of 100 or 200 boys. In case any of those boys misbehave, I should like the Home Secretary to explain who will be hauled over the coals for the boy's offence? Will it be the superintendent, the headmaster, or the college principal, or the Director of Public Instruction or the Education Member?

With these words, Sir, I propose that this clause be deleted.

THE HONOURABLE MR. M. G. HALLETT: Sir, the speech of the Honourable Member in advocating the rejection of this clause was possibly more an attack on the present system of education in this country than on the clause itself. I am not competent to speak at any length on the system of education, but my own experience of the schools, and particularly of the Government schools, of the province from which I come is that, although religious instruction is not given in the schools as we have to be entirely undenominational, yet moral instruction is given

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and the boys are instructed in their duty to their country and are taught methods of discipline. That may not be the case in all schools, schools certainly differ, but this section, apart from emphasising parental control, also, as I understand it, emphasises the schoolmaster's control. If a schoolmaster has, to quote the words of the section, "for the time being the charge of or control over the offender," he would be responsible for keeping that boy in order and for seeing that he did not go into the streets to take part in hartals or to take part in picketing. But the justification for the section is, as I have said, the results which we have obtained from it during the last year. There is nothing very extraordinary in the section. It is following the principles adopted in the ordinary law of this country and in the ordinary law of other countries. In other countries the law in fact is far more drastic. I referred in my previous speech to the Irish Public Safety Act. I refer to it again. There, instead of a parent or guardian being liable to a fine is liable on summary conviction to imprisonment for a term not exceeding six months. Our present section is very mild in comparison with that, for all we do is to inflict a small fine upon him which can only be realised by distraint and cannot be realised by sending the parent or guardian to prison. I trust therefore that the Council will support me in carrying this clause, which, as I say, has had a most useful effect during the last year when it has been in force.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 9.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I beg to move:

"That sub-clause (*iv*) of clause 9 be omitted."

Sir, I fail to see why an offence punishable under section 7 alone should be made non-bailable. There was a consistent demand from the non-official side in the popular House and it has also been given expression to by one of my Honourable friends in this House that at least peaceful picketing should be excluded from the purview of clause 7. But the Government did not see their way to concede the demand. Now, when the clause has been made so stringent as to include peaceful picketing, I think the Government should at least concede this much, that an offence committed under section 7 is allowed to remain bailable and is not made non-bailable.

THE HONOURABLE MR. M. G. HALLETT: Sir, I must oppose this amendment. As the Honourable Member observed, when the Bill was originally introduced in the Assembly many of the offences, in fact, nearly all the offences were non-bailable. When the matter was discussed in the Select Committee and in the Lower House, Government conceded that point and allowed several offences to become bailable. They did not, however, see their way to allow bail in cases of picketing. The reason was simple. Supposing the police arrest a picketer outside a shop, they take him to the police station

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and the offence being bailable they have to release him on bail if he finds a surety. Experience has shown that the boy goes back and commits the same offence again. That is what we want to prevent. That results in contempt to the authority of the police and renders them unable to take steps to prevent the shopkeepers from being molested in this way. The boy himself or the man, as the case may be, does not, I think, suffer very much hardship, because after a short time he can obtain bail from a magistrate, because, as the law now stands, even in non-bailable cases a magistrate can, and very often does, grant bail. No hardship occurs, but it does prevent that defiance of the police which would result if the offender is let out immediately on bail and at once returns and commits the same offence.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 13.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move the following amendment:

"That in clause 13 in the proposed new section 17-A of the Criminal Law Amendment Act, 1908, the following further proviso be added to sub-section (2), namely:

'Provided further that if such place is a place ordinarily used for worship by the public or any part of the public, then in such a case when taking over possession thereof, the District Magistrate or the Commissioner of Police, as the case may be, will see that the sanctity of the place as a place of worship is not interfered with, and that all necessary arrangements for the carrying out of the worship and the performance of the usual ceremonies connected with such worship are duly made. All persons *bona fide* attending such place to take part in such worship shall have a right to enter such place for that purpose'."

Sir, this amendment is an amendment which I consider is essential and ought to be included in this Bill. In case, Sir, the Government wish to abide by the assurances and by the pledges which have been given by it from time to time and in case the *Magna Charta* of the late blessed Queen Victoria and her successors is to be maintained, I think, Sir, it is the duty of the Government to see that whenever any place of worship is taken possession of, the sanctity of that place is observed. I am not advocating the cause of anybody who is found guilty or who is found suspicious and is kicked out of that religious place, but what I say is that in such case Government must replace him by somebody else, whomsoever it considers fit for the job to carry out the worship in accordance with the faith or in accordance with the religion to which that place of worship belongs. I think, Sir, the Honourable the Home Secretary will say that we shall include it in the rules and instructions. This is a very important matter and in case the Government are true to their pledges they must embody it in this enactment.

With these words, Sir, I move my amendment.

THE HONOURABLE MR. M. G. HALLETT: Sir, I congratulate the Honourable Member on having found an amendment which has not been discussed in the Lower House. It put me into some difficulty for the reason that I could not anticipate the arguments that might be put forward in support of it. I was apprehensive that he might produce some case in which a temple or a mosque or a church had been seized under the powers given by the Ordinance and that thereby inconvenience had been caused to the people who wished to carry on worship in that building. I am glad he has not done so; I am glad that no such case has occurred.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Then where is the necessity?

THE HONOURABLE MR. M. G. HALLETT: Do I understand him to say that there had been such a case?

THE HONOURABLE THE PRESIDENT: No, the Honourable Member said, "Then where is the necessity?"

THE HONOURABLE MR. M. G. HALLETT: If no such cases have occurred, I cannot understand what is the necessity for the Honourable Member's amendment. The section as it stands does not refer to places of worship; it refers merely to places which include a house or building or part thereof or a tent or vessel. It does not specify places of religious worship, such as temples, churches or mosques. I am glad that no case has occurred in which a temple or a church or a mosque had been used for this nefarious purpose. I trust that no such case will arise. It must be remembered what an unlawful association is. It is, to quote the words of the Act,

"an association which encourages or aids people to commit acts of violence or intimidation or of which the members habitually commit such acts".

That is the first definition in the Act. The second is:

"an association which in the opinion of Government has for its object interference with the administration of law or the maintenance of law and order or constitutes a danger to the public peace".

I should be extremely surprised if any religious buildings were used for this purpose. But assuming that some evilly-disposed persons got hold of a church, a temple or a mosque and used it for the purposes of an unlawful association without the knowledge or consent of the owner of the building or the person responsible for conducting this religious worship, what would be the position? What action would Government take? I have dealt with a good many cases of seizure of buildings under this section myself when in my province, and I would call to mind the instructions which were given when these Ordinances or when the first Ordinance dealing with the buildings of unlawful associations were passed. This was the Statement issued by His Excellency Lord Irwin in the Gazette of the 10th October, 1930:

"I have further requested Local Governments to consider with sympathy the return to third parties of property occupied or attached under the Ordinance, provided that it is not required for the purposes of Government, and that the third party concerned gives assurances to the satisfaction of the Local Government in regard to its future use".

If a case came up in which a religious building had been seized because it was used by an unlawful association, then I think certainly any Local Government would make inquiries as to whether any third person, who might

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be of course the owner or priest of the temple, would take it back and give that assurance. Surely the person responsible for religious worship in a religious building would give that assurance. So that I think under the instructions as they stand there is no apprehension that the general public will suffer by being deprived of any opportunity of carrying on whatever religious services they have been accustomed to in a particular building. That I trust will satisfy the Honourable Member and for that reason I do not consider it necessary to insert this clause in the Bill. By inserting it in the Bill it seems to me that it might have the undesirable effect of suggesting to the members of these unlawful associations that they should go and take refuge in religious buildings. That, I trust, will never happen.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I beg to move:

"That in clause 13 in sub-section (7) of the proposed new section 17-B of the Criminal Law Amendment Act, 1908, the words 'and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final' be omitted."

Sir, in view of the fate that all the amendments moved in the course of the day have met, it seems to me nothing more than wasting the time of the House if we moved any more amendments. But, Sir, we the non-official Members have to perform what we regard as our duty towards the public whom we represent here and it is in that spirit that I am obliged to move this and some other amendments regardless of the fate that I know is in store for them. Sir, my object in moving this amendment is to restore the right of appeal against the decision of the District Judge or Chief Judge of the Small Cause Court. The forfeiture of moveable property found in a notified place is a stringent provision and it is only fair that the Legislature should protect the elementary right of appeal of the subject in such cases. I therefore submit that the right of appeal against the order of forfeiture passed by the District Judge or Chief Judge of the Small Cause Court must be provided in such cases. I think the Government is not going to lose anything thereby while there will be some protection afforded to the accused person against the vagaries of the Executive in the shape of a right of appeal to the High Court or the Chief Court. I hope, Sir, that this amendment will commend itself to the Government.

THE HONOURABLE MR. J. BARTLEY: Sir, in the Bill as it was originally drafted the provisions of this section provided that if in the opinion of the Local Government any articles specified in the list which the District Magistrate or the officer taking possession of the notified building draws up on taking such possession, if in the opinion of the Local Government any such articles are or may be used for the purposes of the unlawful association, the Local Government may, by order in writing, declare such articles to be forfeited. In the consideration of the Bill in the other House it was considered that it was desirable, if possible, to arrange that instead of this summary procedure, there should be some machinery devised which would enable a judicial adjudication to be made on the question whether this property should or should not be forfeited. The machinery devised was to have an inquiry made by the District Judge or by the Chief Judge of a Small Cause Court on the lines of the judicial procedure followed in the adjudication of claims under the Civil Procedure Code. That was considered to be a fairly simple and obvious method of obtaining a judicial decision as to whether this

property should or should not be forfeited. It is not correct to say that there is no appeal, because what actually takes place under the Bill as amended is that if in the opinion of the District Magistrate or the Commissioner of Police the articles are or may be used for the purposes of an unlawful association, he proceeds to apply the procedure provided, that is to say, first of all the District Magistrate comes to the conclusion that these articles are liable to forfeiture because they are or may be used for the purposes of an unlawful association. The matter is then referred for adjudication to the District Judge or the Chief Judge of a Small Cause Court, and it is not until this adjudication has been made that any steps towards the forfeiture of the property can be taken. The opinion of the District Magistrate or Commissioner of Police is, then, subject as it were to an appeal, and this is in fact a very material safeguard against hasty decision. You will have a careful and detailed examination by a judicial officer. It is therefore idle to talk about the vagaries of the Executive. The executive order will operate only when the grounds upon which it has been made have been confirmed by the conclusions of an experienced judicial court. The elimination of the words which this amendment proposes to remove will in effect throw the decisions of the District Judge and the Judge of the Small Cause Court open to appeal. That would delay very considerably, and possibly intolerably, the time by which an order of forfeiture can be made. One of the essentials in executive proceedings of this kind is a reasonable degree of expedition. To allow of appeals would be to deprive the clause of a great deal of its value and force.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I do not like to move this amendment* as it is a consequential amendment to the amendment which I have just moved. As that amendment has been negatived, I think there is no use in moving this amendment.

THE HONOURABLE THE PRESIDENT: I assume that that is the view of the Honourable Rai Bahadur Lala Jagdish Prasad in whose name the next amendment† also stands.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: I do not propose to move it, Sir.

THE HONOURABLE THE PRESIDENT: No. 35‡ is similar to the one which has just now been disposed of.

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*"That in clause 13 in the proposed new section 17-B of the Criminal Law Amendment Act, 1908, after sub-section (8) the following sub-section be added, namely:

'(9) This section shall not apply to moveable property found in a place ordinarily used for worship as provided for in second proviso to clause 17-A (2), which is used for carrying out the worship or for the performance of the ceremonies connected with such worship'."

†"That in clause 13 in the proposed new section 17-B of the Criminal Law Amendment Act, 1908, after sub-section (8) the following sub-section be added, namely:

'(9) This section shall not apply to moveable property found in a place ordinarily used for worship as provided for in the second proviso to clause 17-A (2) which is used for carrying out the worship or for the performance of the ceremonies connected with such worship'."

‡"That in clause 13 in sub-section (4) of the proposed new section 17-E of the Criminal Law Amendment Act, 1908, the words 'and the decision of the District Judge or Chief Judge of the Small Cause Court, as the case may be, shall be final' be omitted."

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: I do not propose to move it in view of the fate shared by my previous amendment.

THE HONOURABLE THE PRESIDENT: The question then is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 14.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: Sir, I want to put forward that this clause should not be put on the Statute-book. The reason why I am proposing this is as follows. If this Bill is to suppress the civil disobedience movement or the terrorist movement or the communist movement, then the phraseology of this clause should be strictly confined to those matters only which refer to the civil disobedience movement and movements of the nature referred to above. The clauses as drafted are very wide and the words in the long title and preamble of the Indian Press (Emergency Powers) Act of 1931 were, in my opinion, quite sufficient for the purpose. In that view of the matter, instead of making the alterations suggested in this clause, I would suggest keeping the long title and preamble of the Indian Press (Emergency) Powers Act, 1931, untouched.

Sir, I oppose the keeping of this clause 14.

THE HONOURABLE MR. M. G. HALLETT: Sir, I do not think it is necessary for me to speak at length on this. It is only a question of the title of the Indian Press (Emergency Powers) Act. I understand the Honourable Member to suggest that we should have kept the original title, which was

"An Act to provide against the publication of matter inciting to or encouraging murder or violence."

If we amend that Act, as we hope we shall, in the manner provided in clause 16 of this Bill, then that title would be most misleading, for clause 16 makes the publication of matter other than matter inciting to or encouraging murder or violence punishable. The title which is now proposed to be given clearly defines what the functions of the Act in the future will be, and it follows the expression in the old Press Act of 1910.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 16.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I beg to move:

"That to *Explanation* 4 of clause 16 the following proviso be added, namely:

'Provided that no action shall be taken under this section against a printing press until at least one warning in writing has been given to the keeper of such press and has been disregarded by him'."

Sir, I hope it will be readily admitted that the existence of the Press is extremely necessary in a democratic country, and the services rendered by the Press in creating public opinion in India cannot be denied. There may be some vernacular newspapers to which some of our present-day troubles could perhaps be ascribed, but the existing Press Law is in my humble opinion enough to curb such activities and there is to my mind absolutely no justification for making the provisions of the existing law more stringent. I am therefore not in favour of enacting clause 16 at all. But when you are making stricter provisions and are providing for the forfeiture of the security and of the press in so many more cases, it is but fair that you must give to the keeper of the press at least one warning and when it is disregarded then alone should action be taken under the section. After all, Sir, a newspaper is, so to say, the poor man's universe, and if Government cherish the encouragement of education they must encourage the newspaper. Without at least one previous warning being given in such cases, I fear that this clause would work as an engine of oppression on the Press. Hence my amendment.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Sir Maneckji Dadabhoy.)

THE HONOURABLE MR. M. G. HALLETT: Sir, I must oppose this amendment also. If I may give my personal experiences—and I saw a certain amount of the working of the Press Ordinance in my province during the last few years—I may say that it is the usual practice with a Local Government to give a warning to the keeper of the press or the editor of the newspaper, as the case may be, the first time they publish an offending article. But there may be cases in which Government cannot go so far as to give a warning. The article may be so grossly objectionable that a warning would not be sufficient in such cases. It may be known to Government or they may apprehend that a warning will have no effect. But in every case in which they think that a warning will have a good effect I feel quite sure that Local Governments do issue that warning. I may remind this Council that when the Press Ordinance was first promulgated in June, 1930, a deputation of journalists and people specially interested in the press shortly afterwards went to see His Excellency Lord Irwin, and as a result of that instructions were issued to Local Governments in regard to the way in which they should administer the Ordinance. The Honourable the Home Member in the Lower House has given Members there an assurance that when this Bill is passed those instructions will be again brought to the notice of Local Governments. Those instructions ask Local Governments to exercise the power conferred by the Ordinance with due care and discretion and to take steps to see that unoffending papers are in no way harassed by the provisions of the Press Act.

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Those instructions have been complied with and I do not think that the press which indulges merely in fair criticism—fair but trenchant criticism perhaps—of Government has experienced any difficulties in the past or will experience any difficulties in the future. For these reasons I think it is impossible to accept this amendment, because it would unduly tie the hands of Government in dealing with that class of paper which is not open to reason and which will not heed any warning which might be given to it.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I am glad that the Government has met this amendment to a certain extent, and in view of the assurance given by my Honourable friend Mr. Hallett, I beg leave of the House to withdraw the amendment.

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

THE HONOURABLE THE CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: Sir, I oppose the inclusion of this clause in the Bill. I beg to point out that the opening sentence of the clause and the provisions in this clause are so comprehensive as to have the effect of gagging the Indian press altogether. The gagging of the press will be the most disastrous thing in the country, because the public will be deprived of the opportunity of knowing the actual state of things prevailing, and oftener than not inferences of an adverse nature towards the Government will be drawn by the public which I think will create a much worse situation than that which exists to-day. I therefore say that there is really no necessity for this clause, and even if there is some necessity, the clause under reference as drafted is highly repressive and this House should not be a party to giving such drastic powers to the authorities. Under the Indian Press (Emergency Powers) Act, 1931, there are sufficient safeguards to enable the Government to put a check on any recalcitrant newspaper whenever required. The provisions for demanding a security and then forfeiting it if necessary cannot but have a deterrent effect upon the offending newspaper. There have been cases where security to the extent of Rs. 20,000 was demanded, paid and forfeited. Is it suggested that even fines of Rs. 20,000—because that forfeiture is nothing less or nothing more than a fine—have no effect on the offending newspapers? There are no rich patrons of newspapers in this country, no big combines, no Northcliffs and no Rothermeres. Every individual newspaper has to paddle its own canoe. Therefore, a fine of that nature has, I make bold to say, sufficient check on irresponsible journalism such as Government want to curb. I am a believer in the Englishman's love for the freedom of the press. I believe that a Government manned by Englishmen have not yet forgotten their tradition which they must have imbibed from their mother country and they cannot be vindictive or act in a way to trample under foot that freedom of the press which has been one of the cherished rights and traditions of the British nation.

Sir, I oppose.

THE HONOURABLE THE CHAIRMAN: The question is:

"That clause 16 stand part of the Bill."

The Council divided:

AYES—29.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.	Israr Hasan Khan, The Honourable Khan Bahadur Sir Muhammad.
Bartley, The Honourable Mr. J.	Johnson, The Honourable Mr. J. N. G.
Benthall, The Honourable Mr. E. C.	Mehr Shah, The Honourable Nawab Sahibzada Sir Sayad Mohamad.
Charanjit Singh, The Honourable Raja.	Muhammad Hussain, The Honourable Mian Ali Baksh.
Chetti, The Honourable Diwan Bahadur G. Narayanaswami.	Murphy, The Honourable Mr. P. W.
Choksy, The Honourable Dr. Sir N.	Noon, The Honourable Nawab Malik Mohammad Hayat Khan.
Clow, The Honourable Mr. A. G.	Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Commander-in-Chief, His Excellency the.	Parsons, The Honourable Sir Alan.
Cotterell, The Honourable Mr. C. B.	Ram Chandra, The Honourable Mr.
Devadoss, The Honourable Sir David.	Shillidy, The Honourable Mr. J. A.
Drake, The Honourable Mr. J. C. B.	Sinha, The Honourable Rai Bahadur Madan Mohan.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Suhrawardy, The Honourable Mr. Mahmood.
Ghosal, The Honourable Mr. Jyotsnanath.	Vaishya, The Honourable Khan Bahadur J. B.
Habibullah, The Honourable Nawab Khwaja.	
Hafeez, The Honourable Khan Bahadur Syed Abdul.	
Hallett, The Honourable Mr. M. G.	

NOES—10.

Banerjee, The Honourable Mr. Jagadish Chandra.	Kalikar, The Honourable Mr. Vinayak Vithal.
Dutt, The Honourable Rai Bahadur Promode Chandra.	Kidwai, The Honourable Shaikh Mushir Hosain.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.	Natesan, The Honourable Mr. G. A.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Jagdish Prasad, The Honourable Rai Bahadur Lala.	Sinha, The Honourable Kumar Nripend Narayan.

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17, 18, 19 and 20 were added to the Bill.

THE HONOURABLE THE CHAIRMAN: New clause 21.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I move:

"That after clause 20 the following new clause be added, namely:

'21. At the expiration of this Act all monies, securities, articles or property forfeited under the Act shall on application by any claimant be refunded or returned by the Local Government to the person or persons duly entitled to the possession of such monies, securities, articles or property'."

Sir, this is an emergency piece of legislation and it will be very hard on the people concerned if the monies, securities, articles or property forfeited under its provisions were to be permanently forfeited. The underlying idea being that certain persons or associations whose activities according to Government constitute a menace to the public peace should be kept under check for the time being from following their pursuits by the seizure of the

[Rai Bahadur Lala Jagdish Prasad.]

means of their doing so, it is, in my opinion, only fair that when that emergency-period has passed these forfeited articles should be restored to the claimants entitled to their possession. I think, Sir, it is a reasonable proposition and should commend itself to the House.

THE HONOURABLE MR. J. BARTLEY: Sir, this proposal is misconceived in more ways than one. There is a formal misconception about it. No property strictly speaking is forfeited under this Act. It is under the Criminal Law Amendment Act of 1908 as amended by this Act that the forfeiture would take place and the amendment as drafted would not be apposite in the Bill if it were accepted in the form in which it comes before the House now. However, that is a matter of form merely. Coming to the actual substance of the amendment, what it seeks to do is to insert in the Criminal Law Amendment Act of 1908, in addition to the sections which are by this Bill inserted in that Act, a section which would provide that property forfeited under the Criminal Law Amendment Act should be restored at the end of the period for which this Act is in force, that is, a period of three years; in other words, that the orders of forfeiture should not be final but that at some remote subsequent date three years hence, they should be open to claims by the persons who then alleged they were entitled to the property. Obviously if this object were to be attained, the best method of doing so would have been to provide that where forfeiture is prescribed in section 17-B and so on temporary sequestration should have been provided. That was not done. Nor has 17-F been attacked which says that every declaration of forfeiture made under this Act shall be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited. The property has been forfeited. It remains for three years unclaimed and then at the end of three years it is sought that the whole business of determining who is entitled to the property should be thrown open again. I think it would be utterly impracticable and on its merits and on the formal objection, which is a serious one, it must be opposed.

The motion was negatived.

THE HONOURABLE RAI BAHDUR LALA JAGDISH PRASAD: Sir, in view of the decision given by the House on my amendment of a similar nature, I do not propose to move the rest of my amendments*.

THE HONOURABLE THE CHAIRMAN: Clause 1.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK: Sir, the amendment which stands in my name runs as follows:

"That for sub-clause (*3*) of clause 1 the following be substituted, namely:

'(*3*) It shall remain in force for one year only, but the Governor General in Council may, by notification in the Gazette of India, direct that it shall remain in force for a further period not exceeding one year'."

* "22. All convictions made and sentences passed under this Act shall be subject to appeal to the Court to which appeals ordinarily lie and shall be open to revision by the High Court."

"23. All orders passed under this Act shall be subject to appeal to the Court to which appeals ordinarily lie and shall be open to revision by the High Court."

My main points are as follows. I have carefully scanned the arguments put forward by the Honourable the Home Member in the other House but could not find any convincing reason why the life of the Act should be three years. It is an emergency measure and no emergency should ordinarily last for more than a year and if it does last the Government of the future, if they want it, will easily be able to re-enact this law or any other law that they want to have. Why then fetter their hands? The constitutional reforms will be working after about a year and I therefore want that the life of this Act should end by that time. Government have been promising us a very liberal constitution at the conclusion of the Round Table Conference that is sitting now in London and if we take the Government at their word, then that liberal set of reforms ought to satisfy the reasonable sections of the Indian public and it would not be too much to assume that the unrest that has been created on account of political disaffection will subside and normal times will return. This civil disobedience movement is planned and destined for achieving a certain object. When that object is achieved such movement will not exist. When the new constitution comes into operation, there will be no necessity for this legislation, since I presume the object of such movement is to get responsible Government for India. When that responsibility comes there will be absolutely no necessity for furthering this movement. If the present behaviour of the extremists continues, then it is quite reasonable to presume that this Bill will also continue, or, in other words, that the period of this Bill must depend upon the reasonableness of the extremists. If that be the argument of the Government, to limit the period of the Bill to three years, do the Government think that the attitude of the extremists will change during that period? Government, however, themselves perceive that some limitation must be fixed for the duration of the Bill. My contention is that the attitude of these people holding different views will undergo a great change by the reforms which I hope will come into operation very soon. So that we can safely limit the operation of the Act to a year, and if it be necessary to extend it for a further period of a year, the Government can do so by a notification in the official Gazette. And, Sir, if there be any truth in what the Home Secretary says, that the movement is well under control by now, then by a year it will be completely crushed and I submit therefore that Government will have no difficulty in accepting my amendment.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, I must oppose this amendment also. It will be recollected that the Bill as originally introduced in the Legislative Assembly was a permanent measure. It was in deference to the opinions expressed in the Lower House and in Select Committee that Government agreed to reduce the period of duration to three years. Further than that they cannot go. As I tried to explain in my opening speech on this Bill, we are passing through a period of transition and during any such period of transition, both before and immediately after the change has been made—the change may come into effect in some 18 months or so—there is a serious risk of movements of this kind starting again in this country. I explained in my previous speech how civil disobedience was not a novel feature in the political life of this country and I am not optimistic enough to hope that in a year we shall see the end of it. We have it under control, I admit, but we have it under control mainly because we have these special powers given by the Acts recently passed by Provincial Legislatures to control it. If that power was taken away, if the power of control was lessened, we should lose the initiative and civil disobedience might again raise its head. It would

[Mr. M. G. Hallett.]

be far more effective if we showed from the outset to the supporters of that movement that these powers were going to be retained for a definite period of three years. Then they would know that there was no chance of our loosening our grip and would, in my opinion, abstain from this barren path of civil disobedience. For these reasons I oppose this change in the period of duration of the Bill. The point has been very fully considered in the Lower House.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I do not propose to move my amendment*.

4 P.M.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Sir, I think this is the last amendment in my name. I move:

"That in sub-clause (3) of clause 1 for the words 'three years' the words 'six months' be substituted."

In moving this amendment I should like to bring home to Government that the duration of three years is not only a long term but is unnecessary since the new constitution is within sight. Moreover, it will cause bitter irritation in the minds of the younger generation of the country, and I am afraid the calm atmosphere for which we are all sincerely trying will not come if this period of three years is allowed to remain in this clause of the Bill. Sir, the Provincial Governments have given legislative shape to the Ordinances but have fixed their lifetime for one year only. In these circumstances, Sir, it will be a grave injustice to the people,—nay, it does not become the Government of India now to keep this proposed Act in force for three years. Sir, when the new reforms are ushered into the country in the near future there will be a new chapter in the history of India under the ægis of the Britishers and there will also be the beginning of the era of forgive and forget. Sir, does it then behove Government to keep this law on the Statute-book which would pollute the pages of history of the new era? Sir, in all fairness to Government and in the fitness of things I should say that the best thing for Government would be to adopt a conciliatory policy now, which would be the harbinger of peace in the country. And this can easily be done by Government if this proposed Act be kept in operation for six months only instead of three years. Sir, I hope Government will give us serious hearing when we say this and accept the amendment proposed by me and I further hope the House too will not be slow in realising the import and implication of my amendment.

Sir, I move.

THE HONOURABLE MR. M. G. HALLETT: Sir, if my arguments were at all relevant to the previous amendment, they are equally relevant to this. They should apply perhaps with even greater force to this amendment. I need not repeat them. There is only one point that I would like to make. It is suggested that this Bill should be in force only for six months. I would remind the House that five Local Governments have passed Bills which will

* "That for sub-clause (3) of clause 1 the following be substituted, namely:

'(3) It shall remain in force for two years only, but the Governor General in Council may, by notification in the Gazette of India, direct that it shall remain in force for a further period not exceeding one year'."

be in force for three years. Their Bills supplement this Bill. They understood from us that our Bill would be in force for the same period as that for which their Bills will be in force. It is unfair to leave them with the central Bill lasting only for six months and thereby not giving them adequate powers for the remainder of the period. I oppose this amendment.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, in view of the fate that a similar amendment has met with in this House, I do not think that I will move this amendment*.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE THE CHAIRMAN: I understand that a Bill has been remitted to this Council from the other House. I shall ask the Secretary to mention it.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table a copy of the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, which was passed by the Legislative Assembly at its meeting held today.

CRIMINAL LAW AMENDMENT BILL—*contd.*

THE HONOURABLE MR. M. G. HALLETT: Sir, I beg to move:

"That the Bill to supplement the Criminal Law, as passed by the Legislative Assembly, be passed."

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR: Sir, I think I should not silently vote on this motion without expressing my views on the Bill. I have listened carefully to the discussions on this Bill from last Monday but I am not yet convinced of the necessity of this Bill under the present circumstances. On the first reading of the Bill, the Honourable the Home Secretary made it clear to us that the movement of civil disobedience had been brought under control. The Secretary of State has stated in clear language that the movement has been crushed, and His Excellency the Viceroy in his address to the Lower House in Simla stated that the no-rent campaign in the United Provinces had died away and the red shirt movement in the North-West Frontier Province was rapidly being brought under control and that the greater part of the mass of the population was unconcerned with the civil disobedience movement. If the movement is crushed according to the Secretary of State or if the movement has been brought under control according

* "That in sub-clause (3) of clause 1 for the words 'three years' the words 'one year' be substituted."

[Mr. Vinayak Vithal Kalikar.]

to my Honourable friend the Home Secretary or if the mass of the population are not concerned with the civil disobedience movement according to His Excellency the Viceroy, then I do not see any reason why this repressive legislation is being put on the Statute-book. It is stated that this is a period of transition and this sort of legislation is necessary for the future Government so that there may be no recrudescence of the civil disobedience movement. I submit, Sir, that it does not lie with the Executive of the present Government to fetter the hands of the future Government. If the civil disobedience movement recurs again, the future responsible Government that we expect to have will take care of itself.

It is said, Sir, that the Congress by adopting this direct action has created a lot of trouble and is creating great disturbances in the country. I will review briefly the main features of the civil disobedience movement. The leaders and followers of this movement, Sir, court jail. They do not offer any defence and submit to all sorts of indignities without resistance. It is well known, Sir, that for the last half century the Congress adopted a different method altogether, that of petitioning and protesting. But when the younger generation found that those methods were rejected they decided to adopt some other methods and to rely on their own organization. They may be wrong in adopting this direct action, and I personally do not agree with them, but that is no reason why the Government should enact such a Bill wherein personal liberty and the rights of private property are encroached on and by which the powers of the Judiciary have been curtailed and wide powers have been given to the Executive. If you want to put a repressive measure like this on the Statute-book, I submit that you must have public opinion behind you. Unless you have public opinion behind you, you cannot expect the smooth working of this Act. But, Sir, what is the verdict of public opinion ? Since the inception of the Ordinances, for the last year and more, except in a very few interested quarters, public opinion has all along been against these measures. Not only the nationalists and extremists, but even the moderate section of the politically-minded people has condemned it in no uncertain terms. Rule by Ordinance in a civilized country when there is no war, when there is no rebellion, is a new thing.

An Honourable Member : Only murders and riots and dacoities and compulsions !

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR : I will come to that point. Rule by Ordinance is condemned in every civilized country. We are living in civilized times, and, Sir, we have been taught the benefits of democracy by Britishers. We cannot agree, Sir, to the legislation like the one under consideration. Another difficulty that is before my mind is this. By enacting this legislation you have practically gagged the press. It is not in your interest, and it is not in our interest also that the press should be gagged. It is in the interests of the Government to know what are the feelings of the public on certain questions. It is in our interest also that we should give vent to our feelings, and I submit that in a constitutional way, that is the only method of giving vent to our feelings and of trying to get our legitimate grievances redressed. What do we find in the provisions of this Bill ? We find the press has been gagged. There is an encroachment on the rights of private property and personal liberty. You have curtailed the powers of the High Courts which you have established under the provisions of this Bill. You want to arm the Executive with wide powers and you do not want

to allow appeals even from district judges and the Small Cause Court to the High Court. I sound a note of warning, Sir, against the gagging of the expression of political thought. I submit that if by the enactment of this Bill you succeed in that purpose, the currents of political thought will be driven underground and what sort of turn it will take I do not know. It will recoil on you and it will recoil on us, and we do not want that. For this reason I make a last request. We have tried our utmost to lessen the rigour of this Bill by moving amendments, though we knew that we would not be successful. But my submission is that at least you should warn your officers who will be in charge of the operations of this Act not to be over enthusiastic. Perhaps if the Act is not applied at all, some discontent may be removed. It was argued by my Honourable friend Mr. Benthall yesterday and by some other Honourable Members of this House that the Rowlatt Act was passed but no action was taken under that Act. I submit that if no action was taken under that Act as it was not necessary to do so, why do you want to adorn the Statute-book by placing such a repressive legislation upon it ? However, I know that my voice is a forlorn one. We, on this side, cannot do anything in this matter. I repeat again my appeal that your officers should be warned and warned strictly that this Bill should not be brought into force unless they think that an emergency has arisen, and also before they decide that it is an emergency, they should very carefully study the situation.

With these words, Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, I do not want to detain the Council long at this stage. I simply want to mention, Sir, that on the consideration stage of this Bill nine elected Members voted against it and the elected Members who voted for it were seven and in case we do not count one Honourable Member who came in and voted after the bell stopped ringing, I think it shows that the elected representatives of the people who voted for it were six. Sir, that as far as the press amendment is concerned, nine elected Members voted against it as against six elected Members who voted for it.

THE HONOURABLE NAWAB MALIK MOHAMMAD HAYAT KHAN NOON (Punjab : Nominated Non-Official) : Out of thirty?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I am talking of the elected Members who are present here today.

Sir, another point which I want to put before this House is that there is an impression among the public that owing to economically bad times more and atrocious taxation is likely to be imposed in the next budget and so far as the proceedings of the Round Table Conference are concerned in view of the utterances which Sir Samuel Hoare, the Secretary of State for India, is making and the multiplicity of safeguards which he is imposing, we are afraid, Sir, that the new constitution will not at all be satisfactory. The result of that will be an increase of agitation and Government want to arm themselves against that contingency. I wish to repeat, Sir, that as this Bill is now to be passed, Government must issue instructions to the officers concerned who will have to deal with it to deal with it very carefully and very cautiously.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : Sir, I rise to support the measure which is now before the House. It has been said that there is not much public demand for an enactment of this sort. I would only say to those who think

[Diwan Bahadur G. Narayanaswami Chetti.]

so that there was a demand from Bombay to tighten the law in view of the lawlessness and disorder that prevailed in Bombay last year and the year previous. It has also been said that on the eve of the new reforms an enactment of this sort is not necessary. I would only reply to that by asking whether until you get the constitution, you would like to have lawlessness and disorder everywhere ? Whatever constitution we are going to have, I think law and order ought to be respected in any form of government that we may have. For these reasons, I think the Legislative Assembly has shouldered the responsibility in passing this Bill. They have gone through it very carefully day after day and the Select Committee have on the whole satisfactorily come out and the Bill has been passed by a very large majority in the other House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : This House is a revising Chamber.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI : Still I say that we do not go so carefully as the Assembly. I shall give one instance of what an elected Member said in the other House, I mean Mr. Mody. He said :

> "I come from a city where picketing has been carried to lengths which have made organised economic life absolutely impossible. It would be difficult to conceive of the excesses which have been committed in the name of peaceful picketing were it not for the fact that we live in times which are abnormal. I therefore cannot possibly support the demand that there should be no provisions in the law of the land with regard to picketing".

Peaceful picketing ends in rebellions. I know, as a matter of fact, that some people who go in for peaceful picketing do go with the best of intentions ; but the street crowds, people who have really nothing to do, join the crowd and create disorder. That also affects peaceful citizens who pass the streets. Therefore picketing has done the greatest harm to Bombay. They were the worst sufferers compared to other provinces.

Sir, the provisions of this Bill will not deter the preaching of temperance, or of issuing leaflets or urging "Buy swadeshi goods". Section 7 makes this clear. There will be no obstacle, when this Bill is passed, to social lectures and temperance preachings. I do not think social workers go about preaching in the streets, but social workers do have meetings in public places and in buildings, but not in public streets. There is nothing to be afraid of that these provisions could be used against *bona fide* meetings or *bona fide* preachings. We feel that the Government have introduced this measure only as a temporary measure and I hope that this Act in practice will not come into operation, because things are getting on satisfactorily and that there will be no necessity for applying the provisions of this Act, even though it is on the Statute-book. I am sure that everyone who likes peace and order would support the enactment. After all some of these provisions will only be applied when there is a necessity and I only hope that no necessity will arise, and that things will go on smoothly till we get our future constitution. After all law and order have to be respected and no one would question Government taking necessary powers to put down rowdyism which goes on in the name of peaceful picketing. What is the offence under the Act is to coerce people, to intimidate them, to annoy them and to pester them into agreeing with something with

which they do not agree. The Bill is intended to suppress lawlessness and I hope that people who think that this enactment is unnecessary will feel that they are making a mistake. After all, as I have already said, whatever constitution we may have one must love peace and order. For these reasons, I beg to support the motion.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, by the passing of this Act the country's Legislature has given another proof of how they are alive to the necessity of maintaining law and order in the country. Sir, besides the Central Legislature which has just given its final sanction to this Bill, various Provincial Legislative Councils have passed similar measures in the interests of public peace and tranquillity. None of these Legislatures failed to do their duty and to shoulder their responsibility which devolved upon them. I hope, Sir, that this conduct on the part of the representatives of the people, which is proof positive of the spirit of co-operation and responsibility which characterise the bulk of the people in the country notwithstanding other movements which have only a very poor following, will be duly appreciated by the British Government and no more misgivings entertained as to the fitness of Indians to shoulder the responsibility of self-government. Sir, various apprehensions have been expressed regarding the way in which this Act may be worked. Fears have been expressed that the provisions of this Bill may be worked with undue hardship. In the light of our past experience, in view of what has happened under the Ordinance law, I feel sure that this law will also be worked very reasonably and sympathetically. Still, I would request Government to take note of what has been said here and to take every possible care that no frivolous or vexatious cases come up before the courts under the provisions of this law.

One word more and I have done. In passing this legislation the representatives of the people have not only discharged their duty by their constituencies and have proved themselves fully alive to the responsibility which they owe to the masses in the country whose primary concern is the safety of person and property, not only have the Legislatures discharged this duty, but they have also by passing this Act laid a sure and strong foundation for the building up of self-government in the country. For it is obvious, Sir, that for the successful working of the new constitution it is necessary that it should be free from embarrassments. Therefore, Sir, by passing this Act this Legislature has not only discharged its duty by its constituencies but has also discharged its duty to posterity.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, coming as I do from Bombay, I should like to give the Honourable Members some idea of the state to which the premier city of India has been reduced by civil disobedience. It has become degraded to a fourth place. I cannot adequately depict its horrors, havoc, agony and misery. Trade, commerce and public opinion have all been paralysed. People have been cowed down, their energies suppressed, and they do not know where to turn. They realise that if they were to show any resistance, they would have to undergo greater disabilities and greater oppression. That has been the state of Bombay, so far as the people are concerned. There the fiat of the civil disobedience movement runs thus : "Thou shalt not do this : Thou shalt not do that ; Woe to him who would disobey, because he would be oppressed and harassed in every possible way !"

*Speech not corrected by the Honourable Member.

[Khan Bahadur Dr. Sir Nasarvanji Choksy.]

Sir, look at the deplorable state of the mill industry of Bombay. Look at the Stock Exchange. Look at the cotton trade. You will find that even today after the recent Cotton Association Act was passed, the European and some Indian houses are being hampered and unable to find free scope for their legitimate trade. Not that alone. Look also at the family ties. They have been disrupted ; father has been set against son, husband against wife, brother against sister ; so much so, that some have had to desert their families, whilst others had to go over to the civil disobedience movement rather than separate. That is not all. The effects of picketing have been simply disastrous. It is not picketing in the sense in which it is understood in Europe where people have a *personal* grievance and seek redress for their grievance, real or imaginary, by resorting to picketing. But in India and in Bombay picketing has been done by hirelings,—hirelings who have no *personal* grievance, who receive a few annas a day and perhaps a plateful of rice, and go about harassing the people in every possible way. Sir, the way in which these pickets work is simply intolerable to self-respecting people who have to do their shopping. In the early days they were recruited from the byways of Bombay. When that recruitment area was exhausted, up-country persons were brought down—men with wild eyes and long hair—who roam about the city and prevent people from entering shops. They waylay people entering the shops by a barrier with linked arms, snatch packages from their hands, tear them open and thus harass delicate and gentle women who have never been subjected to such treatment. Some may resist, but the majority submit to it lest they should be harassed further. They have not left a single trade untouched. Even shops dealing in goods which are not produced in India have been picketed. The requirements of the profession to which I have the honour to belong, namely, drugs, have been interfered with. They have been picketing drug shops and men who have made money for years and years by dealing in British drugs are now boycotting British products and pushing foreign ones which are of very poor quality. There occurred a very curious instance when one of the merchants was asked that if there was a serious case of illness in his family and the only drug that could save the life of the patient was a drug of British origin, whether he would allow it to be used. His reply was that he would rather let the patient die than use a drug of British manufacture ! That is the mentality to which even sane and sensible people have been reduced. People go about in fear and trepidation and do not know where to turn for redress. Social ostracism and even fines are imposed upon those who resist.

Then, Sir, look at their literature. It is full of lies, half-truths and concocted stories. Some of the productions are so filthy, so obscene and immoral that they are scarcely fit to be read by adults and yet they are read by young children in schools. You can easily imagine what would be the morality of those children when they grow up. And that, Sir, is called civil disobedience.

The defenders of the movement have not uttered a word of sympathy to those murdered and maimed. We have heard not a word today about the arson, about the loot, the murders and numerous hideous crimes that have been committed upon defenceless people. I do recollect, Sir, that in the early epidemics of plague, the streets of Bombay were deserted. Similarly, during the recent riots a number of streets were deserted, houses were closed, tramcars were not running and people were hiding away in their homes or left for their country homes. That, Sir, is what civil disobedience has done for Bombay. I should like to hear any one standing up here and defending

this state of affairs. They have shown no pity, nor a word of regret at the holocast and the sacrifice of innocent lives to the lust and terrorism of the supporters of the movement.

Sir, this Bill has been conceived on very broad lines and I believe that very great good will result from it. It will hearten the people, it will put fresh spirit into them, ensure them their personal liberty and allow them to engage in their legitimate pursuits. It is not a repressive measure. It does not lie in the mouth of those who have been terrorising and repressing the people to call it repressive. It is a measure for the protection of the people, for the protection of their personal liberty which has been so trenched upon by the civil disobedience movement. None whose hands are clean need fear its provisions. I cordially support the Bill which has just been discussed. (Applause.)

THE HONOURABLE SHAIKH MUSHIR HOSAIN KIDWAI (United Provinces East : Muhammadan) : The present law being more than sufficient I consider every letter and every word of this Bill to be superfluous and therefore I stand to oppose it, although I know it is mere waste of breath to speak in this House where we are treated as old men in their dotage who cannot manage their own affairs or house and whose opinion is not worth having on any important occasion like that of the Ottawa Conference or the final discussions of the Round Table Conference. We are here only to help the Government in passing reactionary and repressive laws. I am rather surprised that anybody can have faith in repressive laws after having seen the fate of Tzars and Tzarism. I for one have no faith in Tzarist laws. Nor have I any faith in the policy which is called the dual policy, that is, having repressive laws on the one side and promising constitutional improvements on the other. This also was tried in Russia in its last stage when they had the Duma. It also failed. And what do we see here in this respect. We see lathi charges ; repressive laws in action. But on the other side, what are the prospects of constitutional reform ? The prospect, in my opinion are that we shall have autocracy with a vengeance—the word of every Governor will be law, superseding legislative enactments. Therefore, I do not find any consolation in having these repressive laws on the pretence that we will have self-government in the future.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, we have got through a full day's work today. Our Opposition has brought a good deal of life into the discussions of this House, and it seems to me an irony of fate that today of all days my Honourable friend who spoke last should have said something reflecting on the dignity, the utility and the importance of this House, the very first day when the Opposition have been so strong and have voted so solidly.

I think it is not necessary for me, Sir, to take much time either in summing up the debate or in making promises to the Honourable Members opposite with reference to the points they made as to how this law is to be worked. No promises are called for because the law must be worked in a *lawful manner*. (Applause.) Permit me, Sir, to add that any law that this House passes will we worked in no manner other than a lawful manner, to achieve the object that this House desires that the law should achieve, and in no other manner whatsoever.

The Honourable Members opposite have said a great deal on questions of principle—liberty of the individual, primary rights of the citizen, the rule

[Khan Bahadur Mian Sir Fazl-i-Husain.]

of law. I accept all those principles and I assure them, Sir, that it is to vindicate these very principles that it has been found necessary to bring forward this legislation. Honourable Members have been talking at random about the Ordinances. I assure them that there is not a single Member of Government who does not detest and hate Ordinances more than they do (Hear, hear), and today when legislation is being introduced to do away with the Ordinances, why talk about the Ordinance law, therefore the talk about the rule by Ordinances seems to me to be altogether irrelevant and unnecessary. It is the highest compliment that any Executive can pay to the Legislature of the country to place before it legislation embodying the necessary provisions of the Ordinances to which they have had recourse, so that the Legislature may express its opinion on it. I should have thought that every Member of this House would welcome a Bill to enable him to say, "So far I am prepared to agree with you; and to this extent I am not prepared to agree with you." In spite of the various amendments moved by the Honourable Members opposite, I should like to congratulate them on the very large measure of support they have given to the Bill as a whole. Whether the Bill should last for a year or three years is not a matter of such vital importance to some others. The matter of vital importance is that the country needs this measure, and the Honourable Members have realised it and I am very glad of it, for, unless responsible Members in this House and in the other House boldly and fearlessly come forward to give the lead which it is their duty as well as their privilege to give to the country, they will be abdicating in favour of those people who have not cared to utilise their opportunity of representing their country in the legislatures of the country.

I have very great sympathy with those Members who entertain certain doubts and find some difficulties as to what the future holds for them in the matter of reforms. Some of them feel that the prospect is by no means bright. The Honourable the Leader of the Opposition talked of the numerous safeguards which are being discussed at the Round Table Conference. The Honourable Mr. Kidwai also talked of the autocracy of the would-be Governor of an Indian province and the Governor General. It is useless at this stage, Sir, to forecast these things. But may I put a question to both these Honourable Members? Are the safeguards which we find in the papers discussed as those mentioned at the Round Table Conference any more in number or any more stringent in their nature than those which have already been evolved in the matter of different provinces by those Indian leaders who have been deliberating for weeks at Allahabad? I assure him, Sir, that the number of the Round Table Conference safeguards is less and their nature is certainly milder than of those which have been evolved at the Unity Conference held in Allahabad. As to my Honourable friend Mr. Kidwai, let me assure him that however great the autocratic powers, it is being discussed, the Governors should be invested with, they are not greater than the powers which certain minorities in Sind and in the Punjab claim that they must have if the reforms are ever to come into being at all. It is no use, Sir, for this House to attribute to others what is really the result of their own *karma*.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Do you really believe in *karma*?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Whether I believe in it or not, Sir, the inexorable law of *karma* takes no

account of that. It works in its own way and in spite of anybody believing in it. I think it will be wise for all of us, in the matter of this legislation and its working in the interests of the peace of the country during the next year or so, to make sure that our ideas on all these subjects are clear and definite, not only in our own interest but also in the interest of the masses. It is of the utmost importance that every one of us should realise that and stand up to what he feels is right. The Honourable the Leader of the Opposition knows this perfectly well. Whatever fling we may have at the provisions against peaceful picketing is it not a fact that it has ruined many peaceful tradesmen in Amritsar and sent them into bankruptcy, simply because the peaceful picketers chose to interfere with the exercise, the peaceful exercise, by these tradesmen and others of their own vocations?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: This Party never supported picketing. We are all against picketing and civil disobedience.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I am very glad to hear that. That only illustrates what I have just said, the great support we have derived from those who are sitting opposite. If time permitted, I could have made a really good speech. My Honourable friends opposite would have readily supported the measure if they really felt there was any danger of its being rejected. So we are really all agreed on the main points of this Bill. Such opposition as has been put up was intended to improve the Bill and make it more effective. It is the duty of every Opposition to put up some opposition, otherwise how could it be an Opposition. But we all know that there is, if I may say so, unanimity on the main points of this law. I am very glad, Sir, that that unanimity which exists in this House is not the privilege of the elders, the old people or the large capitalists or landowners, but is reflected in the Legislatures of the whole country. We all know that this movement, the civil disobedience movement, which otherwise means defiance of law, has been very strong in Bombay. It is the law of nature, Sir, that wherever there is a disease the reaction to it also is very acute. Perhaps some of the Honourable Members may not have carefully noted the division in the Legislative Council of Bombay on the local variant of this Bill. It was really startling. It was 48 for and 19 against, and I am sure that the 48 were not all officials; I am sure that there were not even 24 officials. They were more in the neighbourhood of 12 than 24. I hope, Sir, that the Honourable Members of this House will go out feeling that they have done the right thing today and will take from this House a message to their constituents, a message of peace and goodwill to all; a message of peace to those who, for the time being, either on account of their own sentiment or on account of being misled by others, had thought that defiance of law is a good thing. The message of this House is that defiance of law can never be good. The second message would be that there is no law worth passing which is not worth being acted upon in the spirit in which it has been passed. It has been said that the law should be applied carefully. Is there an officer of Government who will not endorse that view? Certainly, it ought to be applied most carefully. Government would discourage and detest any other course of action. Government considers that an officer who does not act in accordance with the law does the utmost possible harm not only to himself but also to the government of the country. I trust, Sir, that the good work we have done will produce excellent results and that this law will be honoured to such an extent that it will not be necessary to apply it, in even a single case.

THE HONOURABLE THE CHAIRMAN: The question is:

"That the Bill to supplement the Criminal Law, as passed by the Legislative Assembly, be passed."

The motion was adopted.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I should like to know what Bill has today been laid on the table by the Secretary?

SECRETARY OF THE COUNCIL: The Bill to supplement the Bengal Terrorist Outrages Act.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: In this connection may I invite a ruling from the Chair? In the first place, Sir, copies of this Bill have not been made available for the use of Honourable Members. I ask for your ruling as to whether it is a correct procedure that a Bill should be laid on the table of the House without its copies being made available for Honourable Members? I understand that copies of the Bill will be made available for us tomorrow. In the second place, Sir, I may read out the relevant rule contained in the Manual of Business and Procedure, which runs thus:

"Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber and copies of the Bill shall be laid on the table at the next following meeting of that Chamber".

I understand, Sir, that this Bill has been passed by the other House only today. If that is so, then I submit that its laying on the table of our House at today's meeting is not in conformity with this rule. I therefore beg to invite a ruling from the Chair as to how far the procedure adopted in this connection today is a correct procedure?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: May I, Sir, be clear as to what the Honourable Member wants? Does he want that the Bill be treated as if it is not laid on the table and that he would prefer that it be laid on the table tomorrow or some other day? We, at any rate, are tied down to Delhi and if the Honourable Member would like to stay here longer we would be glad to lay the Bill on the table tomorrow; and we need not take it up this week.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, the question is not this, that I want to prolong the sittings of the House. I only asked for your ruling as to whether the procedure adopted was a correct procedure, in view of the observations I have made.

THE HONOURABLE THE CHAIRMAN: The procedure which has been adopted is an absolutely correct one and is in conformity with the practice of this House. The Bill has only been laid on the table today, but at the next meeting, as stated in the rule, copies will be provided to Honourable Members. It is a perfectly correct procedure.

The Honourable the Leader of the House will let us know the course of business during the next few days.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, so far as I have been able to ascertain the wish of the Honourable Members of this House is that the Bill that has been laid on the table will be studied by them tomorrow and that they would like to take it up day after tomorrow, if you, Sir, agree that it be done. It is possible that another Bill will be available to be laid on the table of the House tomorrow evening. Therefore, Sir, I suggest that the House stand adjourned till 4 o'clock in the afternoon tomorrow, so that the business of the House may be expedited. I may, Sir, with your permission assure the House that Government are most anxious to meet the wishes of the House in the matter of arranging business for their convenience, not for the Government convenience. If they would like to do things in a leisurely fashion we have no objection whatever. If, on the other hand, they would like the business to be expedited we are ready to help them.

THE HONOURABLE THE CHAIRMAN: I would like to know the wishes of the Honourable Members in this connection.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: We are ready to meet with the wishes of the Honourable the Leader of the House in this matter.

The Council then adjourned till Four of the Clock on Thursday, the 15th December, 1932.

COUNCIL OF STATE.

Thursday, 15th December, 1932.

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

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in pursuance of rule 25 of the Indian Legislative Rules I lay on the table a copy of the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, which was passed by the Legislative Assembly at its meeting held today.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, we have now two Bills before us that have been laid on the table of the Council, the Bengal Bill and the Ottawa Bill. All parts of the House, Sir, are desirous that the Bengal Bill be taken up for consideration tomorrow. As regards the Ottawa Bill, a large number of Members want it to be taken up on Saturday, but the Progressive Party, and some other Members too, want it to be taken up on Monday. Government have no desire to hurry the disposal of this Bill, Sir, and are prepared to fall in with the wishes of the Members who want the Bengal Bill to be taken up tomorrow and the other Bill to be taken up on Monday.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, some of us who are deeply interested in the commerce of this country and who on account of other pressing engagements have to leave on Saturday evening are anxious that we should start the debate on the Ottawa Bill that morning. I understand that most of my Honourable colleagues are in favour of that proposition, but there is a little bit of a division in the camp of the Progressive Party; the position is that they desire to put in amendments and probably they would have no time to put in amendments in connection with that Bill. However, if the Rules of Business are suspended and they are permitted to put in amendments even till Saturday morning and the debate starts that morning, I think it would be a matter of great convenience to many Members, commercial Members, who would like to speak on that important Bill, and I also think that Honourable Members will be profited by the expression of their opinion on a most important and difficult measure like the Ottawa Bill.

THE HONOURABLE THE PRESIDENT: I would ask the Honourable Rai Bahadur Lala Ram Saran Das if, in view of what I have heard, I decided that on Saturday we should take the motion that the Bill as passed by the Legislative Assembly be taken into consideration on the understanding that it would go no further than that and that the consideration of the Bill clause by clause be taken up on Monday, it would meet with his wishes?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Yes, Sir; we agree to this proposal.

THE HONOURABLE THE PRESIDENT: The only point that remains is that there will be three meetings of the Council of State when two might have been adequate, but if there is a general desire to take the Bengal Bill up tomorrow, that can hardly be avoided.

The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Friday, the 16th December, 1932.

COUNCIL OF STATE.

Friday, 16th December, 1932.

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

BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, I rise to move:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, as passed by the Legislative Assembly, be taken into consideration."

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I rise to a point of order. Sir, my point of order is that the Bill which you want us to consider has not been properly and legally laid on the table. I refer to rule 25 of the Indian Legislative Rules which runs as follows:

"Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber, and copies of the Bill shall be laid on the table at the next following meeting of that Chamber."

My point is that a copy of this Bill was not laid on the table at "the next following meeting" of our Chamber. Mark the words "next following". I think, Sir, that on Wednesday last when this House was sitting from 11 o'clock in the morning and continued its sitting up to about a quarter to five in the afternoon and the Legislative Assembly having passed the Bill after the lunch hour that very day, the meeting of our Chamber that day which was already in progress and at which the Bill was laid on the table cannot possibly be the next following meeting. Another point, Sir, on which I must lay great stress and the importance of which I am sure you will realise is that this difficulty cannot be met by laying the Bill on the table of this House today or on any day hereafter because the words of the rule are imperative that the Bill should have been laid on the table of the House yesterday when we had a meeting. This defect cannot, in my opinion, be rectified now. And I am afraid that you, Sir, have not the power to amend, alter or suspend this rule because according to section 129A(1) of the Government of India Act, the rules made by the Governor General in Council with the sanction of the Secretary of State in Council shall not be subject to repeal or alteration by the Indian Legislature or by any local Legislature. And you, Sir, I am sure, will agree with me that, if the Indian Legislature has no power to repeal or alter any of these rules, you, as President, cannot possibly have that power. Such power can only be derived either under some rules or the Government of India Act or the Standing Orders; and none of these provide the power for you, I am afraid. Therefore, my contention and humble submission is that the Bill is not legally before the House and it is not possible now or hereafter to lay this Bill on the table of this House, as the next following meeting referred to in rule 25 was held yesterday. My further contention

[Rai Bahadur Lala Jagdish Prasad.]

is that you cannot rely on any practice that might have hitherto been followed in this House, if at all,—because I am not aware of any such practice,—as no practice or custom, however favourable it may be under the present circumstances, can possibly override the clear words of the rule made under the Government of India Act. So far as I can see, the rule is absolutely clear on the point and I ask you, Sir, to give a ruling in its favour.

Sir, please do not think that by raising this point of order I am moved by any obstructive or capricious spirit. That is farthest from my mind. I am raising this point of order in a helpful spirit because I feel that the whole proceedings with regard to this Bill will be illegal and may be questioned in a Court of Law hereafter that the Act was not legally passed.

THE HONOURABLE THE PRESIDENT: There is, no doubt, some force in the ingenious point of order which was raised by the Honourable Member from the United Provinces. The rule is as he has stated it. But he has asked me at the end not to rely on any practice set up in this House. Honourable Members are aware that on previous occasions Bills have been laid in this House on the same day in which they have been passed in another place. They are also aware that that practice was established and adopted solely for the convenience of the Honourable Members of this House. The Honourable Member might, of course, have raised this point in time the day before yesterday when late in the evening the Bill was laid. Had he done so, it would have been quite easy to regularise matters, if they were irregular, by having the Bill laid yesterday. He very rightly points out that the next following meeting now having passed, no laying of the Bill now would remedy any defect if there is one. The Chair is prepared to rely on the practice which has hitherto been adopted in applying rule 25 and to hold that the Bill was legally laid in this House.

THE HONOURABLE MR. M. G. HALLETT: Sir, I do not think it is necessary for me to speak at any great length on this Bill. I am fully confident that this House will accept the motion which I have moved and will accept the further motion that this Bill be passed. My confidence has a substantial basis. It is based on the fact that in September last during the Simla session this House passed a Resolution moved by the Honourable Mr. Miller which was to the following effect:

"That this House, while deploring and expressing its horror at the outrage which occurred at Calcutta on Wednesday evening last, when a second attempt was made on the life of Sir Alfred Watson, urges upon Government the necessity for further immediate and drastic action with a view to crushing the terrorist movement in Bengal and for mobilising the forces of public opinion to this end".

That motion was carried unanimously and Honourable Members showed their readiness to take what measures were considered necessary by Government against the terrorist movement. I ask them now to implement in a practical form the promise and undertaking that were then given.

To refer briefly to the provisions of the Bill, I must at the outset explain the provisions of the Bengal Act. It has a somewhat high-sounding title, but I trust that that title will be justified and that it will

have the effect of suppressing terrorist outrages in that province. That Act was, I may remind the Council, passed by a very large majority in the Bengal Council. It was passed by men who are living in the midst of this terrorist movement, who know the conditions prevailing in certain districts and who have full knowledge of the various outrages which have been committed in Bengal during the last two or three years. At the first reading it was passed by a majority of over 50; at the third reading there was very nearly as large a majority, and it was carried by 58 votes to 12. The Bengal Council showed that they were prepared to take the responsibility for legislating on these lines, and it is up to this Legislature to support them in every way that they can. The Bengal Act consists really of two parts. The first part, Chapter I, which is called "Emergency Powers", gives certain powers to the District Magistrate and other executive officers which have by experience been found necessary. They have in particular been found necessary in the district of Chittagong in order to enable the authorities to cope with the movement in that district, which as Members are well aware was more serious than in other parts of the Bengal Presidency. These powers were originally given by an Ordinance shortly after the Chittagong armoury raid which took place in April, 1930, and gave the local authorities power to deal with the absconders of that gang who are still at large in that district. I need not detail the powers. The Act gives, for instance, powers to the District Magistrate to exercise greater control over arms and ammunition and to prohibit access to certain places, and increased powers in regard to the issue of search-warrants and matters of that kind. That is one portion of the Act. The second portion of the Act deals with judicial procedure. In dealing with the terrorist movement it is essential that when cases are instituted, they should be completed without any of the harassing delays which sometimes occur, I regret to say, in the criminal courts of this country. They provide that the less important cases against terrorists shall be tried by Special Magistrates; the more important ones will continue to be tried as at present by the Tribunals which are established under the Bengal Criminal Law Amendment Act. The Special Magistrates will try the cases mentioned in the Schedule and will have in effect the powers given by the Criminal Procedure Code in section 30 to Magistrates in the non-regulation provinces, that is to say, they are empowered to try any case not punishable with death and are also empowered to impose a sentence up to seven years. That Act has been passed by the local Legislature. But the local Legislature has no power to pass any Act which affects the jurisdiction of the High Court of Judicature in Calcutta. It is therefore necessary for the Central Legislature to pass an Act which affects the jurisdiction of that Court. In the first place, it is necessary to provide for appeals to the High Court. The Bengal Act provides that in all cases tried by these Special Magistrates, whatever the sentence, however low it may be and for whatever period—in all cases where a sentence of fine or imprisonment is imposed, an appeal lies to the Court of Session. In Calcutta, however, there is no Court of Session, and therefore appeals in cases tried by the Special Magistrates in Calcutta must go before the High Court. Further it is thought desirable that where heavier sentences are imposed, that is to say, sentences of transportation for a term exceeding two years or imprisonment for a term exceeding four years, the appeal instead of going to the Court of Session should go direct to the High Court. Provision to that

[Mr. M. G. Hallett.]

effect is made in clause 3 of the present Bill. Clause 4 reproduces section 19 of the original Act. Section 19 of the original Act runs as follows:

"Except as provided in this Chapter—(that is, the Chapter dealing with the special powers given to the Executive to which I have referred briefly)—no proceeding or order purporting to be taken or made under this Chapter shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Chapter".

That section is designed to protect the executive officers in carrying out their dangerous duties in combating this movement. Their action might be rendered entirely ineffective, if, for instance, when a Magistrate has issued a search-warrant to search a house, somebody went to the civil court and obtained an injunction that that warrant should not be executed. It is also to protect the police officers and others who are often risking their lives in dealing with this movement from the harassment which they might be subjected to if any discontented person brought against them subsequently a civil suit or a criminal proceeding. It is to be noted that this clause only applies to what has been done in good faith by these officers. The Bengal Council have thought fit to exclude the jurisdiction of the local civil courts in these matters, and this Council is now asked to supplement that by excluding the jurisdiction of the High Court. As I have explained, Calcutta stands in a different position from the rest of Bengal. In Calcutta the High Court has original jurisdiction. The Bengal Council having taken away the original jurisdiction of the civil courts in Bengal, clause 4 of the present Bill has the effect of taking away the original jurisdiction in these matters from the High Court of Calcutta. The remaining clause, clause 5, is designed to expedite the trial of cases under this Act before Special Magistrates, to take away the power of revision ordinarily exercised by the High Court and to prevent any delay in the trial of those cases. As I have said, the accused in these cases have a full right of appeal. They have in fact a further right of appeal than that given by the Criminal Procedure Code and hence the necessity for revision is not so great. As is well known to Members of this Council and as pointed out while discussing the Bill in the last session for amending a certain section of the Criminal Procedure Code, cases may be very seriously delayed by means of dilatory motions filed before the superior appellate court. It is that which we want to avoid in these cases.

Those, Sir, are the provisions of this simple Bill. It is one of the measures necessary to deal with the terrorist movement, a movement which has been universally condemned, which has been condemned on two occasions by this House and which this House, I feel sure, will continue to condemn until the movement finally comes to an end. It is a movement directed not merely against the present Government, not merely with the object of changing the present Government, but it aims also, as one can see from the various pamphlets and bulletins which are issued by the leaders of this party, at making a complete change, a revolutionary change, by the most foul methods of the whole system of society as it exists at present in Bengal. If that movement spreads, if that movement is not got under control, it will be a serious menace not only to Bengal but also to the rest of India, for the disease is an infectious one. I admit there are other methods of combating a movement of this kind, but we have got to use every weapon that may be available, and

if there is any relaxation on the part of Government, then the evil will again grow as it grew during the years 1929-30. I am glad to say that there are signs, small signs I admit but some signs, that conditions in Bengal are improving, or at any rate, not to be unduly optimistic, that they are not deteriorating. The measures which have been taken, the passing of this Act by the Bengal Legislature, the deputation of troops to several different centres in the province, have had a re-assuring effect on the population. In the chief towns of Eastern Bengal committees have been formed to do what they can to assist the authorities in dealing with the terrorists, and I am glad to say that some Members of this Council have taken their share in that work. All that is for the good, but in addition to the efforts of private individuals, in addition to the mobilisation of public opinion which was referred to in the Resolution passed last September, Government and its executive officers must have full and sufficient powers to deal with these misguided youths who, with the aid of the bomb and the revolver, place the lives of Government servants in danger from day to day in the districts of Eastern Bengal. Sir, I ask the House to support this motion that the Bill be taken into consideration.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, I can not record my silent vote for the passage of the Bill before us, without making any observation on its provision that curtails the powers of the High Court. Sir, terrorism being a canker in the body-politic of the country, especially in the province where I come from, it should be removed by all possible means and there can be no two opinions about it. Terrorism can never "deliver the goods" nor can it reach the people even somewhere near the "Promised land." Terrorism has besmirched the fair name of Bengal and it is high time that it was extirpated out of the country with the help of Legislatures, both local and central. Sir, the Bengal Legislative Council has passed the Bill by a thumping majority and it is no use asking this Honourable House to throw it out now when we have no sympathy, either direct or tacit, with this movement. I should not take up the further time of this House by digressing on terrorism and the incalculable harm it is doing. In a word, Sir, it is retarding the progress of the country and a patriot or nationalist who calls himself a nationlist should always condemn it as a thing that stands in the way of our attaining Dominion Status. Sir, what I want to say is that even the terrorists, the worst enemies of the country and the State, must be given the chance to be tried in the High Court. Sir, clause 5 of this Bill—however amended by the Honourable the Law Member—so far as I have been able to understand, takes away the right of appeal to the High Court from persons sentenced to two years or under, under this Act . . . . . .

THE HONOURABLE MR. M. G. HALLETT: Sir, might I explain on that point? The right of appeal to the High Court is not taken away by section 5.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: I am glad to hear that. Sir, people have faith—implicit faith—in the traditional justice of the High Court and it is very regrettable that this Bill would restrict the right of such persons to prefer appeals to the High Court for justice. However, considering the situation in the country I do not oppose the Bill as it is intended to suppress the terrorists, but Government should always remember that they are also striking terror in the hearts of the people

[Mr. Jagadish Chandra Banerjee.]

by some unnecessary harsh laws. And, when we say that terrorism must go, it must go from the country as well as from the powers-that-be; otherwise enactment of such laws will not be able to remove the discontent from the minds of the people.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I rise to support the motion before the House. The Central Legislature is asked to give certain powers to the High Court, but as a matter of fact this Bill clearly indicates that every accused has a right of appeal. Under the provisions of section 107 of the Government of India Act, the High Court's power of superintendence is not taken away by section 5 of this Bill. That is beneficial to the accused persons. They have always had the right of appeal to the High Court. Terrorism must be put down with an iron hand, and I am sure this House, as promised in the Simla session, will give a unanimous vote for the enactment of these provisions and this House will not be divided. I am glad to hear that my friends of the Progressive Party are all going to support it and that this Council will give its unanimous support. I need hardly say that there should not be protracted trials in these cases. The House will remember the enormous cost with which the Government are faced on the Meerut trial. I need not mention the other case as it is still *sub judice*. But these provisions will, I hope, put down terrorism as quickly as possible. Sir, I have great pleasure in supporting the Bill.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, I am greatly re-assured by the speech just delivered by my Honourable friend the Whip of the Progressive Party. Sir, I thought that the Ordinance Bill which we considered only the other day aimed at three faiths, communism, civil disobedience and terrorism. I should have thought that the views now expressed by my Honourable friend Mr. Banerjee should have made him support the other Bill also. I say, Sir, that it took my breath away when I read the proceedings of this Council of the September session in Simla. My friend the redoubtable Deputy Leader of the Progressive Party, who unfortunately is not present in his seat now, and my friend, the Honourable Mr. Natesan, a journalist and publicist of 36 years' standing, had in no uncertain terms said in Simla that they were going to support the Government in any drastic measure that they might propose to introduce to suppress the terrorist movement. If you, Sir, would allow me the liberty, I shall quote the exact words used by my Honourable friend Mr. Hussain Imam on that occasion. It was on the 26th September, 1932 that Mr. Hussain Imam said:

> "We can have nothing but condemnation for any form of movement which wants to subvert or remove a settled form of Government. We are all united with the Government in every possible effort that it wants to make to erase this evil, and I hope, Sir, that when the Government bring forward their measure they will find that these are not empty words . . . ."

To my mind they are very pregnant words which were belied when he voted against the Ordinance Bill the other day. My friend, Mr. Natesan, said practically the same thing on the 30th September, 1932:

> "In so far as Government initiates measures even of a drastic character to put down this movement I will give my most cordial support and I trust that people not only here but also elsewhere who are interested in rooting out terrorism will do so cheerfully and faithfully . . . . ."

Sir, I confess that it took my breath away when I found these two Honourable Members voting against the Ordinance Bill. I join in the request of the Honourable the Home Secretary that at least on this Bill they will vote for the measure before us so that the House may be unanimous. A great American thinker has said that consistency is the foible of weak minds, and certainly I cannot accuse my friend the Deputy Leader of the Progressive Party or my friend Mr. Natesan, a publicist and journalist of 36 years' standing, of possessing weak minds.

Sir, with regard to the provisions of the Bill, the Honourable the Home Secretary has made them perfectly clear before the House. In the Bengal Council this Bill was passed by a very large majority. They knew what they were about; they are the people on the spot, and their having passed the Bill by a very big majority shows that the province wants that this sort of weapon should be in the Government armoury to cope with the terrorist movement; and I may remind the House that the Legislative Assembly also has passed this Bill by a very large majority. I appeal to this House therefore not to divide on this question but to support this Bill unanimously. The terrorist movement, although it is now confined to Bengal and another province, may go on from province to province like an infectious disease and be a real menace to a settled and peaceful form of Government.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, I am exceedingly sorry to find that the speeches of one of my colleagues and myself have resulted, particularly after Mr. Basu's recovery from a recent illness, in more or less his breath being stopped. I am very sorry that it should have done so. But if he had cared, as a lawyer and as an attorney who is supposed to be much more careful than the average lawyer or barrister, to note the facts and study the case, he would have noted at least so far as my utterance was concerned, my observation was made with regard to terrorism. That stands and that will stand. I am quite consistent; but if my Honourable friend Mr. Basu, who has needlessly dragged in all this, had cared to understand the scope of the Bill and the nature of its effect, he would have seen that the Ordinance Bill which we passed the other day adopts measures not only to deal with terrorism, but civil disobedience and a number of other things. Supposing, for instance, a barber thought that a certain gentleman was unpatriotic or highly objectionable, if he would not shave, under the provisions of the last Bill we have passed, he is liable to punishment. I can quite understand regulations and measures to compel, for instance, a shopkeeper to sell articles if for any reason he refuses to do so. Wide and drastic powers which are given under the Bill that we passed on the last occasion are different from measures adopted to suppress terrorism and terrorism only.

THE HONOURABLE MR. BIJAY KUMAR BASU: That Bill included terrorism also.

THE HONOURABLE MR. G. A. NATESAN: If the Bill was confined to terrorism only I should have supported it. But my Honourable friend knows—it is only an interpretation of English and I hope he will give me some credit for understanding—that it referred to terrorism, civil disobedience and a number of other things and I certainly think that I was perfectly within my rights in opposing the last Bill.

THE HONOURABLE MR. BIJAY KUMAR BASU: I never questioned the Honourable Member's rights.

THE HONOURABLE MR. G. A. NATESAN: That Bill referred also to the press. The Emergency Press Act of the last session was considerably amended. I had myself intended to say a few words on the last occasion but I got no opportunity. I think we are quite consistent. There are many other Bengali gentlemen who blow hot and cold; I daresay my Honourable friend Mr. Basu is an exception, an enviable exception. There are many others who want to suppress terrorism, but they, I understand show their sympathy to terrorism in different other ways. That is what I hear happens in Bengal. At least so far as my province is concerned there is no such necessity, and I think my Honourable friend Mr. Basu, before he tries to set right others, may try to set right his own countrymen. I am very sorry that he has thought fit to make these observations. I did say that I would stand by any measure to suppress terrorism and this Bill is solely confined to that and that only. I therefore give my support so that Mr. Basu may breathe in peace.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I had no mind to speak today as I had only decided to support this Bill when that motion came before us, but the attack of the Honourable Mr. Basu on the Honourable Mr. Syed Hussain Imam has prompted me to say a few words in defence. The Progressive Party decided to oppose the Ordinance Bill, not because they were in favour of the civil disobedience movement in any of its forms, but because it did not approve of the method of the measure which was put before it by the Government to suppress civil disobedience. What we thought was that the Government ought to have gone to the root of the trouble and not to have gone only to the superficiality. We find that the severer the punishment more people would care to take it easy. I myself opposed the Bill because I thought that the Government were gradually going to methods adopted in olden times. If this measure did not succeed, Government would bring in some more severe measures and then perhaps resort to punishments inflicted in olden times, *viz.*, a thief would be punished by having his hands cut off and if a speaker uttered what was objectionable under the law his tongue would be cut off, and legs cut off of one convicted of picketing and so on and so forth. So, it is not because that we are in sympathy with the civil disobedience movement in any of its forms that we opposed the measure but we did so as we did not approve of the method adopted. We are as eager as the Government to get the civil disobedience movement suppressed (Hear, hear), but we differ as regards the procedure that has been adopted. Mr. Basu's attack is quite unfair.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, this debate began with expressions of unanimity. Subsequently I observed some slight difference of opinion, but I am convinced that it will end in unanimity, and I should like to make one observation only, that without the devoted service of the officers of the Government concerned in suppressing this movement we should not be able to put this Act into force and the House would not be able to see its wishes fulfilled. I am sure that I am voicing the sentiments, the unanimous sentiments, of the whole of this House in expressing our appreciation of

the staunchness of the officers of Government concerned, be they Europeans, Moslems or Hindus, in combating this movement under the constant threat of assassination.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. M. G. HALLETT: Sir, I rise to move:

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

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Saturday, the 17th December, 1932.

COUNCIL OF STATE.

Saturday, 17th December, 1932

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (the Honourable Nawab Malik Mohammad Hayat Khan Noon) in the Chair.

INDIAN TARIFF (OTTAWA TRADE AGREEMENT) AMENDMENT BILL.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary): Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

Sir, the Bill which I am asking the Council to take into consideration today, while it seeks merely to make certain changes in our customs tariff, represents only one side of a much larger picture. The complete picture is presented in the Trade Agreement which was made at Ottawa between the Government of India and His Majesty's Government in the United Kingdom under which India will receive certain preferences in the United Kingdom and in the non-self-governing Colonies and Protectorates in the British Empire, if on her part she gives certain tariff preferences to those countries. That Agreement is explained in the Report of the Indian Delegation to the Imperial Economic Conference at Ottawa. The Report has now been in the hands of Honourable Members for some time—about two months—and since it was published it has been subjected to further intensive examination by a Special Committee of the other House, and the Reports of that Committee have also been made available to Honourable Members. Before I go any further I should like to add to the many tributes that have been made my own humble tribute to the work of the Indian Delegation to the Ottawa Conference, including in that the Report which they have presented to us. The completeness of that Report, its mastery of detail, its conspicuous fairness, and not the least, the clarity with which it has stated every problem and explained the reasons for its conclusions render my task very much easier than it would otherwise have been. I feel, Sir, that it is quite unnecessary for me to attempt to go over the same ground, but I propose before coming to the Bill itself to place before Honourable Members what appear to me to be the most important considerations in regard to the advantages offered to India by the Agreement, considerations which I submit will fully justify the actual tariff proposals which are before the Council. In doing so I shall endeavour to be as brief as possible.

At the beginning, it may be as well to say a word about the genesis of the Ottawa Agreement. I do not propose to go further than the present year, when a change of the most far-reaching importance took place in the tariff policy of the United Kingdom. The outward and visible sign of that break from her free trade traditions was the United Kingdom Import Duties Act, which became effective on the 1st of March this year. That Act imposed an all-round duty of 10 per cent. *ad valorem* upon all articles

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excepting only a few which had already been made subject to duty several years before for special reasons, and excepting also a special list of duty-free articles. That Act further empowered the Executive Government to impose additional duties on the advice of an Import Advisory Committee, a body which functions very much in the same way as our Tariff Board. Those additional duties are intended to be imposed mainly in the interests of British manufacturers—British industries. Now, from this general 10 per cent. duty, and any additional duty that may be imposed, imports from the non-self-governing Colonies and Protectorates were exempted entirely and permanently, but goods from the Dominions and India were to be free of duty until the 15th November, 1932—the month that has just passed—and it was explained in the British Parliament that the object of this provision was to allow sufficient time for India and the Dominions to consider whether they were prepared severally to enter into preferential tariff agreements with the United Kingdom on the understanding that, if they did so, these exemptions from duty which I have described would be made permanent. It was in these circumstances that the Government of India were invited to send representatives to the projected Imperial Economic Conference at Ottawa in order to discuss with representatives of His Majesty's Government in the United Kingdom the question whether they were prepared to enter into a tariff agreement of the kind I have described. As Honourable Members are aware, that invitation was accepted by the Government of India, and Sir George Rainy, speaking in the Legislative Assembly on the 4th April last, made an announcement on behalf of the Government of India which ended with the following words:

"If the conclusion of a trade agreement is recommended as the result of the Conference, any changes in the tariff which it may involve will be duly placed before the Legislature for its approval. The Government of India have no wish to put any such changes into effect unless the Legislature is satisfied that they are in the interests of India".

That, Sir, is all I think I need say in explanation of the origin of this Bill. But, before I go further, I should like to invite the particular attention of Honourable Members to three matters to which I should not have considered it necessary to allude had not a good deal of misunderstanding and irrelevant argument found expression during the last month or so in regard to them. My first point is this. Criticism of the Ottawa Agreement has in certain quarters taken the somewhat curious form of a complaint that the circumstances which I have briefly described constituted, in fact, a threat by which the Government of India were coerced into the grant of preferential treatment to British goods. Surely, Sir, that view of the position is a strangely distorted one. The United Kingdom, for reasons of her own,—correction of her trade balance, her revenue position, the needs of her manufacturers—decided to impose for the first time a general customs tariff. She exempted entirely from those duties the imports of her own non-self-governing dependencies, and in addition she gave freedom from those duties, and from any additional duties that might be imposed, to India and the Dominions for a period of about eight months, and she said in effect,

"We cannot continue to give this complete freedom from our ordinary duties to your goods unless you are prepared to give us something in return. Therefore, take a reasonable time; think it over and consider whether it is worth your while to retain these preferences which we are now giving you. If you do wish to retain them, consider what tariff preferences you will be prepared to give us in return".

Surely, Sir, that was a perfectly reasonable and a perfectly fair offer to make.

My second point relates to a simple question of fact in regard to which it has been evident that a considerable amount of misapprehension has existed even until quite a recent date. The Trade Agreement concluded by the Government of India at Ottawa is an Agreement with the United Kingdom only, and in that Agreement are included certain tariff preferential arrangements with the British non-self-governing Colonies, Protectorates and Mandated Territories. No Agreement has been made by the Government of India with any one of the Dominions. Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, the Irish Free State, are in no way concerned with this Agreement. Certain discussions took place between the Indian Delegation and representatives of the Dominions, but the matter in their case did not proceed beyond the stage of preliminary discussion and was left over for further consideration by the Governments concerned.

My third point is this. We have heard and read a great deal lately about what the Government of India said under Lord Curzon in 1903 about Imperial preference. We have also had quoted to us the words of the Indian Fiscal Commission of 1922. Now, Sir, ten years after the Report of the Indian Fiscal Commission, and nearly 30 years after the famous despatch of Lord Curzon's Government, Imperial preference may or may not be a good thing for India. But we are not called upon to decide that question. Circumstances have completely changed, and the question now is whether in those altered circumstances we are going to accept an offer of certain definite advantages made to us by the United Kingdom for which we are expected to give in return certain definite advantages to that country; and at the risk of appearing to labour the point unduly I should like to add this. The question to be considered is not merely whether the United Kingdom and India should enter into a mutually preferential trade agreement. The question is whether, knowing as we do that the United Kingdom has already entered into preferential tariff arrangements with the Colonies and with the Dominions, can we possibly afford to stand outside that circle and allow our goods to be subjected to duties, which in some cases may be very heavy duties, in the great United Kingdom market and in the lesser, though still important, markets of the non-self-governing Colonies and Protectorates, while the goods of our competitor countries in the Empire are admitted free of duty?

Now, Sir, I propose to deal shortly with the advantages which India's export trade will enjoy in the United Kingdom and in the non-self-governing Colonies and Protectorates, that is to say, with those tariff concessions which we are to receive in return for the concessions proposed to be given in the Bill which is before the Council. It will perhaps serve to make the position rather clearer if I explain shortly what these preferences are. The preferences enjoyed and to be enjoyed by India might be placed in five categories. There are first certain preferences which have been in existence for some time before the Ottawa Conference. They were given after 1919 and there are four articles covered by them in which India is interested. These are silk, tobacco, coffee and fruit, and I place with that group the preference which India is now enjoying upon tea of 2*d.* a pound, because that preference was given in the Finance Act of this year and not in the Import Duties Act nor at Ottawa. In the second class comes the general preference of 10 per cent. which is given by means of the Import Duties Act through the admission duty-free of goods from

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India while all goods have to pay a 10 per cent. duty if they come from non-Empire countries. As a few instances of commodities from India which enjoy that preference I might mention undressed hides and skins, coir yarn, oilseed cake and meal, castor seed and groundnuts. Then there is a third class which consists of the additional duties imposed in circumstances which I have described under the provisions of the Import Duties Act. The most important of these preferences from the Indian point of view are a preference of 33⅓ per cent. upon pig iron, a preference of 33⅓ per cent. on steel bars, a preference of 20 per cent. on jute manufactures, on carpets and rugs, on coir mats and matting and on cotton manufactures. In the fourth class come a number of preferences given by the United Kingdom at Ottawa but not given specifically to India, although India shares in them by virtue of her position in the Empire. The most important in that class is a preference on coffee increased from the old rate, that is to say a preference of 2*s*. 4*d*. increased to a preference of 9*s*. 4*d*. per cwt., while a preference which may be of considerable importance in the future is that of 2*s*. a quarter on wheat. Lastly, comes a class of preference which was given specially to India at Ottawa. This last class includes the preferences contained in Schedule A of the Agreement, namely, those on rice, linseed, castor oil, linseed oil, coconut oil, groundnut oil, rape oil and sesamum oil and magnesium chloride. Now, as regards the preferences in the first four of those classes, the position is that India is at present actually in enjoyment of them and will continue to enjoy them if she carries out her part of the Agreement. In regard to the last lot, the special preferences given to India, they will not begin to operate unless and until India passes the legislation which is now before this Council. One more point of great importance is that the maintenance unimpaired of all the preference given in the United Kingdom Import Duties Act and by the Ottawa Agreement is secured by the articles of the Agreement itself and by the very recently passed Ottawa Agreements Act of the United Kingdom.

Then, as regards the preferences which our exports are to enjoy in the British Colonies and Protectorates, Article 9 of the Agreement gives to India the benefit of any preferences which any of those countries may accord at any time to any other part of the British Empire, and, in addition, the special preferences which are to be found in Schedule E to the Agreement. The most important to India of these preferences, judged by the value of the trade today, are cotton piece-goods, fresh fruits and vegetables, jute manufactures, groundnut oil and pig lead. Now, as Honourable Members will have seen, the preferences given to India cover both primary produce and manufactured goods, and in regard to both kinds Honourable Members of this Council with their experience of agriculture and of manufacturing industry are in a much better position than I am to assess at their true value the preferences which are contained in the Agreement, the principal instances of which I have mentioned. I propose, however, to indicate some general principles which I suggest should guide our judgment in coming to a conclusion on the value of these preferences. In the first place, I want to suggest that in the circumstances which I have already described the potential value of preference on any commodity should not be judged solely by the test whether it is likely to lead to an immediate increase in our export trade. While in regard to many of the commodities on which we are to obtain preference, and of which linseed may be regarded as a notable example, there is very good reason to hope for a substantial improvement in our trade as the result of the preference, there is another and most important aspect of the question. In the case of any commodity in which India competes with another country within the Empire for the United Kingdom market or for the market in the non-self-governing Colonies and Protectorates, if she elects to remain outside the general scheme of Empire preferential duties, she must expect to lose at least a large proportion of the market she already holds. That risk, I feel sure, is one which Honourable Members will agree we cannot possibly afford to run, particularly at the present time when, in the universal scramble for markets, prices of the commodities that we produce have fallen grievously low. Apart therefore from any prospect of an immediate increase in the volume of our trade, we ought, I suggest, to place a high insurance value on these preferences. A conspicuous illustration of this point is to be found in tea. With her principal competitor in the United Kingdom market, namely, Ceylon, enjoying a preference of 2*d*. a pound on tea, India, if she did not enjoy the same preference, would inevitably suffer disastrous loss. Then, again, in regard to one preference which I mentioned, the substantial preference upon wheat, it is true that no immediate advantage is expected from it.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Will there be any possible advantage in future?

THE HONOURABLE MR. J. C. B. DRAKE: I am coming to that, Sir. The Indian Delegation was very careful to explain that in paragraph 53 of their Report, which the Honourable Member has doubtless studied, India is not at the present moment an exporter of wheat. She is consuming the wheat that she produces and her wheat producers are in consequence enjoying a higher price for wheat than producers in other countries of the world. But the time is approaching when India is likely to require a foreign market for her wheat, particularly in view of the very large areas which will probably shortly be brought under wheat cultivation. Then, Sir, a preference of 2*s*. a quarter in the United Kingdom market as against non-Empire wheat may be a matter of very great importance. Lastly, there is a consideration which I feel sure will appeal to a good many Honourable Members. The feeling is constantly voiced that India should not be allowed to remain an exporter merely of raw produce and an importer of manufactured goods. In that connection it is most important to note that the effect of several of the preferences given to India by the Agreement will be definitely to encourage manufacture in India. I will give some instances. The six principal vegetable oils get a preference of 15 per cent. *ad valorem* in the United Kingdom, whereas the seeds from which those oils are obtained are some on the free list and some enjoy a preference of 10 per cent. Coir mats, again, get a preference of 20 per cent. and coir yarn 10 per cent., cotton manufactures 20 per cent., cotton yarn 10 per cent. That, Sir, may be regarded as constituting a definite encouragement for the conversion in India of her own raw materials into manufactured goods. That, Mr. Chairman, is all I think I need say on the subject of the preferences given to India.

Before I turn to the preferences which India gives under the Agreement, I should like to say a word about the special Agreement relating to iron and steel, which is, in effect, an Agreement in regard to galvanized sheets.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why has no preference been given by the United Kingdom to medium staple Indian cotton?

THE HONOURABLE MR. J. C. B. DRAKE: My Honourable friend, the Leader of the Progressive Party, asks me why no preference has been given to Indian cotton. That subject, Sir, was discussed very fully in the Report of the Delegation which I expect my Honourable friend has read and I shall be interested to hear if he has any remarks to make himself in his speech on the subject. The position in regard to Indian cotton is that there is no preference. The reason why there is no preference was fully explained in the Report and the measures which it is proposed to take, and which are now actively being pursued, with a view to increase the purchase and consumption in Great Britain of Indian raw cotton were mentioned, and these have since then been further developed.

Now, Sir, I was referring to the special Agreement about galvanized sheets. The meaning of that Agreement is briefly this. The great need of the Indian steel industry today is to find an output for its semi-manufactured steel, mainly in the form of sheet bar. It is able to produce that in large quantities and it is unable to find a market for it. I need not go into the reasons for that state of affairs, but as regards the making of sheets from sheet bar the position is that the Tata Iron and Steel Company have not got the necessary equipment for rolling and finishing sheets from sheet bar. Now, this Agreement is of a purely temporary character. It is in force until the 31st March, 1934, and, as Honourable Members probably know, after March, 1934, a statutory enquiry is due to take place into the continuance of protection for the iron and steel industry as a result of the protection which that industry already enjoys. Now, for the short period up to March, 1934, the effect of this Agreement is that British sheet makers will take sheet bar from the Tata Iron and Steel Company provided that the sheets made from that bar can be assured an entry into India in preference to other sheets. Meanwhile, the Tata Iron and Steel Company's own manufactured galvanized sheets remain completely protected. Now, so far as the galvanized sheets made in India and the sheets made in the United Kingdom from Indian sheet bar are insufficient to supply the total Indian demand for galvanized sheet, in regard to the balance of the demand, a preference is given to British sheet made from other than Indian bar as against other sheets, which are mainly Continental sheets.

Well, now, Sir, I turn to the preferences which are given by India under the Agreement. The duties themselves are set out in the Bill, and I propose merely to call attention to the main principles by which we have been guided in deciding upon which commodities we could and upon which we could not give preference. These principles are so important and so many erroneous ideas have been expressed about them, that I would ask Honourable Members to make a special note of them. The general rate of preference given by India is 10 per cent. *ad valorem*—not 10 per cent. of the duty but 10 per cent. of the value of the goods. No preference is larger than 10 per cent. and in some cases it is only 7½ per cent. Secondly, the preference promised in the Agreement is only in respect of the margin—the difference between the lower preferential rate and the higher, or standard, rate. No actual rates of duty were fixed by the Agreement itself, leaving aside the small galvanised sheets agreement, so that the Agreement left us completely free to fix the actual rates

of duty according to our own requirements. Thirdly, protection given by the Indian Legislature to any Indian industry is left entirely unaffected by the Agreement by the express exclusion from the list of preferences of all articles which are now subject to a protective duty. Fourthly, certain other classes of articles were also excluded from the scope of the preferential arrangement. These are articles which are placed on the free list of the Indian tariff or are made subject to special rates of duty lower than the general revenue rate because they are essential to agriculture, education, transport, health or the development of the large manufacturing industries. Those items include, for instance, power machinery, agricultural implements, printing appliances, quinine and certain railway material. In the fifth place, the Agreement contains a provision enabling alterations to be made in the preferences given by it after due notice and thereby saves power to the Government of India to accord protection to new industries which have not hitherto enjoyed it. I draw particular attention to these essential features of this preferential scheme because they give a positive assurance that the terms of the Agreement do not prejudice the interests of the Indian manufacturer, the Indian consumer and the Indian tax-payer.

Now, this leads me, Sir, finally to the provisions contained in this Bill. The substance of the Bill is contained in paragraphs 46 and 47 of the Schedule which contain the new rates of duty proposed in order to embody in the Tariff Act the margins of preference given in the Agreement. Paragraph 46 merely inserts the new duties on galvanised sheets to which I have already referred. Paragraph 47 contains all the other preferential rates of duty in two parts, which it is proposed to add as Parts VIII and IX to Schedule II of the Indian Tariff Act. In regard to these duties it is only necessary for me to say a word in regard to the principle which has been followed in fixing them. Part VIII contains all those articles which are at present charged with duty under Part V of the Second Schedule of the Indian Tariff Act, that is to say, all articles which are liable to the general revenue rate of duty, normally 15 per cent. but now 25 per cent. by reason of the surcharges which were added last year of two Finance Acts Now this class of articles comprises the main revenue-making part of our customs tariff, and therefore the first consideration in fixing the preferential rates of duty on this class of articles was the necessity to safeguard our revenue. At the same time, the desirability of keeping the duty as low as possible in the interests of trade and the consumer was very carefully weighed against the revenue consideration. The final result was a decision in favour of two rates of duty on all articles of this class, namely, a lower preferential rate of 20 per cent. and a higher, or standard, rate of 30 per cent.,—the 10 per cent. margin of preference being thus obtained by partially lowering the duty and partially raising it. On the most careful calculation that can be made, Government are satisfied that their revenue will not be injuriously affected by this arrangement, but at the same time it has to be borne in mind that the general level of these duties was fixed in view of the financial emergency which rendered it necessary to raise that level last year, and which has not yet passed. It is not the intention that the duties should always remain at that level. Finally, apart from other considerations, if we had attempted to divide up that very large class of articles and to impose different rates of duty on individual items the result would clearly have been a tariff of great complication, inordinately diverse, which would have been highly inconvenient both to the

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trading public and also to the Customs administration. Part IX contains all articles on the preferential list which are now dutiable at special rates. They are either lower or higher than the general rate. These articles, necessarily, have received separate consideration although the paramount concern in their case also was the need to safeguard revenues. In certain cases the existing duty was considered to represent the maximum limit which the article could reasonably be expected to bear and on such articles the preference has been given wholly by a reduction of the duty. Honourable Members may observe—and I call attention to the point—that no *ad valorem* rate of duty which previously stood at 50 per cent. or above has been raised. In a few instances where the trade figures and general considerations appeared amply to justify such a course the preference has been given solely by raising the duty on goods from countries not included in the preferential scheme. In others, again, that method which I have already explained of partly raising and partly lowering the duty has been adopted. It only remains for me to say that after the proposed rates of duty had been published certain representations were received from manufacturers and other interests in regard to these rates of duty. All those representations have been given very careful and very full consideration. And I would mention as instances of changes that have been made as a result of such representations the fact that preference on raw films, which is an essential material for the Indian cinematograph industry, has been now given completely by a reduction of the duty, so that the preferential, or lower, rate is now 15 per cent., leaving the existing rate of duty as the standard rate. Again, the opposite procedure has been followed in the case of toilet soap and woollen manufactures in the interests of the Indian industries concerned. Other articles on which the duty has been lowered are motor omnibuses, lubricating oil and asphalt. Apart from the Schedule, clause 2 of the Bill provides a rule-making power which enables the Governor General in Council to lay down the conditions which must be satisfied by goods claiming to be assessed at the lower, or preferential, rate of duty, on the ground that they are the products of the countries to which preference is being given. Those rules are now practically ready and they will be published if and when this Bill becomes law. They are based, with slight modifications, on rules which have already passed the test of long experience in the trade of countries such as Canada, Australia, New Zealand and so forth which have for some time had arrangements of this kind on account of the Imperial preference scheme which they have been enjoying. I might mention that in the same clause 2 provision is made for the rules which will be made to include certain provisions which relate to customs administration and the convenience of the trade. As Honourable Members will see, the rules may in some cases allow refunds to be made and the taking of a bond to pay at the higher rate in cases where importers are at first unable to satisfy the Collector of Customs that their goods comply with the conditions of United Kingdom or Colonial origin.

The only other clause that I need mention is clause 4, which is important in that it exempts from the operation of any surcharge the duties contained in the Bill. That means to say that the duties contained in the Bill will be the duties actually leviable.

That, Sir, is I think all I need say on this Bill and I move my motion. (Applause.)

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: Nominated Non-Official): Sir, it is a matter of considerable satisfaction to me that my last speech as a Member of this Council should be in consonance with my feelings and predelictions and in connection with a Bill which I feel certain is destined to lead India on a path of industrial and agricultural prosperity. The Bill has been fully explained with considerable lucidity and choice of language by my friend the Honourable Mr. Drake. He has explained the circumstances which led to the appointment of the Ottawa Conference which subsequently has formed the subject-matter of this Bill. Our Delegates at Ottawa were entrusted with the task of examining to what extent India could accept the doctrine of reciprocal preferences which would give India a suitable trade position in the Empire without losing any substantial part of her export or import business. This Delegation entered into a close confabulation with His Majesty's British Delegates and executed a Trade Agreement which Honourable Members have already read, and which I feel absolutely certain they have very carefully examined. I am perfectly aware of the fact that when the Delegation was sent out to Ottawa, there was a feeling of misgiving and distrust in this country. There was a feeling of suspicion that the United Kingdom had invoked this Conference at Ottawa with a view of securing the trade of the Empire and concentrating all trade within the borders of the Empire to the disadvantage of India and other foreign countries. This suspicion has been repeated not only by responsible persons but by Chambers of Commerce, by Trade Associations and other bodies. It has often been said that our Delegates went to Ottawa with a mandate to sign anything that was dictated to them. We have also been told that the Delegates were not free agents, nor was the Government of India a free agent but was acting in Ottawa in conspiracy with His Majesty's Government to defraud India of her just rights. Happily, most of these misgivings have now been dissipated, first, by the Committee which was appointed in the Assembly to examine the Trade Agreement from all points of view, and secondly, by the way in which the Assembly finally received this Bill and the manner in which it passed the Bill with a tremendous majority. These justify the feeling that our colleagues in the other House have come to the right conclusion that this Bill is in the interests of this country. Great fear and doubt have often been expressed to me that this Bill, if passed, is going to transform the fiscal policy of India altogether and put her in a disadvantageous position in the matter of her exports particularly, and that the policy, enunciated in this Bill, is likely, if adopted, to aggravate distress and poverty in this country. These arguments are based on a misapprehension of the tariff policy of India. My Honourable friend Mr. Drake has already partly stressed the history of the circumstances under which Lord Curzon's Government was invited to express its opinion on this very important question of entering into preferential agreements in respect of some commodities with the United Kingdom, and I do not propose to repeat those arguments. But I may tell this Council confidently that this Bill, if passed, is not likely in any way to interfere with the tariff policy which has been laid down by the Fiscal Commission of which I had the honour to be a member. I may say also that I have personally very carefully examined and scanned all the proposals put forward in this Bill, and particularly in respect of preferences relating to the agricultural commodities of this country, and I assure this Council that there is nothing in this Bill which opposes the principles laid down by the Fiscal

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Commission and the principles underlying the general financial tariff policy of this country.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What will be the gain in money to India?

THE HONOURABLE SIR MANECKJI DADABHOY: If my Honourable friend will have patience—I am afraid I am likely to take a pretty long time—I will fully explain India's position to him in regard to all the most important matters connected with agriculture, trade and industry and also with the industrial position in this country.

Sir, in order that we may see that in this Bill there is nothing against our tariff policy—and I am alluding particularly to our policy of protecting industries—it is necessary to tell you briefly that our fiscal policy has not been affected materially. Primarily our tariff, as Honourable Members are aware, is a revenue one and our scales of duties generally are fixed at a moderate uniform rate on all commodities. We may practically divide our tariff policy under four heads. We levy a scale of much higher duties on particular articles, such as wines and articles of luxury. Secondly, we have exempted certain commodities from duty and have placed them on a free list. Thirdly, we have imposed low rates of duties where national interests required such concessions, such as the duties on agricultural implements, medicine, printing machinery, appliances, etc. And lastly, we have, since 1923, recognized the imposition of discriminating protective duties when they are necessary to encourage nascent industries or our national industries. Now, I may assure the Honourable Members of this Council that the present policy as embodied in the system of tariffs which I have indicated this morning does not make any departure from the Indian tariff policy, and this Bill particularly makes no departure from that policy, because the Agreement which was signed at Ottawa and this Bill which has emanated from it are based on the assumption that the preferences given do not involve a departure from the established principles of Indian tariff policy. Secondly, the two principal protected industries which are cotton and iron and steel are not interfered with and maintained intact. In both these cases it will rest with the Government of India to finally decide after the findings of the Tariff Board have been obtained. Our Indian Delegation was very cautious in making this as a condition precedent regarding our protected industries. They made it abundantly clear to all the Delegates that so far as the cotton industry and iron and steel industry were concerned they reserved judgment till the Reports of the Tariff Board in both these cases were available and were published. You are aware that in one case, that is in the matter of cotton protection, the Tariff Board has already met and I believe they have submitted their Report to the Government of India. In the case of the iron and steel industry the Tariff Board will be sitting in 1934 and until then the question is kept absolutely open. The ultimate decision of the Government of India and the Indian Legislature will depend on the degree of protection required by the Indian industry in each case, and the Agreement, I am glad to state, makes no stipulation on that subject. You will see therefore how cautiously and guardedly our Delegates have acted, and I join with my friend the Honourable Mr. Drake in paying a tribute of appreciation to the Delegates and particularly to our old and esteemed friends Sir George Rainy and Sir Atul Chatterjee.

Sir, now what is feared in this country is that an increase of India's purchases in the United Kingdom would mean a diminution in purchases of Indian produce in foreign countries. That is one of the gravest objections alleged against this policy. Now, I must point out, and the matter was very clearly and intelligibly dealt with by my friend Sir Joseph Bhore, the Commerce Member, who I am glad to say has honoured us with a visit here this morning, that this apprehension proceeds on the assumption that the trade of India or the trade of any country of the world is a fixed quantity, a fixed factor, a definite factor, and there is no elasticity about it. There is in fact a very great elasticity in the world's trade, and that elasticity depends on very many different circumstances. There is therefore no fear that an increase of our exports to the United Kingdom will mean a substantial decrease in our exports to foreign countries with whom I know India has been for the last many years continuing a very lucrative trade and a big traffic. In my opinion on the contrary on account of increased selling in the United Kingdom market India's purchasing power would substantially increase and with every increase I have not the slightest doubt that there will be set in motion most important world forces and factors which will induce and bring to India a much bigger and a wider market. I also contend that the economic limit of agricultural production in India has not yet reached its final stage. With the opening of the Sukkur Barrage, with the advent of more prosperous times, with the disappearance of trade depression, with the agricultural resources at our disposal and with the gigantic irrigation works in the Punjab and elsewhere, I say that production in India is bound to substantially increase no sooner the economic depression disappears.

12 NOON.

Then, so far as the industrial position is concerned, I have been told and it is argued also with some reason that preference would operate to weaken the protection granted to Indian industries. Again, in my humble opinion, this apprehension is based on wrong data. The apprehension in any case can be avoided by definitely stipulating and asking for the establishment of a principle that under no circumstance preference would be allowed to diminish the volume of protection, and I believe that is the intention of the Government of India as well as of His Majesty's Government. It is also argued that the grant of protection is somewhat equivalent to the grant of a bounty to the British manufacturer at the cost of the Indian consumer. There, I admit, may be some truth in it; I am not prepared altogether to deny that proposition; but the Ottawa Trade Agreement is not one-sided; it is not a unilateral Agreement, but it imposes a system of reciprocal grant of preferences and I say that is a great safety valve in this matter and that the interests of the consumer will be fully safeguarded. In fact, to my mind the opposition, the hostility, to the grant of preference is simply due to political causes and considerations. People in these matters do not look at the question seriously from an economic point of view only. They allow their minds to be influenced and their conclusions warped and deflected by political considerations and by other irrelevant considerations. Some of them at least think that it would interfere with the grant of full political autonomy to this country. Personally I have no apprehension on the subject, for the simple reason, as most Honourable Members are aware, of the recommendation which was made by the Select Committee on the Government of India Bill in their Report on clause 33. I will recall a

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even get the quality of cotton that they stipulate to obtain. And, in this connection, lastly, I draw the attention of my Honourable colleagues to clause 8 of the Trade Agreement in which His Majesty's Government have promised their full co-operation in any practicable scheme suggested for the use of Indian cotton in England.

I will come now to the point which my Honourable friend, Mr. Hussain Imam, raised about the wheat exports. Now, Honourable Members are fully aware that the quantity of wheat produced in this country compares most unfavourably with the quantities produced in the Dominions and it is impossible for India in the matter of wheat production to compete with the Dominions in foreign markets, whether it be America or the United Kingdom or the markets of any part of the world. It is very very difficult because our production is limited though our cost of production is certainly less than the cost of production in the Dominions. The preference of 2*s.* a quarter on wheat is given. I should have liked to have seen a bigger preference given to India but I take consolation in the fact that India has not been left out of any arrangement connected with the export of wheat into which the Dominions and the United Kingdom may enter. I trust in the near future on account of the Sukkur Barrage and other places we may be in a position to export large quantities of wheat.

Sir, I will take two or three more significant items to enable my friends here to know that this Bill in no way interferes with the agricultural industry and the agrarian prospects of this country. So far as coffee is concerned, a preference of 2*s.* 4*d.* has been given since 1919 and that preference has now been substantially raised to 9*s.* 4*d.* a cwt. There is therefore every reason to believe that there is a likelihood that the consumption of Indian coffee will be substantially increased in the United Kingdom. But the most important item affecting our country is linseed. It is very extensively cultivated in this country and it forms the most important item of our export trade. From 1926—1930 the total quantity of linseed imported by the United Kingdom was 314,000 tons a year. Indian exports averaged 215,000 tons a year, a quarter of which was taken by the United Kingdom. I feel certain that the grant of an increased preference now will give a substantial increase in India's output of this class of oilseeds.

I will make only one or two observations in connection with rice. Of all the imports into the United Kingdom, one-third comes from India and two-thirds from foreign countries. The preferential duty is now to be increased to 10 per cent. *ad valorem*, that is, 1*d.* per pound. The Indian Empire is by far the largest producer and exporter of rice in the world and the price of Indian rice is low as compared with other countries, especially American and Spanish rice which compete with India in the United Kingdom. I have no doubt that with the enhanced preference now given India will occupy the foremost position in the United Kingdom as regards the import of rice.

Before I come to the pig iron industry, which is our key industry, I want to make a reference to the tea industry, especially as I have seen so many diverse opinions expressed. So many of my colleagues here have spoken to me on the subject and debated with me various points connected with this industry. We are told, in the first instance, that His Majesty's

Government dare not withdraw the preference given to tea because most of the British capital is invested in India in the tea industry. My answer to this is simple. It is wrong to suppose that British capital is all invested in the tea industry. You take it from me as a matter of certainty that more than Rs. 5 crores of purely Indian capital is invested in the tea industry of this country.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: What is the British capital?

THE HONOURABLE SIR MANECKJI DADABHOY: I cannot give the figure just now. It also employs—pray do not forget—a million Indians and it provides a means of livelihood to a million Indians.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: And the British shipping!

THE HONOURABLE SIR MANECKJI DADABHOY: Further, any one who has knowledge of the Calcutta Stock Exchange will tell you that very extensive shares in European tea industries are now rapidly going into the hands of Indians and it has become in India one of the most important industries.

As regards the iron and steel industry I do not propose to take up much of your time. My friend, the Honourable Mr. Drake, has fully explained to you the position of India. I can only point out to you that we ultimately stand to gain in this transaction. We will be sending our sheet iron to the United Kingdom; the United Kingdom will be manufacturing the same into galvanized iron sheets and send them back to India. There is no loss to India in that connection and we are going to make a considerable profit out of it. At any rate, it will put the Tata Iron and Steel Works at Jamshedpur on a sound footing. I will not say that it will at present dispense with the necessity of granting further protection in 1934, but at any rate it will alleviate to a certain extent the measure of future taxation, and I think India ought to be pleased with this achievement of our Delegates.

Sir, I have now shown that so far as India's agricultural position is concerned, it has everything to gain by granting preferences to England and in return receiving reciprocal preferences. It will conduce to the prosperity of the country. But, Sir, I go further and say, "Let us not always think of material interests—substantial interests." I for one would, even if no advantage at all was to be gained, would remain within the Empire. I would every time, even at a sacrifice of some interests, advise India to remain within the Commonwealth of Nations of the Empire. Once you go out of it you do not realise what is in store for you.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will you tell us?

THE HONOURABLE SIR MANECKJI DADABHOY: You are aspiring for a new constitution which I hope we shall soon obtain. What is going to happen if you now take up a position of wholesale aloofness and isolation from the combined interests of the Empire. Sir, this is not a new doctrine which I am preaching. My friend, the Honourable Sir George

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Schuster, referred to it with great emphasis in the other House. We ourselves, members of the Fiscal Commission, laid down that principle ten years ago when there was no talk or when no Bill of this nature or discussion anticipated about the grant of preference. The whole policy of the Government of India and of the people of India was then against Imperial preference, but, at the same time, we exhorted the country, in its own interests, to take the earliest opportunity of going in for Imperial preference. I shall refer to a passage in our Report which we then made.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: What year, Sir?

THE HONOURABLE SIR MANECKJI DADABHOY: 1922.

"While however we do not ignore the material side of the policy of Imperial preference, we believe that the sentiment with which it is associated is even more important. Imperial preference is regarded throughout the Empire as a means of strengthening the ties which bind together its scattered units. Adhesion to the policy of Imperial preference is thus coming to be regarded as a test of loyalty to the Empire, as a proof that the various parts of the Empire look beyond their own immediate interests and recognise their position as parts of a greater whole. From this point of view we firmly believe that India should not turn her back on the principles which have been adopted in the greater part of the Empire and are rapidly being extended to the remainder. We would not have India standing in a position of moral isolation within the Empire. The view has been expressed that in consequence of India's special economic situation, which we have explained in detail above, and her consequent inability to grant preferences which are likely to be of serious economic value, such a gift as she might make would be regarded as valueless. We are convinced that such a view is wholly mistaken, and that on the contrary a free gift from India, however small, would be welcomed by the United Kingdom as a gesture of friendship and as a proof that India realised her position as a member of the Empire".

This doctrine we laid down emphatically ten years ago, and I appeal to my Honourable colleagues here today and I have fully explained that this Bill is not going to affect the agricultural industry, the primary industry of this country. I assure you that after a few years' working you will bless yourselves that you were present in this Council on the day when this Bill was passed which has contributed to the glory and the prosperity of this country. (Applause.)

Sir, I have now finished, but I would ask your permission to sound a personal note. This is the last speech I have made in this Council. I am sorry the President, Sir Henry Moncrieff Smith, is not present here today, because I would have liked to have conveyed to him my gratitude for the invariable courtesy and kindness which I have received from him. I am also grateful to my Honourable colleagues here for the forbearance they have always shown me and the patience and courtesy with which they have always heard me. I am extremely sorry that I shall have to leave this seat today which I have occupied in this supreme Council for the last 24 years. One can understand the wrench and regret with which I shall leave this position for another. Sir, I can only offer my gratitude to all the Members for the kindness they have always shown me. Henceforth my mouth will be closed and I shall be tongue-tied, but I shall carry with me always the happiest recollections of Honourable Members' company, and I will now only say that with these words I will conclude a somewhat important and arduous chapter of my public life in this country. (Applause.)

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, as a humble student of ecomonics I have tried my utmost to follow the course of events since the date of the signing of the Ottawa Agreement and have gone through the various literature and monographs and other matters relating to this Agreement that appeared in the Press from day to day or at intervals, and have also tried to understand the Government points of view so far expressed by their members, but I regret to say, I cannot find my way to subscribe myself to the views of the advocates of the Agreement. Further, Sir, so far as I have been able to gather from the talks I had with persons who, I know, have given this subject serious and careful consideration and studied it thoroughly, both from the economic and political points of view concerning the interest of India, I also find that I cannot be at one with the opinion of Government. Ottawa, Sir, some of my friends would say, would open a new chapter in the political history of Anglo-India as England has entered into an Agreement with a subject country and raised her in the estimation of the world by making her an equal partner in the British Commonwealth. They say, it is a distinct gain. But may I ask in all humility, will that lead us to our attaining real fiscal autonomy? Can Government give us any guarantee that the passing of the Ottawa Bill will better the economic condition of India? Can any Honourable Member on the Treasury Bench prove by facts and figures, by statistics and not by dogmatic assertions that in three years' time the economic condition of India will be such as one would be able to characterise it as a remarkable improvement? Then where and what is the tangible gain of India save and except that sentimental expression that she is henceforward to be recognised and dubbed as an equal partner in the British Commonwealth? Sir, economics is inseparably and indissolubly connected with politics. If the economic resources of our country remain at such a low ebb as they are now, then how can we say that the Ottawa Agreement is in the best interest of the country both politically and economically? Sir, India, I believe, had to sign the Agreement at the behest of the "Mandarin" of Whitehall because in her fiscal matters she has no independence. Had she enjoyed any real fiscal autonomy she would not have been a party to such an Agreement which is distinctly harmful to her interests.

However, Sir, coming to the more practical side of the Agreement I can point out the following results that will accrue from it which are not the least beneficial to India:

(1) First of all, Sir, India will perforce have to buy those things that are not manufactured in India, at a higher price from foreign countries.

(2) There will be greater difficulties for India than what they are now, for finding foreign markets for her jute, cotton, tea, etc., as a result of which the growers of these commodities will be hard hit and the price will necessarily show a downward tendency.

(3) From an economic point of view it is England that will be the gainer through Imperial preference and not India and this does not require any elaborate expatiation.

(4) India will naturally and gradually lose markets for her raw materials in friendly countries like America, Germany, Italy, etc., and they may,—why may?—they will surely, adopt retaliatory measures in respect of tariffs.

(5) India will no longer be able to resort to protection for the promotion and development of her nascent industries.

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(6) India's economic serfdom will, henceforward, be getting more and more chronic, and along with it the political bondage too.

Further, Sir, as far as I have been able to understand the implications of the Agreement, they are that India shall guarantee a preference of 10 per cent. on specified goods imported from the United Kingdom other than motor vehicles on which the preference is to be 7½ per cent. In return for this the United Kingdom shall guarantee a similar preference to certain specified articles from India. By "preference" we understand, Sir, that the articles from a favoured country pay import duty at a lower rate than the general duty or the duty paid on goods of the unfavoured country. The object of this Agreement and as such this Imperial preference is to make non-Empire goods dearer than Empire goods with the help of customs duties and thus to create a greater demand for Empire goods. Sir, without further going into details about the essential points of the Agreement, which will take up the time of the House, I would in brief say that the articles mentioned in Schedule D of the Agreement, such as, shellac, raw jute, myrabolams, broken rice, mica slabs, etc., which will be admitted into the United Kingdom free of duty from all sources, Indian or otherwise, will bring no relief and involve no real concession to India while this free admission will greatly benefit England. Of course, I admit that India has a monopoly of the above-mentioned articles for which the United Kingdom has industrial and other uses, yet India's position will not be improved by this preference of the United Kingdom to India.

Sir, dealing with the effects of the Agreement on India's export trade, I would first of all mention tea which stands in the forefront of India's export trade with the United Kingdom. Sir, the United Kingdom agrees to give preference to Indian articles of the total value of £41·86 millions; out of this tea covers one-half, that is, the export of tea from India to the United Kingdom is nearly £20 millions. In 1929-30 the value of Indian tea was Rs. 23 crores. The other countries that export tea are Ceylon and Java. Ceylon sends tea annually to the total value of Rs. 18 crores and Java comparatively a smaller quantity. Sir, Indian tea secured preference under the Finance Act of 1932 which, I think, the Import Duties Act of 1932 cannot remove. The argument that the Indian tea trade and industry will suffer if we do not accept the Ottawa Agreement appears to me to be hollow and unsound.

Now, I come to jute which is practically a monopoly of India but the United Kingdom is not a big purchaser of our jute manufactures. In 1929-30 India exported manufactured jute worth about Rs. 52 crores, but the United Kingdom took only about Rs. 3 crores worth and not more. It is evident that we export 94 per cent. of our jute manufactures to countries other than the United Kingdom. Ten per cent. duty on India's jute manufactures will naturally increase the cost to British consumers. The jute industry, being in the hands of British capitalists in India, this 10 per cent. duty will naturally have an adverse effect on them. If our jute manufactures can be taxed, may we not by legislation impose a further export duty on our raw jute going to the United Kingdom? Thus it can be seen that the jute industry and jute trade will not suffer if we do not agree to be a party to the Ottawa Agreement; rather the acceptance of it may adversely affect the jute traders in the country.

As regards India's cotton and cotton manufactures there is very little demand in England. In 1929 out of Rs. 100 crores worth of cotton imported by the United Kingdom, she purchased only Rs. 4 crores worth of cotton from India. Japan and China are the principal buyers of India's cotton and in 1929 she exported Rs. 65 crores worth of cotton to these countries. Consequently the Ottawa Agreement is of no avail to us in respect of our export trade in raw cotton and cotton manufactures.

Sir, coming to oil-seeds I would say that India produces castor oil, coconut oil, linseed oil, rapeseed oil, ground nut oil and sesamum oil. But most of these oils are consumed by other countries than England which purchases very little and she has her supply from European countries. In 1929-30, of the Rs. 214 lakhs worth of castor seeds that were exported from India, the United Kingdom took only worth about Rs. 50 lakhs. In ground nut also the United Kingdom is not a large purchaser. Now the question comes uppermost in our minds whether this preference will help to expand our export trade in seeds with the United Kingdom or not. In linseed, Sir, India has a larger market in France and Italy than the United Kingdom. The United Kingdom purchases Rs. 110 lakhs worth of linseed and the other countries take to the value of Rs. 451 lakhs. It can be presumed that the preference to linseed may be helpful to the Indian growers because the proportion of the crop exported is larger in the case of linseed than in that of any other oil-seed.

Sir, I do not like to mention India's export of rice which is only 7 per cent., 93 per cent. being consumed by the Indian Empire. Of the 7 per cent. export of rice, 3 per cent. is purchased by the United Kingdom. The export trade of India in respect of rice may slightly profit by this preference but that too will be a mere drop in the bucket.

Sir, now I should like to make a very brief survey on the articles of import. Let us take cotton manufactures and iron and steel. The history of protection to cotton and the steel industries in India need not be repeated here. Sir, it is, I think, wrong to pretend that the preferential treatment of cotton piece-goods imports is a customs device with a view to benefiting the Indian consumer. It is merely a bounty given to the British consumer at the expense of the Indian consumer to help him in the competition with Japan. The interest of the consumer should not be overlooked and it would be better if this preferential treatment is done away with.

The Ottawa Agreement contemplated the grant of preference to the non-protected section of the iron and steel imports. Chief among this section are wire, wire nails, wire rope, hoops and strips, etc.; the entire value of the imports of this group did not come up on an average to Rs. 2 crores and the United Kingdom's share of them was less than a third. In the Supplementary Agreement effected after Ottawa, however, galvanised sheets have been covered and the entire group of iron and steel imports thus becomes liable to preferential treatment. Certain features of this Supplementary Agreement call for special notice. The galvanised sheet trade is an extremely large and important trade, the average value of its imports being nearly Rs. 6 crores. The trade was almost a preserve of the British but during the last two or three years Belgian competition has become extremely keen. Galvanised sheets are very largely in demand in the countryside all over India and an increase in their cost may be held to be a serious hardship to the poor Indian consumers. How important they are to the cultivating classes is indicated by the observed fact that a fall of raw jute prices brings about a considerable diminution in the demand for them in Bengal. Already we are paying an absurdly heavy price for the protection of an industry which does not produce even as much as one-twelfth of the total consumption of galvanised sheets in India.

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To this is to be added preferential treatment. Belgium had been able to make headway owing to lower prices and had captured almost a third of the market in 1930-31. The Supplementary Agreement by raising still further the duty on foreign sheets and lowering that on British sheets seeks to restore to the British industry the dominant position it once held in the market. The following quotation from Mr. Ainscough's report (who is His Majesty's Senior Trade Commissioner in India and Ceylon) will make clear what is at the back of this Supplementary Agreement:

"The most satisfactory solution of many of our difficulties in India would be a mutual *rapprochement* between the steel industries of the United Kingdom and of India with the object of preventing overlapping of effort, a mutual arrangement of rolling programmes, *delimitation* of markets and combination against foreign competition. From such a form of *rationalisation* on Imperial lines, the industries of both countries would receive great advantage, foreign competition would be checked, prices would become more stabilised and the consumer would be better served".

In brief, the effect of the Supplementary Agreement on the steel and iron industry is that India is to export sheet bar to the United Kingdom to enable her to manufacture galvanised sheets (finished products) and to re-import the sheets into India at the preferential rate. Preference in this case also imposes a special burden on the Indian consumer and the burden is particularly heavy because it is granted to an *inefficient* industry. In copper, motor vehicles, aluminium, brass and similar alloys, artificial piece-goods, etc., which are generally imported from non-Empire countries, the higher duties to be paid as Imperial preference will be another burden on the Indian consumer.

Sir, in conclusion I should like to say that having examined the pros and cons of the Agreement and the provisions of the Bill in as dispassionate manner as I could, I find that the Agreement will in no way help India economically and as such the Bill and the Agreement are distinctly prejudicial to her interests.

THE HONOURABLE MAJOR NAWAB SIR MOHAMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, from the Statement of Objects and Reasons attached to the Bill before the House it appears that the desired changes in the Indian Tariff Act of 1894 are chiefly based on the Trade Agreement arrived at Ottawa on the 20th August last between the Government of India and His Majesty's Government in the United Kingdom through their respective representatives. The object underlying this Agreement is no other but the question of Imperial preference and Reciprocal preferences which is a question of as long a date as the year 1903. At that time the Government of India did not consider it expedient to enter into such an Agreement for reasons fully explained in the Report of the Indian Delegation to the Ottawa Economic Conference. There has been no change in this attitude of the Government of India until the 20th August last, although the question of Imperial preference figured prominently in each of the three Imperial Economic Conferences of 1923, 1926 and 1930. On all these occasions the representatives of India had always pleaded their inability to enter into such a scheme. Exceptions to this attitude of the Government of India can only be found on two different occasions between the years 1923 and 1931, and these are that the Indian Legislature passed two different Acts known as the Steel Industry (Protection) Act of 1927 and the Cotton Industry (Protection) Act of 1930, imposing lower duties on United Kingdom goods than on similar goods of foreign origin.

By the accession to power of the National Government in the United Kingdom a new situation was created. Before that the fiscal policy of the British Government was founded on a basis of free trade. Certain duties there were but they were levied either for purposes of revenue on certain well-selected articles or in order to protect certain industries in the United Kingdom. Early in the year 1932 an Act was passed called the Import Duties Act whereby a duty of 10 per cent. was levied on all commodities not subject to duty under previous Acts. Under a certain provision in that Act the products of the Dominions and India were exempted from such duties up to the 15th November, 1932, but afterwards had to become subject to them unless before that date an Order in Council had been made exempting them for a further period. In view of the situation thus created by the passing of the Import Duties Act there were only two alternatives open to the Government of India; either they might turn a deaf ear to the Import Duties Act and be prepared to see their goods subjected to the same rates of duty as goods from foreign countries or endeavour to secure a satisfactory mutual arrangement between themselves and His Majesty's Government in the United Kingdom. The only possible and best course to be adopted was the latter one and to my mind the Government of India have acted very wisely in availing themselves of the opportunity offered to them immediately. The adoption of this course can in no wise be said to be actuated by any other motive except the welfare of this country and to safeguard India's interest before anything else. It can be equally true of the Delegation whose loyalty and adhesion to India's interest are beyond any doubt. Every one of them has a record of service which rightfully entitles their words and actions to regard and consideration. I honestly feel that their endeavours and sagacity well deserve the gratitude of the country in bringing about an Agreement which, as far as the present circumstances are concerned, seems to be advantageous to both the sides entering into it. The bargain is a fair one and seems likely to be of advantage to both sides. I hope the adoption of the Agreement will give us British goods at fairly cheaper prices as compared with their present prices and that the Indian products will also be getting an easy market throughout the Empire. Anyhow, the Agreement must be given a fair amount of time to operate and in case it does not turn up to our expectations, then, of course, the Government of India is at full liberty to discard it at any moment.

As regards, Sir, the speeches made this morning, I am not so sanguine about the amendment of this Tariff Act as my revered friend, Sir Maneckji, has been, and as he has given a full description of the whole of the pros and cons of this question and has got greater experience than myself I do not propose to contest his statements but will hope that everything will turn out all right at the termination of this period.

As regards the point made by the Commerce Secretary, Sir, let me point out to him that India has always exported wheat, particularly to Europe and to many other countries. Ballis and other big firms have been exporting Indian wheat and Indian products to Europe. It is only within the last two or three years that exportation has been stopped because other countries have been growing wheat. I hope that the passing of this preferential treatment will bring to the agriculturists foreign markets for their products because as things are at present they are very hard hit. They produce wheat at the same cost and the price they get in the market is very low. Consequently, the result is that they cannot

[Nawab Sir Mohamed Akbar Khan.]

pay their land revenue with the same ease as they used to do when the market was in their favour.

With these words, Sir, I will support the present Agreement.

The Council then adjourned for Lunch till Half Past Two of the Clock.

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the Chairman in the Chair.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, there is such a sharp difference of opinion about the utility of this measure among Indian economists and publicists that a layman like myself finds oneself considerably handicapped in making up one's mind as to whether the Ottawa Agreement will or will not prove to be in the best interests of India. On the one side I find arrayed such noble men as the Honourable the Commerce Member, Sir Joseph Bhore, who stated in the other House that if the Agreement had not been for the good of India, it would not have fallen to him to move for its ratification by the Indian Legislature, Independent public men like Mr. Shanmukham Chetty, the Indian Delegate to Ottawa, strongly defending the Agreement as being in the interests of India, not to mention several other independently-minded Members of the Legislative Assembly with whom the measure has found favour; while on the other side there is the huge mass of Indian public opinion arrayed against it whose force even Mr. Shanmukham Chetty had to admit, and such champions of India's cause as Sir Abdur Rahim whose forceful arguments advanced in the Legislative Assembly against the Agreement are too well known to need mention. Indian economists, traders and business men have generally condemned the Agreement in no mistakable terms. The Report of the British Indian Delegation on the Ottawa Agreement primarily justifies the Agreement on the ground that it promotes the economic prosperity of the Indian producer. To put it briefly, it asserts that while the non-acceptance of the Agreement will have serious adverse effects on India's export trade with the United Kingdom and the Dominions and with it on the productive enterprise of the Indian farmer, its acceptance will result in a substantial expansion of that trade and with it of India's agricultural production. The opponents of the Agreement, on the other hand, contend that the Report is but a piece of propaganda in favour of British industries under the guise of the so-called protection of the interests of the Indian farmer, and that while its non-acceptance will not have any disastrous effects on India's export trade and productive activities, its acceptance will probably entail reduced demands for her products from non-Empire countries and will at best result in the diversion of a part of that trade from those countries to the United Kingdom and not in any real expansion of it or of any consequential increase in production. What the opponents of the Agreement fear is that if we allow Imperial preference to Britain, non-Empire countries being comparatively

worse off as a result are bound to retaliate against India and consequently India's trade with such countries is bound to suffer. In the face of these conflicting opinions, what is one to do who really wants to get at the truth? Analysing the effects of the Agreement, there is no doubt left in my mind that the Indian agriculturist, who forms the backbone of the country, will find himself in no better position as a result of the Agreement than what he is today, for there is every likelihood of the prices of the bulk of Indian raw produce falling under the new state of things. If we take the case of wheat, we find that India cannot compete with Australian wheat in our own market. In any event, under article 5 of the Agreement, the preference proposed under the Agreement is conditional on the sellers not charging more than the world prices in the United Kingdom market. In the case of India this is a prohibitive condition. It is more than doubtful if the Indian producer can ever compete with Australia and Canada or Russia in the United Kingdom market. The problem of railway rates and freights makes the position still more hopeless, unless Britain is prepared to fix a quota for Indian wheat at economic prices. Otherwise, the Punjab and the United Provinces farmers who have been so hard hit will continue to suffer. Now, take the case of coconut oil, groundnut oil, sesamum oil and rapeseed oil. Even the Majority Report of the Committee appointed by the Legislative Assembly admits that the trade with the United Kingdom in coconut oil has fallen and owing to a large and growing home market the possibility of expansion in the United Kingdom is almost *nil*. I am unable to see how the position would be different if we take it even in a group with other oils. The figures given in the Minority Report amply show how unimportant is the United Kingdom market to India with regard not only to coconut oil, but also groundnut, rapeseed and sesamum oil as well. These examples, Sir, go to show that the agricultural products of India will not be any the happier for the Agreement. And, as we know, it is the fall in prices which is causing the greatest suffering to the primary producers in this country. If we examine some of the statistics relating to India's exports and imports, we find that in the year 1930-31, the value of the total imports of merchandise fell by Rs. 76 crores as compared with the preceding year (a fall of 31 per cent.), while the exports, including re-exports, showed a fall of Rs. 93 crores (a fall of 29 per cent.); and it must be noted that the figures for all the three items, imports, exports and total, were below those of 1913-14. The same tale was repeated during the last year, the decline in imports and exports being 23 and 29 per cent., respectively. It will thus be seen that the principal question that affects the Indian agriculturist is how to get a better return for the crops he produces. His income has shrunk to half or even less than half as a result of the fall in prices of wheat, jute, cotton, oilseeds and the rest, while his fixed money charges have remained unaltered. So, if we try to foresee the result of the Ottawa Agreement on the well-being of our agricultural population I doubt very much if we will be justified in recording our vote in favour of this measure. But, Sir, there are articles which may be in a position of some advantage as a result of the ratification of the Agreement, as, for example, tanned hides and skins, jute manufactures, carpets and rugs and some others, in the case of which India has to face very little competition from Empire countries and therefore any withdrawal of preference will not affect our trade materially. Then there is the tea industry which will distinctly benefit under the changed conditions. Thus, if we examine the question of

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India's production and trade with other countries as a whole, it is very difficult to say exactly whether the Ottawa Agreement will result in net gain or loss to India, because so far as we can forecast some of our industries are bound to suffer while certain others might gain. Under these circumstances it seems to me that it will be nothing else but a leap in the dark if we support this measure when the experts have really failed to suggest the net gain to India in terms of money resulting from this measure. In my opinion, Sir, the proper course for the Government under the circumstances would have been to wait until the new constitution for India came into operation as a result of the Third Round Table Conference now holding its sittings in London, and to invite the verdict of the future Indian Legislature on the measure, because at that time India will be in a much better position to deliver the goods to the United Kingdom as an equal partner in the British Commonwealth of Nations than as a subordinate country as she is now. For there can hardly be any agreement in the strict sense of the term between the ruler and the ruled.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Sir, I should like to add my humble quota of support to the momentous measure now before the House. In considering the expediency of the measure, we have to take into account two great factors. First, that during the past three or four years economic factors have undergone such changes that many old doctrines have lost their currency and we, in India, in common with people in other parts of the world, have to evolve a new economic science. Sir, we do not even know today if gold even has the same value that it had a few years ago. Our bases of monetary standards have, or seem to have, disappeared; our methods of trade are certainly changing, and these cataclysmic changes have upset the equilibrium of the world trade. We, as an agricultural country, primarily, find that our produce is face to face with unparalleled difficulties in finding buyers. We find great trading communities banding themselves together in what may be called offensive and defensive alliances.

In these circumstances, Sir, we, in India, have to join hands with one or other of the great commercial groups, which we see emerging in the world. Shall we, then, look for trade partnership with groups of countries almost total strangers to India or with those with whom we have been trading for some hundreds of years, and with whom moreover—I am now coming to the second of the considerations which sway me in supporting the measure—we have indissoluble not only political but also economic ties?

Sir, if we were to decide to seek trade partnerships in new directions, there would most certainly be a serious upheaval of trade in India, and this is a contingency, which I, as an elected representative of a large section of people of Bengal with memories of the sufferings of my people during the past two or three years as a result of the depreciation in prices of agricultural produce, jute and paddy, cannot contemplate with equanimity. We shall find our economic salvation in making common cause with the United Kingdom and the Colonies, because this will give us, particularly, in Bengal, some assurance of increased and settled trade without any serious disturbance of the existing channels of trade. This measure also ensures for us in India a continuity in our monetary policy.

For years, Sir, our monetary destiny has been linked with that of the United Kingdom, and a break would be disastrous to India, particularly in these times of unprecedented depression.

I find also that while the measure under discussion strengthens our economic relations with our oldest customers in the Empire and, I may also say, the safest, there is nothing in it to check the flow of trade between us and other countries. We are not fathering retaliation against countries outside the Empire. We are only regularising our trade within the Empire. India is free to trade with other countries, but by the measure before the House, India is arming itself against, let us hope, the remote contingency of being called upon to face retaliatory measures, and, in facing this contingency, we, in India, shall not stand alone. We shall have the United Kingdom and the British Colonies standing shoulder to shoulder with us. This measure will be our shield against foreign aggression.

Briefly, I may also refer, Mr. Chairman, to the advantages this measure gives us in the money market. The centre of our money market, as also of the world, has been London, and this measure will ensure for India equal consideration with other countries in the British Commonwealth in London.

It is not because this measure benefits the United Kingdom or the British Colonies that I support it but because I firmly believe that it opens a new chapter of better relations between one of the most powerful economic groups of the world, namely, the countries of the British Commonwealth, and India, and this is all to the good of my country.

Sir, I beg to support the Bill on behalf of my Party.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, as the representative of constituents who are interested in every aspect of this Bill, whether as importers or exporters, or manufacturers or consumers or tax-payers, I unreservedly support the principle of this Bill. With regard to its application and the Schedule which is attached to the Bill, I am convinced that my constituents support the Bill, as it now stands in the main. There are a few of them who are affected by the proposals, but I am certain that those interested are not prepared to let their individual interests stand in the way of what they believe to be the interests of the country.

It is often said that Chambers, such as the Chamber which I represent, the maritime Chambers, are predominently representative of the importers and therefore their opinion in this matter is not worth having. That is not correct; it is the very reverse of correct. As a rough and ready way of assessing the industrial importance of an area, I think a handy guide is the amount of labour employed and, according to the latest statistics which I have to hand, out of 1½ million labourers employed in the large industrial establishments in India no less than 1,300,000 are employed in the provinces served by the maritime Chambers and these figures exclude miners and tea garden labourers: of the total of 1½ millions very nearly two-fifths are employed in the areas served by the Bengal Chamber of Commerce. As an officer of a Chamber of Commerce which is interested in such diverse points of view, I can assure this House that I am very often accused of favouring the industrialists than I am of favouring the importer. I have given these facts to the House because I wish the House to understand that in supporting this Bill we support it with our eyes open and not only have we had to take those interests into consideration, but we have also had

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representations from constituents who are interested in the importation of Continental goods which will suffer from the Schedule of this Bill. We have had to take those into consideration also. When the phenomenon of the completed Agreement was sprung on us with all its startling success, we as a Committee very early realised the difficulties which were before us in arriving at an agreement as to what line we should follow. We very early came to one conclusion that there was only one criterion which we should follow and that was the question whether it was in India's interests. We assumed from the start that the Agreement was in Great Britain's interest. Naturally we were pleased at that. After all it was the British Board of Trade in consultation with the Delegation from India which settled the list of favoured articles and we could safely assume that the country which the United States of America has recently called the greatest trading nation in the world could comfortably look after itself.

We did not hurry over this matter. We had quite a considerable time to examine the import of this Agreement. We did not rush prematurely into print partly because we were candidly very perplexed by the enormity and great complexity of the problem and, as many people have said, at the start at any rate of these discussions the information was incomplete. We arrived at our decisions by slow degrees and we were influenced throughout by the arguments which have been so very ably put forward by the Government of India at various stages and which were repeated with such extraordinary clarity and ability by the Honourable Mr. Drake this morning. The longer we perused the details of the Agreement and the more deeply we went into them the more convinced we were that this Agreement is in the interests of India.

Looking at it from a more parochial point of view, the point of view of the eastern provinces of India, we were equally satisfied that this Agreement was in their interests. I would say that this is perhaps the first time in the history of the recent economic legislation of India in which consideration, proper consideration, has been shown to the eastern provinces of India. I must say that I expected opposition from certain sections and it did not surprise me, for there are people in India who are always ready to demonstrate their callousness towards the eastern provinces of India by acting on the principle that "Bengal does not matter." But I must say that I was astonished to hear my Honourable colleague from Dacca opposing the Bill. It seemed to me that the advantages to Bengal and to Bihar and Orissa and to Assam are so very patent. I would ask the House to consider what would be the position of Assam without the tea industry. Then again as regards the tea industry in Bengal, as everybody from that part of the world knows, the tea industry has been going through a very desperate period and it is in danger of widespread collapse and I venture to say that the 2*d.* in the lb. which is accorded to it is just going to turn the scale in its favour. I would ask my colleague from Bengal to consider whether he would like to see the industry collapse and additional charges put on the tax-payer of Bengal and whether he would like to see the labourers thrown out of employment and the Indian capitalist suffer. Then as regards iron and steel industry, that means now-a-days a very great deal to Bihar and Orissa and Bengal. I can assure the House that from my intimate knowledge of the industry, the 33½ per cent. preference which is being afforded to pig iron is bringing new life and new heart into the pig iron industry. As regards the Supplementary Agreement on iron and steel,

there is no question of the benefits which are going to accrue to the province of Bihar and Orissa. It is not only the iron and steel companies which are concerned, but all allied trades like the coal industry, the iron ore, limestone, manganese and allied industries which supply other materials like firebricks and so on to those great concerns. My only hope in regard to this Agreement is that in 1934 when that protection expires it will be subsequently continued. Then, as regards jute my Honourable colleague expressed the opinion that Rs. 3 crores was an item which was not worth considering for the jute industry. I can assure him that although Rs. 3 crores may not be very much to him, it means at the present time a very great deal to the jute industry. I was astonished also to hear a suggestion—at least I understood it to fall from him—that the export tax on jute should be doubled. I do not know whether the House is aware, whether my Honourable colleague is aware, that recently a memorandum was submitted to Government putting forward the united opinion of all the leading Associations in Bengal in which we unanimously pointed out that the jute tax was now-a-days a tax on the primary producer. My Honourable colleague is apparently prepared to put extra taxes on the primary producer. I can assure the House from my experience of the industries of that part of India that this Agreement is going to be of real and practical benefit to them.

There is, I think, general agreement *throughout* the world that one of the main causes of the present economic depression is the increase of tariff bars throughout the world. What is wrong with the world is not only the price level but also the volume of trade. Every country has been forced by financial stringency and by self-preservation to increase its tariffs—India and Great Britain are no exceptions. But I honestly believe that this scheme of reciprocal preferences within the British Commonwealth of Nations is a step in the right direction, a real advance in the direction of mitigating the evils of economic nationalism by extending the area of common interests and mutual progress.

2 P.M.

With regard to the application of the details of the Bill, I think that now after examination there is general approval of the principle of "5 per cent. up and 5 per cent. down." It is admitted that some industries may be hit by this but I *maintain* at the present time that it is not the possibility of losing 5 per cent. protection which is frightening industries but the real anxiety for Indian industries at present is the depression of the Japanese yen. Japanese imports are undoubtedly hitting India all up and down the country and I do not believe that the depression of the yen is a temporary phenomenon. Admittedly prices are rising in Japan but I do not believe that wages will rise fast enough or the prices of *products* produced from indigenous material in Japan will rise fast enough to counteract the preference which they are getting. I read yesterday in "The Star of India" that in the Japanese budget the income is little more than half the expenditure. Furthermore, Japan is covering her deficit by a loan of 80 crores of yen. Well, if that is the state of the budget, I consider that the depression of the yen is going to be a far greater menace than the 5 per cent. reduction against some industries in the Schedule to this Bill.

I am convinced that my constituents do not favour indiscriminate protection. Generally speaking, the industries of the maritime provinces have a robust faith in their ability to survive and compete and to meet changing conditions. They have also the philosophic feeling that the 5 per cent. off the protection which they are now getting merely anticipates the removal of the surcharge which we all hope for at the earliest possible

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moment in the best interests of the country. But at least I would ask one consideration of the Government and that is this, that when the general level of the tariff is reduced to a standard 15 per cent. the Government should give due consideration to those industries where the tariff has now been lowered against them. There are many industries which will be affected and we are most anxious about some of them. They have pressed their case before the Select Committee but not all of them are satisfied. Some of them, I feel, will adapt themselves to the circumstances and others may be forced to appear before the public tribunal of the Tariff Board but I would point out that the agreement provides for this and that the principle of discriminating protection is in no way prejudiced.

It seems to me, as I have read and listened to the debates on this subject that the opposition to this Bill is almost entirely political, based on the principle of non-co-operation and of opposition to Government. There are some, I know, who genuinely feel that if they agree to this they are giving up an economic weapon to bring pressure upon the British Government at the present time. There are also people, I believe, who are prepared to oppose this Agreement even if they know in their consciences that it is in India's interests. Well, that may be good politics but I maintain it is bad business. And I believe also myself that it is bad politics because I do not believe that in the days to come India will want to follow people who give such a lead.

But of all the factors which have weighed with me, I think one of the most significant of all is the fact that whereas at the beginning of these discussions there were very many who were originally opposed to this Agreement who are now in agreement, I have hardly heard of one who agreed with it originally and now opposed it. I consider that this is a most remarkable tribute to the thoroughness with which the Delegation did their work and it is one of the most convincing points of all that numerous thinking men who prejudiced at first have gone into the details of this Bill and examined it from every point of view, have come to the conclusion that the Bill is in the best interests of India. Sir, I support the Bill.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, I rise to support the motion of the Honourable Mr. Drake for the ratification of the Ottawa Agreement. It is unnecessary for me to say much after the very interesting speech started by our esteemed colleague, Sir Maneckji Dadabhoy, ably supported by other speakers on this side, especially the last speaker. We were able to get much advice and suggestions for the benefit of this Bill. As a matter of fact I think India will not be a loser: India will be a gainer by this Agreement, and our agricultural products may be easily marketed in the United Kingdom and other Colonies. Therefore, from the agricultural point of view, I think it is a beneficial measure and we ought to ratify the Agreement. Sir, some of our friends have said, at least I understand there is an amendment on the table, that on the eve of the constitutional reforms the Assembly or the Council of State ought not to take any part in ratifying the Agreement. I think, Sir, it may take some time for our constitutional reforms to come. Are we to lose the benefits we are going to get by this Agreement? If the new constitution, I mean our successors, feel that it is not in India's benefit to have the Agreement,

they could under the provisions of the Agreement cancel it by giving six months' notice. Therefore, there is nothing to lose and everything to gain. Sir, it is unnecessary for me to go into the details—this has been done by previous speakers. I would simply contend that whatever we do we do it in the best interests of India. I have much pleasure in supporting the motion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I have carefully read the final report of the Indian Delegation to Ottawa and read and re-read very carefully the speech delivered by the Commerce Member in the Assembly in moving the Ottawa Resolution. It is my honest opinion that both the Indian Delegation to Ottawa and Sir Joseph Bhore have failed to make out a case for ratification of the Ottawa Agreement. The Honourable Mr. Drake, while moving this Bill, has observed that by this Agreement we gain nothing for the present but it is an insurance for the future. I represent a Punjab constituency and I am naturally much interested in the probable effect of the Trade Agreement on exports which are of importance from the point of view of the Punjab. Our most important crop is wheat. Will the Trade Agreement revive wheat exports? The United Kingdom proposes to levy a duty of 2*s*. per quarter on imports of wheat in grain. But we share this preference with other Empire countries. In dealing with the wheat question, the members of the Delegation remarked that:

"Preference will not be of immediate value but may be of some benefit in future. We think this expectation is too remote to be taken into account as an element in favour of the Agreement. We cannot compete with Australian wheat in our own market. In any event, under Article 5 of the Agreement the preference proposed in the Agreement is conditional on the sellers not charging more than the world prices in the United Kingdom market. In the case of India this is a prohibitive condition. It is more than doubtful if the Indian producer can ever compete with Australia, Canada or Russia in the United Kingdom market. The problem of railway rates and freights makes the position still more hopeless, unless Britain is prepared to fix a quota for Indian wheat at economic prices, the Punjab farmers in particular, who have been so hard hit, will continue to suffer. The present position is that exports of wheat from India are negligible in amount at present. But in 1924-25 the total value of our wheat export amounted to no less than 17 crores of rupees".

In this connection, Sir, I might give some figures to this House. The wheat crop in India varies from 8 million tons to 10½ million tons. United Kingdom imports annually about 6 million tons of wheat. In 1925 the imports into the United Kingdom from India were 1 million tons, from Canada 1¾ million tons, from Argentine 6 lakhs of tons, from Australia 4½ lakhs of tons. The imports from India fell down in 1927 to 2½ lakhs of tons, while imports from Argentine rose from 6 lakhs tons to 1 million tons. In 1930 the Argentine exports to the United Kingdom fell down to 7½ lakhs of tons and Australian exports to the United Kingdom fell down to 6½ lakhs of tons. This fall was due to the fact that imports of wheat into the United Kingdom from Russia amounted to not less than 1 million tons. It has been said by several speakers on the floor of this House to-day that we have not got much surplus in wheat to export. My friends ignore the fact that the expected yearly yield from Sukkur Barrage Colony alone will be very soon in market for export and it will be not less than 1 million tons. The Sarda Colony in the United Provinces, new Sutlej Valley Colony in Punjab, the new colonies in Bahawalpur and Bikaner States are annually adding to the yield of wheat. So, in the very near future we shall have a big surplus for export. When we cannot compete with Australia in India, it is impossible for us to compete with her in the United Kingdom. So, as far as wheat is concerned, we

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get absolutely no benefit from this Agreement. Australian wheat, in case we remove the import duty into India, is likely to flood our markets and play havoc with us as it did some time back. Sir, it is now an open fact that last year the prices of wheat in Punjab in particular were the lowest on record for a very many number of years past, and if my information is not wrong, several zamindars in the Western districts of Punjab, owing to their economic distress, had to sell their daughters in order to meet Government revenue. This was the condition which was prevailing in the Punjab. What do we see in Australia? There was such economic distress among the agriculturists there, very recently; they raised a loan of £4½ million sterling to relieve the economic distress there. May I ask the Government what substantial steps it took last year to relieve the economic distress of the Indian peasantry and the Indian zemindars who fared so badly by the low prices of agricultural produce? Other Empires might benefit in wheat, but India cannot.

I will now take cotton. Enough has been said in this House by certain speakers that our cotton, being short-stapled, is not required by the United Kingdom. I say in this connection that the Agreement does not give any preference so far as cotton is concerned, for the obvious reason that the United Kingdom, by the imposition of import duties on foreign cotton, will increase the cost of production of cloth by Lancashire. Article 8 of the Agreement merely states that the United Kingdom will co-operate with India in schemes for promoting whether by research, propaganda or improved marketing the greater use of Indian cotton in the United Kingdom. At present England buys very little of Indian cotton. In 1929, out of Rs. 100 crores worth of cotton imported by the United Kingdom, she purchased only Rs. 4 crores worth of cotton from India while India exported that year Rs. 65 crores worth of cotton. India's chief purchasers of cotton are Japan and China. I shall give some further figures to show how cotton exports to various countries from India are. In 1929-30, Punjab produced 799,000 bales, out of which 248,000 bales were Punjab American cotton. I am mentioning the quantity of the Punjab American cotton because that is a comparatively long-staple cotton and is fit for the spinning of better counts and can be used in other countries as compared with low class of Americans. In 1930-31 Punjab produced 768,000 bales, out of which 27,000 were American. In 1931-32 Punjab produced 618,000 bales of which 217,000 were American. Now, Sir, as far as exports from India of all classes of cotton are concerned—the figures which I have given before were of Punjab cotton and Punjab Americans—now I am putting before you figures for all-India production. The total exports from India in 1929-30 were 4,070,000 bales, of which the United Kingdom took 270,000, Japan 1,640,000 and China 566,000 bales. In 1930-31, 3,926,000 bales—of which 1,042,000 bales were shipped from Karachi and the remainder from other ports, and of which the United Kingdom took 281,000, Japan 1,686,000 and China 606,000 bales. The total value of exports of cotton in 1926-27 were Rs. 58,60,00,000; in 1929-30 Rs. 60,64,00,000, and in 1930-31, Rs. 43,21,00,000. This heavy fall in 1930-31 is not much due to fall in quantity but is due to the heavy fall in prices of the cotton exports. Sir, the United Kingdom takes on an average yearly Indian cotton of total worth of one and a half crores of rupees. The United Kingdom does not propose to tax cotton. The British Delegation, we read in the report of the Ottawa Delegation, made it plain to us that they could not entertain this suggestion and that the interest of their own industry placed

it out of court. We can understand this. The United Kingdom must safeguard her interests. But how have we safeguarded our own interests? If as a result of the proposed change in our fiscal policy we import less from Japan, our exports to Japan must suffer. It is stated that in the coming years Lancashire will be a better buyer of Indian cotton. That remains to be seen. What we see clearly now is, Sir, that for the sake of encouraging British exports we are taking the grave risk of losing our trade with some of the largest consumers of our raw materials.

As regards oil-seeds, the Seed Traders Association have already condemned the Trade Agreement, and it may be presumed that they are practical business men and not agitators. My friend the Honourable Mr. Benthall has observed that some people are opposing this measure on political grounds, which I must say that I entirely disagree with. That is not the case. It is purely from the economic point of view that people are opposing this Agreement. From the point of view of the Punjab in particular there is very little to be said for the Trade Agreement. So far as India's export trade with the United Kingdom is concerned we shall have to compete with other Empire countries, while in Indian market the United Kingdom has practically no competitors within the Empire.

Let us now proceed to examine it from the more general standpoint. As far as cotton seeds are concerned, the United Kingdom imports every year over 700,000 tons of cotton seeds mainly from Egypt, the value of which I work out to be about five crores of rupees. Why is there no preference given to cotton seeds from the United Kingdom. I request the Honourable the Commerce Member to explain why they have not pressed for preference from the United Kingdom for cotton seeds and for Indian cotton and Indian hemp. It is claimed, Sir, that a new situation has arisen on account of the British Import Duties Act. Sir Joseph Bhore has told us that as a consequence of the change in the British fiscal policy 16 countries have sought to conclude trade agreements with the United Kingdom and that in our own interest it is not possible for us to stand out. It is similarly argued in the official report of the Indian Delegation to Ottawa that the proposed change in our fiscal policy cannot be described as imperial preference; it is of the nature of reciprocal preference and that it is no longer a question of what India stands to gain, but of what she stands to lose. It is also shown in the report that India has no monopoly and that as an exporter of food grains and raw materials our position is vulnerable, from which it is concluded that if we did not ratify the Trade Agreement our exports to the United Kingdom and the Colonies and Dominions must decline. This and this alone is the basis of the claim that the Government action regarding Ottawa was dictated solely by consideration of the best interests of India. Let us examine this claim. Lord Curzon's Government considered the question of preferential tariffs in 1903. Even then the United Kingdom offered something to us in return for preferences in our markets, for I find preferences in the British market for Indian tea, wheat, rice, coffee and tobacco, discussed in that famous despatch. Lord Curzon's Government reached the conclusion that if the matter was regarded exclusively from an economic standpoint, India had something, not perhaps very much, to offer to the Empire, but that she had very little to gain in return, and that she had a great deal to lose or to risk (paragraph 17 of the Despatch). The Honourable Mr. Drake while speaking on this point explained and gave reasons. He said that the conditions have now changed and that that view is not held by the Government now. Anyhow his arguments were

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not at all convincing to me. The change in the economic situation since 1903 may next be considered. In the first place, imports from the British Empire into India in that year were 75 per cent. of our total imports; in 1931-32 they were only about 45 per cent. It is obvious that on account of the decline in British exports, which is of a most serious character, the United Kingdom would be most eager to obtain preferential treatment for her goods in our markets. It is also obvious that, on account of the nature of her exports, which meet keen competition from foreign countries, British exports would substantially benefit from such preferential treatment. This aspect of the matter is not mentioned in the official report of our Delegation to Ottawa, and it was not once referred to in his speech by the Honourable Sir Joseph Bhore. I suppose it is of no importance, and as a matter of fact it is of no importance if the Ottawa Agreement is to be considered solely from the point of view of India. The change in the economic situation which directly interests us is the competition of natural and synthetic substitutes with our exports. In his speech Sir Joseph Bhore mentioned a few typical instances of commodities such as lac in which, though India possesses a virtual monopoly, yet she runs the risk of losing her trade through the competition of substitutes. As I have said before, even if we were invulnerable before, we have become vulnerable now. Hence the danger of a decline in our exports to the United Kingdom on account of the British Import Duties Act. But if our position is vulnerable to attacks by the United Kingdom, it is no less vulnerable to attacks by foreign countries. Lord Curzon's Government stated in 1903 that by discriminating against foreign imports India had a great deal to lose or to risk. If that was true in 1903, it is still more true today when it is contended that "India has no monopoly". I expected to find in the report of the Ottawa Delegation and in Sir Joseph Bhore's speech some material allaying our fears on this score. This material would be of the greatest value to us in the examination of the Trade Agreement.

" We cannot feel confident "

—wrote Lord Curzon's Government in 1903—

"that the conditions and requirements of foreign countries have yet been ascertained with the precision and fulness necessary to make them a sufficiently broad and stable basis on which to rest a fiscal policy of very problematic value to India, whilst the consequences of failure might result in irreparable disaster".

It was the duty of the Government of India, as also of the Ottawa Delegation, to show that the conditions and requirements of foreign countries have been ascertained with such precision and fulness as to make it certain that the proposed fiscal policy will not result in irrepairable disaster. Have they done their duty? You ask us to embark on a new fiscal policy without caring to study the probable reaction of foreign countries to it. Is it fair to the Indian exporter? Do not forget that the share of the British Empire in India's exports is less today than what it was in 1903. And if we have no monopolies now on account of the growth of natural and synthetic substitutes for our exports, the danger of reprisals is more serious today than it was thirty years ago.

The Ottawa Delegation did not examine this aspect of this question. The Government of India asks us to ratify the Trade Agreement, but they refuse to place before us any material showing that foreign countries possess no power of retaliation, while they emphasise the probable adverse effect of the British Import Duties Act on our exports, they seem to be unaware that foreign countries may want to punish us for discriminating against their imports.

I suggest that we refuse to ratify the Trade Agreement until the question of retaliation has been thoroughly examined by the Indian Tariff Board. The Tariff Board conducts searching and prolonged inquiries when it considers the claim of any industry to protection. Government now ask us to accept a change in the whole fiscal policy of the country, which might endanger our exports to foreign countries without any inquiry of any sort into the probable effects of the new policy on the greater proportion of our exports. And yet it is claimed that the proposed change in policy is dictated by Indian interests alone! Sir, in this connection I might also mention that this question is a question which affects all the provinces in India and I request the Honourable the Commerce Member to kindly state what was the reason which led them not to consult the Provincial Legislatures on this Agreement. Sir, because industry is a Transferred Subject, it was in the fitness of things that the Government of India ought to have taken the opinion of the various Provincial Legislative Councils. As many of them happened to be in session lately, it would not have caused any delay. To hurry up a matter like this, I think, is not right. I shall be the first to vote for reciprocal preference if the Tariff Board finds that the danger of retaliation by foreign countries is unreal. The only proper body to deal with it is the Tariff Board and I am sorry to observe they were never consulted in this matter and if they were we have not as yet seen their report on this subject. Indecent haste in reaching a decision on a thorny and complicated question like this would strengthen the suspicion that the change is not dictated by Indian interests but the requirements of British industry. For, as I have said before, the fact is incontestable that on account of the decline of British exports, the preferences that Britain has asked us to give her would be of material advantage to her.

I might mention by the way that there is a feeling among the public that this measure is one which is the dictation or which is inspired by the present Secretary of State, Sir Samuel Hoare. Whenever anything of importance to India is uttered by Sir Samuel Hoare in Parliament, many of us, Indians, feel that he is against any political advance in this country. The utterances of Sir Samuel Hoare and other die-hards like Mr. Winston Churchill go a great deal to alienate the sympathy of even the moderates. Such dictations began from the time when the Government of India last year issued an Ordinance to prohibit the export of gold. That Ordinance was cancelled by the present autocratic Secretary of State in a couple of days and the Government of India was forced to comply with his order. Then came the Ordinances and then came the Ordinance Bill. This is how things are going and this has shown how helpless the present Government of India is at the hands of the present Secretary of State.

THE HONOURABLE MR. E. C. BENTHALL: Political reasons?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I am very sorry that my esteemed friend Mr. Benthall still says there are political reasons. I am a business man and I can tell him—a business magnate with a different sort of interest than mine—and can assure him that as far

[Rai Bahadur Lala Ram Saran Das.]

as we are concerned, we are speaking purely from an economic point of view. I, as a business man, do not believe in political gambling and in financial jugglery.

There is an extremely simple and easy method of protecting our exports against the British import duty. The linking of the rupee to sterling has placed our exporters in a position of advantage in selling goods to countries that are still on the gold standard. But our sterling exchange is the same as before, that is 18*d*. Indian commercial opinion has always been stoutly opposed to the 18*d*. ratio. What I suggest, and the suggestion deserves careful consideration, is that if the United Kingdom levies the threatened duties on our exports, we may simply reduce the rate of exchange to 16*d*. The lowering of the exchange to 16*d*. would completely neutralise the effect of the 10 per cent. British import duty and will incidentally strengthen Indian industries. Here is a suggestion which should be welcomed by the Government. The Government are anxious to develop Indian exports, and it is the fear of decline in our exports to the United Kingdom that is their chief reason for asking us to ratify the Ottawa Agreement. Let us refer the question of retaliation to the Tariff Board for inquiry and immediately reduce exchange to 16*d*. If we find that the lower rate of exchange does not compensate us for the loss to which our export trade may be subjected on account of the British import duty, and if the Tariff Board finds that foreign countries possess no power of retaliation; we may then and then alone agree to "Reciprocal preferences".

In conclusion, I may refer to the figures showing our balance of trade during the first seven months of the current financial year, which are now available. These figures provide a strong argument against our adopting a tariff policy which might involve us in tariff wars with foreign countries. The home charges amount to something more than £30 millions annually, or over Rs. 40 crores. If India is to remain a solvent country and if we are not to pay the home charges year after year by exporting gold, as we have been doing during the past year, it is necessary for us to maintain a favourable balance of trade. Now, during recent years the excess of exports over imports has been steadily diminishing, and the trade returns for the first seven months of the current financial year actually show net imports of merchandise amounting to Rs. 6¾ crores. This is an alarming state of affairs, and I would emphatically urge that the present is not a suitable time for embarking on a fiscal policy of problematic value to India. For it must be conceded that while some of our exports, of a comparatively minor importance, may increase to the United Kingdom as the result of the Trade Agreement, our exports as a whole may decline. The danger is there and it cannot be ignored. We have absolutely no justification for trying new fiscal experiments at this time. We must not do anything which may react unfavourably on our exports to the more important purchasers of our foodstuffs and raw materials. If the United Kingdom insists on levying the proposed duties on our imports, the best way to meet this danger is, as I have already suggested, a lower rate of exchange, not the acceptance of the Trade Agreement which exposes our exports to foreign countries to grave risks.

I shall not take up the time of the Council much longer. I will simply mention what do we gain in the preferences given to India? Let us take the first group, Sir. In that group there are ten articles. The total

amount of exports for 1929-30 was Rs. 115 crores, out of which exports to the United Kingdom were Rs. 36·6 crores. Now, take the second group in which there are seven articles. The total export in the same year was Rs. 9 crores out of which imports into the United Kingdom was Rs. 3·2 crores. Then take the third group in which there are nine articles—cotton piecegoods, cotton yarn and so on. The total export was Rs. 41 crores, out of which Rs. 1 crore and 84 lakhs were exported into the United Kingdom. Then take the fourth group, Sir. The total export was Rs. 6½ crores out of which the exports to the United Kingdom was Rs. 1·8 crores. Take the fourth group—exports in pig iron were Rs. 2·9 crores, of which to England were Rs. 33 lakhs. In cotton the total amount of exports was Rs. 100 crores of which only Rs. 4 crores went to England. Sir, of course the preferences which have been given on these will not amount to much as compared with the actual imports of these things into the United Kingdom. I was told that, although the United Kingdom does not import much of rapeseed, she is prepared to take the rapeseed oil. That, of course, is also problematical, and we do not know that even when we are prepared to export rapeseed oil what quantity will be actually taken by England. As far as groundnuts are concerned, Sir, a very big trade India has with foreign countries. In 1926-27 the total value of groundnuts exported from India was Rs. 9 crores and 58 lakhs; and in 1930-31 it was Rs. 9 crores and 67 lakhs. Now, Sir, I want to give some figures to show how this export was distributed. In 1926-27, 17,000 tons went to the United Kingdom; 125,000 tons to France; 87,000 to Germany; 77,000 to Holland and 50,000 to Italy. And in 1930-31, 47,000 tons to the United Kingdom; 172,000 to France; 120.000 tons to Germany; 167,000 to Holland and 77,000 tons to Italy. As far as cotton seed is concerned, I have given you the figures of imports by the United Kingdom, but as far as India is concerned the castor seed exported to the United Kingdom was only 22,000 tons as compared with 44,000 tons to the United States. As far as linseed is concerned, its demand from the United Kingdom is also decreasing. So, Sir, I do not see a very rosy picture of the results of this Trade Agreement. I think, Sir, that in the interests of India and particularly in the interests of the Punjab which I have the honour and privilege to represent, we are not likely to gain at all by this Pact. In business, proposition that does not give any gain is always to be discarded.

With these words, Sir, I oppose the Bill.

THE HONOURABLE SIR JOSEPH BHORE (Industries and Labour Member): Sir, I have been long enough a Member of this House to appreciate its tradition of businesslike brevity, and I will endeavour to see that that tradition does not suffer at my hands. My Honourable friend, Mr. Drake, has set out with admirable lucidity and succinctness the details of the Bill which is now before this House for its consideration. I would like to confine myself to a broader aspect of the Agreement which this Bill seeks to implement. But before I come to that I think it is necessary for me to refer to certain observations that have fallen by way of criticism from Honourable Members who have preceded me.

First, Sir, I would like to take the question of the effect of this Agreement upon Indian industries. There are evidently even at this stage some who have not followed the meaning of the Agreement and its consequences and who still appear honestly to be afflicted by the fear that this

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Agreement may react adversely upon Indian industries. I will endeavour, Sir, in as few words as I can, to try and dissipate those fears. In the first place, those industries to which protection has been definitely given by the Legislature are entirely safe. We have made it perfectly clear that the protection already given must be subject to no infringement or impairment. Equally, Sir, the industries not at present upon the protected list but which may hereafter qualify for protection are equally safe for there is absolutely nothing in the Agreement to prevent protection and adequate protection being given to such industries. But what some critics seem to have in mind are the cases of those industries which are not prepared to submit their case to the scrutiny of the Tariff Board but which desire—the surreptitious I was going to say but if you like it better—the adventitious protection given by the imposition of temporary surcharges to continue.

Now, Sir, I need not emphasise the fact—it has already been referred to by my Honourable friend Mr. Benthall—that in the year 1931, the general level of our revenue duties was 15 per cent. *ad valorem*. It was only the compelling nature of our financial requirements that made us put on two surcharges during the course of the last year. It must be within the memory of this House how reluctant it was to pass those surcharges, and I think it is common ground that the general level of these duties should be reduced as soon as financial circumstances permit.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Is there any prospect, Sir?

THE HONOURABLE SIR JOSEPH BHORE: That, Sir, is a question which I cannot answer, and I would suggest that my Honourable friend should address that interrogation to the Honourable the Finance Member.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: He is not a Member of this House.

THE HONOURABLE SIR JOSEPH BHORE: Well, Sir, to go on with my argument. I would say that in these circumstances, for any industry to count upon the protection of surcharges which may be of the most temporary character would be foolish, and to make a grievance of the non-continuance of those surcharges for their benefit is, I submit, hardly fair. Those industries may quite legitimately claim that a 15 per cent. revenue duty is a normal feature of our tariff system. But the House will observe that in practically no instance have we gone below 20 per cent. Therefore, the cry that Indian industries are in danger is, I submit, absolutely without foundation.

Now, Sir, reference was made to an argument which I have seen used very largely. It is the specious criticism which has been framed in the form of a false dilemma. It is expressed in this way. In any circumstances, a preferential scheme must be detrimental to the interests of this country. If it involves a higher rate of duty on a larger volume of imports from foreign countries, then it must impose an unnecessarily high burden upon the consumer. If, on the other hand, owing to the preferences received, British imports increase at the expense of foreign countries, then there must be a reduction of customs revenue and extra

taxation will be required. Well, Sir, like so many *a priori* generalisations, this will not bear the test of practical scrutiny. In the first place, I cannot follow what is meant by additional taxation. If, for instance, customs revenue is diminished and it is found necessary to have recourse to other forms of taxation, to make up for this decrease, it does not mean that any additional burden in the aggregate is being placed upon the taxpayer. Nothing more in the sum total is being taken out of his pocket. Secondly, Sir, I would like to make a very definite statement of the extent of our imports that are going to be affected by this scheme of protection. Taking the average of the three years ending with 1929-30, we find that no less than 55 per cent. of our imports into the country are entirely outside the scheme of preference. Of the balance of 45 per cent., 22·4 per cent. represent differential duties on cotton piecegoods and iron and steel. I need hardly remind the House that so far as these duties are concerned, whether there will be differential duties or what they will be, will depend entirely upon the reports of the Tariff Board on the Cotton Textile and the Iron and Steel industry. I may point out that a decision on this question will rest solely upon a consideration of the further question, namely, what is and what is not in the best interests of the country. This leaves us only 22·6 per cent. of our imports which will be subject to the preferential tariff, and of this 22·6 per cent., approximately half comes from the United Kingdom and the rest from foreign countries. Now, Sir, in regard to the argument about revenue, I need only give the practical answer which was given by my Honourable colleague the Finance Member in another place. That answer is this. So far as it is possible for our expert advisers to calculate, the preferences embodied in the Schedule of rates will not alter the revenue position very much one way or other.

That brings me, Sir, to the question of the effect of a preferential tariff on prices in this country. Now, it is quite impossible for us to dogmatise on what prices will be. We have, for instance, quite recently been shown that even very high rates of import duties may have little or no effect in raising the price of certain foreign imports. The ultimate price will depend on imponderable factors which we at present are unable to assess, as for instance the capacity of the foreign importer into this country to absorb the preference or the extent of the competition among British manufacturers themselves. These are matters which it is impossible at the present moment to prophesy about.

Then, Sir, I think it was my Honourable friend Sir Maneckji Dadabhoy and also Mr. Banerjee who referred once again to the fallacy that preferences would not increase our foreign trade, our export trade, but would merely divert it from one destination to another. I would like to repeat here what I said in another place and it follows very much the line of argument that my Honourable friend Sir Maneckji Dadabhoy followed this morning. I would say this, that it by no means necessarily follows that if we buy more from one country, we must buy less from another, nor that if we sell more to one country, we must sell less to another. My own conception of the cycle of economic cause and effect is entirely different from that of the opponents of the Agreement. They are obsessed by a purely static idea of trade. To them its volume is fixed; if we sell more to one country, we must sell less to another; and if we buy more from one country, we must buy less from another. If this were true, it would mean an end to all development and progress. I would place before the House a dynamic conception of trade. If as a result of these preferences

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I am able to sell more to Great Britain, that, Sir, increases my purchasing power, and with every increase in my purchasing power, I set in motion forces which induce a wider and still wider markets for my goods.

My Honourable friend Mr. Banerjee attempted to arrive at a fair balance between the advantages and disadvantages of the Agreement. I do not question for a moment his desire to be fair, but as he progressed with his argument, I could not help feeling that whatever agreement he had in mind and was criticising, it certainly was not the Ottawa Agreement. (Laughter.) He said, for instance, that the United Kingdom was being given a preference of 10 per cent. and that we were being given a similar preference in return. I hope I do not misrepresent my Honourable friend. If I do not, I would only point out that whereas we are giving a maximum preference of 10 per cent. and in some cases much less, namely 7½ per cent. we ourselves are receiving a minimum preference of 10 per cent. increasing to 15, to 20, to 33⅓, to 50 per cent., and, in a single case, namely, that of tobacco, to as much as 166 per cent. Then again, Sir, my Honourable friend spoke of the preferential treatment accorded to cotton piecegoods. I am aware, Sir, of no preferential treatment accorded to cotton piecegoods. If my Honourable friend would read Article XI of the Agreement he would see that the treatment of cotton piecegoods must rest entirely upon the action which will be taken upon the Report of the Tariff Board. Then again, Sir, my Honourable friend said that we were still further raising the duty on foreign galvanised sheets. Sir, we are doing nothing of the kind. The duty on foreign galvanised sheets was Rs. 83 per ton. It remains at Rs. 83 a ton. I merely mention these facts, Sir, to show on what foundation very often the edifice of opposition to the Agreement has been based.

As regards my Honourable friend Lala Ram Saran Das, he seemed to me to judge the whole Agreement by a limited test, namely, what it did for wheat and what it did not do for cotton and cotton seeds. Now, Sir, surely this is neither a statesmanlike nor a businesslike method of judging of what is in essence a business proposition. I think that I have got at the bottom of my Honourable friend Lala Ram Saran Das's criticism—the reason for it I mean. I notice that wheat in the grain is the first item of Schedule A, and I have no doubt that he examined that very carefully but he did not get beyond the first item and was not able to give the same careful attention to the others as he did to that first item. When he comes to complete his study of Schedule A and B and C and so on, I feel very confident that he will change his mind and that he will become a warm supporter of the Government in this matter.

4 P.M.

Now, Sir, I will refer very briefly to certain general considerations which I think ought to be borne in mind if we want to maintain a proper perspective in this matter. My Honourable friend Mr. Drake referred to those considerations and if I do so again it is because I feel that we cannot sufficiently emphasise them. Why did we accept the invitation and go to Ottawa? Why did we consent to enter into negotiations for a mutual Trade Agreement? The answer, Sir, is because of the British Import Duties Act of 1932. My Honourable friend Mr. Drake has explained in some detail the reason why that Act made it imperative for us to take action on the lines we have. That Act marked a complete change in the

fiscal policy of the United Kingdom. We were faced as a consequence of it with a position from which we could not escape. It is not our business to criticise the new policy adopted by the United Kingdom, to question its wisdom or its expediency. It may be that it is the highest economic wisdom, as some people say it is, or it may be fiscal chicanery, as other people say it is. We had to choose between ignoring the British Import Duties Act and its consequences to us and entering into negotiations for a trade agreement to the mutual advantage of both parties. We chose the latter alternative, and I assert, Sir, that no Government which had the interests of his country at heart would have done anything different. As regards those consequences, they are not figments of our imagination. Even the most hostile and the most bitter critics of the Agreement have admitted that its rejection would have meant definite loss to the trade of this country. Those same critics admit that its acceptance must result in increasing our export trade to the United Kingdom. But what they do say is this, that there may be counterbalancing losses due to possible retaliatory action on the part of foreign Governments. My reply to that, Sir, is this. If a course opens before me which definitely avoids certain loss and injury, which ensures my obtaining definite advantage and benefit, then it would be foolish of me to reject that course simply because loss may possibly accrue from other causes which I am not able to foresee at present. If those losses do occur—let me repeat what I have said before—and if they assume proportions which render it necessary for us to revise our opinion in regard to the preferential arrangement we have entered into now, there is nothing in the Agreement to prevent us doing that. Clause 14 leaves it absolutely open to us to revise a bargain which experience over a reasonable time shows is not to our advantage. These, Sir, are the general considerations that I would like this House to bear in mind when it registers its decision upon the motion which has just been placed before it. (Applause.)

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal: Muhammadan): Sir, there has been a good deal of discussion about the value of the Ottawa Agreement. The Agreement, as far as I can see, will be beneficial to India. It has already been pointed out by Dr. Ziauddin and others that we get a preference of the value of Rs. 7·4 crores in this Agreement and we give only a preference of the value of about Rs. 2 crores. This Agreement will lead to expansion of our export trade. One thing in which the landlords are specially interested is the price of their raw material, in this connection there are two points to be considered:

(i) that the prices should slightly be raised and then they should be stabilized;

(ii) that the primary producers who do not get even living wages should be benefited by.

I am particularly interested in the jute. The value of jute has very much gone down and the poor cultivators who grow jute do not even get their living wages. Jute in Bengal has the same position as wheat in Upper India. I, therefore, would like to emphasize that a special committee should be appointed to inquire into the matter. I am not sure whether the Agreement in itself will solve the question of prices. I would also like to draw the attention of the Finance Secretary, that the balance

[Khan Bahadur Syed Abdul Hafeez.]

of trade of India is now very favourable, every effort should now be made to improve our export in order to have a favourable balance of trade. The Ottawa Agreement may possibly help us in this matter as I am convinced that our exports to the United Kingdom and other countries of the British Empire will substantially increase.

In the great economic war which is now going on in the country the British Empire should stand solid as a single unit and with united efforts help to solve the problem.

England has gone off the gold standard and it is likely that many other countries will also go off the gold standard. The sterling in future will be the unit in monetary policy. America may hold its gold. Gold is gold when it is in circulation, otherwise it has no more value than a stone has as the Persian poet has said:

"Barai Nihadan che sango che zar."

If America and France have hoarded their gold the rest of the world should combine and start their own separate monetary policy. This Pact will substantially help in solving this question. I welcome the Agreement not so much for what it has achieved but for the future hope that it will help to solve the world problem.

*THE HONOURABLE NAWAB SAHIBZADA SIR SAYAD MOHAMAD MEHR SHAH (West Punjab: Muhammadan): Mr. Chairman, I rise not to deliver any lengthy speech in support of the Bill, but only to place before the House some simple hard facts.

The truth is always unpalatable and conspicuous by its lack of support. It seldom pleases anybody. But it is always truth that triumphs and not falsehood. The overwhelming majority by which the Legislative Assembly has declared itself in favour of this Bill is proof positive of its beneficial character. After repeated exchange of views with many well-known business men I have come to the conclusion that the Bill is in the best interests of India and a boon to her foreign trade. It is at the same time a source of gratification to the British Government. I feel also perfectly convinced that this Bill is in the best interests of the agriculturists. Had I had even the least possible apprehension of any harm whatever resulting from this Bill to the business men in India, I, in the interests of my constituency, would not only have opposed it myself but would have asked my party to offer a concerted opposition.

After what I have said I hope that the members of my party will jointly declare themselves in favour of the Bill.

I appeal to the other Honourable Members also that they too should support the Bill.

THE HONOURABLE KHAN BAHADUR CHAUDRI MUHAMMAD DIN (East Punjab: Muhammadan): Sir, India has been suffering for the last four years owing to slump in trade and the serious fall in prices of agricultural produce. Any measure to improve the situation should have our wholehearted support. The Ottawa Trade Agreement relates to difficult problems in the science of economics which are beyond the grasp of many

*The Honourable Member, who spoke in the vernacular, submitted the translation here produced.

of us; but there is no doubt that it has been concluded in the interests of India's best economical advantage. I am sorry that the Agreement does not give protection to wheat and cotton, which are the chief and important products of India in general and my province in particular. I believe, however, that on the whole the balance of advantage is in favour of India and I therefore support the Bill.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, in rising to speak on the motion before the House, I had first intended not to speak about the manner in which this House is usually treated, but when I found that most of my Honourable colleagues have abstained from making any mention of the matter, and have not protested against the way in which we are treated, I cannot abstain from making any mention of it. We had ample time and had nothing to do, but still the Government could not bring forward any Resolution in this House, so that we might also consider the policy of the Ottawa Agreement as the Assembly did. We had absolutely no business here. We were looking for business and if Government had so desired they could very easily have moved a motion in this House and given us an opportunity, at least to those of us who had not made up our minds, to come to some conclusion which might be favourable to the Government and to the Ottawa Agreement. But the Government as is usual with them, have got no regard for the feelings of this House. Here I must acknowledge with thanks the co-operation which I received from other Members of this House who do not belong to my Party but who were desirous of being associated with the Government and who went out of their way; I received support from every section, Indian as well as European. We wanted to be associated with the discussion before the Bill was referred to Select Committee. But even that was found impossible. We were never consulted when the Agreement was being considered. Government did not desire to consult us even when the Bill was under consideration. I have got nothing else to say.

Now, Sir, the Government wanted to convince the Assembly, and there is no doubt they succeeded in convincing a good many Members of the Assembly, of the utility and of the advantages of the Ottawa Agreement; but from the debates—at least from what we have seen in the papers and from what we have heard—no additional material has been supplied to us, than what we had received before, to justify the Ottawa Trade Agreement and to substantially convince us about this being a successful piece of business. I wish, Sir, to deal with the Ottawa Agreement on the basis on which Mr. Benthall wants it to be dealt with, as a pure and simple business proposition, and adduce *nothing* but economic and financial reasons to find out whether it is a good bargain or a bad bargain. I am very glad, Sir, to know that none of the supporters of the Agreement have yet stated in this House that it is the best possible bargain that could be struck, because they cannot say so; the figures are against them. Sir, the preference which England at the moment is enjoying on our piecegoods is worth Rs. 35·11 crores; the preference on steel that England is at present enjoying is Rs. 2·64 crores. We have promised preference on Schedules F and G by the Ottawa Agreement which is valued at Rs. 23·23 crores. There is absolutely no mention of galvanized sheeting either in the Report of the

[Mr. Abu Abdullah Syed Hussain Imam.]

Majority or Minority Committee or of the Ottawa Delegation and we do not know the value of galvanized sheeting on which we are, according to this Agreement, going to give preference. The value on the 1929-30 basis is Rs. 4·38 crores. The total value of the preferences already given and the preferences promised according to the figures of the Government for the year 1929 come to Rs. 65·36 crores. We received in return by Schedule A, B, C, D, and unscheduled items a preference of Rs. 55·82 crores. The net loss of India and the gain of England is Rs. 9·54 crores, and there is still something more. It is quite possible that you have the sop of protection but we have been fooled at Ottawa. Sir, there is one thing about which I feel very strongly and that is about the way in which we have given preference to the Colonies without even knowing what we were going to receive in return. With the exception of Ceylon and Malaya, we do not know the articles on which the British Colonies are going to give us preference and here I should like to draw the attention of the Commerce Department to an anomaly which I find in the Ottawa Agreement. In the Agreement that we have entered into with England in Article 12 it is stated that:

> "the Government of India will invite the Legislatures to pass the legislation necessary to secure to the Colonies and Protectorates"

such and such preferences. But, Sir, in the Agreement into which England has entered with her partners, the words "now self-governing Colonies" have been used except in the case of India. The Australian Agreement, Article 15, the Canadian Agreement, Article , the New Zealand Agreement, Article 15, the Union of South Africa Agreement, Article 12, all use the same words. Except for India, in no Agreement has the word "Colonies" in general been used. Sir, I am not surprised that the Delegation were unable to give us any figures about the advantage that we will derive from the preferences to be given to us by the Colonies, because there is absolutely no basis for them. We do not know even on what articles we are going to receive preference from the Colonies. Nevertheless they were honest enough to admit that the balance of advantages will be found to be in favour of the Colonies and not India. We have not yet been supplied with any figures about our trade with the British Colonies. We do not know what is the total amount to each colony and what is the amount of preference which we are going to receive from them. All this is still in the dark. And there is another fact which has not been stressed sufficiently, that all the articles on which we have given preference to England, England demands that preference should be given on those articles to the Colonies too, if they so desire, under Article 12. This, Sir, is a principle which can, if we agree to it, be utilised to our great disadvantage and it may make all the difference between a good and a bad bargain.

Now, Sir, coming to the work of the Assembly Committee, Dr. Ziauddin in his note on the Majority Report used exactly the words which my Honourable friend, Mr. Hafeez, has repeated here, that India is receiving more advantage from the preference than she is giving. I was rather surprised to find that a mathematician like him should have tried to value this Agreement on such wrong scales. He says that the money value of the preferences which India receives from the United Kingdom by the Ottawa Agreement is Rs. 7·4 crores and the money

value which India gives to the United Kingdom is Rs. 2·5 crores. If we include preference on cotton goods and steel goods, the total preference which we give comes to Rs. 4·91 crores and therefore he thinks that we have got an advantage of about Rs. 2½ crores which will go into our pockets. The preference which England is giving is usually given to bring down the prices. The country which gives preference wants to bring down the cost of its own imports. And if we give preference to the supplier and producers of majority of any article we do get a reduction in the price. That preference is beneficial to the country which gives it and therefore it cannot be argued that the Rs. 7·4 crores will go into the pockets of Indians. It is more likely to remain in the pockets of Englishmen. Sir, the way in which this Agreement could be best judged would be on the basis of what we have gained and what we could have gained if we had not been stamped by the inferiority complex or by the realisation of our utter inability to compete. I do not think that the Delegation to Ottawa were dishonest or that they were dictated to. But I do think that they were not fairly treated. All the Colonies received lists of preference articles demanded beforehand except the Indian Delegation, and an amateur team was pitted against the greatest professional team that could be found—I mean the team of England. It was scarcely fair to ask these people, without any resources, without any advantages and without any reference to their own trade and commerce, to go and beat such an organised department as the Department of Overseas Trade of England. If we have lost anything and if I oppose this Agreement, it is because I do not think that the best bargain that could be had was driven by the Ottawa Delegation. I do not hold the opinion that we could have gained anything by keeping out of Ottawa. I quite agree with the Government that we were right in going to Ottawa, but we ought to have gone better prepared and with the support and co-operation of our own people.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Who stopped you from that?

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Government did not know itself. It never received the list. It was not only the Indian Delegation that was slighted. The whole Government of India were slighted.

THE HONOURABLE MR. E. C. BENTHALL: The results were remarkably good.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, opinions differ. There is one thing to which I draw attention, and that is that this policy of trade preference is not an end in itself; it is but a means to an end. The end in view is prosperity of trade and the sentiments expressed by Sir George Schuster at Ottawa that India's greatest need at the moment is to have an increase in the price level of home commodities holds good for all time to come. That is the greatest need of India. It is here I find that the Commerce Department are not doing what they ought to do. The Fiscal Commission, to which our Honourable colleague Sir Maneckji Dadabhoy referred, laid down certain principles to be followed to give effect to the policy of tariff reform. In Chapter VIII—Supplementary Measures—they suggested some methods for the better-ment of our trade. No enquiry worth the name has yet been made about

[Mr. Abu Abdullah Syed Hussain Imam.]

freight and shipping charges, which is the first necessity for our export trade. No effort has been made by the Government, either by subsidy or by any other arrangement, to reduce the freights from India to the countries to which we export. It is really the shipping freight that is killing the Indian trade. Sir Maneckji rightly said that the cost of production in India is the lowest. One then wonders why India cannot sell goods to all the rest of the world at a cheaper rate. The reason is to be found simply in the fact that shipping and the railways are not co-operating with us. And here I should like to quote the words of Sir Charles Innes, a former Commerce Member of the Government of India, from his book "Law and Theory of Railway Freights and Rates":

"The Railway Act of 1890 makes no reference at all to the rates and charges that may be levied by railways and the maxima and minima rates applicable to different classes of commodities are for some years in sharp contrast to the very first section of the Inter-State Commerce Act which strictly enjoins railways to charge reasonable rates and the English Acts of 1891, 1894 and 1921 which place the entire power of fixing the rates in the hands of the State".

This is the opinion of a former Member of the Government of India in charge of the Commerce Department as to what ought really to be the policy regarding rates. If the Government of India were really anxious to forward the interests of Indian trade and commerce, it would be foolish on the part of Indians to stand in their way. It is because we find that the margin of profit, which makes all the difference between good trade and bad trade is eaten up by the shipping companies and the railways, that we have got to complain that the Government are not working really in the interests of India, and we are suspicious that perhaps there are other motives underlying these things.

Finally, Sir, about the Rates Advisory Committee, I should have liked the Government Members to have informed either the Assembly or the Council that Government are really anxious and are going to look into the question of freights. This is not a new question. We know there was a Rates Advisory Committee, but its constitution debarred it from having a voice except in an advisory capacity. We know that the Commerce Department, when it looks into this, looks at it more from the point of view of its ability to get money from the pockets of others——

THE HONOURABLE SIR MANECKJI DADABHOY: A very sound thing to do!

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: ——than to make industries prosper. That is why, on the lines of separation of executive and judicial functions, I want separation of railways and commerce. Sir, if the functions of the Rates Advisory Committee were changed it would better function as far as the interests of the trade are concerned.

The very first mistake that the Ottawa Delegates committed was to think that they were absolutely helpless. They were under the impression that the Import Duties Act had brought such a change and they were so nonplussed by their inability to retaliate that they entered into this Agreement on the terms on which they did. I do not question the right of

the Government or of the Ottawa Delegates to intervene in this matter, but I object to the terms. The terms are not the best that we could have got. There ought to be some basis for finding out the limit to which one country can give concessions to another. We could have demanded far more preferences and England could have demanded preference on all the articles exported to India by her. Why was it not done? Because it has to be judged by the money value of the trade. Government have tried to prove from statistics that we have got quite a good bargain. It was shown that we are giving a preference of only £17 million and receiving a preference of £41 million. True, but the fact that we had done something formerly without getting anything in return was not placed before us by the Delegation's Report. On the advice of the Leader of this House that we should devote our spare time to looking up the proceedings of the other place, when we had nothing else to do, I used to go sometimes there, and I was present when the Assembly turned itself into a mutual admiration society, the non-official Opposition Benches praising the official Members of the Ottawa Delegation, and in return, the Treasury Benches heaping praises on the non-official Members of the Delegation. We have had a replica of that in this House too. I do not grudge them the acclamation and the ovation that has been given to them by the Government Benches. But time will prove whether they deserve it or whether the critics were in the right. But I, Sir, must enter my protest against the way in which honesty has been made a patent and proprietary preserve of the supporters of the Ottawa Agreement. Although it has not been said in so many words, it has been implied that those who oppose Ottawa do so in order to court popularity. Here in this Council the Honourable Mr. Benthall said that it was on account of political considerations that it was being opposed. Personally and for my Party I can say that we are not opposed to the Ottawa Agreement in itself but we are opposed to items of it. That there should be a reciprocal concession is one thing. It is in details that we differ. We are not at one with the Government as to whether we have received a *quid pro quo* for all that we have given. We differ from the Government as to the commodities which ought to receive preference and as to which we ought to give preference. Sir Maneckji Dadabhoy referred to cotton and asked how England could give preference on cotton when the export from India is only 6 per cent. of what is imported into England. That would mean that they would be imposing extra taxation on 94 per cent. for the benefit of 6 per cent. But, Sir, while free England could not do that, bonded India could do it. I have just gone through the Schedule and found that the position in regard to the import of motor lorries and buses into India is on all fours with cotton in England. Our imports of those vehicles from England is exactly 7 per cent., Rs. 18 lakhs out of Rs. 242 lakhs, and still we give a preference of 10 per cent. Further, England is giving us preference on things of which we do not export a rupee's worth to England, as will be apparent from the Inquiry Committee's Report on the Ottawa Resolution. There is given a long list of articles of which we do not export a rupee's worth to England. For instance, groundnut oil; between 1921 and 1930 we had no export to England. In the same period we exported no sesamum oil to England but 136,000 gallons were exported to other countries. On linseed oil we are receiving a preference and not a single gallon was exported to England between 1921 and 1930. We think it strange that on goods on which you want to have a preference you cannot have it and on goods on which you do not require it you are given preference.

[Mr. Abu Abdullah Syed Hussain Imam.]

I have tried to study one feature of this Agreement in so far as it concerns the Colonial Empire. I find it strange that throughout the Agreement the words "non-self-governing Colonies" should have been used except in the case of India. That was an enigma to me and therefore I studied the details of the Bill to find out whether the Agreement as entered into at Ottawa and the Bill as prepared by the Commerce Department agreed with each other or not. I was surprised to find that they did not agree. Sir, in the Ottawa Agreement in Schedule H, we find that there are articles on which preference at a rate of not less than 10 per cent. *ad valorem* is required, and further down is a list of articles on which preference of 7½ per cent. *ad valorem* is required, and a third list on which specific preferences are wanted. Well, the Government of India in its generosity has given to the Colonies more than what they demanded, as, for instance, item 164 in the Tariff Bill, Government have given 10 per cent. whereas the demand was for one anna per pound. Then in items 180 and 181, preference was desired by the United Kingdom for drugs, medicines and apparel of all kinds at 7½ per cent., but the Government of India have given them 10 per cent. In item 216, bitters, a specific duty of Rs. 3-12-0 per gallon is required, but the Government of India in their generosity have given Rs. 5 per gallon. That is in keeping with the spirit of the Government of India. In 228, the last item, on chemicals 7½ per cent. was demanded but we have given 10 per cent. Further down, Sir, I find that although both we and Ceylon are tea-producing countries, we are to give to Ceylon 2 annas per pound as preference; while we are to receive from them 12½ per cent. preference, and the value from the British Government's own book—I will quote it to the Honourable Member, it is No. 503, Department of Overseas Trade. United Kingdom Trade in India—is for tea 8½ annas per pound in India. That is, we are to receive one anna per pound preference on tea from Ceylon, while we are to give them preference at the rate of 2 annas. Sir, as I said before, the British Government has the right to demand from us for the Colonial Empire more and more preferences for more items than you have yet given, and if our mentality remains the same as it has been hitherto, we are absolutely at the mercy of England and its Import Duties Act and we cannot retaliate. Neither have we got the means to measure swords with them. We may thus be stampeded into any amount of concessions. We can go on giving concessions and still the desire of England may not be satisfied.

And if there is one thing on which I feel that the Government of India must make up its mind it is that it must make up its mind whether it is a Government of the people of India or a Government under the British Government. It cannot remain in an undefined position of neither being responsible to the people of India nor to the Parliament of Great Britain. Here, Sir, the Convention, as was described by the Honourable Sir Maneckji Dadabhoy, lays down that the Secretary of State will not interfere in case the Government of India and the Legislature agree, but I expressed my doubts about the applicability of this doctrine in cases of this nature when we are entering into a pact with His Majesty's Government. Sir Maneckji tried to convince me that my suspicions were not substantially correct.

THE HONOURABLE SIR MANECKJI DADABHOY: I was speaking with reference to fiscal autonomy only.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Sir, this is a chronic thing; as long ago as when the Indian Fiscal Commission made its Report they too were doubtful about the meaning of those sentences in the recommendation of the Joint Select Committee. About the Fiscal Commission, I will quote their own words. In paragraph 259 they say:

> "It is true that some doubt may be aroused by the words 'any fiscal arrangements within the Empire to which His Majesty's Government is a party'."

This is not a new doubt, but one that arose in the minds of even the Fiscal Commission who were the sponsors of the whole tariff policy. They laid down three conditions, three principles, which should govern any application of the policy of trade preference. The last item which they laid down was this:

> "The preference should not involve any appreciable economic loss to India after taking into account the economic gain which India derives from the preferences granted her by the United Kingdom".

This was a criterion laid down by the Indian Fiscal Commission, and as such it not only deserves consideration from us but also from the Government; and it was really the duty of the Government to explain that no better arrangement could possibly be made. In this they have failed. They have not even taken up the ground. They tried to do the best. That is all they have said. We have not been told whether anything better could be had or not. In the mental state in which our Delegation went to England and to Ottawa, I venture to say that what we have got seems to me surprising—that we got even so much. (Hear, hear.) They were in a despondent mood. The inertia of irresponsibility had reduced them to this state. Sir, the preferences that we have received are no doubt valuable, but the preferences that we are giving are more valuable than what we receive. My only complaint against this is this, that a bad bargain has been struck, and if I want to delete, it is not in a spirit of non-co-operation, but of trying to better our own position in the English markets, which I doubt if Government could effect with the present Agreement. If the Government really wanted to get support from the Legislature their first duty was to place before this House all the materials which so strangely changed the opinion of the Assembly Committee. When seven gentlemen went as opponents of the Ottawa Agreement, as if by a magic wand the majority of them were converted into its supporters. It was only fair to their good name and to their honesty that the Government should have placed before us the material which had that magic effect, if it was anything above board. The Committee gave us a Report in which only three out of 15 people reported against the Agreement. As is well known, seven members were taken who were opponents, seven who were for it and one gentleman who was thought to be neutral; he had no opinion of his own. It was a marvellous success for the Government to have secured such an enormous support from the representatives of the people and I congratulate them on their achievement. I am sure this House will repeat that performance and Government will have the support of this House, but they cannot expect support from those who want to have the best bargain. Sir, I oppose the motion.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, the House has listened today to a very full and very interesting discussion, initiated by my Honourable friend Sir Maneckji Dadabhoy, who has told us that he has,

[Mr. J. C. B. Drake.]

if I may so describe it, sung his swan song from the front benches; but, Sir, we all know that we are not going to lose him and that when he crosses the floor of the House it will be for the purpose of translation to a higher place, where his speeches, if perhaps they will not be quite so long, will certainly be no less to the point. Sir, after this very full discussion we have had, I do not propose to detain the Council any longer. I wish just to acknowledge on behalf of the Government the support that we have received generally all round, from all parts of the House, to this Agreement and to this piece of legislation. I must confess that up to the very end of today's debate I felt considerable doubt regarding the real reasons behind the opposition to this Bill which has been voiced from the benches occupied by the Progressive Party. It was not, Sir, until the last ten minutes of the debate today that I discovered what that reason was. Sir, they have no political objection to this Bill; they have no economic objection to this Bill in prineiple.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Yes, Sir, we have.

THE HONOURABLE MR. J. C. B. DRAKE: If I understood the Honourable Member aright, his only objection was that there might have been a better Agreement. (Applause.) That I consider is really an argument in favour of the measure. In this world nothing is perfect. None of us get all our wishes and if we get as near to them as possible, then I think we should be satisfied. I very much doubt whether my Honourable friend, Mr. Hussain Imam, really thinks that if he had been to Ottawa he could have made a better arrangement than we have been able to make.

With these words, Sir, I strongly recommend this measure.

THE HONOURABLE THE CHAIRMAN: The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as passed by the Legislative Assembly, be taken into consideration".

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Monday, the 19th December, 1932.

COUNCIL OF STATE.

Monday, 19th December, 1932.

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

QUESTIONS AND ANSWERS.

REDRESS OF COMMUNAL INEQUALITIES IN THE CLERICAL AND TECHNICAL STAFF OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

227. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (*a*) What is the strength of the technical and clerical staff (excluding the gazetted and research staff) of the Forest Research Institute and College, Dehra Dun? How many of the staff in question are Muslims? How many of the non-Muslims on the staff are not matriculates?

(*b*) What is the number of vacancies that occurred in the temporary as well as the permanent clerical and technical staff of the Institute during the last six years and by whom were they filled?

(*c*) Is it a fact that the Government of India orders to fill every third vacancy from a minority community have not been observed in filling these vacancies? Is it also a fact that unqualified non-Muslims have been appointed by the Forest Economist to some of the clerical posts when qualified Muslims were available? If so, why? Are any efforts made to fill such posts by Muslims? If so, what measures are adopted?

(*d*) How many Muslims and non-Muslims were retrenched recently and what proportion did they bear to their respective strength on the staff?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (*a*) The present strength is 158 of whom 14 are Muslims.

(*b*) Enquiries are being made and the information will be laid on the table of the House in due course.

(*c*) A statement giving the information asked for is laid on the table of the House.

(*d*) Government's orders for the appointment of members of minority communities to one-third of the vacancies, if properly qualified candidates are available, are now being observed. I might point out that since 1930, two out of six clerical appointments and four out of ten subordinate technical posts have been filled by Muslims. The Forest Economist did not appoint unqualified non-Muslims to clerical posts when qualified Muslims were available. Muslims like others have to sit for a competition examination and endeavours are made to give them preference.

(*e*) Three Muslims and 47 non-Muslims were retrenched, and the proportions were 17·7 per cent. in the case of Muslims and 24·6 per cent. in the case of non-Muslims.

Statement showing the number of vacancies in the clerical and subordinate technical staff of the Forest Research Institute, Dehra Dun, during the years 1927 to 1932.

Year.	Clerical staff.			Subordinate technical staff.		
	Total No. of vacancies.	No. of vacancies filled by Muslims.	No. of vacancies filled by non-Muslims.	Total No. of vacancies.	No. of vacancies filled by Muslims.	No. of vacancies filled by non-Muslims.
1927 . . .	2	..	2	10	1	9
1928 . . .	1	..	1	14	4	10
1929 . . .	..	..	..	17	1	16
1930 . . .	1	..	1	7	2	5
1931 . . .	4	1	3	1	1	..
1932 . . .	1	1	..	2	1	1
Total .	9	2	7	51	10	41

Non-Muslims include other minority communities as well.

STATE PRISONER SUBHAS CHANDRA BOSE.

228. THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK : (1) Will Government be pleased to state what is the *locus standi* of the Bengal Government in the case of Bengal State prisoners confined under Regulation III of 1818 in jails outside Bengal ?

(2) Is it a fact that the Bengal Government whenever questioned in this respect disown all responsibility for Bengal State prisoners confined outside Bengal ?

(3) Is it a fact that the Home Member to the Government of Bengal took up this attitude in the case of State prisoner Subhas Chandra Bose when he was confined in the Central Provinces ?

(4) Is it a fact that in actual practice the Bengal Government frequently interfere in the affairs of Bengal State prisoners confined outside Bengal ?

(5) Is it a fact that the Bengal Government sent a special police guard to look after Subhas Bose during his stay at the Bhavali Sanatorium ?

(6) Is it a fact that the Bengal Government sent a police officer to Bhavali to look after the correspondence of Subhas Bose ?

(7) What is the report of the doctors who were lately deputed to examine Subhas Chandra Bose in Bhavali Sanatorium and what action is being taken thereon ?

THE HONOURABLE MR. M. G. HALLETT : (1), (2), (3) and (4). I would refer the Honourable Member to the provisions of Regulation III of 1818

from which he will see that persons confined thereunder are detained directly under and in accordance with the orders of the Governor General in Council. The Bengal Government have no responsibility under the law in regard to Bengal State prisoners detained under the Regulation outside Bengal, though they are naturally consulted in such cases by the Government of India.

(5) and (6). Yes ; this was under the orders of the Government of India, after consultation with the Government of the United Provinces and the Government of Bengal.

(7) The medical board, which recently examined Mr. Subhas Chandra Bose, have reported that his present condition shows disease in the abdomen which the board consider is most likely to be tuberculous in nature. They consider that the future probably lies in further surgical diagnosis and possible operation. In view of this recommendation Government have transferred Mr. Subhas Chandra Bose to the Balrampur Hospital at Lucknow for further diagnosis and treatment. The question of the further action to be taken will be decided when a report has been received from the medical officers of this hospital.

INDIANS IN TRINIDAD.

229. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : (1) Will Government be pleased to state when Indian labour was introduced in Trinidad (West Indies) and what were the terms under which the immigrants were allowed to proceed ?

(2) Will Government kindly state whether it is a fact that the said emigration was allowed on the specific condition of such Indians being free to observe their religious usages without any kind of restrictions under the laws of the Colony ?

(3) Will Government kindly state whether it is a fact that the children born from those Indian marriages which are not registered under the Immigration Ordinance, section 245, are declared illegitimate and for this reason are deprived of the estates of their parents, such estates being taken over by the Government of the Colony ? If this is a fact, what action does the Government of India intend to take in this respect ?

(4) Will Government lay a copy of the Ordinance under reference or relative extracts from it on the table of this House.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (1), (2) and (4). Indian labour was first introduced into Trinidad in 1845. It has not been possible in the time available to procure the papers relating to the terms on which emigration was then permitted. I am, therefore, unable at present to confirm or deny the statement made in part (2) of the Honourable Member's question, but will have the point further investigated. The existing law relating to Indian immigrants to Trinidad, which includes provisions relating to marriages amongst them, is contained in the Immigration Ordinance No. 26 of 1916 (Chapter 245), a copy of which has been placed in the Library of the House.

(3) The legal position would appear to be that the children of unregistered marriages are regarded as illegitimate and cannot inherit property in the event of their parents dying intestate. Presumably such cases are rare as the Government of India have received no complaints on the subject. The question of their taking any action does not therefore arise.

INDIAN TARIFF (OTTAWA TRADE AGREEMENT) AMENDMENT BILL—*contd.*

THE HONOURABLE THE PRESIDENT: The Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as passed by the Legislative Assembly. Clause 2.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I move:

"That in clause 2 in part (*a*) of the proposed new sub-section (3B) of section 3 of the Indian Tariff Act, 1894, before the words 'the produce' the words 'wholly or partly' be inserted."

Sir, I understand that in the United Kingdom a lot of articles consists partly of material manufactured in the United Kingdom and partly of material imported from the continent. I might, Sir, by way of illustration, mention that, as far as the axles and tyre-springs and other heavy parts of steel for Railways and heavy machinery are concerned, they come from the Continent and the British manufacturers manufacture some other parts themselves and the articles thus produced are not wholly of British manufacture but partly of British and partly of non-British manufacture. Therefore, Sir, I want to make the section clear—this is a kind of safeguard to disallow the diversion of non-British material coming into India through the United Kingdom.

For these reasons, Sir, I move the amendment.

THE HONOURABLE MR. J. C. B. DRAKE (Commerce Secretary): Sir, I think that possibly my Honourable friend is under some misapprehension in moving the amendment that stands in his name. I mentioned in speaking in this House on Saturday that the rules which are to be framed under this Act will lay down exactly what is to be considered the produce or manufacture of a country which enjoys preference. Those rules will lay down precisely what is the produce or manufacture of the country concerned and the only effect of my Honourable friend's amendment would be to make the clause more indefinite again. It would again require some further explanation in order that we might say what was wholly or partly the manufacture of the United Kingdom or a British Colony. The rules themselves will state what is the produce of the United Kingdom or of a British Colony. What the Collector of Customs requires is a perfectly precise definition. I think, Sir, if that is understood, my Honourable friend will probably not wish to press his amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, may I ask who will frame these rules and whether the rules will be laid on the table of the House?

THE HONOURABLE MR. J. C. B. DRAKE: The answer is that the Governor General in Council may, under the new clause (3B) which is to be inserted, make those rules. I shall certainly have no objection whatever to laying these rules on the table of the House as soon as they are made.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, on this assurance I beg permission to withdraw the amendment.

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

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE PRESIDENT: The Schedule.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 168 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

Sir, I move this amendment because milk, cream and other products are not imported into India from the United Kingdom in any quantity. They come from the Continent and a preference of this sort will simply mean more taxation on the Indian people. As this does not appreciably effect the trade of the United Kingdom, I propose this amendment.

THE HONOURABLE SIR ALAN PARSONS (Finance Secretary): Sir, this amendment and the other amendments which the Leader of the Progressive Party proposes to bring before the House this morning have one feature in common. They all propose a reduction of the rates of duty given in the Schedule to the Bill and as this is the main feature of all the amendments proposed, I have risen to speak on this, the first amendment, in order that the time of the House may not be taken up by a repetition of the same arguments. The main reason why Government are unable to accept this, or, I may say, any of the other amendments which the Honourable Member proposes to move can be put in one sentence, or even in five words, the detriment to the revenue. I have had a calculation made of the effect on the customs revenue if all my Honourable friend's amendments are accepted, and on the figures for this year, which is of course a year in which imports are not large, the loss in customs revenue would be of the order of Rs. 60 or 70 lakhs. That is a sum, Sir, which I am sure Honourable Members will recognise the Government of India cannot in present conditions afford to give up. If they were to give that up, they would have to replenish their revenues by extra taxation in other directions. I should like to explain—for that will show my Honourable friend that the Government of India are in no way negligent of the consumer's interests for which he has spoken—exactly how we dealt with these proposals in the Government of India when they came to us both from Ottawa and, if I am not giving away a secret, even before the proposals were made and when we were almost daily in consultation with the members of the Ottawa Delegation. On each individual proposal we had three definite points to consider: "Would the acceptance of the proposal lead to an undue burden on the consumer? Would it act to the detriment of the producer in India when the same article was produced in India? Would it lead to such a sacrifice of revenue that, however desirable on the merits, it was not a proposal which we could at present accept?" I have already given the House what I think would be the effect of my Honourable friend's proposals as a whole on the revenue. So far as the consumer is concerned in every case we have attempted so to fix the rates in this Schedule that the consumer as a whole in this country will not have to bear a larger burden than he does at present. To reinforce that point I would just like to quote to the House the remarks which were made by the Committee of the other House which went very carefully into the details

[Sir Alan Parsons.]

of this Ottawa Agreement, remarks which were endorsed by the Honourable the Commerce Member and by the then Finance Member. In paragraph 14 of their Report they say:

"In our opinion the general level of the tariff after the imposition of surcharges by the Finance Acts of 1931 should in the interests of the country generally be reduced as soon as the financial situation permits".

In paragraph 16 they quote an assurance which was given by myself—and they point out that it is a matter to which they attach considerable importance—

that "the tariff charges proposed have not been so designed as to increase the revenue from customs as a whole. A summary of the calculations upon which these assurances are based has been presented to the Committee".

This particular duty, the duty on milk, illustrates the principles which we had in mind. My Honourable friend has suggested that very little tinned milk comes from the United Kingdom. That, to a certain extent, is correct. The larger portion of the condensed milk imported into this country comes from the Continent. That milk is of low grade. It is made, I understand, largely from skim milk and has a low nutritive value and it competes severely with the Indian dairy industry——

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will you kindly give the quantities?

THE HONOURABLE SIR ALAN PARSONS: I am not sure that I have the exact quantities, Sir, on the papers in front of me, but last year the imports from the United Kingdom were about 11 per cent. of the total imports. So far as the United Kingdom imports are concerned, there are at least two large combines which have factories both on the Continent and in the United Kingdom, and the grant of this preference to the United Kingdom is likely to lead to a transfer from the Continental factories to the United Kingdom factories and probably to a reduction in the cost of that class of tinned milk. Admittedly the imposition of a higher duty on foreign imports may raise the price of those imports. But, as I have pointed out, that is inferior milk with a low nutritive value and it is a milk which competes very heavily with the Indian industry. Actually, at the present moment, I understand that the possibility of producing tinned milk at economic prices in some of the Indian districts is under examination by the Imperial Department of Agriculture and by the Imperial Council of Agricultural Research, and we obviously do not want to do anything which will stop the growth of that industry which might become a very important industry. I would therefore submit to the House, Sir, that in our proposals under this particular head we have shown exactly that balance between the interests of the consumer, the potential producer in India and the revenue of the State, which it has been our object to maintain throughout in proposals in this Bill.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I do not wish to move amendment* No. 4.

*"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 181 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

I beg to move my amendment No. 5:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 182 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

I move this amendment, Sir, because so far as bicycles are concerned the greatest quantities come from countries other than the United Kingdom, and owing to the existing economic depression I do not think that the burden on the poor tax-payer so far as the purchase of bicycles is concerned should be increased. In these days of hard times it will be too much to deprive the poorer classes of Indians of their ability to buy bicycles.

For that reason, Sir, I move.

THE HONOURABLE MR. J. C. B. DRAKE: For the reasons which have already been given by my Honourable friend Sir Alan Parsons, Government would not be able to accept this amendment on the ground of the inroad which it would make upon their revenues. But I would like to add to that that in the case of these bicycles the point which my Honourable friend has made in moving his amendment was very carefully considered in the Select Committee on exactly the same grounds as my Honourable friend has taken. It was finally decided that Government could not afford to alter the duties solely in a downward direction. But I would point out that the increase in the duty in any case is only 5 per cent. on bicycles not of British manufacture, and on the other hand we get a definite lowering of the duty from 25 to 20 per cent. on bicycles of British manufacture. The bicycle trade is one in which there is very keen competition and one naturally expects that the first thing the foreign manufacturer will do is to endeavour as far as he can to cut his profits and lower prices in order to retain what market he has. So far as we can see there is no reason to suppose that there should be any appreciable rise in the cost of cycles as a result of this adjustment of the duty.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I know the amount of duty at present realized on bicycles?

THE HONOURABLE MR. J. C. B. DRAKE: Sir, cycles are not separated in our trade returns, so I am afraid I cannot give the Honourable Member the figures for cycles alone. As he will see, this item includes all vehicles not mechanically propelled, and the loss by accepting his proposal on the whole of this item would be about Rs. 4 to 5 lakhs.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I asked this question because bicycles were not separately shown in the trade returns.

THE HONOURABLE MR. H. M. MEHTA (Bombay: Non-Muhammadan): Sir, my Honourable friend Lala Ram Saran Das has asked for the reduction of the tax on bicycles and other non-mechanically propelled vehicles of foreign make. May I draw the attention of my friend to the fact that even before the war no bicycle coming from the Continent or other parts of the world was sold for anything less than Rs. 75. But today my friend will be surprised to hear that bicycles of Japanese make

[Mr. H. M. Mehta.]

are sold in Bombay for Rs. 20 and Rs. 25. If that be the case, even at 30 per cent. the income which the Government is going to get will be far less than what they used to get even before the War. Therefore I do not think it is a hardship to any one.

THE HONOURABLE THE PRESIDENT: The question is:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 182 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I do not want to move amendment* No. 6.

I beg to move my amendment No. 7:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 187 in column 2 after the word 'photographic' the words 'other than for Film Industry' be inserted."

My reason for making this amendment is to enable the Indian film industry to thrive by not increasing the import duties on any photographic material or apparatus required for the manufacture of films. As the film industry is in its infancy it ought to have good support from Government.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, by his amendment my Honourable friend proposes to exclude from this Item, No. 187, all instruments, apparatus and appliances for the film industry. I do not think he quite realises what the effect of that amendment would be. It would actually be to throw these instruments, apparatus and appliances for the cinematograph industry out of the preferential tariff into the original Part V of Schedule II of the Tariff Act. The effect of that would be to make all these appliances subject to the old rate of duty of 25 per cent. The effect of the amendment would thus be to deprive so much of those instruments and appliances as are imported from the United Kingdom of the benefit of the 5 per cent. reduction in the duty which will be applicable to them under the proposals made in the Bill. Apart from that, Sir, the film industry is one in which, as was mentioned by the Honourable the Commerce Member in another place, the Government do take a considerable amount of interest and that interest, Sir, has been shown, I think, by the fact that they accepted an amendment in the Select Committee to give the preference on raw film, which is by much the most important material of the industry, wholly by reduction of the duty. I am unable therefore on behalf of Government to accept this amendment.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 194 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

*"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 183 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' respectively be substituted."

Sir, I move this amendment in view of giving an impetus to the Indian industry and particularly to the cottage industry. I wish machinery of every kind to be imported into India free of any duty; but I have restricted myself to only the machinery of the class referred to in this clause and I wish that the duty which is now in force is maintained; and no extra duty be imposed. So far as preference to the United Kingdom is concerned, the 10 per cent. margin is quite sufficient.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, this is again an amendment which is covered by the general remarks made by my Honourable friend, Sir Alan Parsons. The machinery covered by this item is what is usually called machinery worked by animal or manual labour and it is separate for tariff purposes from what we usually call industrial machinery or power machinery used in large industries. The item comprises a large number of articles, such, for instance, as the ordinary electric fan used for domestic purposes and things of that kind. There has always been a distinction for tariff purposes between machinery of that class and what we generally call industrial machinery. It will not be possible for Government to accept this amendment generally for the reasons which have been given by my Honourable friend, the Finance Secretary.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move:

"That in the Schedule in amendment No. 47 in the proposed Part VIII against item No. 196 for the figures and words '30 per cent.' and '20 per cent.' in columns 3 and 4 the figures and words '25 per cent.' and '15 per cent.' be substituted."

Sir, my esteemed friend, the Honourable Sir Alan Parsons, in his reply to my amendment No. 2 said—at least what I understood from him—that it is the policy of the Government to encourage the manufacture of articles in India and to protect them from foreign competition. As far as this section is concerned and as far as aluminium in particular is concerned, in case we adopt this clause, the result will be to place the British and Canadian aluminium factories in India in a legalised unfair and overwhelmingly predominant position followed by the sure extermination of the Indian-owned factories and revenue will not consequently be augmented. In the peculiar circumstances of this case it is most inequitable and unconscionable, resulting in undue preference to the British manufacturer and producer of raw material all in one and sealing the death warrant of the Indian aluminium manufacturer, who will now be placed at the mercy of his competitor for the supply of the raw material. If revenue is the main consideration, as declared by the Honourable Mr. Drake, I have no objection if the tariff, as far as aluminium is concerned, is equal and no preference given. The British Aluminium Company, the largest factory owners in India as well as producers and suppliers of the raw material from England, do not stand in need of either preference or protection, but it is the Indian-owned factories of aluminium utensils that are in need of protection against the ever-increasing encroachment and ruthless competition of the British and Canadian producers of the metal. This is the reason which has made me move this amendment, as I find that in case the amendment is not accepted it will result in the collapse of Indian-owned aluminium factories.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, the articles covered by this item form a very large class and the revenue consideration which has been referred to more than once this morning is a very important one indeed. This item again was very carefully considered, and it is Government's policy, as my Honourable friend has pointed out, to keep the duty upon the raw materials or semi-manufactured materials for an Indian industry as cheap as possible, but the carrying out of that policy is, of course, subject to revenue considerations. In this particular case my Honourable friend has laid stress on the aluminium manufacturing industry of India but he will, I am sure, bear me out when I say that the aluminium manufacturing industry competes to a large extent with the industry which makes utensils and other articles from brass, bronze, German silver and other material. It would therefore have been quite impossible for Government to have lowered the duty only upon aluminium sheets and circles, which is the material of one Indian industry, and to have left subject to the higher duty brass sheets and sheets of other material with which that industry has to compete.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I include them all in my amendment.

THE HONOURABLE MR. J. C. B. DRAKE: I know my Honourable friend includes them but he mentioned aluminium specially and therefore I took the point that it would be necessary to lower the duty upon all those materials. The loss on all these would be in the neighbourhood of Rs. 20 lakhs.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What will such loss be on aluminium alone?

THE HONOURABLE MR. J. C. B. DRAKE: I have not got separate figures here for aluminium. Then, Sir, I would mention a particular point about aluminium. There has been a great deal of misunderstanding about the supply of aluminium material to India. I had hoped, Sir, that that had been by now completely cleared up. I do not know whether my Honourable friend followed the debates in another place when it was made perfectly clear that by reason of the arrangement by which sheets and circles are supplied to India this preference would not tend to put Indian manufacturers in a disadvantageous position as compared with other manufacturing concerns which are owned or financed by British or Canadian interests. The main point is that under their agreement the Cartel which supplies these sheets and circles is obliged to supply them at the same price to all manufacturers. That, Sir, is, I think, all I need say on this amendment. Government are unable to accept it for the reasons which I have given.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I ask whether there was any representation from the Indian aluminium industry in this matter?

THE HONOURABLE MR. J. C. B. DRAKE: Yes, Sir, there were representations which were examined very carefully both from Bombay and from Calcutta, and I think, also, from the Punjab.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move:

"That in the Schedule in amendment No. 47 in the proposed Part IX against item No. 229 for the figures and words '37½ per cent.' and '30 per cent.' in columns 4 and 5 the figures and words '32½ per cent.' and '25 per cent.' respectively be substituted."

Sir, my reason for moving this amendment is quite simple and it is that motor cars now are not considered a luxury but as a necessity, particularly for business men and for zemindars and others who have to travel about a lot. I, therefore, Sir, consider that such extra taxation on the country is, at the present moment, undesirable.

Sir, I move.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, in this amendment my Honourable friend has shown his enthusiasm by outrunning the proposals in the Bill. This is one of the cases where, acting on the principles which my Honourable friend has in mind, we have given the preference wholly by a reduction of the duty. Now my Honourable friend wants to go one better and to make the duty lower still. Well, Sir, Government are bound to resist a proposal of that kind, because after all this Bill is intended to give effect to the preferences agreed to at the Ottawa Conference. The Bill cannot be used as an opportunity for a revision of the tariff generally. That is really the objection to this proposal, the main reason being, of course, one of revenue. I must oppose this amendment, Sir.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, the Government did not bring forward their usual argument that the monetary position of the Finance Department would be disturbed; because if there is one thing about which it can be safely said that the additional duty has materially reduced the income, it is the motor car duty. This Bill is not being utilised, as Mr. Drake says, to reduce the taxation but simply to give preference, but that gives us an idea of what is in store for us in the next Finance Bill. If this Bill can increase the burden of taxation there was no difficulty in reducing it too. In many of the things, Sir, the present rate of duty has been maintained for British goods and an additional duty imposed for goods coming from outside the British Empire. The reason we brought this kind of amendment forward was just to meet those arguments which Sir Alan Parsons so vehemently urged before us, that the customs income would be reduced. This reduction would result not in a reduction of income but rather in an increase of income, because with the present reduced purchasing power of India it is difficult to continue to pay such a high rate of duty. I do not think even the M'Kenna duties imposed 37½ per cent. duty on the protected industries. The Government has therefore abstained from bringing forward their usual argument that it will cause a reduction in their revenue. Further, the fact that the Government give certain figures about reduction of income is, I may say, a not safe prophecy. We have found them erring many times. In 1931 they made a mistake of about Rs. 5 crores and in 1932 of about Rs. 7 crores in income from enhanced duties. Therefore, Sir, I think if the Government were really anxious to increase their income, they would have reduced the tax.

THE HONOURABLE SIR ALAN PARSONS: The Honourable Member has succeeded in making me get up—I thought I should not have to make a

[Sir Alan Parsons.]

second speech today—in order to tell him that, though Mr. Drake did not meet him with the usual argument, the usual argument is still there. We shall not be able to afford at present the loss of duty which the acceptance of this amendment would entail. I can give him, I am afraid, very little support in his argument that the law of diminishing returns necessarily applies to the present duty on motor cars or even on motor lorries. I think the reduced purchasing power of the people has far more to do with the reduction in the imports of both cars and lorries than the fact that the duties are at their present level. I can, however, give him one word of comfort, and that is that we are carefully watching the effect of these surcharges on the existing customs duties and perhaps more particularly their effect on the imports of motor cars and motor lorries. That is, I am afraid, as far as I can go. He made some suggestion that this Bill was giving an inkling of what is in store for the House in the next Finance Bill. I expect he already knows me well enough to realise that he is not likely to get that inkling from me.

THE HONOURABLE MR. H. M. MEHTA: Sir, I support this amendment on account of the reasons mainly that motor cars and omnibuses and other articles coming from foreign parts have suffered tremendously on account of Great Britain going off the gold standard. In exchange alone foreign countries are suffering to the tune of 25 to 30 per cent. This has resulted in increased prices which benefit Great Britain. In the duties that are levied as import duties on motor cars Government fortunately gets nearly 35 per cent. more. When these duties were put on, the American dollar exchange to the £ was $3·90; today, the exchange between America and England on dollar-pound is 3·30 equivalent to Rs. 410 to $100. That is to say, nearly 33 per cent. more and on that 33 per cent. another 37½ per cent. duty is being charged. If Government will reduce the duties, it will be more beneficial to them, because, as it is, they are killing the trade and not getting the revenue which they ought to get.

THE HONOURABLE THE PRESIDENT: The question is:

"That in the Schedule in amendment No. 47 in the proposed Part IX against item No. 229 for the figures and words '37½ per cent.' and '30 per cent.' in columns 4 and 5 the figures and words '32½ per cent.' and '25 per cent.' respectively be substituted."

The Council divided:

AYES—11.

Akbar Khan, The Honourable Major Nawab Sir Mahomed.
Banerjee, The Honourable Mr. Jagadish Chandra.
Dutt, The Honourable Rai Bahadur Promode Chandra.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.
Hussain Imam, The Honourable Mr. Abu Abdullah Syed.
Jagdish Prasad, The Honourable Rai Bahadur Lala.
Jalan, The Honourable Rai Bahadur Radha Krishna.
Kalikar, The Honourable Mr. Vinayak Vithal.
Mehta, The Honourable Mr. H. M.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sinha, The Honourable Kumar Nripendra Narayan.

NOES—27.

Bartley, The Honourable Mr. J.
Basu, The Honourable Mr. Bijay Kumar.
Benthall, The Honourable Mr. E. C.
Charanjit Singh, The Honourable Raja.
Choksy, The Honourable Khan Bahadur Dr. Sir. N.
Clow, The Honourable Mr. A. G.
Cotterell, The Honourable Mr. C. B.
Devadoss, The Honourable Sir David.
Drake, The Honourable Mr. J. C. B.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Ghosal, The Honourable Mr. Jyotsnanath.
Habibullah, The Honourable Nawab Khwaja.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.
Hallett, The Honourable Mr. M. G.
Israr Hasan Khan, The Honourable Khan Bahadur Sir Muhammad.
Johnson, The Honourable Mr. J. N. G.
Muhammad Din, The Honourable Khan Bahadur Chaudri.
Muhammad Hussain, The Honourable Mian Ali Baksh.
Murphy, The Honourable Mr. P. W.
Noon, The Honourable Nawab Malik Mohammad Hayat Khan.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Parsons, The [illegible] Sir Alan.
Ram Chandra, The Honourable Mr. [illegible]
Shillidy, The Honourable Mr. J. A.
Sinha, The Honourable Rai Bahadur Manohar Mohan.
Vachha, The Honourable Khan Bahadur [illegible] B.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move:

"That in the Schedule in amendment No. 47 in the proposed Part IX against item No. 230 for the figures and words '25 per cent.' and '17½ per cent.' in columns 4 and 5 the figures and words '20 per cent.' and '10 per cent.' respectively be substituted."

Sir, owing to unprecedented economic depression the development of railways in India is practically at a standstill. Although a lot of
12 Noon. new colonisation is going on no new railways are being constructed or are under contemplation. Buses and lorries meet a great want of the public for the carriage of both passengers and goods. Therefore the taxing of buses and lorries is most improper because it goes against the development of the country. I know the fate which this amendment will also meet, though the majority of the elected Members are with us. All the same Government seems determined to defeat every amendment because they know they are in a majority. To ignore the needs of the country and particularly its development solely for the sake of revenue is not justified. Government I know will say that they have not increased the duty. I admit that, but I find that by this heavy duty they are retarding the development of the country. They may have some ground to say that buses and lorries compete with the railways and thereby reduce the Government income. That is a controversy on which I am not going to enter, but I must say that if Government were to adopt a right policy as regards rates of carriage by the railways they would be able to achieve their end so far as railway revenues are concerned, and also allow of the development of those areas in particular by lorry services which are not at present served by railways.

With these words, Sir, I move this amendment for the favourable acceptance of the House.

THE HONOURABLE THE PRESIDENT: Further amendment moved:

"That in the Schedule in amendment No. 47 in the proposed Part IX against item No. 230 for the figures and words '25 per cent.' and '17½ per cent.' in columns 4 and 5 the figures and words '20 per cent.' and '10 per cent.' respectively be substituted."

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: In case you would allow me I would like to make it "12½ per cent." instead of "10 per cent." because that is the standard difference.

THE HONOURABLE THE PRESIDENT: I think the amendment proposed better stay as it was moved by the Honourable Member and as it has been put from the Chair.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Very good, Sir, it was really a clerical error.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I am rather sorry that my Honourable friend wanted to make that verbal correction. I thought that in his enthusiasm for the Ottawa Agreement, which I was very glad to notice, he was going to give 10 per cent. where only 7½ per cent. was promised. The argument on this amendment, Sir, has been covered by what I have already said on the subject of motor cars. I do not think there is any doubt but that Government are greatly in sympathy with the principle behind my Honourable friend's amendment.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why not translate it into action?

THE HONOURABLE MR. J. C. B. DRAKE: They have already shown that sympathy, Sir, by giving the preference in this case, as in the case of motor cars, wholly by a reduction in the duty. Revenue considerations, as my Honourable friend Sir Alan Parsons has shown, make it quite impossible at the present time for Government to go further than that. We had from him an assurance that Government are very carefully watching this matter and I must ask my Honourable friend to be content with that assurance and with the fact that we have in this case given the preference entirely by a reduction in the duty. Sir, I oppose the amendment.

The motion was negatived.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Sir, I rise to move:

"That in the Schedule in amendment No. 47 in the proposed Part IX against item No. 240 for the figures and words '25 per cent.' and '15 per cent.' in columns 4 and 5 the figures and words '15 per cent.' and '5 per cent.' respectively be substituted."

Sir, my object in moving this amendment is to give an impetus and encouragement to the Indian film industry, and that is a reason which I think would appeal to the Honourable Members of this House to support an industry which has a great future before it and which is at present in its infancy. I hope that my amendment, Sir, will be adopted by the House.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, this is the second time this morning that we have had the Indian cinematograph industry under discussion and I have already had something to say on the subject. An amendment in the same sense as that moved by my Honourable friend was moved in the other House, and I should like to mention in that connection that the Honourable the Commerce Member gave a special

assurance to the Legislative Assembly that he had particular sympathy with this industry and that it was his intention to watch very carefully over its interests. For the present, Sir, Government are unable to go further than they have gone in the direction of assisting the industry, and it is only necessary for me to mention here again that they agreed to an amendment in the Select Committee which altered their original proposals in such a way as to give the preference wholly by a reduction of the duty on these unexposed films.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is not enough.

THE HONOURABLE MR. J. C. B. DRAKE: But, Sir, I am afraid that for the moment it is necessary to stop there. I must, therefore, purely on revenue grounds, oppose this amendment.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is:

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

THE HONOURABLE THE PRESIDENT: Clause 1.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I beg to move:

"That for sub-clause (2) of clause 1 the following be substituted, namely:

'(2) It shall come into force if and when ratified by the new Indian Legislature that will come into being under the proposed new constitution for India'."

Sir, as I said the other day the huge mass of Indian public opinion outside has condemned the Ottawa Agreement, whatever the majority of these two Houses of the Central Legislature may in their wisdom have to say in favour of this Bill. Under the circumstances, would it be proper for us to provide that the Act shall come into force on such date as the Governor General in Council may appoint or would it be more in conformity with public opinion if we left the responsibility of giving or not giving effect to the measure as they pleased to the future Indian Legislature that is shortly to come into being under the new constitution? Sir, I am one of those who share the latter view, not that I am against trade reciprocity or preferential trade agreements with the United Kingdom, but because I strongly feel that India will be in a much better position to deliver the goods to the United Kingdom as an equal partner in the British Commonwealth of Nations than as a subordinate country as she is now. Personally, Sir, I am most anxious to maintain the best relations with the United Kingdom and cannot visualise any other relation with the United Kingdom but that India should become a contented member of the British Commonwealth of Nations; but I am against any form of economic treaty with the Colonies or Dominions until India has got a right to enter into an Agreement with them as an equal partner in the Empire. It will, therefore, be more in the fitness of things if this Bill, which is shortly going to become an Act, came into force if and when it is ratified by our successors of the future Indian Legislature that would come into being before long, I hope, under the new constitution.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I must confess to having experienced some feeling of surprise when I read the amendment standing in my Honourable friend's name. We understood that he and the members of his Party had no objection of a political kind to this Agreement, but, unless I misunderstood his speech, there seemed to be something of an ancient political flavour creeping into it in parts——

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I repudiate that suggestion.

THE HONOURABLE MR. J. C. B. DRAKE: I am very glad to hear that, and I therefore turn at once from that point and go on to an argument which I think will convince the House that my Honourable friend's amendment is not really in the interests of the country. In the first place, Sir, the effect of postponing ratification of the Agreement would be to deny to the Indian exports which have been given those special preferences which I mentioned in my speech on Saturday and which are to have effect only from the date on which the legislation which is before this House is passed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What is their total value in money?

THE HONOURABLE MR. J. C. B. DRAKE: I am afraid I am unable to give any figure. I am sure that my Honourable friend, with his knowledge of business, will realise that we cannot assess the value of preferences until they have been given. The object of preferences is to increase trade and obviously it is impossible to give an accurate idea of the extent to which the trade will be increased.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: What is the result of the seven months' working of the Import Duties Act?

THE HONOURABLE MR. J. C. B. DRAKE: Although we have been watching those figures, and watching them with considerable interest, it is not possible within seven months to draw any very useful conclusions and, as I think I made clear in my speech on Saturday, the preferences given by the Import Duties Act are only a very small part of the preferences which India will get from the scheme.

Now, Sir, there is another point which really cuts at the root of my Honourable friend's amendment. An agreement is an agreement between two parties, and is it open to us now to say, "Thank you very much for all you have been giving since the 1st of March and for what you propose to give, but we are not going to give you anything in return for a period of one, two or three years, until we have a different kind of constitution." Really, that is an impossible attitude to take up on an Agreement of this kind. And, indeed, since my Honourable friend the mover of the amendment has assured us that his only objection to the Agreement is on economic grounds, how, I ask him, does he imagine that the new Legislature in the new constitution would be in a better position than this House to assess those economic advantages? As the preferences would not have been in operation the new Legislature would have no more material to go on than the Members of this House have, and I feel sure that in the matter of economic knowledge and experience Members of this House are in no way inferior to any Legislature which could be produced under any new constitution.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I move:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as passed by the Legislative Assembly, be passed."

THE HONOURABLE MR. VINAYAK VITHAL KALIKAR (Central Provinces: General): The Ottawa scheme is so complicated and complex that it is very difficult for a layman like myself to examine it in all its aspects. On this question, there was a disintegration in the Cabinet in England and some of the Liberal Ministers ultimately resigned on account of the disagreement with the other Members of the present National Government. Mr. Wedgwood Benn, the ex-Secretary of State for India, stated clearly that the Government of India should not force the Agreement on India with the help of the officials and the nominated group in the Indian Legislature. The question of Imperial preference was considered long ago in 1903 by Lord Curzon's Government and it was then decided that any scheme of Imperial preference would not be in the interests of India at all. The Fiscal Commission also examined this question in all its bearings and they also came to the conclusion that any scheme of Imperial preference would not be in the interests of India. Even Sir Geoffrey Corbett, who cannot be accused of any political bias in favour of India, declared in clear terms at the last Imperial Conference in 1930, that any scheme of Imperial preference (just like the one under consideration) would not be in the interests of India.

It is true that the Agreement does not embody a scheme of general preferences but adumbrates a scheme which is limited to selected commodities and based on reciprocity. Taking the Agreement as a whole and the wide range of British imports which are to receive preference in India, it is regarded by Indian opinion that it is nothing but practically a scheme of Imperial preference. In India, the Agreement has been condemned by various commercial and industrial bodies as well as by eminent Indian economists who have given a good deal of thought to this subject.

The Assembly examined this subject in a Special Committee and there, too, we find no unanimous support to the Ottawa Agreement. No doubt, the majority supports the scheme but they have supported the scheme in an half-hearted manner. They say in their Report:

"We wish to add that the time allotted to the Committee for its work has been insufficient for a full examination of that part of the Agreement which relates to the preferences given on imports into India".

They admit that in case of certain commodities, for example, magnesium chloride, cotton yarn and cotton manufactures, the advantages under the preference scheme should not be exaggerated. With regard to the preferences on certain commodities, such as wheat, coconut oil and linseed,

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they admit that the present scheme will not be of any immediate value. Dr. Ziauddin Ahmad, one of the staunch supporters of the scheme, does not know what will be the effect of the scheme on our agricultural produce, on our industries and on the pockets of the consumers. Taking into consideration, the remarks of Dr. Ziauddin Ahmad and the statement about the import side in the Majority Report, one rightly comes to the conclusion that there has been no proper enquiry of the various problems connected with the scheme.

As a layman, I want to examine the scheme from an agricultural point of view and see its results on the Indian agriculturists, the Indian consumers and the Indian industries. The Indian agriculturists would like to increase the production of raw materials but, at the same time, would like to reduce his dependence on overseas markets for the absorption of his exportable surplus and would prefer his raw products being consumed by the industries of his own country. Again, it should be remembered that the Indian farmer who is the producer of the bulk of India's national wealth is also the main consumer of the goods manufactured in India or imported from outside. He, therefore, would naturally like that the money spent by him for purchasing the necessaries of life goes into the pockets of Indian industrialists rather than to the pockets of industrialists of other nations. The economic prosperity of the Indian farmer lies not only in the improvement of Indian agriculture, but also in the regeneration of Indian industries.

I want to examine the scheme and its results on the commodities that are produced in my province. Let us take the case of wheat. I have already stated above that the Majority Report admits that the preference will not be of immediate value to the commodity but it may be of some benefit in future. In view of the fact that we cannot compete with Australian wheat in our own markets, I fail to appreciate the benefit that is alleged to accrue in future. Moreover, under Article 5 of the Agreement, a condition is laid down that the seller should not charge more than the world prices obtaining in the United Kingdom markets. In the case of India, this is a prohibitive condition. If we cannot compete with Australian wheat in our own markets, it naturally follows that we shall not be able to compete with Australia, Canada or Russia in the United Kingdom markets. Then we have to take into consideration the question of railway rates and sea freight. I, therefore, submit, Sir, that just like the Punjab farmer, the agriculturist in my province would not be able to derive any benefit under this scheme.

In regard to India's raw cotton, the Agreement does not give any preference because by the imposition of import duties on foreign cotton, the United Kingdom will increase the cost of production of cloth by Lancashire. At present, England buys very little of Indian cotton. In 1929, the United Kingdom purchased cotton worth Rs. 4 crores out of Rs. 100 crores worth of cotton imported by her. India's chief purchasers of cotton are Japan and China. In 1929, India exported Rs. 65 crores worth of cotton, most of which she sold to these two countries. In Article 8 of the Agreement, we find that the United Kingdom desires to co-operate with India in schemes for:

"promoting whether by research, propaganda or improved marketing the greater use of Indian cotton in the United Kingdom"

Even assuming, that by research and propaganda, India can produce better varieties of cotton, there is ample scope for its consumption by her own mills for the manufacture of superior qualities of cloth and for the higher counts of yarn, for which purpose they now import large quantities of foreign cotton.

So the non-acceptance of the Agreement will have no adverse effects on our export trade in raw cotton and its acceptance will not improve the condition of the Indian agriculturists. If the United Kingdom had given preference to Indian raw cotton then, to some extent, the agriculturists would have derived some benefit under this Agreement.

It is estimated that the Indian Empire (India and Burma) consumes 93 per cent. of the rice produced and exports only 7 per cent. of which 3 per cent. is purchased by the United Kingdom. If Burma is separated from India India's share of the trade will be much less. Though the Indian rice, which supplies one-third of the United Kingdom's requirements, is cheaper than American and Spanish rice, there are other factors which determine consumption, such as methods of packing and polishing which are matters of great importance to the consumers in the United Kingdom. Spain has, besides, peculiar advantages such as cheap transport facilities by coastal steamers and opportunities for direct contact with grocers which will make it difficult for India to compete. Even if India's rice is subjected to import duties, she will not be worse off than America and Spain who will come under the same duties. In my province, the rice that is produced, is practically in Berar and very little or practically nothing is left for export. So even if there is preference, the agriculturist in my part will not be benefited. Taking the case of India, as a whole, even though under the Agreement, she will be slightly profited by the preference, it will be a negligible factor in estimating the effects of the Agreement.

India has a virtual monopoly in certain kinds of oilseeds and the United Kingdom is not a large purchaser thereof. In 1929-30, India exported Rs. 214 lakhs worth of castor seed of which the United Kingdom purchased only Rs. 49 lakhs worth. We have no Empire competitors or any other competitors with regard to this commodity in the United Kingdom and hence preference will be of no value to the Indian agriculturist. As for groundnuts, the United Kingdom takes 6 per cent. while foreign countries take more than 90 per cent. We can expand our trade in this commodity in the United Kingdom market by another 6 per cent. but the question remains about the remaining 84 per cent. If the foreign countries retaliate under the scheme, then we will have no purchaser for this commodity. So under the scheme, the agriculturist is not at all benefited in regard to this commodity.

It is argued by the Delegation and the supporters of the scheme that there is great scope for expansion of our trade with the United Kingdom in linseed. According to the Minority Report, our trade with the United Kingdom was 24 per cent. of the total and showed a decline to 11 per cent. in 1930-31 while France and Italy have increased their shares in this respect. Out of the total imports into the United Kingdom, the Argentine supplied three-fourths of the wants of the United Kingdom in this commodity, while India supplied less than one-fourth. The Argentine is a formidable competitor in the United Kingdom market. The supporters of the scheme are themselves doubtful that the 10 per cent. preference will enable India to displace the Argentine from its strong position. It is possible

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that the Argentine may also enter into a trade agreement with the United Kingdom and if she does so, then it will be impossible for India to expand her trade in this commodity in the United Kingdom. If the Argentine does not enter into an agreement, she can still, with the greater facilities for assemblage and transport and other favourable agricultural conditions obtaining therein, easily get over the 10 per cent. preference and make her linseed cheaper than India's linseed in the United Kingdom market.

I have tried to examine the effects of the Agreement on the agriculturists of my province and I find that the farmers in my province will not be in the least benefited by this Agreement. The cultivators that are engaged in the production of these commodities are unorganized, illiterate and men of very small capital. According to me, even if it is assumed that under the scheme, some agricultural produce will be benefited, there is no chance of expansion of trade in the United Kingdom of the agricultural commodities because the agriculturists, due to various disabilities, will not be able to increase their production according to the increased demands.

Taking into consideration the commercial point of view, most of the articles—raw produce and semi-manufactured commodities—which India sends to Britain are needed for her own industries. A number of new industries have also sprung up under the stimulus of revenue duties and the swadeshi movement and which stand a fair chance of establishing themselves if they are not destroyed by outside competition. If, under the scheme, preference is given to those Empire commodities which our nascent industries produce, it is just possible that our industries would be ruined.

Effect on the consumer. The total value of British articles covered by the preferential scheme averaged during the four years from 1926-27 to 1930-31 Rs. 62·20 crores while the total imports of these from all sources averaged Rs. 127·80 crores. It is not to be expected that Britain will be in a position in the near future to capture our entire market, though in the case of some articles, she may improve her position. We shall have, therefore, to depend for a great many of our requirements on foreign countries until we establish our own industries in these articles. The result will be that the already over-burdened consumers will have to pay more for the imported articles and that will be an indirect taxation on them. The chief feature of our foreign trade has been the marked decline in the share of the United Kingdom in our imports, and if we give more preference according to the scheme to the articles mentioned in the Report that would add to the burden of the Indian consumer. It is apprehended by the supporters of the scheme that if India stands out of the scheme and the Import Duties Act passed by the United Kingdom is brought into effect, India will lose her trade in the United Kingdom. India is a debtor country, being heavily in debt to Britain. Britain, in her own interests, cannot afford to discourage the exports of India, for, in that case, India will not be able to maintain her favourable balance of trade. Unless India is able to maintain a favourable balance she cannot meet her obligations.

Taking into consideration all these things, in my humble opinion, India does not stand to gain anything by acceptance of the Agreement but there is every risk that she will lose much if the Agreement is accepted.

The United Kingdom enjoys statutory preference with regard to steel and cotton goods at the present time. Moreover, the gains to the United Kingdom by way of the payment of interest on the capital invested in India and by the manipulation of the currency policy are numerous. If the United Kingdom gives a threat of bringing the Import Duties Act under operation against India, India can well reply by withdrawing the preferences now enjoyed by the United Kingdom on the cotton and steel goods.

I, therefore, think from all points of view the Agreement is not in the interests of India and therefore I oppose the motion.

THE HONOURABLE MR. BIJAY KUMAR BASU (Bengal: Nominated Non-Official): Sir, the Ottawa Agreement has been engaging the attention of the public and the Legislature for about three months now. It has been fully criticised in the Press and by eminent Professors of Economics and lastly by a Special Committee of the Indian Legislative Assembly. After scrutinising and examining the Ottawa Agreement, the Committee of the Indian Legislative Assembly—the majority of them—have come to the conclusion that it is for the good of India that the Agreement should be accepted. Sir, it was subjected to criticism from the opposition in the other House as well as in this House. So far as I can find out, the whole basis of the opposition was that the bargain could have been better. Sir, the apprehension in the minds of the opposers is that we had to deal with a nation which has been described by the United States of America as the greatest commercial nation of the world. The opposers are, I think, afraid that they could not drive a good bargain with the greatest commercial nation of the world. Sir, I endorse every point of that opinion that the English are the greatest commercial nation of the world. It reminds me, Sir, of a poster that I saw—and I think many of my friends might have seen it—in the tube stations of London or in the lifts leading to the tube stations—large posters with scriptural texts—and one of them which drew my attention was this text:

"What would you *profit* if you *gain* the whole world and *lose* your own soul?"

And, Sir, the words "profit", "gain" and "lose" were in red ink. Can anybody deny after that, that the Englishmen are the greatest commercial nation of the world? Sir, I am afraid my Honourable friends in the opposition oppose the Agreement because they think that the Indian Delegation were made fools of by the British Delegation. Sir, it is a matter of common knowledge that a man resents nothing more than when he thinks that he has been made a fool of. After all is said and done, nothing can be said with mathematical accuracy about what the effect of this Ottawa Agreement will be one side or the other. The chances are that it will be for the good of the country, and that is the finding of the Committee of the Indian Legislative Assembly as also of the Indian Legislative Assembly. I do not think we will be far wrong if we accept that decision. The arguments both for and against on the economic aspect of the Agreement have been fully threshed out on the floor of the Assembly as well as on the floor of this House. But, Sir, there is another aspect to which I beg to draw the attention of the House, and that is the political significance of the Agreement. I cannot do better than draw the attention of this House to a portion of the speech delivered by

[Mr. Bijay Kumar Basu.]

Sir Atul Chatterjee at the time of the formal opening of the Economic Conference on the 21st July, 1932. He said, among other things:

"I must first of all refer to a circumstance which gives this Conference a special significance for India. This is the first occasion on which the Leadership of the Indian Delegation to an Imperial Conference has not been filled by the Secretary of State for India and it marks one more stage in India's advance to complete self-government."

And I think this House will give credit to Sir Atul Chatterjee that he knew what he was talking about.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Did he have all the materials?

THE HONOURABLE MR. BIJAY KUMAR BASU: That is more than I can answer, but I give credit to Sir Atul Chatterjee, and I do it without fear of contradiction, that he certainly knows what he talks about.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM: Without having the papers even?

THE HONOURABLE MR. BIJAY KUMAR BASU: The portion that I quoted required no papers to support the statement. Anyway, Sir, I am digressing. Then, Sir, my friends forget—at least I do not know if they have seen the latest newspaper reports of the tremendous effect the acceptance by the Assembly Committee of the Ottawa Agreement has created on the conservative opinion in London and business circles in England. As a matter of fact, it has practically changed the angle of vision of the Conservatives, and, if I may say so, of the retired Anglo-Indians, whose nerves have been shattered by the immoderate use of the taxed salt of India. But even their attitude has been changed, and with your leave, Sir, I quote an extract from the Air Mail Letter of the *Statesman* of December the 10th:

"Almost for the first time British Ministers and all those who read the serious press in England, Scotland and Wales are expressing a hope, and almost the faith, that responsible parliamentary institutions may yet be grafted successfully on to the Indian stem. Whereas a year ago the Indian constitutional cause appeared to have suffered irreparably from the irresponsibility, the class particularism, and the potulance too often shown by those who were championing it, today it is true to say that the whole prospect has cleared as a result of this simple indication that the Assembly is capable of tolerent minded solicitude for India's intrinsic well-being."

And, Sir, if you will permit me I will just quote a few lines which appeared thereafter:

"Incidentally, tangible results of the Agreement are already available in the United Kingdom. By the middle of February a large rice mill will be in operation on the Thames. There is a market amounting to some 70,000 tons of rice, hitherto derived from the Continent of Europe, which it is hoped gradually to derive from India and, the penny duty on foreign rice notwithstanding, to distribute at lower prices than those now prevailing. Another concrete result of the Agreement takes the shape this week of the constitution, by nomination of representative men by trade organizations in Lancashire of a committee to promote the greater use of Indian cotton in the United Kingdom, with Sir Richard Jackson as Chairman."

This was only when the Assembly Committee had accepted the Agreement and the Assembly had not then ratified it. Sir, if we follow the trend of events in London I think we must agree that the acceptance of the Ottawa Agreement by the Assembly has no doubt strengthened the hands of our people in the Round Table Conference. I have no fear that in the near future we shall be able to realize the hope that we all have to be one of the equal partners of the nations composing the British Commonwealth.

Sir, I would now ask my friends to calculate from these points of view the net profit and loss, taking everything into consideration, the economic, the business and the political sides of the question, and then strike the balance. I am perfectly sure that they would not, after they have done it, think twice before recording their votes ratifying the Agreement and passing the Bill which we have before us.

THE HONOURABLE MR. SATYENDRA CHANDRA GHOSH MAULIK (West Bengal: Non-Muhammadan): Sir, I desire to take part in this debate not because I feel that I am competent to examine the details of the Bill before us, and then cast a balance sheet, and prove by mathematical calculations that the Ottawa Agreement and the Bill before us would result in a profit in terms of rupees, annas and pies, but because I feel that the general effect of the Ottawa Agreement and the Bill jointly will certainly be the best for the country under the present circumstances. I want to make it perfectly clear that I do not share the pessimistic views expressed by my Honourable friends Rai Bahadur Lala Ram Saran Das, the Honourable Mr. Syed Hussain Imam and my Hindu colleague from Dacca. As I have already said that it will be for the best interests of the country I heartily support the Bill.

THE HONOURABLE MR. ABU ABDULLAH SYED HUSSAIN IMAM (Bihar and Orissa: Muhammadan): Sir, it is usual on the third reading not to deal greatly with the details of the measures which it is proposed to pass. Therefore I will not go deeply into details. I have simply got to say something to justify the position which we on this side of the House have taken in opposing the Bill. The Bill wishes to introduce a great change, and it is a fixed principle that those who wish for change must prove their case, especially in a second Chamber, which is a revising Chamber, and is usually conservative, and it rarely permits changes. Mr. Basu—I do not find him in his place—just now cited to us the example of the Assembly Committee. I wish he had the courage of his conviction to ask this House to support the Assembly in all its measures when it goes against the Government as well. When the Supplementary Finance Bill was rejected by the other House, this House did not take that as a precedent. He suggested that we had imputed to the Ottawa Delegation incompetence to deal with these matters. We never said that. Our point has always been that they were not well equipped. If the other partners of the British Empire received their lists from the British Government beforehand, why was not that procedure followed in the case of India? Why was not Indian commercial and industrial opinion consulted beforehand, and why were we not treated in the same manner as other parties to this Agreement were treated by England? He brought the ingenious argument that Sir Atul Chatterjee was very competent. Who questioned that? I should be very agreeably surprised if the Commerce Department

[Mr. Abu Abdullah Syed Hussain Imam.]

would tell us that they have got all information and all statistics necessary to gauge the advantages and disadvantages of preferences. I shall illustrate my point. Has the Commerce Department got statistics of all the industries, cottage as well as local, in India, of their production and of their requirements? Day before yesterday, I asked the Government what they are doing to remove handicaps. I should be agreeably surprised if the Commerce Department show us that in all the commodities which we export, at least in our major exports, they have got statistics to show the prices of our chief competitors in their home towns, of their freights to the ports, and of the shipping charges that our competitors pay. These are the things which are necessary to gauge whether certain preferences given will, in working, result in an advancement of trade or in deflection simply.

I, for one, Sir, did not wish to object to it on business grounds only. What I stated was that when weighty political reasons were advanced in the other place and by some gentlemen here, Government tabooed them, and when economic reasons were advanced Government, without any adequate reply, brushed them aside as not material. Mr. Benthall advocated that this matter should be viewed from the business point of view. For this reason I confined myself to the simple question of pounds, shillings and pence. The fact that Britain is the greatest commercial nation, as adumbrated by Mr. Basu, is no reason why we should have an inferiority complex, and think that we cannot compete with them. I could not understand the point he wanted to make in bringing in the fact that Britain was the greatest commercial nation of the world; a nation which has been described 125 years ago as a nation of shopkeepers by the famous Napolean can justly take pride in its commercial enterprise and we are saying that we want to follow in her footsteps and to become a commercial nation as well. That matter has absolutely nothing to do with the Bill and the measure before the House. I, Sir, wish to confine myself at this stage of the day not only to observation about objections that we have, but to constructive suggestions.

We know, Sir, that the Government with its nominated majority will carry this measure through, and our voice is a voice in the wilderness. What we are asking the Government today is in justice to its own people, to those who have supported the Ottawa Agreement, to change its angle of vision and take intensive measures to expand our export trade. Our export trade has been neglected by the Government, because it does not give any direct return in the same manner as our import trade pays through customs. I, for one, Sir, would appeal to the Government to give us an assurance that the items cited in paragraphs 18 and 19 of the Majority Report are being given effect to. I would also ask the Government to assure us that there will be a Committee of this House to scrutinise the facts. I would further also ask the Government, if they wish to push this bitter pill down our throat, to make efforts to bring down railway rates to the level to which our chief competitors have brought them. I would still further also ask Government to busy themselves in bringing down the shipping freights and in short do everything which a National Government would do to expand its export trade and then to justify the Agreement, otherwise the Ottawa Agreement would fail to benefit India.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal: Non-Muhammadan): Sir, the Ottawa Agreement is for us but a

leap in the dark. I say a leap in the dark, because the Majority Report of the Assembly does not take us anywhere beyond their dogmatic assertion that the Agreement should be accepted, because it promised to be to the ultimate benefit of the country, inspite of the fact that there was practically no data upon which to vindicate their Report with regard to the imports selected for preference. The Honourable the Commerce Member caused not a little disappointment to us when he simply told us without producing convincing arguments that the Agreement should be accepted, because he could assure us that by doing so we would be doing good to the country.

Sir, we did not fare better either at the hands of the Honourable the Finance Member. Instead of telling us whether our finances would be improved or not by the Agreement, he only sermonised to us when he spoke in the other House that we should join the preference ring for the sake of economic co-operation, conveniently forgetting, for the time being, that political co-operation should precede economic co-operation in order to make it well cemented. Thus, Sir, to our utter misfortune, we fail to obtain any sort of illumination relating to this question of vital economic importance to our country from all expected quarters excepting their fruitless theories as to the would-be potentialities of the Agreement.

On the other hand, Sir, our Indian Government, evidently at the behest of the Conservative Government in England, which has distinctly been following a protectionist policy in trade matters evidently for the sake of British capitalist interests, seem to care very little for the opinions of men like Viscount Snowden, Sir Herbert Samuel and other Liberal leaders, who have resigned their seats in the British Parliament distinctly on the Ottawa issue. Little do they also care, Sir, for what Sir Arthur Salter, an economist of world-wide celebrity, has said about the Ottawa Agreement in his luminous article entitled "Perils of Ottawa". In their extreme anxiety to rush this business they also overlook the significance of the resignation of Sir Walter Layton, also a great figure in the economic world, purely on the Ottawa question, of his office of Delegate-designate to the forthcoming World Economic Conference. They also conveniently brush aside from their consideration all that Mr. Wedgwood Benn, once our Secretary of State for India, advises them in the matter. They also treat more or less with contempt the considered opinions of the different Indian Chambers of Commerce who have in one voice repudiated the Agreement as prejudicial to Indian trade and industrial development.

Again, Sir, although we had not the good fortune either to hear or to peruse the statements made by the several experts, who appeared before the Select Committee of the Assembly, yet reading between the lines of the two Assembly Reports, I can not but believe that those experts too have condemned the Agreement. The result of such an attitude has been that an important thing is practically rushed through the Indian Legislature without affording sufficient time to the interests concerned to have their say in the matter after due consideration of the pros and cons of the proposed preference on the different commodities. We can very well imagine what the consequences will be of such a state of things. Carried against the wishes of the country it will, I dare to say, have the same disastrous consequences as the 1s. 6d. ratio carried against popular wishes is having today in the country.

Next, Sir, the Schedules, when closely analysed, seem to contain serious implications, which, for want of time and adequate publication in the

[Kumar Nripendra Narayan Sinha.]

country, none has yet been able to examine properly. But all the same it is patent, that by reductions of duties on imports from the United Kingdom, the protection to the indigenous products will be considerably lowered, whereas the consumer will have to bear a great burden on account of the increase in duties on non-British imports. In the past he bore his burden for protecting Indian industries, now he will have to bear the same burden to protect British manufactures. Apart from these considerations, other grave issues are also involved in this purely problematic business proposition. The risk of retaliation mentioned in Lord Curzon's Despatch is more real today, as there is over production and not a scarcity of raw materials in the world. Our favourable balance of trade depends not on our trade with the British Empire, but on our trade with other countries. Thus, any threat to this favourable balance of trade means serious complications for our currency system.

Again, Sir, the full implications of the proposed tariff on our customs revenue have not been noticed either in the Report of the Indian Delegation or in any published Memorandum of the Government of India. The sudden and large disturbance of trade, industry and finance, inevitable when as many as 168 articles are affected by the Agreement, is sure to lead to grave complications. And all this at a time when the depreciation of the sterling gives England a substantial preference against all gold standard countries and renders all foreign trade a matter of chance and good luck, and when complicated questions of federal finance can only be tackled on the bases of some elements of stability in our chief sources of revenue.

1 P.M.

Next, Sir, at the end of the proposed three years there will not only arise immense statutory difficulties but also vehement opposition from the side of vested interests in the way of upsetting this Agreement, if we then really make up our mind to scrap it up in the larger interests of the country. Also it is my apprehension that the proposed Enquiry Committee of the Assembly, no matter whatsoever be its constitution, will fail to exercise that amount of control and supervision that will be necessary in the circumstances over the Government departmental statistics by reasons of their obvious statutory limitations.

Finally, Sir, while it is quite obvious that our tea, rice, and cotton will revive just a little under the preference, I have great doubt about the fate of the very many raw products, whose supply cannot but be quite limited under the present agricultural conditions of the country, because I entertain not the slightest hope of agricultural improvements being taken up either by the people or the Government for some years yet to come. Weighing all the pros and cons of this momentous proposition in an unbiassed way without being actuated by any particular provincial consideration, my conviction is that we should not, for the sake of reviving the prospects of a few commodities only, sacrifice the interests of quite a large number of others having immense possibilities otherwise. It is for these considerations, Sir, that the Ottawa Agreement is for us unprofitable and inopportune and I should be quite reluctant to be made a party to it.

THE HONOURABLE MR. H. M. MEHTA (Bombay: Non-Muhammadan): Sir, circumstances have so changed during these last three years in the world of commerce, and the whole economic equilibrium has been so shaken, that the greatest specialists in finance and economics are trying to find out and put their finger on what ails the world. It is a very difficult matter. As some of the most eminent surgeons and doctors have found serums and other things to put down plagues and other disastrous ailments, these economists are trying to find out what should be done. They are all putting their heads together all over the world. Some say that the hoarding of gold by America and France has been the ruination of the world. Some say stopping the free coinage of silver has brought about the ruination of trade and commerce. This put the idea into the fertile heads of some who said, let us see if an Empire Cooperation Bill would solve some of our difficulties, free the finances of the world and thus improve trade, manufacture and also the lot of agriculturists. Australia, Canada, New Zealand and others joined together with one voice and India was given a fair opportunity either to join it or leave it. Members of the Legislative Assembly were appointed to go to Ottawa, the able assistance of Sir George Rainy was given to them. Men of the ability of Sir Atul Chatterjee were there and Mr. Shanmukham Chetty of the Legislative Assembly, who is considered to be one of the best coming men in the Legislature, was there to solve the problems and see whether the Ottawa Agreement was going to do good to the country or not. Well, Sir, I do not think anybody in this House can impute the charge that they did not do their duty or that they were dishonest to their country. They did their level best according to their own lights and they returned and told us what they thought of it and asked the Legislature to go into it and say whether it should be carried into effect. Whether it will be the right thing or the wrong thing, whether it will prove a success or a failure, one cannot say at this moment. But what is wrong in giving a trial to a thing which all other countries have adopted and adopted with confidence? If we do not give it a trial, we cannot succeed. No trade, no business, can be built up without the first procedure, *viz.*, that a trial be given. Why do some people think that it will do harm to India? Nobody, neither Professor Vakil nor Professor Mullick of Calcutta has proved to the hilt to the business men of Bombay or Calcutta that *these* are the particular points which are going to harm the Indian Empire and the Indian people in general. They made general statements which were very closely examined not only by the Assembly Members who were chosen by that House, but by many men studying economics in Bombay, Madras and Calcutta with an open mind, and they all, every one of them, are of opinion that it is such a vast subject that nobody can express an opinion positively one way or the other, but there is nothing wrong in giving it a trial and I hope this House will agree to it. (Applause).

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, I have only two points to make. The first is concerned with the Supplementary Agreement which is referred to in the Preamble to the Bill. In paragraphs 82. 83 and 84 of the Delegation's Report, they pointed out that there were three dangers against which provision must be made if the scheme is to work successfully and they also pointed out that Government was to take care to watch against these dangers. In paragraph 85 of their Report, they touch on the method by which this Supplementary Agreement is to be put into force. It is in connection with this paragraph that certain of my constituents have expressed apprehensions that a monopoly might be created to their detriment as importers. I do not believe that it will be so misused because I understand that

[Mr. E. C. Benthall.]

arrangements have been made in London through the exporting company which will re-export the sheets made under this Agreement whereby all importers should be given an equal opportunity to carry on the business which they have carried on hitherto; but I would ask that Government should watch against this danger, though I repeat that I am confident it will not be misused.

The second point which I have to make is an appeal to the Honourable the Leader of the Progressive Party. In speaking on the first reading of the Bill, I made a point that in my opinion this Agreement was definitely of benefit to the eastern provinces of India. I am glad to see that Mr. Ghosh Maulik takes that view. Mr. Banerjee also from the eastern provinces made certain points but having made those points I hope that he will be satisfied with Government's answers and will not press his opposition. With regard to the remarks which fell from the Leader of the Opposition in his very interesting speech in which he put his economic points with very considerable force, he pointed out that, in his opinion, this Agreement was not going to be of benefit to the Punjab because the Punjab was primarily concerned with two products, those of wheat and cotton. Now, listening to the Honourable Lala Ram Saran Das, I was inclined to agree with him that there is no immediate benefit to the Punjab in the matter of wheat. He complains that whereas a few years ago a million tons were exported, now the exports are negligible. The Honourable Member says that he has grown the same quantity of wheat, but he also says that he has not exported it. The question is, what has happened to it? I think the answer is that the Honourable Member has eaten it. But if the areas which are expected to be under cultivation in the next few years do come under cultivation and if the population does not increase too fast to eat up that increase—a matter which I admit is beyond the Honourable Member's control—then the exports will be required again, and I feel quite certain that the Honourable Member will not wish the growers of wheat in the Punjab to compete against Canada and Australia with a difference of 2*s*. against him.

Then, as regards cotton, in paragraph 49, page 21 of the Report, the Delegation point out that the results of their discussion at Ottawa were to be placed before a Conference of Cotton Trade Associations of the United Kingdom on their return in order that a definite scheme might be prepared. As the Honourable Mr. Basu has pointed out, this is now under discussion at home, and although I am not interested in the raw cotton industry at all, I am in touch with this Committee, and I should be very glad to help him and the Punjab by putting him in touch with this Committee, if he so wishes, or in any other way in which I can be of service to him. I should very much have liked to have been able to support him over the matter of the further reduction of the duties on motor cars and motor lorries and motor buses, especially in the matter of motor lorries, because I think that the reduction of duties on these vehicles is a definitely progressive feature. But much as I should like to support him, I do think that the arguments of Government are sound in that it is not intended that this Bill should be used as a weapon to reduce the duties in a wholesale manner and also because they have reduced them already to the maximum amount possible. But if this question comes up again in the near future I should be very glad to assure him that I will give the matter my most careful consideration with a view to giving him my support. In view of these assurances I would appeal to the Honourable Member not to oppose this Bill, because I do believe that this Agreement is likely to be to the benefit of India as a whole, and especially of the eastern provinces.

THE HONOURABLE RAI BAHADUR PROMODE CHANDRA DUTT (Assam: Non-Muhammadan): Sir, I rise to support this motion. I am the only representative in the House of a province in which the chief industry is tea and which admittedly stands to gain by this Bill. I am not going to inflict a speech. It is not difficult to get up a speech and adorn it with facts and figures borrowed from others. I have not that ambition. I will, however, say a word. The basis of the suspicion on the part of the Opposition appears to me to be that they think that our Delegates to Ottawa were done in the eye. It is not necessary to consider how far that remark is justified. But the fact remains that what they did has been examined in this country at length by people able to discuss these matters and if they have found that the Agreement will be in the best interests of India, I do not see why the suspicion should continue. I shall not say anything more on this. I want, however, to make one suggestion for the consideration of the Government. The Bill is going to be passed within the hour. Very strong doubts and fears have been expressed in this House as regards the probable effect of this Bill. Would it not be better if the Government appointed a Committee representing all shades of opinion in this House and laid before it annually a report about the working of the Agreement? I would also suggest that the same thing might be done after three years, when a report covering that period might be placed before the whole House so as to put it in a position to discuss the question and then decide whether the Agreement should be continued or not.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, the question was put by my Honourable friend Syed Hussain Imam asking the Honourable the Commerce Secretary to inform the House whether Government have accepted the safeguards which were proposed by the Special Committee of the Legislative Assembly. I presume, Sir, that those safeguards have been agreed to. But, Sir, I do not attach much value to these safeguards. In the Agreement itself, in its last clause, it is said that either party will have the choice of terminating the Agreement at six months' notice on either side. But, Sir, these safeguards are undoubtedly suggested in order to ensure reconsideration of the position. We know from the history of such matters how wholly ineffective such safeguards are in practice, particularly in the time of the present Secretary of State. The Honourable the Leader of the House, when speaking on safeguards, spoke in derisive language of the safeguards that have been outlined by the leaders assembled at the Unity Conference at Allahabad. He said—I hope he will correct me if I am wrong—that they were much more in number as compared to the safeguards that were being outlined at the Round Table Conference. Sir, whatever may be the character of the safeguards and the nature of the constitution that are being outlined at Allahabad, they will certainly occupy a premier place in the popular mind than what the Premier in London or the Great Mogul at Whitehall is capable of in infusing confidence by any of their pet schemes. Allahabad may not appeal to Sir

[Rai Bahadur Lala Ram Saran Das.]

Fazl-i-Husain and the Allahabad scheme may not become a reality in the days of the present Leader of the House. But, Sir, I do hold that it will be a working reality in the time of many of us. If India decides to apply safeguards the present Secretary of State will never allow their application. That is our apprehension. Under the circumstances the risks are great and ought to be avoided. My esteemed friend, the Honourable Mr. Benthall, referring to my remarks about wheat has said that we practically eat all the wheat that we produce in India and that there thus is no surplus. I think he was not present when I spoke on the Bill last when I said that even if the production of wheat all over India does not materially increase the increase from the Sukkur Barrage alone will be over one million tons annually. That new area will also produce 3½ lakhs more of cotton bales. The same colony will also give 3½ lakhs tons more of oilseeds. I will not deal with the Sarda project in the United Provinces, the Sutlej Valley project in the Punjab, or of the production from the Colonies in Bikaner and Bahawalpur States which are now being developed fast. So far as wheat is concerned, in the very near future our produce will be increased by not less than one million tons. So that we have an exportable surplus on hand almost immediately. India's consumption is between 8 and 8½ million tons of wheat, and for our surplus we must export to any country who will take it. But the preference given to us on wheat by the United Kingdom is on a par with that given to the Dominions, and I can assure my Honourable friend that when we cannot compete with Australia, even in their wheat shipped over here it is impossible for us to compete with it in the United Kingdom. With these preferences in force, British goods in India will have practically no competition. We, on the other hand, will have to compete in the United Kingdom with every other Dominion in the British Empire. That is the point on which I want to lay stress. The Honourable Mr. Benthall has said that so far as cotton is concerned there is a likelihood of our exports to the United Kingdom increasing. I have said before that India is now producing a fairly big quantity of medium staple cotton and we expect that the United Kingdom will give our cotton preference over foreign countries. I spoke about no preference being given by the United Kingdom for our cotton seeds, but I got no reply from the Honourable the Commerce Secretary. I told this House that a big quantity, 700,000 tons of cotton seeds was being imported by the United Kingdom and which was worth more than Rs. 5 crores, mainly went from Egypt. The Honourable Mr. Mehta has said that we should give it a trial. Nobody opposes the trial, but what we say is that as it is a business proposition we must have full value in reciprocity. In the division which I demanded on one of my amendments, out of 15 elected Indian Members present, 10 voted for it. This fact shows, Sir, what the feeling of our House is in the matter. This Bill, I know, is now going to be passed. It is for future historians to say whether those who supported the Government were right or those who opposed this Bill. We did not make this a party question. Every one had freedom to vote as he liked. Even so you will find that all the Members were not unanimous in regard to every clause of the Bill.

I hope, Sir, that the suggestion made by my Honourable friend, the Honourable Mr. Dutt, will be accepted by the Government and that this House will be represented on the Vigilance Committee, or on any other Committee which is to see how we fare under this Agreement in regard to the return from these preferences in money values. I hope that the claims of this House will not be ignored, as I find that is generally done. I hope, also, that, in the event of our being able to make out a strong case for the withdrawal of some preference or for the grant of some preference or for a change in the quantum of preference, Government will give full consideration to any such representations and act in the best interests of our country.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I permit myself to congratulate my Honourable friend, Sir Joseph Bhore, on his personal success. I am sorry I do not find him present in this House today, but most of my observations today are going to be addressed to him as it is he who, being the Commerce Member, is really in charge of the subject. Anything that goes to contribute to the success of the present Commerce Member I shall gladly support. But the success, I am afraid, is of a dubious character, for I think it is for the future to appraise the work and worth of his success over this Bill. I do not think even Sir Joseph Bhore wants us to tell him that he is cent. per cent. correct in the step that he, or the Commerce Secretary for the matter of that, advises us to take, for I noticed in the speeches of the Commerce Member delivered in the Legislative Assembly that on the question of imports, which is a great factor in our calculations about this Bill, he has been very restrained in his optimism. Before proceeding further, I desire to make my position as well as that of my friends on this side of the House clear with regard to this Bill. The Honourable Mr. Benthall in the course of his speech on this Bill on Saturday last was pleased to observe that the opposition to this Bill was mainly based on the principle of opposition to Government. I suppose, Sir, that these remarks of his were directed mainly to the Progressive Party, to which I belong. He also observed the other day, perhaps, on a previous occasion, if I understood him correctly, that we, on this side of the House, came here with our minds made up. Sir, with regard to the first allegation, namely, that our opposition to this Bill was based on the principle of opposition to Government, may I ask the Honourable Mr. Benthall if this charge against us is not repudiated by the fact of our having supported the Bengal Terrorist Outrages Bill, which furnishes one more example, if an example were needed at all, that my Party supports or opposes a Government measure on the merits of the measure and is not guided by any such idea as was alleged by my Honourable friend? (Hear, hear.) As regards the other charge, Sir, that we come here with our minds made up, I may be permitted to say that our minds are made up by ourselves, and in supporting or opposing a measure we try to make up our minds on the basis of the public opinion prevailing in the country with regard to that particular measure as in duty bound we have to do, being representatives of the public. But can the Honourable Mr. Benthall, I ask, say with his hand on his heart that the minds of those who always support every Government measure, whether good, bad or indifferent, are equally made up by themselves, or are they made up by others who are so closely associated with them on the opposite benches? I am afraid, Sir ——.

THE HONOURABLE MR. E. C. BENTHALL: I can say with my hand on my heart that we make up our minds for ourselves, but I was not

[Mr. E. C. Benthall.]

quite certain whether, from the Honourable Member's speech, it was he who made up his mind or whether it was public opinion which made it up for him.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: I am glad to know that, Sir. I am afraid, Sir, that in the case of this Bill also my attitude as well as that of some of my friends on this side of the House is going to be in conformity with public opinion outside.

Sir, now I come to the merits of the measure before the House. Sir Joseph Bhore had, I believe, eight experts specially summoned to help him in studying the Agreement and in providing him with facts and figures to pilot this Bill, but we, in this House, have been given no help and we are asked to proceed upon the *ipse dixit* of the most conscientious Indian Commerce Member, because forsooth some people have started a propagandist theory in England that under this Agreement India gains more than Britain. Sir, I have tried to be in touch with public opinion on this question. I find that, except in the Legislative Assembly and the Council of State, not one person outside the two Houses has supported the Bill; on the other hand, condemnation has been universal throughout the length and breadth of India except in the Council House of New Delhi.

THE HONOURABLE NAWAB KHWAJA HABIBULLAH (Bengal: Nominated Non-Official): Does the Honourable Member mean to say that the Members of the Assembly do not represent public opinion as he does here?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: Sir, I am coming to that. It is true that the Assembly has passed this Bill by a majority and the Assembly under the present constitution can no doubt be called as representing public opinion, but I have a suspicion that in this matter the Assembly has erred and the Government in its conscience wants us to put the seal of approval to a wrong decision and we, in this so called revising Chamber, are powerless to revise that wrong decision.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal: Muhammadan): Why do you underrate the House?

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD: If ever there was need for this House to exert its influence on the side of the right, it was on this Ottawa Bill as passed by the Assembly. I do not say that the Assembly was hasty in its judgment but I have a feeling that in this matter the wideawake and the so-called popular Assembly has been successfully bluffed, though time alone can prove the truth of my assertion. I do not make any complaint, as one of my friends here did the other day, that there has not been any Member from this House on the Ottawa Delegation. I am glad in a way because the odium which posterity is sure to attach to the initiation and the passage of this Bill will be left entirely to the Lower House under whose auspices and with the blindly enthusiastic support of a section of which the Ottawa deal is becoming the law of the land. Sir, it was a Member of this House, the Right Honourable Srinivasa Sastri, who described the Rowlatt Bill as the "Unblessed mother of a monstrous brood of evils." I fear that this Bill

in its operation will be found to be an equally reprehensible measure. I feel it is too late in the day to cry against this Bill in this House. And while I am prepared to have faith in the belief of the conscience stricken Sir Joseph Bhore, I am afraid I have not got the same belief in their wisdom, in the present instance, of course, of the first Indian Commerce Member.

I generally do not complain against the Assembly. It is often described as the popular House even by Government Members. Sir, we here may belong to an unpopular House and we, in this Party today, might be talking up an attitude which to the Government Members here may not be popular, but I ask whether the Members of the Special Committee or the Select Committee of the popular House were supplied with all the facts that they desired to have in order to arrive at the truth. Is it not a fact that, as the Committee observed in their Report, they could not be put in possession by Government of more detailed material as regards certain points? I ask whether these Committees were supplied with a record of the daily proceedings of the Ottawa Conference which led to the Agreement between the Delegation from India and that from Britain. Sir, as a careful reader of the newspapers I must draw the attention of this House and the country to the fact that after the speech of Sir Atul Chatterjee which was perfectly unquestionable on the opening of the Ottawa Conference not one word was known in India for weeks and weeks till immediately after the close of the Conference the Agreement with India was the first to be published throughout India and even the rest of the world. There is a saying "Beware of Greek hospitality" and when I find the Government is extolling the virtues of this Bill, Sir, it is an alien Government which, through the first Indian Commerce Member, is piloting the measure which, rightly or wrongly, no Indian publicist except the Legislative Assembly has supported. I know Sir Joseph Bhore has not left his conscience in the anti-chamber but I ask him to consult his conscience now and let me know whether India can terminate the Agreement under any constitution at six months' notice. Supposing, for instance, next year the Agreement is found to be not working to the advantage of India, will he himself have the courage to move for the termination of the Agreement or would he want the initiative for it to come from the Assembly or the Council of State? Sir, I do not want to question my Honourable friend's chivalry but Sir Joseph knows as much as I do that, for some reason or other, we Indians have yet to develop that national character which requires not only conscience but also determination to fight on such a vital issue and even to resign if our calculations go wrong. Sir, I am afraid not the present Commerce Member in six months' time but even his great-grandsons six generations hence only might think of terminating the Agreement which he has asked us to ratify.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, I am not a business man; I am not engaged in trade or commerce, I have therefore taken a detached and common-sense view of the Ottawa Agreement. This Agreement was arrived at by men, most of whom have spent their lifetime in studying India's commercial problems. They knew what they were talking about. They also knew whether the Agreement that was arrived at was reciprocally beneficial to Great Britain and India. If they had had the least suspicion that it was going to be detrimental to Indian interests, I do not believe that they would have been false to India and have made up an Agreement

[Dr. Sir Nasarvanji Choksy.]

for the benefit of Great Britain and British interests alone. Thus the real test, Sir, is whether this Agreement is beneficial or not. That can only be proved by experience. It must have a fair trial to enable the people to decide and the Government also to decide whether it is ultimately for the good of India. I do not think that any premature or hasty conclusions at this stage are of any value to the success or the operation of this Bill. We have to take a broad outlook, to see how far Indian industries are encouraged or developed on account of the preferences that are given. If we find, on the one hand, that they are prejudicially affected, why, Sir, then there will be ample time to denounce the Agreement or to make such changes as are required therein. The statements that have been placed before the public were, some of them, *ex cathedrâ*, others without proper judgment, and were carried away simply by political bias. Now, in a business agreement we have to look at its business side alone and not to the sentimental or the political side. Neither politics nor sentiment must have any say in the matter, We should look only to the business interests of both the parties concerned. Therefore, Sir, I say it must be given a fair trial before we decide finally. It is premature to cry "Wolf". It will be time enough when we come to the Rubicon and devise measures to cross it should the Agreement prove a failure. I therefore cordially support the Bill.

THE HONOURABLE MR. J. C. B. DRAKE: Sir, I shall be very brief, for, indeed, at this time there is really nothing left for me to say, except to reply to one or two special points that have been made by speakers.

Sir, I should like to say this with regard to what fell from my Honourable friend, Mr. Hussain Imam, on the question of the data supplied to the Indian Delegation. I wonder, Sir, if my Honourable friend heard the remarks that were made by Mr. Shanmukham Chetty in another place with regard to the way in which the Indian Delegation were equipped with information. It was the general opinion that of all the Overseas Delegations at Ottawa the Indian Delegation was by far best equipped with information of every kind. Then, Sir, the same speaker made a reference to the Majority Report of the Committee of the Legislative Assembly on the Agreement and he wanted to know whether Government were prepared to accept the recommendations of that Committee. Well, Sir, all that I need say to him is that two Members of the Government of India signed that Report. Then, Sir, there was a small point made by my Honourable friend, Mr. Benthall, about the Supplementary Agreement in regard to iron and steel. As he pointed out, in the Delegation's Report were contained certain recommendations regarding the way in which Government should safeguard the operation of that Agreement, and my Honourable friend expressed the hope that, if there were any danger of a monopoly in the hands of importers of galvanised sheets, Government would see that such steps as could be taken were taken to prevent such a state of affairs arising. Well, Sir, I repeat what he told the House, that that Agreement is based upon an agreement between the manufacturing industries concerned, and the Government understand that the Agreement is a satisfactory one all round. They are, however, perfectly prepared to do whatever may be possible to prevent anything happening to upset the working of that Agreement in the most equitable manner, should a danger of any such happening be made known to them.

Then, Sir, there is just one point I should like to mention which was made in the speech of my Honourable friend, the Leader of the Progressive Party, because he complained that he had received no reply in regard to it from either of the speakers on this side. I mean his reference to cotton seed and the reason why no preference was given on it. I would invite his attention, Sir, to paragraph 9 of the Majority Report of the Committee of the Legislative Assembly in which it was said:

"We consider it a matter for regret that preference was not secured on cotton seed and we recommend that the Government should as soon as possible open negotiations with His Majesty's Government in the United Kingdom with a view to the inclusion of this commodity in the preferential scheme."

As I have just mentioned, Sir, that Report was signed by two Members of the Government of India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Has the Government acted on that proposal?

THE HONOURABLE MR. J. C. B. DRAKE: They have not yet acted on it, Sir, but they have not had very much time in which to do so. Now, there is just one more point, and that is a very important one: in the very last half hour in the debate on this Bill certain Honourable Members have raised the question of a Committee to examine the working of these preferences. Well, Sir, I should like, in the first place, to clear up any misapprehension there may be on this subject. There has never been the slightest intention on the Government's part to ignore this Council. What actually happened was that when the Bill was before the Legislative Assembly the Assembly expressed a desire to have a Committee of that House and Government agreed. Now, Sir, I do not suppose that there would be the slightest objection on the part of Government to appoint a Committee of this House also to examine such figures as Government can place before them and generally to report on the operation of the Agreement. The only thing I would suggest, Sir, is that there would be in any case practically no work for the Committee to do for some time, and that it would appear, therefore, that the most appropriate time to raise this question would be, say, early in the next session because one cannot work for results from these preferences for about a year, and that was the reason why, in another place, it was agreed that there should be annual reports and examination of those reports.

Now, Sir, before I sit down, I should merely like to say that if my Honourable friends opposite were able to withdraw their opposition to this measure it would certainly be most gratifying. My Honourable friend, Lala Ram Saran Das, said himself that it would be impossible to know what would really be the result of this measure for some time and that it must be left to future historians to judge. Sir, I am more optimistic than that, and I believe that in a very short time it will be possible for my Honourable friend himself to say that this measure has been in the interests of India.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

VALEDICTORY SPEECHES ON THE RETIREMENT OF THE HONOURABLE SIR HENRY MONCRIEFF SMITH.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Leader of the House): Sir, this is the last meeting of the session and this is the last meeting over which you will preside, and, presently, you will be saying good-bye to the Honourable Members of this House. I have no doubt that Honourable Members would like me to say a few words on this occasion.

You have, Sir, presided over this House for full eight years, and you came to the Chair of this House after having been in the Legislative Department of the Government of India for no less than nine years in different capacities. Before that you had spent as many as 17 years and perhaps a little more in working in the heat of the plains as executive officer, as judicial officer, acquiring experience in dealing with problems of day to day administration and thus equipping yourself for work at the headquarters of the Government of India. When you came to Simla and Calcutta—not Delhi in those days—there was the old Legislative Council in which you worked. Your work in the Legislative Department was not limited to the Reformed Council; you were also familiar with the working of the pre-reformed Council. As President of this House, Sir, we have been very much impressed indeed by certain characteristics, if one might say so, that have distinguished you during your term of office. Your uniform courtesy and undisputed impartiality have been admitted on all hands. These are the two features—courtesy and impartiality—which are the essential requisites of this office. Those possessed of them can always look forward to close and genuine co-operation from the House. Your experience as a judicial officer perhaps enabled you to prevent the very natural tendency in all Members of Legislatures to ramble—episodes, digressions, general remarks which are not always relevant to the question under consideration—and thereby enabled this House to restrain and control that very human tendency of digressing. I am sure this is one of the features of this House of which the House may well be proud. Speeches, whether written or oral, are as a rule short, and I am told by Members opposite also sweet. We try to reciprocate the compliment. Besides these characteristics, one thing which is peculiarly yours is, that wherever there is a discretion with the Chair, you have invested the House with that discretion and allowed it to express itself freely and fully before you decide the matter. Whether it is a matter of sitting on a particular day or at a particular hour, you have always asked the House to say what they would like to do, and having listened to various parts of the House, you have invariably interpreted their wishes in a very fair and just manner. Thus, one might reasonably say that the House has been invested by you with an authority in such matters, and this convention we trust it will be the privilege of your successor to continue to follow. You have kept up the dignity and privileges of the House at a high level. It is one of the things that this House is particularly—if I may use an ordinary expression—famous for, and this good repute we owe to no small extent to your guidance.

Parting, Sir, is always associated with regrets, but with your permission, I want to strike a note not one of sadness but in a way of gladness. You have, Sir, after 35 years of continuous, meritorious and well-appreciated service, completed a long career most successfully, and this House has had the benefit of your being in the Chair for eight years. It is a matter on which the House can congratulate itself and also tender its congratulations to you. You have, Sir, if I may, with the permission of the House mention it, not been enjoying your leisure hours in the usual acceptance of the term. You have occupied yourself with presiding over the Executive Committees and Managing Bodies of Associations whose one concern is to allay, as far as it lies in their power, human misery. I am referring to the work you have done as Chairman of the Managing Body of the Red Cross and the Executive Committee of the St. John Ambulance Association and half a dozen or more similar institutions. I have no doubt that on retirement from service, your activities in the cause of public welfare will keep you occupied and you are not going to settle down to what is conventionally called enjoyment of your well-deserved leisure. I have no doubt you will occupy your time in continuing the activities which have taken up a great deal of your time during the last six or seven years, and may I express the hope that we will not be altogether forgotten. I assure you, Sir, that the House will count upon you as not only one of its *ex*-Presidents but as one of its friends, and when and where the occasion may arise we have faith and trust in you that you will say the right word and do the right thing in the interests of this House as well as of the country which this House represents. (Applause.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, as one who has enjoyed your friendship for a number of years I desire on my own behalf and on behalf of the Progressive Party to associate myself in bidding you farewell. I, and the members of our Party, wish you peace in your retirement and we venture, Sir, to hope that when occasion arises you will endeavour to help the cause of India, the country which you have served for over 35 years.

2 P.M.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, as one who has had the privilege of being in this House all through the time that you have been its President, I stand here to give expression both on my behalf and on behalf of my Party to our grateful appreciation of the excellent manner in which you have discharged the onerous duties of President of this Honourable House.

Sir, great is indeed the sense of loss which we feel on this occasion when we are parting from you who have done so much to lay such strong foundations for the proper procedure to be followed in this House.

Sir, as rightly remarked by the Honourable the Leader of this House, the high level which debates in this House invariably maintained was in no small measure due to the admirable manner in which you conducted the proceedings, which was mainly due to the judicial mind you brought to bear on your work which resulted in the avoiding of much irrelevant matter.

Sir, in the discharge of the delicate and difficult duties attaching to your high office here you displayed great firmness and ability, intimate knowledge and perfect mastery of the rules which govern the procedure in this House.

[Saiyed Mohamed Padshah Sahib Bahadur.]

Sir, there never was any occasion when a point of order was raised in this House and a ruling sought from the Chair when, with your characteristic readiness, you did not succeed in giving a prompt decision which invariably used to be perfectly reasonable and fair.

Sir, during all the years that you have presided over the deliberations in this House you have above all succeeded in maintaining an attitude of perfect impartiality and fairness to all sections of the House.

Sir, this is a very important occasion, an occasion which marks an epoch in the history of this Council. Hitherto the control of this House was in the hands of official Presidents. It is now being transferred to non-official hands. Therefore, Sir, this is a very important occasion, an occasion which, while it closes a glorious chapter replete with great services rendered by the official Presidents here, also opens up a new chapter which promises to be equally glorious and which bids fair to yield to none in its glory and its splendour and which will recount the great services that will be rendered to the country by its non-official Presidents in their endeavour to build up traditions which will deserve to be cherished and kept up in the reformed Legislatures under the new constitution.

Sir, in handing over the control of this House to your successor in office you may rest assured that you are giving to him something which carries behind it a noble history, a history in the making of which you have played a very conspicuous part.

Sir, we are afflicted with a sincere feeling of regret at parting with you and I feel, Sir, that I am echoing the feelings of every one of the Honourable Members present here when I say that when you go away from here you will carry our best wishes for your future.

Sir, I wish you a long life, every prosperity and happiness.

THE HONOURABLE MR. E. C. BENTHALL (Bengal Chamber of Commerce): Sir, I wish to associate myself with every word that has fallen from the Honourable the Leader of the House and my absent colleagues would, I know, wish to join in that also. Sir Maneckji Dadabhoy specially asked me before he went away on Saturday to associate his name with any words which were spoken in this respect, and I have no doubt that the other gentlemen on these Benches feel the same. We wish to thank you, Sir, for your loyal and very full services to the State and to wish you every happiness in the future.

THE HONOURABLE MAJOR NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province: Nominated Non-Official): Sir, being one of the oldest Muhammadan Members of this Honourable House since 1921 I feel it my duty to join this House in its expression of gratitude for your services, which you have rendered to this country during your long term of office extending over a period of 8 years as President of this Chamber. Prior to your coming to this high office on the 12th December, 1924, I had the privilege of seeing your goodself working as the Secretary of the Legislative Department since the inauguration of the reforms in this country. The services that you, Sir, have put in during your office of President of this House are, I may say without any fear of contradiction, well worthy of pride to the Government as well as to each and every Member of this House. The value and importance of these services is further augmented by the fact that neither of your predecessors

in this high office had the opportunity to remain in it for so long a period as your goodself. All through your tenure of office you have been very obliging and courteous to every one of us and I think that I will be voicing the feeling of the House in saying that your knowledge of Parliamentary ways in conducting the business in this House has been quite a matter of satisfaction and appreciation to every one of us. Besides this, we have also had the privilege of enjoying your kind hospitality each and every year of your office as President, although by a mere chance such occasion usually coincided with, or happened to come during, the fasting month of Ramzan. Even on such occasions we have always been pleased to see that your goodself had been very obliging and considerate to us in extending your hospitality to the orthodox Mussalmans to a considerably late hour in the evening and in providing us with separate covers to suit our convenience. Such a careful regard towards the feelings of others in your private capacity have been very pleasing to each and every one of us, and on every such occasion we have always left your house with nothing but praise and gratitude for your kind and careful behaviour with us. The separation of such an individual as your goodself will undoubtedly be a matter of remorse to every one of us who came in contact with you and the regret which we are feeling now will be further increased when we will not find you in our midst as President. Although not amongst us, I beg to assure you, Sir, that wherever you are we will always remember you as a worthy President of this House and a kind and affectionate friend of every one of its Members.

THE HONOURABLE RAJA CHARANJIT SINGH (Punjab: Nominated Non-Official): Sir, I rise to associate myself with what my Honourable friend the Leader of the House has said about your work as President of this Council. I would also like to thank you for the courtesy and consideration which you have always shown during the time you have held this high office. Your knowledge, Sir, of the procedure has been of very great value to this Council and I can assure you we are all very sorry that the time has come for you to relinquish this office. In bidding you farewell, we wish you the best of luck for the future.

THE HONOURABLE THE PRESIDENT: I think I had better intervene at this stage before the Council indulges in further irrelevancy! I need not assure Honourable Members that I am deeply touched by the kind things, the embarrassingly kind things, that have been said from both sides of the House, and I know there will be no necessity to assure them either that if my remarks are very brief it does not indicate that I do not deeply appreciate what has been said. As the Honourable Sir Fazl-i-Husain has mentioned, I am now within a day or two of completing eight years in my present office. In fact I think I am right in saying that two days hence I shall have completed eight years exactly to the day. They have been eight very happy years, partly because I have enjoyed my work and partly because I have made such a large number of very good friends among the Members of the Council. I need hardly say that it is a sad occasion for me that those eight years are coming to an end. I am not going to talk about losing my friends. I know that the opportunities for seeing them will in some cases be very rare—they will be few and far between—but I shall always hope that I shall be seeing some of my friends of the Council of State at some time in the future. No

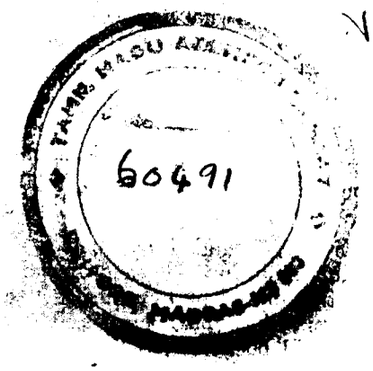
[The President.]

one would assert, I think, that the office of a President of a Legislative Body in India is a bed of roses, but I can claim that mine has been. I have had no difficulties at all to contend with here. As I said, I have liked the work, but what has made it so easy for me throughout has been the friendship of Honourable Members of this Council, their courtesy and their co-operation throughout. It may not be, as I say, in all cases that Presidents will find the office an easy one, but I would ask Honourable Members to make the work as easy for my successor as they have made it for me by extending to him the co-operation and the courtesy which they have extended to me. Before I adjourn the Council, I would ask Honourable Members to do me the honour of coming to the Chair and giving me the privilege of shaking them by the hand and saying good-bye for the last time.

(Honourable Members then shook hands with the Honourable the President.)

I wish the Council good-bye collectively and I now adjourn it *sine die*.

The Council then adjourned *sine die*.



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